

Community Preservation Committee (CPC) Public
Meeting and Hearing - June 10, 2014
City of Waltham, Massachusetts
CPC Office, 119 School Street, Waltham, MA 02451

Recorder: William W. Durkee Jr., Program Manager, Waltham
Community Preservation Committee (CPC)

Note: This meeting was held in the Council Chambers, City
Hall, 610 Main Street.

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 Young, Vice-Chair Dwyer, Clerk Melnechuk, Mr.
Barrett, Mr. Dufromont, Mr. Bob LeBlanc, Mr. Randy LeBlanc,
Mr. Creonte, Mr. Wilson. Program Manager Durkee present.
Quorum of 9 declared present

C. Minutes(Clerk)

1. Minutes of the May 13, 2014 CPC Meeting. A Motion was
made to accept the Minutes and passed without dissent.

D. New Business

1. PUBLIC Hearing. Mayor Jeannette A. McCarthy -
Application for Purchase of the Fernald Property from
the Commonwealth of Massachusetts - CPA \$3,630,000.

The Mayor noted there is a lot of information available
regarding the Fernald. DCAM (MA Department of Capital Assets
Management) and the Fernald Reuse Committee did a lot of work
about 2010 with maps including topographical maps which
provide a base for study now. The City Council has listed
four possible uses:

- a. Cemetery 40 acres. This use cannot be done if CPA
funds are used.

b. Veterans Housing. No specific area specified.
c. Areas of Environmental Concern. It is estimated that \$100 million could be required for hazards cleanup. The power plant would be eligible if a cleanup is needed.

For these reasons, the Mayor set aside 5 undefined acres which would not be expected to use CPA funds to cover ineligible uses if it is decided to have such uses. This led to the need to determine whether to propose to the CPC an amount to cover the expected eligible uses, or to use City funds, and whether to use bonds for the entire or part of the purchase. CPA Bonds are "interest free". Bonds also require 10 votes for approval from the City Council versus 8 for a strictly dollar approval.

The offer from the State is an "as is" sale at \$3.7 million with remediation, conservation or preservation to be borne by the City.

The Council will prepare an Order to file with the State through the City's State Representative, John Lawn.

The Mayor envisions the uses as a "20 year" vision. She has divided the property into four parts. The appropriate City bodies will be asked to study and recommend what should be done to preserve or otherwise use the property within their areas of expertise.

For the Historical aspects, she noted that the entire parcel was designated a significant Historical asset. As such, Attorney Pat Azadi was assigned the task of determining the status of each existing building for either demolition or preservation based on a designation of the National Historical Commission. The Waltham Historical Commission will be asked to oversee and make recommendations for the parcel.

For the Open Space and Open space Recommendations the Conservation Commission will be asked to oversee and make recommendations. They will also provide advice on any environmental issues.

All reports from the Boards and Commissions must be submitted prior to the deadline of July 25 for the Mayor to meet the docket deadline of the City Council of August 4.

A map was displayed (Waltham Planning Department 10/29/09,

MAP A: Structures by Year Built and Proposed Retainage,
FERNALD STATE CAMPUS)(attached)

As to the "four parts", the top (northwest) side should be used for Open Space purposes as it is the source of flooding problems due to filling which diverted underground water into City Streets. Remediation was estimated at \$11 million. The bottom section (southern) borders residential areas. The City rejected a proposal for 450 housing units from the State for development of Owl Hill for that reason and proximity to wetlands. The "front", (northeast) along Trapelo Rd. was proposed for development and rejected as it is currently zoned only for Conservation Recreation uses. The State marked the buildings (shown on the map in dark green - black) as those they would demolish. The State will retain the previously discussed four active sites under a license agreement until they are no longer needed (the Green Building, Marquardt Nursing, site 7 Rehab). After the legislation is filed and accepted, the State will set all of the conditions. The situation is now "fluid" but everything will be resolved as the project goes forward.

CPC Members questioned the Mayor regarding the need to "daylight" the stream, the possibility of building housing, CPC bonds effect on the development, urgency of CPC approval, selection of specific size of parcels within the CPA categories, the process of CPC approval by categories, the timing of needed legislative approval, and environmental issues.

The Mayor noted the conditions for creating housing include sharing of any "profit" from development of the parcel and rezoning. The Mayor does not have a role in zoning.

The Mayor requested that the Boards, Commissions and the City Council all do their due diligence prior to the CPC accepting the Application for \$3.7 million. The next step is approval of the legislature and signature of the Governor. The Governor is in favor. The special conditions listed in the "term sheet" make it necessary for legislative approval. DCAM has given a deadline of December to close. The final Agreement must be concluded by March 2015. The sooner the legislative portion is completed and DCAM receives the \$3.7 million then the City can start the normal process to acquire the Fernald as it would any other property.

The CPC would ask the Waltham Historical Commission (WHC) and the Conservation Commission (ConCom) to specify what requirements and restrictions they would place on all of the Fernald property. The CPC was asked not to question the two Commissions until they have completed their due diligence. The Motion was made to send the letters to the WHC and ConCom per the Mayor's request from the City Council and to send their input to the Mayor and the CPC, which passed 9 in favor.

The Motion was made to continue the PUBLIC Hearing without closing it which passed 9 in favor.

The Mayor presented the four requests she had received from the City Council:

1. An independent environmental peer review
2. An independent evaluation of the State "illegal" filling of wetlands
3. An independent estimate of the proposed demolitions
4. An independent definition of allowable zoning

The Chair speculated that the CPC could pay for some of these services with CPA funds in the budget. A Motion was made to pay with CPC Funds the cost of an independent estimate of the cost to restore the wetlands on the future city land as requested by the City Council, which passed with 9 in favor.

The Chair noted that the Treasurer has asked for an estimate of the long term revenues of the CPC for possible bond purposes.

Scheduling for future Special Meetings and for site views. The Chair or Clerk will use the doodle.com website to schedule possible meetings during the summer before the first regularly scheduled meeting of CPC FY 2015.

E. Old Business

1. Applications

a. Planning Department - Housing Division - Decision Meeting - Application for Tenant Based Rental Assistance (TBRA) \$500,000.

The Mayor requested that the CPC put the Decision discussions on hold until she has the opportunity to address questions she had received that evening.

A Motion was made to table the TBRA Application until the next CPC Meeting at the request of the Mayor which passed 8 in favor and with one abstention.

b. Hardy Pond Conservation Area (HPCA) City Council Application - Open Space/Recreation - Decision Meeting

A Motion was made to table the HPCA Application until the next CPC Meeting at the request of the Mayor which passed 9 in favor.

2. Conservation Restrictions - CPA Open Space and Recreation Acquisitions - Third Party Holders

Vice-Chair Dwyer described his work to define the process to be used for RFP'S and the process to write Waltham's Open Space Conservation Restrictions (CR's) on the three previous Open Space purchases with Purchasing Director Joseph Pedulla. Mr. Pedulla's questions are:

- a. What is the cost to manage the parcels? Are the costs "one time" or annually paid?
- b. For the "baseline studies", how will the required "regular monitoring" be done?
- c. How will the authority of the organizations to accept the role of monitoring be specified?

The Chair and Mr. Dwyer will meet with Mr. Pedulla.

3. Budget Discussion/Finances

The Chair noted that the Arrigo Farm was still under negotiation and the correction of the math error was made.

4. Quarterly Reports.

Due no later than June 30.

F. Good of the Committee

- a. The scheduled CPC Meetings are listed in the CPC Plan. The Program Manager will review the dates for possible conflicts and publish the schedule for FY

2015.

- b. The Program Manager will contact the City legislative delegation in support of restoration of \$25 million to the 1st position to receive CPA Matching funds assuming there is a State Budget Surplus.
- c. All four public members of the CPC have expressed their interest in returning for FY 2015. The Council Ad-hoc Reappointment Committee is scheduled to meet Monday, June 16.
- d. The Chair distributed a spreadsheet showing the update of the appropriated CPC projects as of May 31 2014. Encumbered funds were \$422,716 and available funds \$750,381 for a total of \$1,173,097.

G. ADJOURN

The Motion was made to adjourn and passed without dissent from the 9 CPC Members in attendance.