

Date: November 5, 2008

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

Cc: William W. Durkee Jr.
CPA Program Manager

Subject: Minutes of November 5, 2008 CPC Meeting

A. Called to Order 4:30PM Chairman.

B. Roll Call

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

C. Minutes of CPC Meetings.

1. CPC October 28 Public Meeting. A motion was made by Joseph Salvo, second by Carl Zinnell to review the October 28 and November 5 Minutes at the next CPC/CPA Meeting, and passed unanimously.

D. Old Business (Chairman)

- (1) Acquisition of Lot#1 – Parcel B – 775R Trapelo Rd. Application of the Mayor.

(Chairman) the Honorable Mayor Jeannette A. McCarthy was escorted into the Council chambers for the purpose of discussing the Application.

(Mayor) The site view was held and was appreciated. A map of the area was posted on the lectern for viewing by the CPC, the cameras of the Waltham Access Channel (WAC), and attending public persons. It was described as showing Waltham's Lot#1, and Lexington's Lot#1 and references pointed out including the Lots, Our Lady's Church, Lexington Street, Trapelo Rd., and Bow St.. There are about 49.47 acres in Lot#1, Parcel A acquired by a Special Act of the Legislature by DCR on behalf of the Town of Lexington. There was an internal transfer of that land within the State by the Division of Capital Assets Management (DCAM) to the Department of Conservation and Recreation (DCR), and that parcel is now preserved. The Mayor's concern is that there is now access from the Lexington Lot#1 into the Waltham Parcel B through Bow St and other areas. The Ward Councillor, George Darcy and the State Representative, Thomas Stanley have been very interested in this Parcel B. During the discussions with the State there was a desire of the DCAM to reserve "rights" of access through Waltham Parcel B. To prevent this, another Special Act was passed with the approval of the Governor for Waltham to acquire its Parcel B. Included in the Special Act at the behest of the State Legislature through the Law Department, recreational uses consistent with the uses on the adjoining City parcel known as Falzone Field are included. Other considerations include flood control and Open Space Recreation, but most important is the prevention of access to

Parcel B in perpetuity through a fee interest. The Mayor is seeking CPA funds to avoid the unstable bond market now existing. Questions about the differences between what Lexington achieved on their Parcel A and this Parcel B are answered by Waltham's opportunity to obtain a fee interest. Without the fee interest Waltham cannot prevent access from Parcel A or anywhere else. The acquisition would preserve the Open Space and avoid "loading" more traffic onto Trapelo Rd..

Questions to the Mayor followed.

Chairman. Isn't access possible through other areas? Per the Mayor, Bow St. was abandoned in part except a short Western piece. However, the State owns the parcel (#Lot3) to the East, which is now leased by Our Lady's Church, and the Pulte parcel adjoins that to the East. Access could be made from Parcel A onto Walnut Street to avoid direct access to Waltham's Trapelo Rd.. However, Walnut St. is a continuation of Woburn St. in Waltham. Councillor Darcy requested the Mayor note also that Parcel B is a part of the proposed Western Greenway which would cross Trapelo Rd. along the Chester Brook.

The total amount of the Application for acquisition is \$930,000.

Chairman. One of the requirements of the CPA is to preserve important portions of Open Space in the City. This Parcel B has been identified as important for that purpose.

Member Joseph Salvo. The site view was wondrous as we saw a great blue heron, a kingfisher, and several ducks.

(Manager Durkee). The Application was studied and found to meet the CPA requirements for funding. A page from the Waltham 2007 Legislative Master Plan (Community Development Plan) was distributed which reads in part "Goal: To protect ecologically sensitive lands and wildlife areas. The List includes "Protect the lands of the former Middlesex County Hospital" in "2008". The Mayor's Application and a Recommendation of the CPC would permit one of the Plan Goals to be achieved. The Law Department also made a "quick" determination that the Application would be acceptable under the CPA. In the future this Parcel B would appear to be eligible for funding of CPA Open Space Recreation purposes. Acceptable uses would include trails, joining into existing Lexington trails, benches, a canoe launch, and sports fields such as might be built on Falzone Park. Open Space Recreation purposes would require Applications for CPA funds. The Open Space and Greenway could be increased by future acquisition of the State owned hilly parcel Lot 3 next to the Pulte land, and a parcel across the Street next to the Church. The importance of the parcel for flood mitigation was explained today by both Councillor Darcy and the Mayor's description of a designed and integrated system including the Parcel B pond which holds a lot of water from the watershed around it. Water is channeled into a small brook across Trapelo Rd. which eventually drains into Chester Brook. Flooding of the past along Bow St. and downstream apparently have been resolved or improved.

A Motion was made by Joseph Salvo and seconded by Carl Zinnell that the CPC Recommendation as provided to the Committee for consideration be approved in the amount of \$930,000 (attached) , and passed without dissent.

D. New Business (Chairman)

(1) Next Open Period for New Applications. As the CPC has a backlog and the "holidays" are not conducive to meetings, the Chairman suggested the Period should be some time in the new year. Member Salvo indicated he would be open to accepting new Applications any time, but no action would be taken on them until later. His thought is it would be easier for the Manager if the Applications were to arrive gradually and thereby leave the Manager time to consider them until the Open Period closes. Member Zinnell agreed, but preferred opening after Thanksgiving. The Manager said that time urgent Applications, including some now in hand might need attention before the new year. It was suggested that the Open Period be closed the 2nd Tuesday of January. The backlog would be addressed until the 2nd Tuesday of February. A Motion was made by Joseph Salvo, seconded by Carl Zinnell to start the Open Period Wednesday, November 6 and to close it on January 13, 2009, which passed without dissent.

(2) Next Meeting. The Chairman will poll the CPC Members to establish the next Meeting date.

E. For the Good of the Committee.

(1) CPC Legal Review. The Mayor has requested that the CPC use its own legal review rather than depend upon the City Law Department. That would appear to be a simple way to achieve a legal review of existing Applications which are now held up in the Law Department. However, more recently the workload at the Law Department which created the backlog has lessened somewhat. Simultaneously, a request from the Council Finance Committee to the Law Department resulted in nothing as the Law Department may not have received a request to appear and did not reply to the question on November 3. Therefore there was no movement by the Committee to act on the CPC request for \$12,000 for legal review of the existing Applications. The Manager will call the Finance Committee Chairman to determine what the status is of our request. At this time we have reverted to the past process of sending our Recommendations to the Law Department and waiting for action on them. We have also provided the Law Department with a priority list of the existing Recommendations and placed the three fire suppression Applications at the top of the list. The Chairman believes that the process should be that the Recommendations should go directly to the Council. Although the CPC is a very low priority when the Law Department gets requests, a favorable Council action would be a high priority.

(2) Surcharges and State Matching Grants. Great progress was made to understanding and organizing the surcharges and grants. Three are on the docket to go before the Council next week to make all of our available funds ready for grants.

(3) Community Preservation Coalition Conference November 1 at the Danvers "Aggie". The Manager attended the two workshops at the Conference on Housing. The Housing Authority Orange Street project was said to be one of the first of its type. The Historic Landscapes segment was related to the Secretary of the Interior's Standards. The legislative Bill which was proposed in 2008 to stabilize the funding of the CPA at 75% will be reintroduced for 2009. The Coalition is optimistic it will be passed with some concessions to the non-CPA communities in becoming eligible for funds.

E. Adjourn. A motion was made by Joseph Salvo to adjourn, seconded by Carl Zinnell and passed without dissent.