

Community Preservation Committee (CPC) Meeting and Hearings

June 6, 2017

City of Waltham, Massachusetts

CPC Office, 119 School Street, Waltham, MA 02451

Recorder: William W. Durkee Jr., CPA Program Manager, Waltham
Community Preservation Committee (CPC)

A. Call to Order at 7:00 PM

Called to order by Chair Diana Young. WCAC (Waltham Community Access Channel) video recorded the Meeting.

B. Roll Call by Clerk Melnechuk.

Present: Chair Diana Young, Tom Creonte (late arrival), Dan Melnechuk, Justin Barrett, Bob LeBlanc, Jerry Dufromont, Kevin Dwyer, Absent: Sean Wilson, one position vacant. Program Manager: William Durkee -present. A Quorum of six and then seven was declared present.

C. Minutes - Clerk.

Minutes of the May 9, 2017 CPC Meeting. A Motion was made to accept the Minutes as presented. The Motion was seconded, and passed unanimously.

D. Old Business - Chair: In deference to the Mayor, the three Applications of the Mayor were delayed to her expected time of arrival about 7:30 PM.

1a. Metro West proposal - legal question (Chair).

Seeing a number of interested persons in the audience, the Chair noted that this matter was not before the CPC as a public hearing as it had not been advertised as such. Further, that the proposal had been presented quite a while ago. The CPC had discussed the proposal in depth to determine whether it could be done as proposed. Metro West did have a source willing to lend the necessary funds for about 5 years. Metro West would buy about 26 apartments with the City of Waltham providing about \$100,000 in CPA funds for each affordable housing (AH) restriction (CR). The first step for the CPC is to get approval from the City Council. The City Law Department has advised that the Council could not approve the process as presented. The legal ruling was that the Council could not approve the funding before the actual properties to be acquired by Metro West were known. The current housing market does not allow a delay between the posting and the purchase. Now, proponents have requested that the CPC take a vote as to whether it will either decide to take the Metro West proposal from the table and send it to the City Council. The Chair requested that the CPC approve another visit for her to the Law Department to discuss the legal opinions they used in advising the Council. The recent opinion would

effectively prevent approval of any AH with the exception of the City or Housing Authority owned properties. For instance, if the CPC provided a mortgage 'buy down' program to subsidize buyers in Waltham, the approval would cover a number of unknown buyers rather than approving each individual's mortgage relief. Such a program would not be able to list where each specific property was to be located in advance. In the Chair's research to date there were no similar programs found in Massachusetts. However, by the resumption of CPC scheduled meetings in the fall it would allow her and the Law Department time to research the issues. The recent Law Department opinion lacked any citations from case law to support their opinion

A Motion was made to allow the Chair to meet with the Law Department to discuss its legal opinions regarding funding of affordable AH programs without specific addresses. The Chair noted that all municipalities have different versions of their charters and rules which may be part of the problem. The Motion was seconded, and passed with five Members in favor and one opposed.

1b. Metro West proposal - Status (Chair).

The proposal itself can be rejected or left on the table. The Chair described the Council as generally in favor. Arguments in favor of retaining or closing the current proposal or creation of alternatives ensued. A Motion was made to table, seconded, and passed with five Members in favor and one opposed.

2. Vote to roll over spending on projects to FY18 per the Auditor's request (Chair) and 3. Status of Appropriated CPC Projects.

The Chair distributed a list of the currently open and appropriated projects (three pages, attached). The Auditors office, as an accounting item but not as a recommendation of extending the time to spend, requested that the CPC vote to close or continue any listed projects. The Historical Commission requested that the money in the Wellington House account should continue as some new items are in process to include a fireplace rebuild, a general cleaning, and the appraisal of certain items from the Castner Estate stored there. Heating and reducing serious drafts were noted as additional suggestions. The language and specifics of the original grant was requested from the Program Manager for the first fall CPC Meeting. The need for an eventual Conservation Restriction (CR) for the Grove St. parcel was said to be necessary when the CR process is clarified and finalized by the Law Department. The necessity of keeping encumbered spending until project expenses are paid was made. The Chair proposed to close three projects: The Tenant Rental Assistance, Bright School Vault, and the Paine Roof Design as all funds have been paid. A Motion was made, seconded and passed on a roll call vote with seven in favor and none opposed. A Motion

to notify the Auditors to carry forward the remaining approved projects which have CPC funds and are still in progress was made, seconded and passed on a roll call vote with seven in favor and none opposed.

E. New Business

1. Housing Resolution to the Council. (Chair). The Chair distributed copies and read a Resolution which the City Council considering concerning CPC permanent Affordable Housing (AH) Consultation. The CPC and the City Council were asked to meet in whole or in part (one page, attached). The City Council president and its Chair of the Economic Development Committee encouraged the submittal and purposes of such a Resolution.

A Motion was made to approve and submit the Resolution to the City Council to meet with CPC, both in whole or in part, of both bodies to work toward permanent quality affordable housing (AH). After discussing the intent and some possible outcomes the Motion was seconded, and passed with six Members in favor and none opposed.

As the Mayor arrived, the Public Meeting and Hearings resumed with the Mayor presenting her three proposals:

2. Applications and Hearings - Chair

2a. Mayor- Cottages - Asbestos Abatement - Open Space, Recreation \$891,004.00.

After the CPC and Council approved the demolition of the twenty buildings, it was determined that the buildings had much more asbestos than the City had been told to expect. Testing ensued and each building assessed as to the specific hazards. Following that, bids for remediation were obtained at a cost of \$841,004, and a contingency of \$50,000 added for the unexpected. Assuming this proposal succeeds, the demolition will be completed as soon as the asbestos is removed. The CPA Open Space and Recreation categories will allow the planned uses to include restoration of the wetlands to go to the design stage. Daylighting the water flow is expected to ameliorate the current flood problems nearby and restore the natural features. The Conservation Commission request for leaving the "berm" in place would be confirmed to the contractor. Despite the obvious expense of the remediation, it includes 20 building of the total campus 74 buildings to be removed. None of the buildings are on the Historic Register. The demolition also provides improved site protection with elimination of old roadways and restoration of natural features that are now impervious surfaces.

A Motion was made to approve the request for \$891,004.00, seconded and passed unanimously of the CPC present with seven in favor and none opposed.

2b. Mayor- Pre-Demolition Survey - Hazards Abatement - Open Space, Recreation \$10,950.00

The Mayor noted that she had amended her request from \$17,950 to \$10,950 as the Greene building is non-CPA. However, Greene is in the wetlands and fills without water pipes for unknown reasons. The State chose the Marquardt building for residents and spent \$8,500,000 on it rather than the Greene building. The Shriver and Kelley buildings are requested for hazards surveys. The Shriver building was described as full of mold. Water shed from the hill above it keeps everything wet. Despite requests for possible uses she believes that mildew and mold will always present undesirable conditions and the building should be removed. Two Councillors from the area suggested recreating the sledding hill that preceded the building. The remaining utilities are being consolidated to the Cherry Lane area. Funds exist to install guard rails and Jersey barriers and to create a useable area. Kelley Hall has limited access due to vermin. The proposed funds would do only the hazards survey of those two buildings, but not the abatement. She will separate the Kelley Hall when the abatement is put out to bid as the hazards are possibly particularly harmful to the neighborhood.

A Motion was made to approve the request for \$10,950.00, seconded and passed unanimously of the CPC present with seven in favor and none opposed.

2c. Mayor- Waltham Wayside Trail Survey and Design - Open Space, Recreation \$409,310.00

The Chair distributed a map to allow the CPC to see the path of the proposed Trail (one page, attached). The Massachusetts Department of Recreation and Conservation (DCR) holds the rights to most of the rail tracks, but the City will have to fund the design and, later, much of the construction. The Wayside Trail Committee will include DCR, Mayor (or designee), Councillors Randall LeBlanc and George Darcy, the City Planning Director and the Waltham Land Trust. The Committee must work with the Purchasing Department, Engineering, Water & Sewer, Wires, Consolidate Public Works (CPW), Traffic, and Recreation. It is hoped that any concerns can be resolved in the Committee.

The immediate aim is to award the bid for the design and survey. The Mayor listed the order of work as survey & mapping, then the preliminary design, followed by the construction bid documents, permitting, and bidding. Alternates would include the bridge design. The application is for \$409,310.00 for the Waltham design. The completion of this work would include everything up to the construction and including the details of the bid. The Mayor included the bridges because they are important to the design. DOT said they would contribute one bridge. She believes DCR can work with the DOT to agree on the bridge designs as part of one complete trail plan from Weston to Belmont or Cambridge. DCR is in agreement with this plan. The survey will identify the actual distance mileage of the trail. Councillor Darcy asked whether the design went as far as Jones Rd. on the Weston border. The Mayor insisted that the Waltham RFP included the Weston border at its terminus. Eversource is contributing along the Weston

right of way which would include the terminus. Dee Kricker asked about the time line for completion. Per the Mayor, the Trail Committee will determine the time line as it completes the work of the phases. A person asked about the safety factor s in the design. The Mayor noted that the adjoining neighbors would study and propose the hours of operation, street crossings, lights and any other safety considerations. The object is to provide safety and avoid injuries on the Trail. A Motion was made to approve the request for \$409,310., seconded and passed unanimously of the CPC present with seven in favor and none opposed.

2. Conservation Restrictions (CR's) - (Chair) The Chair noted that she. She asked the State for advice on the draft CR prepared by the Law Department which removed much of the model's language. The state's lawyer suggested that most of the deleted language is required. The Chair has passed this information to the Law Department and hopes to discuss the boiler-plate CR with the Law Department.

3. Historic Restrictions - (Chair) the Diocese of Boston has accepted the language of the restriction.

4. Quarterly Reports - (Program Manager) Few Reports were obtained. The Waltham Housing Authority Report was included in the meeting folders (one page, attached). The Chair noted the ramp-up as eligible lottery winners are vetted, with three individual in apartments with vouchers.

F. Good of the Committee

1. Next Scheduled CPC Meeting September 12, 2017. The Government Center Public Meeting Room has been unavailable as the ZBA holds the dates and times either in the Public meeting room or at their option, in the Auditorium. The September Meeting will be in the Council Chambers. The rest will be studied to get the best options.
2. The effective service of Kevin Dwyer was recognized as he has resigned as of the end of the 2017 FY on June 30. He served a total of six years.

G. Adjourn. A Motion to adjourn was made, seconded and passed by voice vote unanimously.