

**Community Preservation Committee (CPC) Meeting and Hearings**  
**February 6, 2018**  
**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, L o r e t t a M c C l a r y , Bob LeBlanc, Jerry Dufromont, Clerk Dan Melnechuk, Vice Chair Justin Barrett Absent: Sean Wilson, Erika Oliver Jerram, Tom Creonte. Program Manager: William Durkee - present. A quorum of six was declared present. The Chair noted the presence of the newest member Loretta McClary, and that unfortunately the other new member Erika Jerram was ill.

**C. Minutes - Clerk.**

Minutes of the November 14, 2017 CPC Meeting. A Motion was made to accept the Minutes as presented. The Motion was seconded, and passed unanimously.

Minutes of the November 20, 2017 Special CPC Meeting. A Motion was made to accept the Minutes as presented. The Motion was seconded, and passed unanimously.

**D. New Business** The Chair noted that two applications would be heard with public hearings for playgrounds, and one for City Hall. The Mayor would be heard and chose to present the application for the Graverson and Elsie Turner playgrounds first.

1. Graverson Playgrounds. Assisted by Kim Scott, Recreation Department, Carolyn Coomey and Darrell Bird landscape architects and designers, with Ward 3 Councillor George Darcy present, the Mayor noted both this and the Elsie Turner fields were the subjects of neighborhood meetings, and planning issues including wetlands. The two applications are actual bids and the playground equipment to be built together for the economies of scale to minimize the costs. Construction administration is included. These are CPA Open Space and Open Space Recreation. A total cost of \$3,265,405, the cost of bids \$2,405,905, contingencies about \$144,000,

and administration \$40,000. Other funds include CDBG \$1,600, City design \$41,200. The City assumes responsibility for maintenance. Zoning includes construction and recreation uses in A3 and A4 residential zones. Conservation Commission approvals are required. A letter from the Recreation Director was included.

The architect/designers from the Green Acres company showed the Graverson plans and described the placements of the playground equipment and the rationale, with the Mayor adding clarification. The CPC questioned the speakers. The proximity of Brook Rd. and Plant Rd. which had recent improvements for access to Hardy Pond indicated that a walking path to allow access to the new playgrounds would be a significant neighborhood benefit. The Mayor would review the previous Hardy Pond CPC project for any available funds useable for this purpose as a separate project. A question of whether the lot lines were correctly shown on the plot plans would also be checked by the Mayor. The Chair, hearing no further questions, requested that the Elsie Turner plans be presented.

The architect/designers showed the Elsie Turner plans and described the girls soccer fields. The changes in the site were described with dugouts seating, and a surrounding walkway added. Play structures for four to a twelve year old siblings would be added. Trail heads are added to enter the woodlands above. Additional parking is added. The CPC questioned whether the added parking was on the adjoining property acquired with CPA funds which was confirmed as an agreement. The former plan was changed to create a better entry and exit for vehicles. Acknowledgement of the designers plans which show the accommodation of the Conservation Commission requirements while creating superior recreation opportunities was recognized. The Mayor noted that the contractor that built the Gilmore and Cedarwood playgrounds was the successful builder for this project. In addition, the Mayor noted that the required signs recognizing the CPC/CPA funds will be included as well as a new sign at Gilmore. The Mayor included a recognition of the impressive work ethics and bidding of the Green Acres designers. Both projects will be done simultaneously. An objective of the company includes the timing to minimize the time needed for construction during the warmer weather more suitable for the students to be outside. In these designs there is a six month expectation for completion once funds become available. It was expected that these two projects would be completed during the summer to minimize the outage during the Fall school days. Hearing no further speakers, that portion of the presentations ended.

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the playground equipment and the rationale, with the Mayor adding clarification. The proximity of Brook Rd. and Plant Rd. which had recent improvements for access to Hardy Pond indicated that a walking path to allow access to the new playgrounds would be a significant neighborhood benefit. The Mayor would review the previous Hardy Pond CPC project for any available funds useable for this purpose as a separate project. A question of whether the lot lines were correctly shown on the plot plans would also be checked by the Mayor. The Chair asked for a Motion which was made to approve the projects as presented for the amount requested to be sent as a recommendation to the Council, seconded and passed unanimously on a voice vote.

2. MacArthur School Playground. The Mayor noted this project was a long sought effort by the Parent Teachers Organization (PTO) since about 2010 to raise funds for the improvements requested. Katie Laughman as Co-Chair of the PTO Playground Committee presented the application, with assistance from the PTO President and Co-Chair of the Playground Committee Shannon Juliano on behalf of the Waltham School Committee and the City of Waltham. This was a request for CPA Open Space Recreation. When the PTO Committee was formed in 2010, the idea of making improvements to the playgrounds became a priority. Of the six such elementary schools, four have received funds for improvements of their playground structures. Today there is only play space for 25-30 students, whereas the school houses a population over 200 students. No socialization occurs between students of different ages. These are CPA Open Space and Open Space Recreation. The specific elements of the project were noted as being built or corrected to the ages of the students, and the conditions of the play surfaces, to include the wet and wetland areas, and the adjoining commercial and industrial properties. The City and School Committee hired the Marshall Gary, LLC to create the Master Plan for 150 students in the play areas. Surveys in the school and neighborhood, with two public meetings were used to create the Master Plan with cost estimates. All aspects are disability accessible. This resulted in two competitive bids. The PTO used Box Tops for Education \$20,000, solicitation of parents and private donors \$31,411, Disability Services Commission \$20,000 and this application from the CPC to pay for the design and eventual construction. This would likely result in hiring the low bidder, Quirk Construction Corp, and completion by the target date of September 2018. The request from the CPC is for the total remaining costs of \$608,957.00. Hearing no other members with the PTO or its contractors wanting to speak the Chair closed this part of the Meeting. The CPC lauded the process. The Chair asked for a Motion which was made to approve the project as presented for the amount requested of \$608,957 to be sent as a recommendation to the Council, seconded and passed unanimously on a voice

vote.

3. City Hall Exterior - Design Phase. The Mayor presented the application and noted this request for \$90,000 is the design phase of CPA Historic Exterior Preservation. It was built in 1925 to replace the old City Hall. This design and construction has resulted in several current problems such as heat loss, problems with the cupola, and previous experience with the CPC funded roof replacement as failing to correct interior water damage. The front steps also have to be reset and rusted railings and grates replaced. Windows and doors need to be repaired or protected to conserve energy and protect visitors and employees. Bids were solicited and received at \$86,555 with contingency 3,445. Following the inspections and design, the construction and administration costs will follow. The neighborhood will have a meeting, and the Waltham and State Historical Commissions must approve the project. Hearing no others wanting to speak the Chair closed this part of the Meeting. The Chair asked for a Motion which was made to approve the project as presented for the amount requested of \$90,000 to be sent as a recommendation to the Council, seconded, and passed unanimously on a voice vote.

#### E. Other New Business

1.City Council/Mayor /SchoolCommittee/SchoolBuildingCommittee(SBC) January 30 - Report (Chair) The Chair was asked whether changing the line at the Fernald from CPA Open Space and swapping it for the City non-CPA in one part of the Fernald as approved would be possible. The CPA Coalition would not oppose such a change if it only occurred within the Waltham government and the CPC. If it went to the State legislature, since no other CPA community had ever made such a change, it would be a precedent for the CPA (Act) and the Coalition would need to clarify that in a legal proceeding. The Council asked whether the few buildings identified for possible building sites in the OS were "adjusted", to which the Coalition repeated the same opinion as the previous one. Therefore the Chair believes it would be a decision made by its Law Department. There was an overall desire to resolve the issues which indicated more meetings.

F. Old Business 4. Conservation Restrictions. The Chair asked CPC Member Loretta McClary to work with the Law Department to clarify the previous work on two CPC projects which Kevin Dwyer had started. As Diana is a Board member of the Waltham Land Trust which is the approved holder of the deeds, she cannot work on them. Loretta is a lawyer and a CPA (accountant) as was Kevin.

8. FY 2018/2019 Budget and Finances Updates. The Chair will prepare

the Budgets for a later CPC meeting.

5. Historic Restrictions (HR). The HR for the Music Hall has been drafted. During the CPC mid-winter hiatus the Music Hall was notified that the Building now has the approved Building permit which was withheld in 2016. The CPC has a template of an HR which the State uses. Another complication is the mortgage which exists on the building which has to be subordinated to avoid the potential sale of the building before the mortgage is paid. The bank has indicated that they would be willing to subordinate the restriction if the CPC provided the subordination agreement. The Law Department indicated it would be possible therefore the Chair notified the Law office that the approval of the CPC and Council was included in the CPC recommendation sent to the Council. The Law Department also wanted a restrictive covenant to file with the deed which they would create. A vote of the CPC to do this work was suggested due to the stale time of the original recommendation. The Chair provided a letter January 26 to John Cervone, City Solicitor which asked for the restrictive covenant and the mortgage subordination agreement. A Motion which was made to approve the work as presented, and the claim clarified for 30 years. Hearing no request for further discussion, the vote was seconded, and passed unanimously on a voice vote.

3. Housing. The Chair noted her work with the Law Department regarding Housing. She recommended that the CPC meet with the Law Department to clarify the issues. As an example the idea of approving available properties with minimal time to compete with other buyers was noted. Qualified buyers would be able to compete, buy housing and place affordable housing restrictions on the property. The buyers would not be paid until the housing was available for occupancy. The housing could come from owners or buyers holding property. The current Law Department proposal would seem to make CPC affordable housing impossible to compete in the current Waltham market. The City Council Economic Development Committee seemed to agree when they met with the CPC and sent a request for the Law Department to meet. The Law Department did not agree to meet until the issues were clarified. The lack of precedent exists for a legal opinion using CPA funds. A change in the precedent was made for Waltham when the voucher program was proposed as it did create otherwise unavailable affordable housing (AH). The novel Leland Home idea for "gap" housing for a segment of affordability is now also before the CPC. It would make already available units of housing affordable for the elderly. The Chair was hopeful that the CPC - Law meeting might provide the clarification of what would be acceptable. A willing seller today could come before the CPC, but a hope for AH would seem to be too unlikely to create the impact needed to

provide significant AH. Contingency costs seem to be a negative for AH but would be reduced where a multiple number of units was proposed. The Metro West proposal requested \$2,000,000 up front for 45 apartments, but the City Council could not accept that unless the specific property was explicitly known according to the Law Department. It has a larger number of providers of funds for housing in addition to the CPA funds. The Chair noted that in most proposals the CPA funds would not buy property, but only the restrictions placed on the use of the property for AH. The Chair believes such a grant could be made with certain conditions. A fund for AH could be set up for proposals which has acceptable parameters which the Law Department approved. A deed restriction itself is considered real property. If the CPC does accept a Law Department deed restriction proposal, the City Council will also need to approve it. Whether the Law Department has ever created or approved such a real property restriction outside of the CPA was unknown. The example of the Sacred Heart old church work was used to describe a constriction which cannot be accepted until the work is officially completed as photos of the finished work are necessary to be added to the deed restriction as agreed by the Church. The Music Hall restriction would be the same. A Motion was made to approve the meeting of the Chair and the Law Department. Hearing no request for further discussion, the vote was seconded, and passed unanimously on a voice vote.

Leland Home. Per the Chair there is new information. Despite the idea from the Leland Home they are not ready to make a proposal. It is a level 4 rest home, and do not provide assisted living. The question arises as to how a restriction could be valued. In the chair's discussions with Ed Bowler who has done a lot of work on CPC appraisals is trying to create an acceptable process for AH restrictions. An approval of the CPC to ask Mr. Bowler to do this work which he estimated would cost about \$2,500 was requested. Member Barrett recused himself as a Member of the Board of the Leland Home. No contact by the Chair for this work with the Law Department was made. The Massachusetts DHCD (Department of Housing and Community Development) could not offer any ideas either. No restrictions are known at this time. The Leland Home needs to know the term of any restrictions for purposes of their costs to provide the "gap" housing which would be either long term or short term voucher which the City would benefit from for Chapter 40 purposes. The Chair has been working with the Leland Home to clarify all of the issues in an acceptable restriction formula for all such AH proposals. As stated in the CPA "to study the needs and resources". It would cover the 50-60% of AMI in the Leland proposal. One idea is for the CPC to pay the difference (gap) between what the tenant can pay and the Leland Home needs for short term elderly housing. It does not qualify

as AH for Chapter 40, but the restriction might count. For CPA purposes the people in those rooms would need to be "in perpetuity". To determine the formula, a process requiring the methodology of costs into perpetuity is needed. Whatever the process is determined to be, it will then have to be sent to the Law Department, then the City Council. The CPC is the best unit for this novel work based on its involvement with prior AH requests as precedents. Elderly clients seeking a home but not needing nursing care are the persons who will apply. The Housing Authority has a waiting list, and the Mill had too many waiting and closed their site to new applicants. Restrictions are better than vouchers for the long term tenants of Waltham. A Motion was made to request Mr. Bowler to prepare the methodology and to discuss it with CPC Chair and the CPC before going to the Leland Home. There was no problem with an appearance by Mr. Bowler to attend a CPC Meeting to discuss his work. It was seconded up to \$2,500, and after hearing no further discussion passed unanimously with Mr. Barrett still recused.

8. January Auditors Reports. The CPC spending for its administration costs were covered in the subjects of appraisals, surveys and restrictions earlier and appear sufficient as half of the year has passed.

#### E. Other New Business

##### 3. Annual Input Meeting.

4. A new letter from the ad hoc City Council Fernald Use Committee was received. These Councillors are seeking information regarding what the City should do with the Fernald property. They will now meet every City Council meeting at 6:30 PM, one hour before the Council meets. They have asked for considerable information. The Mayor provided a plan which needs a lot of "filling in". This request is for "a list of permitted uses" or what the City can and cannot do on the Fernald property. Since it was addressed to all of the CPC members, the CPC needs need to agree to the Chair's attached response (3 pages attached). The Chair's response was primarily taken from the CPA statute. After discussion with the Coalition she added some information regarding changes in the restrictions. A Motion was made to accept the Chair's list, seconded, and after hearing no further discussion, passed unanimously.

3. Annual Input Meeting. Usually April or May. The Chair would like to see whether the Lyman Estate Greenhouse might be a topic for attendees viewing before a CPC Input Meeting in the House. The Chair will first seek the CPC Meeting date of May 8, or then May 18<sup>th</sup>.

G. Announcements/Correspondence - Program Manager & Chair. Quarterly Reports were on time. There were two new projects mentioned regarding the Paine Estate. The Charles River Museum work has begun after a long hiatus.

H. For the Good of the Committee - the next Regularly Scheduled Meeting - is Tuesday, March 13, 2018 7:00 PM.

I. ADJOURN A Motion was made to adjourn, seconded, and after hearing no further discussion, passed unanimously.