

Date: May 13, 2008

From: Joseph T. Maguire, Chairman
Community Preservation Committee (CPC)

Cc: William W. Durkee Jr.
CPA Program Manager

Subject: Minutes of May 13, 2008 CPC Meeting

A. Called to Order 7:30PM

B. Roll Call

Present: Joseph Salvo (Clerk of the CPC), Carl Zinnell, Richard Pizzi Jr.,
Joseph T. Maguire, Scott Hovsepian.

C. Minutes of CPC April 8 CPC Meeting.

A motion was made by Scott Hovsepian, second by Joe Salvo to accept the minutes, and passed unanimously.

D. Old Business (Program Manager Durkee).

1. Announcements. Status of 2nd Round Applications (Spreadsheet Handout attached)

1a. **92 Felton St.(old Water Works)**. This tabled Application was awaiting the City's work to make the property ready for an intended tenant, the Waltham Historical Society. The co-Applicant, the City Building Department, now doing the work will become the Applicant. A motion was made by Carl Zinnell, second by Scott Hovsepian to remove the Application from the table and passed unanimously. A motion was made by Scott Hovsepian, second by Carl Zinnell to Recommend the amount of \$250,000 as requested and passed unanimously.

1b. **Building Dep't – Elevator – 25 Lexington St. – \$275,000 CPA.**

The Program Manager noted the Law Dep't had released the CPC Recommendation and it had been placed on the Council docket for action May 12. Carl Zinnell noted that all exterior work in the front should be done under the auspices of the Historical Commission.

(2) Status of 1st and 2nd Round Applications (Program Manager Durkee)

(2a) **Planning Dep't – Woerd Ave. Landfill Plan– \$24,500 CPA.**

Councillor Steve Rourke and Clerk Russ Malone found a deed and map from 1922 showing the apparent lands of the current landfill area and Koutoujian Park. If this gives the Law Dep't the information they need to make a determination regarding our Recommendation it would be engrossed.

(2b) Charles River Museum of Industry (CRMI)– Plan– \$50,000 CPA.

This project was delayed because an Agreement was needed for a private entity to work with the City which would be the overseer for disbursement of CPA funds. The CRMI has provided an Agreement for this purpose.

(2c) WATCH, 2 Jackson St. – Housing - \$360,000 (Tabled)

WATCH passed the Board of Survey and Planning May 7. The property line has been redrawn, approved and will be deregistered. The project will go to the Board of Appeals on May 20.

(2d) Martyn Square Fountain – Plan - \$40,000 CPA.

No City Department has been assigned as yet to develop the actual cost and provide future maintenance, such as the Building, Parks, Streets or Engineering.

E. Correspondence (Program Manager Durkee)

CPC 2009 Budget. The CPC Budget was on the Council docket for Monday, May 12. The Chairman and Program Manager would expect to be called before a Council Committee to discuss the proposal.

F. New Business (Chairman Maguire)

(1) Composition of the CPC. All CPC Members were urged to speak with their appointing body for reappointment before the start of the 2009 FY. The CPC will reorganize early in July.

(2) Allocation of 2007 State Match of the Real Property Surcharge. This Match was received October 10, 2007 but could not be spent until the mandatory category allocations have been made. Each of the Reserves of Historic, Open Space and Housing categories need the minimum 10% or \$189,485 each, with 5% Administrative \$94,743 possible, the Budget Reserve 65% \$1,231,652, for a total \$1,894,850. A Motion was made by Carl Zinnell, second by Richard Pizzi that these amounts be sent as a Recommendation to the City Council, and passed unanimously.

(3) Round 3 Site Views. A Motion was made to depart Kennedy Jr. HS @ 4PM, Tuesday, May 20 by Scott Hovsepian, seconded by Joe Salvo and passed unanimously. A vehicle will be provided for the CPC.

G. Public Meeting. Chairman Maguire opened the Meeting by describing the process for Applicants to be followed by site views later. The Program Manager will describe the eligibility of each Application, followed by each Applicant and questions from the CPC.

I. HOUSING

A. Fernald - Mayor et al – (also Historic Preservation, Open Space Acquisition and/or Creation, and Open Space Recreation to total \$3,000,000)

– An Application using the CPA-2 Form is required. - \$3,000,000

Program Manager Durkee. The Fernald Application is hypothetically acceptable as the land must first be declared surplus. As no specifics were provided for each category, the amounts were arbitrarily divided between the categories as \$3,000,000 for Housing, and \$1,000,000 for each of the other three. The Mayor, Jeannette McCarthy, placed her name onto the Application as an official representing the City. This action supersedes the original Applicants who were applying as individuals who happen to be City Councillors who now agreed to become Co-Applicants.

As a notice of potential conflict of interest the Program Manager disclosed his participation in the Fernald Working Group (FWG). The FWG was described as an ad hoc group interested in future use of the Fernald land. Durkee's role in the FWG is to represent the position of the developmentally disabled and specifically of GWARD/ARC and WCI. As a current City employee he would reconsider his role to avoid any conflict or appearance of conflict, and if necessary would resign from the FWG.

Kathleen McMenimen (co-Applicant). She is the "dean" of the Council, living at 147 Trapelo Rd. "across the Street" from the 200 acre Fernald Developmental Center for 40 years. She is also one of six Members of the Board of Trustees of the Fernald residents, appointed by the Governor, and does not believe there is any conflict. Applicant George Darcy wrote the Application and is the Councillor of Ward 3. Applicant Thomas Curtin is the representative of the Fernald land as Councillor of Ward 4. Both the previous and current governors have declared that they would like to "surplus" the Fernald land. There is an appeal before the Courts which could be settled within 2-3 months. If adverse to the residents, the process of "surplus" could be immediately in effect. A request was made to the Law Department to ask whether the City Council could access CPA funds. It is not possible to obtain funds without a CPA Application and the agreement of the CPC. A copy of the Law Department opinion was requested and provided at the Meeting.

George Darcy (also Councillor Ward 3) The changes in Chapter 7 could make an immediate answer necessary to answer the proposed right of first refusal. He would like to preserve the Fernald land for purposes such as affordable housing, open space, flood control, recreational fields, reestablishing farm lands, and protection of historic buildings in the National Registry. A Planning Department study indicated that under proposed development there could be put as many as 2800 housing units there. The amounts requested would be insufficient to acquire the land but would allow the City to act quickly as a start. The City has serviced the land for fire, police protection, water and sewerage without taxes for many years and now Waltham needs the land for municipal purposes.

Per George Darcy, the Met State about 12 years ago acquired \$7200/acre for the Met State front lawn, not the market rate. Now the State wants the market rate. A developer before the Council in seeking an outlet for sewerage from Lexington has spent \$1,000,000/acre on an auction by the State. Under Chapter 7, the State will decide what the City will pay, with a current discount to 80%, for 196 acres, ~ \$200,000,000. Suggested legislative changes to Chapter 7 only allow 90 days to act. Bonds could provide a greater amount of money but has not been explored yet.

After the acquisition, the categories would be decided by specifics in the disbursement through new CPA Applications.

CPC Member Salvo declared his interest to spend the money on Open Space, and is opposed to large development, ie 2800 or even 2000 units. It is difficult to vote for this as it is unspecific and may become either Open Space or Housing. Applicant Darcy also expressed his interest in Open Space and would not support a large number of Housing units.

CPC Member Pizzi (to the Program Manager). Requested to know the amount of CPA funds available? The Program Manager will apply the hypothetical amounts which could be spent against the available funds and mandatory allocations for future reference. The amount available is uncertain until the Council disposition of the existing CPC Recommendations are made.

Further, Mr. Pizzi asked whether funding for the CPA would be cut to 65%? The estimate is for 65%. For two years the surcharge and 100% match yielded about \$4,000,000 and the CPA would expect to have \$3,000,000 next year. Member Pizzi favors this Application and would not want to spend available funds on other projects.

CPC Member Zinnell. Without a known amount to spend, there might be no further spending for Historic purposes. Mr. Zinnell would prefer to know the amount available before voting for the Application.

Chairman Maguire summarized the available funds and spending as approximately \$8,000,000 collected to date, \$1,000,000 spent, and \$3-4,000,000 in pending Applications. The proposal would “wipe out” all of the CPC Applications and work of the CPC to date. In the spirit of compromise, the CPA allows bonding. If the Mayor, as required by the advice of Pat Azadi and the Law Department were to accept a bond for this purpose, would that be acceptable? A \$6,000,000 bond for 20 years would satisfy everyone’s needs. Further the legislature may not act to impose the 90 day restriction.

The Program Manager noted that if funds are set aside for the Application, unless the end result of an Application qualifies for CPA funds, the funds cannot be spent even for a study. This Application does not have specific purposes as presented. If the City spends its funds, they would not have the same restrictions. Therefore it might be better for the CPA funds to be used as an “emergency reserve” to “hold our place in line”, and for City bonds to be used for those purposes which may not be eligible for CPA funds. Per

Chairman Maguire, the City has a large surplus fund for the purchase of land. Per Applicant McMenimen there are \$10-11,000,000 available now, and have bonded \$185,000,000 for school construction. Chairman Maguire noted these bonds were outside the debt limit. Applicant McMenimen responded that these funds were also included in the decisions for the Capital Improvement Program (CIP) and annual City budgets. Chairman Maguire expressed the desire to take three actions. First, meet with the Mayor regarding CPA bonds, have the Program Manager review possible "kiting", then meet as the CPC again with the data. A \$6,000,000 direct Application grant is difficult now.

Applicant Darcy thanked the CPC. The intent was not to "wipe out" the CPC budget, but only to have some funds for an emergency. Also, David Marcou (Councillor) and Patrick O'Brien (Councillor) have signed on as Co-Applicants.

Applicant McMenimen also thanked the CPC for their uncompensated work and that of the Program Manager.

CPC Member Salvo pointed out that if necessary an emergency meeting of the CPC can be made with two days notice and the Council could then act within two weeks.

Applicant McMenimen asked what would happen to this Application if it is tabled tonight? Chairman Maguire stated that it would be brought up at the next CPC Meeting for action. CPC Member Hovsepian made a motion to table the Application. Applicant Darcy then noted the arrival of Mayor McCarthy and requested that the Mayor be allowed to speak, which Chairman Maguire accepted.

Mayor McCarthy applauded the actions of the Applicants to bring this idea to the CPC. She believes it is within the purpose of the CPA and supports the Application whole heartedly. The Fernald land is going for ~\$1,000,000 per acre, therefore for the 200 acres, even excluding the contaminated parts, it would be expensive. This Application is "land banking". After the Court case is settled some of the land will be surplus. Acquisition would be good for North Waltham and the City.

Chairman Maguire questioned whether a \$6,000,000 bond issue is possible. The Mayor said she would first need to have the available land appraised to determine a bond amount. She would only bond for the Fernald if the CPA were to continue, since this fits all of the three mandatory categories of spending. Chairman Maguire pointed out there would be \$2,000,000/year which could be bonded. She would not commit to any other CPA bond spending as she doesn't want to interfere with the Democratic process. Most of the CPA projects now in process would be paid for with funds to be received within the current available CPA term. The Development of the Fernald could change the nature of the entire City.

The Mayor noted that in her meeting together with the legislative contingent her plan presented to the Governor included her "master map". The local and State needs on a map would include relocation of the Waltham courthouse, the National Archives, the Secretary of State archives, and the DMR (Department of Mental Retardation) lands.

Representative Stanley informed her on this day that the Shriver Center was transferred to the University of Massachusetts. Mr. Sullivan provided a map to Judge Tauro dividing the property down the middle. The developers are salivating over the “left side”, while there will remain a presence of residents on the right side assuming the State wins their Appeal. The Secretary’s archives would mean an extension out of the right side, with the DMR parcels, other tenants, and the Courthouse access onto Waverly Oaks Road. She could support rehabilitation of “some of the existing buildings for housing, but could not support a city within a city, which is what the developers want”. She is hopeful we will now get a reuse plan at some stage involving the Division of Capital Management (DCAM) and the City. She favors Waltham’s choice of Open Space within the property as the City has been a “good neighbor” for some time. She is also trying to afford it. There would have to be some income as we will have to pay the State. After the federal government and the residents decide, the city must be in a position to act which this application provides. The City is now watching the evolving legislation and promoting a reuse plan.

As to Chairman Maguire’s request to know the effect of the 90 day window for a decision, the Mayor cited the ongoing City acquisition of Lot 1. In that case the DCAM could not meet their own deadline. By agreement, the State received an extension. The process would be for the City to do the due diligence, get an appraisal, then make a decision. But the State first has to surplus the land.

Chairman Maguire asked for the Mayor’s estimate of the value for the surplus land. The Mayor calculated that about half of the 200 acres would be surplus. Subtracting the acreage at the Shriver, Malone Park, and part of the back, the City might get 100 acres costing \$100,000,000. The value will be determined by the “highest best use”. State will argue for use as housing, but as long as the City retains the open space zoning it would be difficult to convert it. The State could do “40B’s” but those would require coming to the City. The power plant was said to be environmentally contaminated to not even allow “picnicking there”. There are also wetlands. Her belief “highest and best use” would be the current zoning.

Chairman Maguire asked whether \$2,000,000 would be sufficient for a “good faith” payment to “tie it up”? The Mayor would rather have “a higher amount than a lower amount to show we mean business”. She believes the groups which advocated for the CPA initially are in favor of using the funds for the Fernald in the three categories. If there is a favorable category in the CPC eyes one category can be favored over the others.

Following a two minute recess, the Motion of Scott Hosvepian to table was seconded by Carl Zinnell, and passed unanimously.

The applicants requested to know when the next meeting of the CPC would be. Chairman Maguire noted there were no more CPC meetings scheduled but site views were scheduled for May 20. The Program Manager noted fast action was needed to present any Recommendations to the Council before the end of the regularly scheduled Council

meetings until the end of the Summer. Further, the second round Applications had not been returned from the Law Department yet.

II. OPEN SPACE

A. Elm Street Railroad Spur – Sally Collura – (Open Space Acquisition and/or Creation - \$500,000, Open Space Recreation - \$0

Program Manager Durkee. This CPC uses the Legislative Master Plan for guidance as to what is most important to those who drafted the Plan. The Railroad Spur is mentioned as a project of the future. It is also reported to be under consideration for purchase by others with unknown intentions. There appears to be some need for urgency. It appears to be eligible for Open Space and Open Space Recreation purposes. The 1999 MDC Plan for the Charles River Riverwalk shows this site as located on one end behind the CPC/CPA office on 11 Carter Street and extending as a path down to the DCR funded Riverwalk on the West side of the Elm St. bridge.

Sally Collura (Councillor at Large). She reported that this is the last Spur for sale in Waltham by the Railroad. There is another buyer interested in this property. It is a Brownfield and will need to be cleaned. It is a small parcel which could serve as an “oasis” “pocket park” sandwiched between the 190 Moody St. elderly housing and the Car Wash. The North end of the parcel runs from the circa 1800’s “beautiful little building” to the end of the trestle, then drops sharply to the River. She envisions a totally enclosed space within a nice wrought iron fence, possible with benches, street lighting, with the trestle removed in the future. She previously sent a Resolution to the City Council requesting acquisition of the parcel, but it is tabled in Committee. If approved by the CPC, she would request that the City pay for the cleanup and transformation to a park. Acquisition is of foremost importance. An additional benefit would be the opportunity to remove three billboards from the site. Seniors could see a landscaped park from their windows, and walk through the park to the Riverwalk. The present view is of dead trees, trash barrels of rusted spikes, and poison ivy. In response to member Zinnell, Ms. Collura stated that the billboards are owned by the Clear Channel. The process of eliminating the current lease of the land for the billboards by the railroad is a question yet to be answered. Chairman Maguire noted that the Council License and Franchise Committee has annual renewal power over the signs and if disallowed, demolition would follow. Ms. Collura noted that she is a member of License and Franchise.

A Motion was made by Scott Hovsepian, second by Carl Zinnell for a site view to be scheduled and an appraisal requested.

B. 1433R Trapelo Rd – George Darcy – Open Space Recreation - \$10,000

Program Manager Durkee. This Application is for a plan for amenities to existing Open Space land and would be eligible for Open Space Recreation funds.

George Darcy (also Councillor Ward 3). The property was acquired for unpaid taxes. A Powerpoint presentation failed and will be shown next week. The parcel is 16 acres at the NE corner of Smith and Trapelo Road, behind the Boston Edison substation. Mostly wetlands on the North end, with uplands on the Trapelo end. The Application is for an architect, who would explore the feasibility and costs of building a boardwalk and hiking trail through the wetlands, parallel to Smith St. but in the center of the parcel. On the North end there is Lexington Conservation land called Juniper Hill. Juniper Hill is 28 acres, mostly uplands that already has trails. People could then walk this parcel from Trapelo Road to Concord Street in Lexington for passive recreation such as bird watching, hiking, and nature study. The Hardy Pond group did a study around that area on the "paper lots" which was a successful demonstration of how the property could be utilized for passive recreation. It is anticipated that the hiking trail on the uplands would require a modest cost, but the elevated boardwalk and observation platforms in the wetlands would require a permit from the Conservation Commission and possibly replication of the wetland area lost for the required posts. Chairman Maguire noted a site view would be made. A motion was made by Scott Hovsepian and seconded by Carl Zinnell, to table the item until after a site view and passed unanimously.

III. HISTORIC

A. Waltham Planning Dep't. (WPD) – Paine Estate Fire Suppression – (also Open Space) \$115,000 CPA.

The Program Manager stated that the Fire Chief and his Enforcement Assistant were invited but unable to attend tonight. The Chief is the proponent to file this Application as he is doing for all historic buildings. The Application is appropriate for CPA spending under Rehabilitation of historic structures to meet Building Code requirements for modern use. This funding would also include construction of the cellar portion of a wet system.

Ann Clifford, Planning Dep't, Curator. She acknowledged the Fire Chief's role in past efforts to install exit signage, strobes, and alarm horns and the new water mains. The installation anticipated a future sprinkler system for Stonehurst. A consultant would be hired to look at the systems needed for the entire building, and do the urgent cellar system. The information used by Susan Robertson for the Gore Place system provided a good model for this system. Design costs were \$30,000, and \$85,000 estimated for the cellar system by the plumber assigned by the City for Paine Estate work. CPC Member Zinnell made a motion to approve this Application without delay unless there were compelling reasons not to. Member Rick Pizzi made a motion to table until the amount of available funds were provided, seconded by Scott Hovsepian and passed unanimously. Chairman Maguire asked the Curator whether there were any other funds available for this project. Curator Clifford did not know of anything which had not been identified in her Application. He noted that a site view would be made and her presence would be helpful there.

B. Gore Place – Fire Suppression System – \$300,000 CPA.

The Program Manager stated that the Fire Chief was also involved in promoting this fire suppression system, and the Gore Place Director has a “superb” knowledge of the steps toward adequate fire suppression in historic buildings. With the guidance of the Chief and other consultants they are progressing toward completion of a suppression solution. This grant would expedite completion as they raise money before each step is taken. This Application is entirely suitable for funding under Rehabilitation of Historic structures.

Executive Director Susan Robertson stated this is an application for fire suppression as part of a four year effort. The Fire Chief has urged a fire suppression system be installed as soon as possible. Gore Place hired an architect to create a Master Plan. Fire suppression was studied. The electrical system was upgraded first. The heating system was next and that upgrade is underway. The fire detection system will follow. And finally a suppression system for the entire building will be installed. The Board of Directors wants to protect the collections which are throughout the building. Lightning strikes or vandalism are a greater concern than the boiler.

Member Hovsepian clarified that the design is done, estimates are complete, with the work ready to be done. Ms. Robertson agreed and pointed out that all projects are bid after the money is available. Chairman Maguire noted the CPA funds would be less than 40% of the total. Further that a site view would be scheduled next week. A Motion was made by Rick Pizzi, seconded by Joe Salvo to table the Application pending a site view and passed unanimously.

C. Piety Corner Club– Preservation – \$247,000 CPA.

The Program Manager said the Application was similar to others as they requested a wheelchair lift, handicapped accessible restroom, but only a fire alarm as they are in close proximity to a fire station. However, due to internal discussions they requested that the Application be tabled until they could provide more information. A motion to table was made by Scott Hovsepian, seconded by Carl Zinnell, and passed unanimously.

H. For the Good of the Committee.

A Motion was made by Rick Pizzi, seconded by Scott Hovsepian that the Program Manager provide an update on available funds at the next CPC meeting, and it passed unanimously.

I. Adjournment.

A Motion to adjourn was made by Scott Hovsepian, seconded by Carl Zinnell, was accepted by voice vote without objection at 9:55 PM.

Joseph T. Maguire, Chairman; for the Community Preservation Committee