

# **Community Preservation Committee (CPC)**

City of Waltham, Massachusetts  
CPC/CPA Office, 11 Carter. St., Waltham, MA 02452

Date: February 24, 2011

From: William W. Durkee Jr., Community Preservation Act Program Manager

Cc: M. Justin Barrett Jr., Chairman, Community Preservation Committee (CPC)

Subject: Minutes of February 24, 2011 CPC/CPA Public Meeting & Hearing

A. Call to Order 7:00PM – Chairman M. Justin Barrett Jr. gaveled the CPC Meeting to Order.

1. The Chairman noted that the WCAC Cable channel was videotaping the meeting and asked anyone recording or videotaping to please let the CPC know.

2. The Chairman noted that an explanation was in Order to explain the CPA grant process for acquisition of land or property and the information was intended for the viewing audience. The Applicant for such a CPA grant must have the agreement of the City Council. The rationale is that if there is not a majority of Councilors in favor of the project, the \$5,000-10,000 appraisal which is required is a waste of money. The Council Committee of the Whole debated at its last Meeting why the Council needed to approve the spending of the initial appraisal. The approval of the appraisal itself does not authorize the spending for the actual acquisition, but denial of the appraisal means it saves the associated \$5000-10,000 expenses.

3. The Chairman noted the absence of the Clerk and requested a Motion for the election of a Clerk Pro-tem with the program Manager acting as Clerk for the vote. Member Hovsepian nominated Carl Zinnell, second by Member Dufromont and the Motion passed without dissent.

B. Roll Call (Carl Zinnell – Clerk Pro-Tem) Present: M. Justin Barrett Jr., Carl Zinnell, Scott Hovsepian, Jerry Dufromont. Absent: Joseph Salvo. A quorum was noted as present. CPA Program Manager, Bill Durkee was present.

C. December 21, 2010 CPC Meeting/Hearing Minutes: (Carl Zinnell – Clerk pro-tem)

A Motion was made by Member Hovsepian to accept the Minutes, second by Member Dufromont, and the Motion passed without dissent by roll call vote.

D. New Business.

1. Applications (Manager) – New Applications (Hearings)

1a. Historic – Waltham Historical Commission (WHC) –  
Upgrade and Update Waltham Historical Building Survey \$10,000

Arthur Bennett, WHC. The WHC applied to the Massachusetts Historical Commission (MHC) which offered grants to cities and towns for survey and planning. It is timely because the last listing of the Waltham historical assets was in the mid-'80's. Since the passage of the Historical Delay Ordinance, there has been more statutory responsibility placed upon the WHC which leads to a necessity of more information about Waltham's historic assets for its decisions. The updated survey would add properties to the Waltham Architectural Inventory List, the National Register, and update existing properties on those lists which could lead to Landmark status. It would also integrate the properties which are now on the Assessor's and Building Department's lists to a common database. The computer technologies of the '80's were rudimentary compared with current systems. The proposal would place a "red flag" on both systems any historical properties when Building Permits were requested. The CPA Application would be matched with \$10,000 by the MHC.

Member Hovsepian. Thanked the WHC for its appearance. Is this a document protection program to scan and protect them, and include historic buildings for research.

Arthur Bennett, WHC. Those historic buildings now in the Architectural Assets list might now be placed on the National Register. An estimated 100 buildings would be chosen to be vetted by an historic preservationist. The State provides the paperwork which would advertise the proposal and specifications of the preservationist to prepare the documents. The WHC would be doing additional in-kind services for local buildings and places with Waltham's historical significance. For example, the Ellison Park area was Waltham's first housing "development" in the "early nineteenth, '20's, and '30's". The area was never included as the buildings weren't old enough, but now are approaching 100 years of age.

Member Dufromont. The WHC applied for a grant from the MHC. If the WHC doesn't get the MHC \$10,000 how will that affect the project.

Arthur Bennett. Part of the process is that if the MHC does make the grant, the matching money from the City must be available. The CPA grant must also be made by the Council within the time allowed. The grants are tied to each other by mutual approval.

Member Dufromont. Under the current state of the economy, will the State Budget difficulties affect the MHC grant.

Arthur Bennett. The funds originate from the Federal government which sends the MHC each year a sum for historical survey known as the National Historic Preservation Act. The annual total is about \$150,000. It is a State-wide competition for the grants among

State applicants. The response to the WHA Application from the MHC was good but the outcome is unknown.

Member Dufromont. The process seems to depend on each side putting up the match.

Arthur Bennett. The Mayor has signed the proposal, but contingent on the MHC grant.

Chairman Barrett. Are the documents prepared. The timeline presented is excellent.

Arthur Bennett. If approved, the MHC documents, specifications and timeline are automatically assumed. The Mayor signs for the City and the MHC brings the documents to the Purchasing Agent because all Applications are within the bid laws of the State. The State MHC has been doing this program since the mid-'80's.

Program Manager Durkee: This process will give a lot of information for the so called "mini-Master Plan" for the Historic aspects of the City. It is believed to be tied into the State GIS system required for all CPA projects. Mapping is therefore included with all of the data. The City of Newton has a current CPA survey project proposal but the request for MHC funds is unknown. Newton's proposal is for \$90,000 which makes the Waltham proposal frugal, and may explain why Newton may not have applied for a MHC grant. The WHC project itself appears eligible under the CPA. The old list was presented to the CPC at a recent CPC Meeting. It did not include City Hall specifically although it was included within the boundary of an Historic District. That oversight is typical of the benefits of this project for all of the reasons given by Mr. Bennett.

Arthur Bennett. Agreed, the City Hall was not specifically listed on the National Register as of the recent CPA Application to replace the roof.

Member Zinnell made a Motion to Recommend to the Council the approval of the Application of the Waltham Historical Commission (WHC) – to Upgrade and Update Waltham Historical Building Survey for \$10,000, second by Member Hovsepian, and it passed by voice vote without dissent.

1b. Historic – Waltham Historical Commission (WHC) – Complete Wellington House for Occupancy \$370,000.

The Chairman noted that there was a reported request to table this Application in the CPC. The representatives of the WHC concurred they did not want to be heard at this time.

Program Manager Durkee: The detailed plans for this Application which give "room to room" information will be available to any interested party at the CPA office, 11 Carter St.

Member Hovsepien made a Motion to Table this Application, second by Member Dufromont, and it passed by voice vote without dissent.

1c. Historic - Waltham Historical Society (WHS)/ Waltham Historical Commission – Restoration Grove Hill Cemetery Markers \$9,750

Arthur Bennett, WHC. This Application is from the WHS, and he is there as the representative of the WHC as Co-Applicant. Jack Cox, a member of the WHC will do the actual restoration. Jack did two previous restorations, the last about 15 years ago. This project will restore the historical markers at the Grove Hill Cemetery, which is the oldest cemetery in Waltham. At this location markers include very old slate stone type with artistic renderings. A lot of old stones are in disrepair. Mr. Cox is not present.

Chairman Barrett. There are no City support or permission letters with the Application.

Mr. Bennett. The previous Cemetery Commissioner at the time of the previous restoration did support the project. He believed the MHC grant received for that project in fact received matching funds from the Cemetery Department.

Chairman Barrett. Are there any MHC or other grants for this project.

Mr. Bennett. This project is believed to be a stand alone restoration. The Cemetery likely is currently under the jurisdiction of the CPW (Combine Public Works) Department. Weathering over the past 15 years has done more damage. The new epoxies can repair “flaked off” and broken stones themselves. Marble stone markers need cleaning and “stabilizing”. Marble is more porous and susceptible to acid rain. A coating is placed on the marble to protect it from the acid rain.

Chairman Barrett. He would like to receive some type of City approval from the Cemetery Division, the CPW, or the Mayor to confirm an Agreement to go ahead with the project exists. He is certain there is approval but would like to have that before this Application goes to the Council. Perhaps the Application could wait until that.

Member Zinnell. He concurred as the weather is not conducive now for the repairs anyway.

Mr. Bennett. This project should also have a sign describing the expenditure of CPA funds. Mr. Cox does give historic tours occasionally where people will view the restoration and see that the CPA helped.

Member Hovsepien made a Motion to Continue this Application, second by Member Dufromont, and it passed by voice vote without dissent.

1d. Affordable Housing -WATCH (Late filed) Rehabilitate  
509-527 Moody St. \$342,104

Erica Schwartz, WATCH. This project is partly Preservation and some Creation. WATCH offices are at the corner of Moody and Maple Streets, where there are also two commercial offices, and seven affordable apartments upstairs. The structure is badly in need of structural, physical repairs. While reviewing the repair of the building, it seemed timely to consider the addition of more affordable housing units based on the demonstrated need for those in the City. The Application is for the Preservation of the seven existing units and Creation of three new units of affordable housing. Two of the new units would be targeted for people with a physical disability. There is a special program of the State to grant funds for affordable housing for people with physical disabilities which would be a source of funds for this project. The addition to the existing building would include the two ground floor units for this population.

Member Hovsepian. What is the exact total of funds you are asking the CPC to grant.

Erica Schwartz. \$342,104, which in turn would allow WATCH to leverage over one million dollars in State subsidies. In order to apply for the State funds, WATCH needs a "local match" which the CPA funds would provide.

Member Hovsepian. Does the State grant require that you obtain the "local match" funds first.

Erica Schwartz. The State has a deadline of March 31. Ideally the CPC would approve the project tonight, the Council would approve the project at their next meeting, and the Application to the State would be submitted early. Realistically, assuming this body is going to approve it by March 31, the State would see that local approval was moving forward and would allow WATCH to apply.

Chairman Barrett. Is there a mortgage? As explained in An earlier meeting with WATCH, he believes the CPC should operate like a Bank. Therefore, he needs the information which shows the mortgage and taxes are paid and are current. In addition to the letters of support from the tenants he would like to see support from the community around the building. As a landlord, he would like to have his tenants support any project he plans. He realizes there are no neighbors immediately abutting as there is a firehouse on one side and Waltham Flooring on the other, but there are residents behind the building and "South Junior" across the Street. Construction will affect the immediate neighbors "one way or the other" with noise and the sunlight which will be blocked. It may avoid unexpected major complaints for WATCH and the CPC. His request would be for WATCH to provide the neighborhood reaction to the CPC. His thought would be that a possible Special CPC Meeting might be possible to act on this Application before the scheduled June Meeting, with CPC agreement.

Erica Schwartz. The mortgage is with the Property and Casualty Initiative. Next week is the planned time for WATCH to meet with its neighbors.

Chairman Barrett. There is a Paine Estate timetable for a project there which may require a CPC Meeting prior to June. He would like to have the information before that Special meeting to add WATCH to that Agenda. He read the project Application which he found comprehensive. His only concern in reading the Application was whether a Special Permit would be needed which does not appear to be the case. He would have no problem having the CPC act first or the ZBA (Zoning Board of Appeals). In fact to expedite the project they could be done simultaneously.

Erica Schwartz. The addition would likely require some Zoning relief. Any CPC grant would be contingent on meeting any other requirements such as Zoning.

Chairman Barrett. There would not need any relief from the setbacks but would agree that the FAR (Floor Area Relief) likely would be needed.

Member Dufromont. To build on the Chairman's remarks, he would agree the proposal is well done. However he also agreed that the information on taxes should be provided quickly, that the mortgage is paid currently, and that all interest and late fees are current, and whether the rents are current and paid timely. And, what is the expectation of income after the addition versus the cost of the expansion. A complete financial picture is necessary to know what the CPC is to expect. He believes it will be about a \$1,500,000 - 2,000,000 project. He would need to believe that the enterprise is financially sound and sustainable.

Erica Schwartz. The cost estimate is reasonable. The proposal is expected to make a tenuous current situation into a firm financial basis. The requested information will be provided.

Member Zinnell. He is also concerned about the feelings of the neighbors.

Erica Schwartz. She reiterated that they had not yet spoken to the Fire Department or other neighbors. The city councilor, Steven Rourke, understood and supported the need to "shore up" the building and make the overdue repairs.

Chairman Barrett. A letter of support from Councillor Rourke would be very helpful. His presence at the CPC Hearing in support would even be better.

Member Zinnell. He further believes that WATCH has "tough work" to get the support of people needed to convince the approving bodies.

Erica Schwartz. From the perspective of those who live and work in the building, even improvement of the "look" would be a big boost aesthetically. Passersby would be



pleased with the curb appeal along with the physical improvements. No one likes the short term effects of construction work but that is only temporary.

Chairman Barrett. As noted by Member Dufromont, in addition to relief on the FAR, you probably need relief on parking.

Erica Schwartz. The new the two story addition will take away some existing spaces, and even today the existing building would not pass the parking requirement. The current situation is "grandfathered".

Chairman Barrett. The Chairman noted that a Motion to continue until the next CPC Meeting would be acceptable if WATCH agrees. He did not believe that a Motion to approve could be made tonight. The Application has been entered but parts of information are missing.

Erica Schwartz. She agreed. She wants the CPC to have the information needed to make a "sound decision". Her concern is that WATCH needs to "show something" to the State by March 31.

CPA Program Manager Durkee. In a prior WATCH application, before he was hired, a letter was written to the State indicating the project was in the CPA and eligible for funding. Further, the City Council is more familiar with housing proposals and everything should be in order before it goes to the Council.

Chairman Barrett. He would want to add clarification that added information was requested to assure that the financial portion is in order. Community support is also required. The Motion and letter can include that the Application has been made, there are parts missing, and the deliberation will be continued at the next CPC Meeting. The letter should not be a problem.

Erica Schwartz. The State also does due process deliberation and may accept information presented "after the fact".

Member Dufromont. He suggested wording to the effect that "pending answers to the CPC questions, and so forth, there shall be consideration given to the WATCH proposal presented tonight". The questions and need for permits should be required in the Manager's letter. And those questions answered within a time certain. There is no expectation that answers would be available to the need for the special permits.

Member Dufromont made a Motion to Continue this Application, pending provision of the information requested, with a deadline for that submission, and allow the Manager following receipt of the information, to write the letter.

Chairman Barrett suggested just noting that the Application has been made, additional information has been requested, and action will be taken upon receipt of that information.

The hearing will be continued to the next Meeting, but date is uncertain as the next scheduled meeting is June 8. Another CPC Meeting is likely in April, perhaps the 20<sup>th</sup>.

Member Dufromont confirmed his Motion as stated and amended, second by Member Hovsepien, and it passed by voice vote without dissent.

D. Old Business.

1. Applications (Manager) – Status of Old Applications

1a. Historic – Charles River Museum of Industry and Innovation (CRMII). To Act on the proposed Law Department resolution to approve payment of the CRMII grant.

Elln Hagney, Executive Director, CRMII. This is an Application filed in 2008 with the CPC, and approved by the City Council as a \$50,000 grant. The CRMII is seeking a “final resolution” of payment to its contractor.

Chairman Barrett asked whether there were any questions from members of the CPC or audience. There were none.

CPA Program Manager Durkee. The “key” to the resolution, before the Law Department review which led to the Recommendation before the CPC, was that during 2010 meetings with the CRMII there was documentation showing that the work had been done within the period allowed within the grant request and subsequent CPC Recommendation and City Council Appropriation Order. The Law Department drafted the specific language which was used in the Motion in the hands of the Clerk. It is now possible to go to the Council with the Motion as a legal opinion that the contractor did the work in a timely manner and can be paid.

Chairman Barrett. He read a summary of the Motion (complete Motion and Recommendation attached) as “It is the desire of the CPC that its Recommendation and the City Council Appropriation Order #30850 be re-issued to allow payment of the Fifty Thousand (\$50,000.00) grant for the Charles River Museum of Industry and Innovation, Inc.(CRMII) to pay the attached Invoice provided by way of reference (attached).

Member Hovsepien made a Motion to Recommend to the Council the approval of the Motion as read and in hand of \$50,000.00, second by Member Dufromont, and it passed by voice vote without dissent.

1b. Historic – Charles River Museum of Industry and Innovation (CRMII). The 9/14/09 request from the CPC to extend the time for spending in order to pay the contractor is tabled in the Long Term Debt Committee (LTDC) with a comment that it was sent to the Law Department awaiting an opinion should be rescinded.



Chairman Barrett asked whether that action was requested by the Law Department. The CPA Manager replied it apparently was never answered. The Chairman remarked he received the previous matter from the Law Department through Luke Stanton's research, and did not want to "muddy the waters" at this time. The Manager stated that there may have been a Law Department Opinion, but it did not answer the question as to how to resolve the CRMII extension issues. If it remains tabled it will be moot. Per the Chairman to prevent confusion, since the matter is not on the CPC table, it does not need any CPC action now. The Manager agreed.

1c. Historic – Planning Department - Paine Estate – Restrooms and Handicap (Universal) Access.

CPA Program Manager Durkee. This project includes the design of the handicap access they call "universal access" for the restrooms and "chair lift". This rehabilitation was very difficult but designed with great care and understanding to fit within the legal and historical aspects of the Stonehurst building. This week the Applicants came to the CPA to request approval of the construction phase within a tight schedule which includes a complete shutdown of the public uses, including rentals, for four months over the winter of 2011-12. The preliminary work leading up to the shutdown needs to be started soon. As shown in the copy of the Email request included in the Meeting packets which has all the information received until now.

Chairman Barrett. He asked anyone present from the Paine Estate to speak. Mr. Bennett, WHC, confirmed that the Planning Department, specifically Ann Clifford was preparing the construction phase Application..

CPA Program Manager Durkee. The purpose of this discussion is to alert the CPC that a Special Meeting might be needed. Further, the date of April 20<sup>th</sup> appears to be the only date which fits within their schedule if the CPC votes approval that evening.

Chairman Barrett. He would like to know whether the Handicapped Commission (recently re-named to the Waltham Disability Services Commission [DSC]) will provide any funds for this project. He stated that he believed the Wellington House was to receive such funds, to which Mr. Bennett agreed "subject to approval of the CPC grant for universal access for the first, second floors and parking". As the Stonehurst restrooms are to be handicapped access, the Chairman surmised the Commission would provide funds, but Mr. Bennett again agreed, but could not confirm it.

Member Dufromont read the Email "To Mr. Durkee, from Ann Clifford. I wanted to keep you informed as we finalize our Application for Stonehurst Universal Access and Restrooms Improvements Project. We request that you keep our strict schedule in mind when you set the time for the next CPC Special Meeting. According to this schedule which I just received, the architect will submit the project estimates to me by March 15. The cost estimates are the final piece I need to complete the Application to the CPC. I anticipate submitting the Application by that Friday, March 18. The timing of the review

and funding allotment is critical since it in turn will impact the timing of construction, the daily operation, and the income stream to the City owned Paine Estate. The construction phase of this project will effectively close down this popular City owned museum and function facility for a period of months while public restrooms are reworked. The city relies on income from rental functions and visitors to help offset the operating costs of this property. Therefore the project must be carefully timed to coincide with the off season in order to maintain the peak season income stream. Since rental clients schedule weddings and special events far in advance of the actual event, the City must also plan in advance of this project. The City already has reserved January through April 2012 for construction, and will not be booking any events for that period. This schedule is inflexible since the City is continuing to sign contracts for rental functions during other months of the year. Prompt approval of funding will ensure that the project is completed according to this strict schedule.” Basically, what she is saying is she would like us to handle it by holding a Special Meeting on the 19<sup>th</sup> of April, which would allow the CPC send to the City Council for their Meeting of April 25. And she asked whether we would like to have the CPC Meeting there.

Chairman Barrett. We shouldn’t schedule a CPC Meeting until we have an Application.

CPA Program Manager Durkee. There is plenty of time after March 18 until April 20. In the required year end report from Planning noticed that the Mass Architectural and Elevator Board has approved this project and were waiting for the MHC (Mass Historical Commission). That approval was received on December 22. The architect then went ahead with the final drawings, specifications and cost estimates. Note that the Council chambers are reserved for the Council Committee Meetings Tuesday, April 19<sup>th</sup>, but the Planning Department could look into whether the CPC could meet there.

Chairman Barrett. Unless the Committee disagrees, we will wait for the Application. We will set up a Special Meeting with due time for a hearing to include all interested parties when we receive the Application.

#### E. Correspondence and Miscellany (Program Manager)

1. LTDC Spreadsheet. The response was made to the request of the LTDC for an update of the “associated costs and financial balances” of the CPC. The CPC did not request a copy of the update nor were any questions asked.

2. Coalition of Community Preservation Communities. A 2010 Annual Year in Review was received listing the highlights of the actions of the Coalition in return for the Annual Dues paid by the CPC. One of the actions requested of all CPC’s was to ask the legislators in each CPC Community to approve the new version of the CPA which is once again before the legislature. Now Sherriff Koutoujian, Representative Tom Stanley, and Senator Susan Fargo all signed on as co-sponsors. Copies of the update were report were distributed but no questions asked. In answer to a question regarding payment of the

Annual Coalition dues, the Manager stated that Waltham's FY 2011 dues were paid in July 2010 for the FY, and FY 2012 dues would be in the Budget request for the CPC.

3. Email City Council Committees February 28, and City Council March 7 Docket Excerpts of CPA Items. The list was distributed by the Manager without CPC discussion.

F. ADJOURN

The Motion to adjourn was made by Scott Hovsepian, second by Jerry Dufromont and passed unanimously by the Members voting, without dissent.