

CPC/CPA Public Meeting and Hearing (CPC)

City of Waltham, Massachusetts

CPA/CPC Office, 11 Carter Street, Waltham, MA 02452

DATE: Tuesday, November 29, 2011

FROM: Kevin Dwyer, Clerk, Community Preservation Committee
(CPC)

SUBJECT: Minutes of November 15, 2011 CPC Public Meeting &
Hearing

A. Call to Order at 7:00 PM

Call to order by Chairman Barrett. Notes that this meeting is
being recorded by the MAC Channel.

B. Roll call by clerk

Present: Chairman Barrett, Mr. Dwyer, Mr. Dufromont, Mr.
Fowler, Mr. Craig, Mr. Melnechuk, Ms. Young, Program Manager
Durkee

Absent: Mr. Zinnell, Mr. Hovsepian

C. Minutes from October 18, 2011 CPC meeting

Motion to accept minutes by Mr. Dufromont, second by Mr. Fowler,
minutes unanimously accepted.

Chairman Barrett decides to skip item D on the agenda and go to
item E in order to accommodate City Councilor Darcy.

E. New Business-Reapplication-Open Space-385 Trapelo Rd.,
\$390,000

City Councilor Darcy addresses the CPC.

Mr. Fowler notes that the CPC members have not received the
Application for this project. Manager Durkee passes out the
Application to CPC members (Project File located at CPA Office).

Councilor Darcy presents a Power Point presentation on his proposal to the CPC.

Chairman Barrett calls a five-minute recess to set up Power Point presentation by Councilor Darcy.

Councilor Darcy states that this is the 3rd time this application has been submitted to the CPC by the City Council. The north side of Trapelo Road from Lexington Street to the Belmont border is primarily open space due to former state hospitals in the area. This parcel is in the center of these parcels that are owned by the City of Waltham and the Commonwealth.

There is a house on the site. The CPC approved acquisition of this lot in 2008 and then again in early 2011. Several potential uses of this parcel including parking, a sledding area, and hiking and cross country skiing trails.

This parcel is the last parcel in the link of open space in this area.

Mr. Fowler notes that the building on the parcel is a problem.

Chairman Barrett notes that the CPC is voting to acquire the land only. This was approved by the CPC and "filed" by the City Council because the CPC had not defined the project as open space only. The City of Waltham does not want to maintain the building on the site due to the cost. The building is being torn down. This project is now an open space, not a historical, project for the CPC to consider.

Mr. Fowler inquires if the \$390,000 cost is for just the land or for the land and the house.

Councilor Darcy explains that the \$390,000 is the price of the land and the house.

Chairman Barrett states that the City Law Department has informed him that the CPC can vote on this project even though there is a house on the parcel currently.

Mr. Craig cites a May 19, 2010 Memorandum of Decision on this proposal by Assistant City Solicitor Luke Stanton who suggested finding out the cost of demolishing the building as part of the application to acquire the parcel. Assistant City Solicitor

Stanton also suggested an appraisal for the parcel as well in his Memorandum of Decision.

Councilor Darcy stated that an appraisal has been done a few months ago for \$390,000.00. This appraisal did not include the cost of the demolition of the house.

Chairman Barrett states that the only way the City Council will approve this acquisition is if it is under the heading of open space.

Councilor Darcy suggests acquiring the parcel before the owner develops it.

Mr. Dufromont inquires of the time frame to tear the building down because of its historic nature and the tax assessment for this parcel including the land and house.

Chairman Barrett states that it will take six months to tear the house down.

Councilor Darcy states that in 2009, the property was assessed at \$253,000. Mr. Dufromont asks why are we paying \$390,000.00?

Councilor Darcy states that the figure is based on a professional appraisal of the land with the house on it. The owner will only sell the parcel as is with the house on it. The current owner will not cover the costs of demolishing the house himself.

Ms. Young cites an August 11, 2011 letter from the Law Department and Assistant City Solicitor Stanton which referenced the second page of the appraisal for this parcel and suggested an appraisal based solely on the parcel as open space.

Councilor Darcy states that the appraisal should not be based on the parcel as open space because there is a house on the property and a family lived there in the past. Also, the parcel is zoned as residential.

Chairman Barrett states that Assistant City Solicitor Stanton informed him that the appraisal for the property was OK.

Mr. Fowler states he is troubled that documentation such as the appraisal on this proposal has not been provided to CPC members prior to the hearing.

Mr. Craig cites the August 11, 2011 letter from Law Department. According to letter, CPC funds could be used for demolition as long as it was a reasonable expenditure and the CPC finds that the house has no historic value. Mr. Craig suggests voting on this application without knowing the cost of the demolition with the understanding that the house is to be demolished.

Mr. Fowler recommends continuing this discussion to the next CPC meeting to get a copy of the appraisal and an accounting of how much money the CPC has in its accounts at this time.

Motion by Mr. Dufromont to putting discussion off until the CPC gets a copy of the appraisal and demolition. Mr. Dufromont wants to have this information at least a week before the meeting. Second by Mr. Fowler.

Manager Durkee notes that the City paid for the appraisal for this parcel and the CPC would have to ask the City Council for the money for an appraisal of the demolition cost.

Chairman Barrett does not think there will be any cost to secure a demolition proposal. The cost is for the demolition itself, which will be between 10K and 20K.

Mr. Dufromont's motion is made to continue hearing. Second by Mr. Fowler. Mr. Dwyer, Mr. Melnechuk, Ms. Young vote to continue. Mr. Craig and Chairman Barrett vote no. Motion to continue is carried.

Chairman Barrett calls a recess.

D. Open Hearing to off-Committee persons.

1. Public input of the CPC FY 2012 Plan.

Manager Durkee cites the language of the CPA. CPC to study the needs, possibilities, and resources of the City regarding community preservation. CPC must consult with other City Boards. Cites requirement of a public meeting for input.

Manager Durkee passes out a letter from WATCH, CDC dated November 7, 2011 from Erica Schwarz, Executive Director (attached).

CPC addressed by Ms. Lesya Struz of 89 Riverview Avenue of Waltham. Ms. Struz wants public access to all information CPC Committee has via internet

2. CPC input of the CPC FY 2012 Plan

Mr. Melnechuk states that the Community Preservation Coalition suggested some changes to the Waltham CPC Plan in green and red ink. (attached to these CPC Meeting Minutes dated 11/15/11 with marked up deletions and changes in grayscale). Mr. Melnechuk discusses his Email (dated 11/8/11, attached) containing his Motions. On Motion I he reverts to the 11/15/11 Article I.

Mr. Fowler suggests looking at each Section individually and voting by Section. Chairman Barrett agrees.

Mr. Melnechuk directs the CPC to Article I, Section 3

Which is amended to 90 days.

Then Section 5-"Vice Chairman."

CPC has no problem with the changes suggested by the Community Preservation Coalition as presented.

Section 6-"Meetings."

Changed to read that meetings start at 7:00 PM.

Discussion occurs on how many meetings the CPC has to have each year. Chairman Barrett thinks six is more than enough. Chairman suggests four scheduled meetings.

Ms. Young suggests more meetings than six to discuss overall CPC policies and procedures. She suggests changing the language on the Plan to schedule eight which still leaves the ability to cancel them if they are not necessary.

Mr. Dufromont suggests six scheduled meeting with the possibility of two special meetings.

Chairman Barrett would rather not cancel meetings if it is avoidable.

Mr. Melnechuk wants to schedule eight meetings a year.

CPC votes to schedule eight meetings per year after a "straw poll" with four in favor.

Section 7-"Special meetings"-changes are fine with CPC.

Section 8-"Order of Meeting"

Mr. Melnechuk would like to add a section "Order of Meeting" to include new agenda items. Chairman Barrett disagrees with this suggestion in order to keep the meetings as streamlined as possible. New agenda items can be discussed under the "New Business" section.

CPC votes to add a "Minutes" section to "Order of Meeting" and deleting "Agenda" from the "Order of Meeting" Section of the proposed CPC Plan.

Motion by Member Melnechuk to adopt changes to Article I of CPC Plan. Second by Mr. Fowler. CPC unanimously agrees to the above changes to Article I of Waltham CPC Plan.

The next item of business before the CPC is a Motion by Member Melnechuk to accept proposed changes to Waltham CPC Plan as suggested by the Community Preservation Coalition for Articles II, IV, and V of the Plan.

Article II- "Staff"

CPC has no issues with the proposed changes to Plan.

Article IV-"Hearings"

CPC has no issues with the proposed changes to Plan.

Article V-"Budget"

CPC agrees to proposed changes to Plan.

Mr. Melnechuk moves to accept these changes, Mr. Dufromont seconds, Articles II, IV, and V of the Plan are accepted by CPC.

The next item of business before the CPC is a Motion by Mr. Melnechuk to Replace Article III of the Plan with proposed Articles III, VI, and VII.

Mr. Melnechuk reverts to the Motions Email (11/8/11) and suggests adding Article VI for clarification and Article VII because criteria, needs, and goals have been missing from the existing Waltham CPC Plan.

Mr. Melnechuk looked at several other plans statewide for suggestions. He suggests reconsideration of his previous proposal and acceptance of the "rolling period" for CPC members getting Applications. The new Application process would be received at a Meeting before acceptance of the Application or holding a Hearing. He referred to a list of actions at the October 18 Meeting which should be completed before an Application is accepted.

Chairman Barrett does not like this idea. Applications should not get to CPC members unless the Application is filled out properly, which the Program Manager is supposed to review to assure this is done.

Mr. Melnechuk suggests that the CPC members be given all materials ahead of time before they are asked to vote on a particular project. He noted that the Application of Councillor Darcy this evening should not have been accepted as it was incomplete. Further, the Application should be sent to various Boards, including the mandatory five CPA Boards, before any Hearing.

Members Fowler, Barrett, and Dufromont noted that their mandatory Boards did not want to see Applications prior to approval of the CPC and Council.

Mr. Fowler does not agree with electronic filing of Applications. He suggests hard copies are easier to review and eliminate his need to print lengthy documents on his personal computer.

Mr. Craig agrees with the changes suggested. The proposed changes reduce the current lack of criteria and goals of the Waltham CPC. He would like to know exactly how much CPA money is available at the present time for each of the three categories

under CPA. Specifically more information from the agencies such as the Waltham Housing Authority and the City as far as how many potential historic sites there are that may qualify for CPA funds.

Chairman Barrett and Manager Durkee state that an historic structures survey study of this kind was conducted in 1991 and an updated study is in progress.

Mr. Craig suggested adding that list to the CPC website. Mr. Melnechuk agreed to a link to the list as an alternative.

Mr. Fowler states that it is the obligation of the applicant to explain why they are entitled to CPA funding, not the CPC. He does not want to require the CPC to compile such a list. The CPC does not have the resources or manpower to do this. He did agree that a longer period of time to consider Applications is a good idea.

Mr. Melnechuk volunteers to upload CPC related materials to the website for the first year. He thought that information not compiled by the CPC should be on the CPC website. The MIS Department has promised training for himself and the Program Manager to the new City of Waltham "open source" website.

Manager Durkee states that the reality is that CPC will still have to work with hard copies. The Law Department requires that only hard copies be submitted. In fact an overlooked requirement is that 17 hard copies of each CPC Recommendation with an attached Application must be provided to the Clerk of the Council. This should be added to the Plan as a requirement of all applicants that succeed to the point of going to the Council. The CPC agrees to work with hard copies at this point rather than agreeing to digitize everything.

Mr. Fowler notes that CPC funding cannot be used for recreational projects unless the Open Space land has already been purchased using CPC funds. This needs to be changed from Mr. Melnechuk's proposed changes to the Plan until the CPA law is changed at the State House. Mr. Melnechuk agrees to change Article VII Criteria and Goals, Section 6, bullet 5.

Motion by Member Melnechuk to replace Article III of Waltham CPC Plan with Articles III, VI, and VII with changes agreed upon by CPC after discussion. Second by Mr. Fowler, motion carries unanimously.

Mr. Melnechuk volunteered to "coalesce" all of the changes for the CPC PLAN for the next CPC Meeting. The Chairman suggests working with Mr. Durkee.

F. Old Business

Update of appropriated project status, Extensions of Time to Spend CPC Grants

A document was created and distributed by Ms. Young entitled "City of Waltham, Community Preservation Committee, Open Historic Proposals/Open Space Proposals as of November, 2011 (attached). Chairman Barrett wants to know how much the CPC has to spend with regard to each CPC account and how much is in the CPC general account as well as how much CPC money is currently encumbered. The City Auditor should have the balance in each CPC account and a balance of the general CPC account.

Mr. Dufromont also states the need to know a "ball park" amount of how much money is in the CPC account and subaccounts at all times.

Ms. Young received this night a copy of the "LeBlanc Report" which is about 15 months out of date. She then brings up the subject of CPC grants to the Paine Estate. Mr. Durkee notes that he receives a monthly update on appropriated projects. Mr. Melnechuk thought that there should be a monthly updated report. Mr. Fowler was interested in seeing the "bottom line".

Ms. Young asked whether the Master PLAN was referenced in the new 2012 CPC Plan. Mr. Melnechuk indicated he only recently downloaded the Master Plan and had not reviewed it yet.

Manager Durkee indicates that the Paine Estate Exterior Renovation project has been completed. There was a problem with other aspects of this project that need extensions of time to spend. Manager Durkee has suggested that the Planning

Department request an extension of time for certain Paine Estate projects.

Mr. Fowler inquires as to whether every project is required to submit a quarterly report.

Chairman Barrett states that this is not necessary when the project is an acquisition of land, but construction projects should be submitting this type of report.

There is discussion on the issue of extensions of time to spend. Chairman Barrett states that these projects need to re-apply for funding if their time limit to spend has expired. CPC members come to an agreement that these projects need to re-submit applications if their time limit to spend has expired.

Manager Durkee passes out requests for extensions of the time to spend (attached). Ms. Young wanted to know whose rule dictated the time to spend. It was clarified as a CPC City Rule.

Mr. Fowler notes that this document does not indicate when the projects spending expired or a date when they were signed.

Mr. Durkee read that the grant for Fire Suppression at the Paine Estate was approved by the City Council on 1-14-09. According to Chairman Barrett, the Law Department has indicated that this project expired on 12-31-10. Per Mr. Durkee stated that the CPC rules changed since the older projects were approved. The recent Agreements with private parties includes the one year extension of time for spending as one year from the time the Mayor signs the Agreement. He noted that in this case an Application was submitted for an estimate of \$57,500 of the \$66,000 allowed in the original grant.

Chairman Barrett does not want to vote on these Paine Estate extensions without proper documentation as to where the various portions of the project stand.

Manager Durkee stated that previously, the City Law Department told the CPC that the CPC must impose a spending deadline on each project. However, things did not get done and an extension is needed. No one realized that these projects would be taking years to complete, therefore extensions are needed. These

deadlines are on the Recommendations the CPC sends to the City Council after the CPC votes to recommend a particular project.

However, because the Planning Department controls the Paine Estate, it would not make sense for the City to set a deadline with itself for expenditure of the CPC funds. The Paine Estate was therefore given leeway to complete their project without a separate Agreement.

Manager Durkee states that these requests for extensions also have to go through the City Council after the CPC votes.

Mr. Fowler suggested another meeting and asks to see the files on these three requests for extensions in order to give the CPC enough information to make the proper determination.

A Motion to table these requests for extensions was made by Ms. Young, second by Mr. Fowler. The Motion to table the requests for extensions passed unanimously by voice vote.

G. For the Good of the Committee. It was decided to hold the next meeting November 29, 2011. Mr. Durkee stated he would have time to gather the information on the extensions of the time to spend.

J. Adjourn

Motion to Adjourn by Dufromont, Second by Mr. Craig, and approved by voice vote.. Meeting adjourned.