

Present: Sherrill Cline, Christopher Morely (Chairman),
Sheila Stewart, Jim Hill, Georgette Heerwagen, Richard Bell, Lynne
Remington, John Drobinski and Seamus O'Kelly

At 7:38 p.m., Chairman Morely called the meeting to order. He welcomed the newly-appointed Committee at-large member, Lynne Remington, to her first meeting.

CPC Project Submission Proposals - Public Hearing

Chairman Morely opened the public hearing on presentations of the proposals received this year for consideration for Community Preservation Act funding. He announced that eight proposals will be summarized tonight, and the remaining eight proposals will be presented at the CPC's next meeting on December 3, 2008.

Project Submission Form - CSX Rail Corridor Acquisition

Present: Conservation Coordinator Deborah Dineen

Ms. Dineen briefly described the project request of the Town Manager, for re-submittal and re-vote of the CSX land purchase for \$700,000 for Open Space and Recreation. This article is the same as was presented, and enthusiastically approved, at last year's Town Meeting. However, Ms. Dineen noted that the only difference this year, is it will reflect the entire purchase price, which is required for the Town's application for the State Drinking Water Grant Program, which is a reimbursement program.

Ms. Dineen reviewed the Town's efforts to acquire a rail bed owned by CSX Corporation that is a 66-foot wide corridor and 6,733.5 linear feet long, containing 9.76 acres. She emphasized that the purchase of this rail bed would provide passive recreation opportunities, trail connectivity, and most importantly, protection of 60% of the Town's water supply, since five Town wells are located within 3000 feet of the track, and one of those wells is positioned less than 30 feet from the track.

Ms. Dineen reported that a State Drinking Water Supply Protection grant was awarded to the Town, but had to be returned based upon a regulatory technicality. The Town will need to re-apply for this grant. Ms. Dineen is optimistic for a successful outcome to that application submission. If awarded the grant again, the State will reimburse the Town, and thus, the full purchase price for the Town will be decreased from \$700,000. She also stated that the Sudbury Water District is funding \$25,000 towards the land purchase.

Ms. Dineen briefly described some soil testing due diligence performed by the Town and the preliminary results. Further discussions will be held between all parties regarding the findings of the test results to determine appropriate future actions and consequences.

Chairman Morely asked if the estimated purchase price of \$700,000 will be altered based upon discussions related to previous oil spills and/or present real estate market conditions. Ms. Dineen responded that counsel representing CSX and Sudbury's Town Counsel will assess the available information and advise accordingly.

Chairman Morely and Ms. Dineen noted that a similar process of requesting the full purchase price, which includes reimbursable amounts from other entities, was used to acquire the Nobscot property, and it is a required element of most state grant programs.

Ms. Remington asked how much of a grant is being requested. Ms. Dineen responded that it will be approximately \$247,000, since there is a cap based upon half of the lowest appraisal figure obtained.

Jim Nigrelli, 51 Pennymeadow Lane, asked what will happen if the Town does not receive the grant this year. Ms. Dineen stated that Town staff are always researching other revenue resources, which would then be needed to help fund the full purchase amount. Mr. Nigrelli also asked if rail banking is part of the abandonment procedures. Ms. Dineen responded affirmatively.

Ms. Dineen urged support of this project, emphasizing that the property's footprint is in a significant location for protection of the Town's water supply.

Project Submission Form - 79 Lincoln Lane

Present: Conservation Coordinator Deborah Dineen

Ms. Dineen presented the project request of the Town Manager for \$48,600 of FY10 CPA funds for the purpose of purchasing land at 79 Lincoln Lane as Open Space. She noted that the property has been flagged for those who are interested in better viewing the parcel location. Locus maps and additional graphics are also available on the Town website.

Ms. Dineen briefly reviewed the ownership and Conservation Commission permitting history of the fully-conforming lot along the river, which is now being offered to the Town for \$400,000. The property was appraised at \$525,000 in January 2007. It was noted that this parcel has been identified as an important Town asset within the Town's Open Space and Heritage Landscape Plans.

Ms. Dineen reported that the trustees of the Nyanza NRD Trust Fund have responded favorably to the proposal and have visited the site. Ms. Dineen is optimistic that, if the Town expresses its interest in preserving the parcel with a small amount of funding such as the proposed \$48,000, then it is likely that the Nyanza NRD Trust Fund will favorably fund the remaining \$352,000. She further explained that this property abuts U.S. Fish and Wildlife land, Town-owned conservation land and land owned by the Sudbury Valley Trustees. Chairman Morely noted that this CPC proposal application includes a

letter from the Sudbury Valley Trustees supporting the purchase and the protection of this important lot.

Ms. Heerwagen asked if the land will be used for recreation or as a public access for boating. Ms. Dineen responded that the property is not conducive to such uses given the ecology of the area and the existence of a large flood plain. Mr. O'Kelly later noted that the area across the street has been recently developed. He questioned what benefit the public will reap from this purchase. Ms. Dineen reiterated that public access is unlikely, however the public will benefit from the ecological habitat protection and protection of the viewscape along the river from further development.

Ms. Heerwagen noted a large variance between appraisals completed in 2005 for \$150,000 and another completed in January 2007 for \$520,000. She questioned whether the appraisal is still accurate in today's market. Ms. Dineen responded that the value has been discussed with the Nyanza NRD Trust Fund trustees, who believe that the \$520,000 appraisal may be low, even by today's standards for river-front property. Ms. Dineen also noted that the appraisal for \$150,000 was established well below the 2005 market rate for deliberate purposes between parties at that time.

Chairman Morely noted that the Community Preservation Act does not allow for expending funds in excess of an appraisal. He also wondered if the appraisals provided are too old, and will need to be redone. Further research will be conducted to determine if an updated appraisal is necessary.

Chairman Morely asked who will own the property at the close of the sale. Ms. Dineen responded that ownership is yet to be determined. Mr. Hill asked if ownership will be determined prior to the 2009 Town Meeting. Ms. Dineen noted that, due to the timing of the Trust funding process the information may or may not be available by early April 2009. However, Ms. Dineen emphasized that the terms of the Trust's mitigation plan require that the land be held in perpetuity by a conservation entity, which will likely be the Sudbury Valley Trustees, the U.S. Fish and Wildlife or the Town of Sudbury. She also noted that the trustees are open to discussions of various options.

Mr. Drobinski suggested that, if the eventual owner is a governmental entity, Sudbury may be able to negotiate a future contribution to the Town in lieu of property taxes.

Mr. O'Kelly asked if there is a firm commitment by the current owner to the purchase price of \$400,000. Ms. Dineen responded affirmatively, stating the Town is in possession of a written offer.

Project Submission Form - Rail Trail Concept Plan

Present: Director of Planning and Community Development Jody Kablack

Ms. Kablack stated that this proposal has been submitted by the Town Manager. She explained that the Town Manager, Selectmen and Town staff have recommended that Town staff develop a concept plan to further define the vision and status of the Bruce Freeman Rail Trail project in Sudbury. Ms. Kablack described the proposal as an interim phase of a complex project, which is intended to help bridge the gap between the study and design project phases.

She noted that this request asks that up to \$25,000 of leftover, previously appropriated, funds from the base map survey contract work be used to pursue a concept plan. Ms. Cline asked what the \$25,000 would be used for by Town staff. Ms. Kablack opined that the funds would likely be used to fund graphics and schematics to help further delineate this project for the community, and it could possibly include funding for consultants or specialists, if needed. Ms. Kablack will work with Conservation Coordinator Debbie Dineen and Department of Public Works Director William Place throughout the next year to assess information amassed to date and critical design aspects and best next steps in the process, with particular attention to the sensitive environmental issues inherent to the project.

Ms. Remington asked if multiple concept plans will eventually be presented by Town Staff for consideration. Ms. Kablack responded that it is difficult to predict what the conclusions will be until Town staff receives the completed base map survey and is able to begin its evaluation.

Rail Trail Conversion Advisory Committee (RTCAC) member Dick Williamson, 21 Pendleton Road, clarified that the rail bed is owned by the Commonwealth of Massachusetts, that the Executive Office of Transportation (EOT) is the manager and that the EOT does not involve itself in design matters. He emphasized that if the Town is to avail itself of State funding, then it must adhere to standards which will be agreed upon by the Town, the eventual contractor and the Massachusetts Highway Office. If the Town chooses to fund the project entirely on its own, then it maintains more design flexibility and autonomy.

Mr. Williamson noted that this interim step is not an alternative to a 25% design, as is stated within the funding proposal. In addition, Mr. Williamson stated that he supports the proposal as a means to continue Town momentum for the project. However, he also noted that RTCAC members have abundant expertise to assist Town staff, and he hopes they will be included in the process.

Mr. Drobinski opined that he is optimistic that fruitful negotiation discussions can occur with the appropriate authorities, just as Sudbury was able to do with the Massachusetts Highway Office regarding the development of Route 20.

Carole Wolfe, 637 Concord Road, asked if any of the requested funds will be used for title search work. Ms. Wolfe recently attended a 25% design meeting in Acton, where

she learned that a clear title must be presented prior to construction. She noted that preliminary studies have identified that the project, which could include ten private crossings, could encounter title problems obtaining easements. She opined that the extent of these potential hindrances to a clear title should be identified as soon as possible so as to avoid wasting money and time unnecessarily. Ms. Wolfe further stated that she was pleased to hear that, given the present state of the economy, it is likely that there will be no State funds available for this type of project, which has been estimated at approaching \$40 million for a 25-mile trail. She noted that consultants have estimated the cost for Sudbury's section at \$3.1 million for a soft-surface trail. However, she further stated that Acton reported that such expense estimates eventually double in costs. Ms. Wolfe sincerely questions whether the Town will choose to spend millions to build a trail during these challenging financial times. Ms. Kablack responded that, upon an initial review of title matters, Town Counsel has concluded that there appear to be no insurmountable concerns with the title to prohibit the Town from proceeding with planning efforts at this time.

Jim Nigrelli, 51 Pennymeadow Lane, asked about the status of the delineation of wetlands resources and whether the reports produced by Atlantic Engineering, Inc. are available to the public. Mr. Nigrelli further questioned whether it would be wise to retain all of the leftover funds to complete the necessary engineering reports.

Ms. Kablack responded that the reports have not yet been completed by Atlantic Engineering, Inc., but that the information Mr. Nigrelli has referenced will be included in the final reports. She further stated that the Town has been assured that all information required by the contract will be provided by Atlantic Engineering, Inc. It appears that funds in the amount of approximately \$53,000 will be unused from the original article. This request is to use up to \$25,000 of those funds.

Rail Trail Conversion Advisory Committee (RTCAC) Chair Pat Brown, clarified that the right of way is owned by the State, however, any use of the right of way is overseen by the Executive Office of Transportation. As the RTCAC Chair, Ms. Brown stated she has been contacted by Ms. Kablack and Ms. Dineen to discuss how best to include the expertise of the RTCAC members in the proposed work.

Chairman Morely opined that he is pleased Town staff will have an opportunity to become more involved in the evaluation of this information.

Project Submission Form - Historic Properties Survey - Part 3

Present: Sudbury Historical Commission member Maurice Fitzgerald

Sudbury Historical Commission member Dr. Maurice Fitzgerald, 108 Old Lancaster Road, briefly reviewed a Project Submission Form, submitted by the Sudbury Historical Commission, requesting \$10,000 of FY10 CPA funds for the purpose of completing Part 3 of the Historic Properties Survey. The first phase, which covered 150 homes and was published in 1996, was circulated to the Committee for review. The second phase

supplement covered 33 homes, was published last year, and was also circulated to the Committee for review. Dr. Fitzgerald noted that the proposed third phase will complete the remaining 40 residential properties, which were identified by the Board of Assessors as built prior to 1901. He stated that the estimated cost of \$10,000 was determined based upon the actual 2004 survey cost of \$9,800.

Chairman Morely explained that the survey of the Town's historic homes is a State-mandated requirement. He further noted that a future fourth phase will later tie together neighborhoods per regulations provided by the State.

Mr. Hill noted that the survey publications previously produced have been extremely useful to the Town's Building Department, and could also be beneficial as part of a future GIS mapping system.

Sudbury Historical Commission Co-chair Lyn MacLean clarified that if a home is within an Historic District, the house will not be identified separately within these survey publications, but rather the Historic District itself is denoted.

There were no questions from the public.

Project Submission Form - Sudbury Valley Trustees Barn Reconstruction

Present: Sudbury Valley Trustees representative Laura Mattei

Representing the Sudbury Valley Trustees (SVT), Laura Mattei described the Project Submission Form submitted by SVT requesting \$38,000 of FY10 CPA funds for the purpose of reconstructing the ramp at the rear of historic Wolbach Farm barn, which is located in an historic district. Ms. Mattei emphasized that this property presents an outstanding view for all travelers driving north on Route 27 into Sudbury, it is mentioned in the Town's Master Plan, and the character of this property should be preserved.

Ms. Mattei stated that the total expense for the required reconstruction work has been estimated at \$76,000. The proposal requests ½ of the funding. She further stated that SVT will also be pursuing other funding resources in addition to this request. Additionally, Ms. Mattei reported that engineering plans have been completed to use in a more thorough bid process, and that estimates for the work have increased in cost, however the CPC request will remain at \$38,000.

Chairman Morely noted that he has visited the site and witnessed the deterioration and structural problems of the barn ramp. He further stated that photographs related to the intended project are included with this proposal posted on the Town website. Chairman Morely informed Ms. Mattei that there have been few private project requests submitted in the past to the Committee, and those which have been approved have offered the Town

additional protection in the form of permanent deed restrictions. Ms. Mattei opined that, although the decision rests with its Board, she believes the SVT would be amenable to considering language which will help to preserve the character of the property. Mr. Drobinski noted that the SVT and the Town have had a long-standing and successful partnership in working for land preservation.

Ms. Heerwagen asked if the barn ramp is used. Ms. Mattei and Chairman Morely explained that the ramp provides an egress for special functions as well as being a major architectural feature of the barn.

Ms. Cline asked if the requested amount for CPA funds will change given the results of the pending bidding process. Ms. Mattei responded that she does not anticipate an increase to the project's estimated expenses.

Mr. Bell noted that wording within the proposal regarding the slope should be corrected to reflect a "maximum" slope of 12 1/2% versus a "minimum" slope of 12 1/2%.

There were no questions from the public.

Project Submission Form - Frost Farm House

Present: Applicant William Braun

Sudbury resident and applicant William Braun, 148 North Road, addressed the Committee to discuss his Project Submission Form requesting \$33,166 of FY10 CPA funds for the purpose of purchasing materials to restore the Frost Farm House and for services provided by a licensed plumber. He provided a brief history of the ownership of the home, through the time it was acquired by the Town in 1990. Mr. Braun explained that, although the House is not an historic structure, the dwelling does have historic value for Sudbury.

Mr. Braun responded to a Town Request for Proposal (RFP) about a year ago, and he was awarded the opportunity to pay for and restore aspects of the Frost Farm House while living there, in lieu of rent payments to the Town. He stated he has invested about \$100,000 in renovations to date. Mr. Braun noted that the restoration process has become much more extensive than was originally anticipated by either the Town or himself. This proposal specifies the additional work to be funded which was not previously contemplated in the rehabilitation agreement signed by the Town and the applicant: concrete footings; perimeter drains; a shed-roof addition; replacement of windows, sheathing, siding and exterior trim; rebuild of front entry; some plumbing; insulation; and a boiler.

Ms. Kablack circulated to the Committee a three-ring binder of historic pictures of the property for reference purposes, as well as pictures of the work being done by Mr. Braun. In response to a question from Chairman Morely regarding the removal of three-season

porches on both sides of the house, Mr. Braun explained that the porches were beyond repair. However, Mr. Braun further stated that one porch has been replaced with modern methods, and he also plans to replace the second porch to regain a symmetrical appearance. In addition, Mr. Braun stated that a truncated hip roof over the porch has been installed to assist with drainage issues.

In response to a question from Ms. Cline, Mr. Braun stated that he envisions that this project would be considered for CPA historic category funds. However, Mr. Hill expressed that the House is not a historic structure. Mr. Braun reiterated that Sudbury has recognized the historic value of this property to the Town by issuing the RFP to attend to the building's needs. Based upon features of the home, Mr. Braun estimates that the dwelling was built between 1900 and 1915, and that a fire occurred around 1929.

Mr. Braun reported that he has contacted the Sudbury Historical Commission to discuss his proposal further at its December 2, 2008 meeting. Mr. Hill asked if Mr. Braun anticipates the need to request additional funds in the future. Mr. Braun responded that he does not foresee that future need at this time.

In response to a question from Ms. Remington, Chairman Morely clarified that the Town owns the House. Mr. Drobinski and Ms. Kablack noted that the Selectmen have affirmatively voted to preserve this structure since 1990, and that the arrangement with Mr. Braun allows the Town to protect its asset without incurring expensive maintenance costs. Ms. Kablack emphasized that the upcoming meeting with the Sudbury Historical Commission is critical, since that Commission must deem the structure to be an historic resource, and thereby eligible for CPA funds.

In response to a question from Ms. Heerwagen, Mr. Braun stated that the house is a sound habitat at this time, but that the projected work does need to be done. If he is not awarded the CPA funding, Mr. Braun stated that he will proceed with the proposed work, but on a delayed time schedule.

There were no questions from the public.

Project Submission Form - Loring Parsonage

Present: Sudbury Historical Commission Chair Elizabeth Radoski

Sudbury Historical Commission member Elizabeth Radoski briefly reviewed a Project Submission Form, submitted by the Sudbury Historical Commission (SHC), requesting a TBD amount of FY10 CPA funds to complete restoration work on the Loring Parsonage. She provided a brief history of the 17th Century-home, which has undergone considerable restoration work throughout its history, and requires more repairs at this time. Proposed repairs include providing handicap access to the first floor, as well as external repairs to the siding, roofing and windows.

Ms. Radowski noted that the Lincoln-Sudbury Credit Union is currently housed in the facility.

Ms. Radowski stated that an architectural consultant has been hired to assess the project. She further stated that the SHC will meet with the consultant, the Building Inspector and the Permanent Building Committee on December 4, 2008 to determine how best to proceed with the project. As a result of these discussions, it is hoped that bids will be available prior to the 2009 Town Meeting, so that an actual price can be presented to the voters.

There were no questions from the public.

Project Submission Form -Hearse House Extension

Present: Sudbury Historical Commission member James Hill

Mr. Hill briefly presented the Project Submission Form, submitted by the Sudbury Historical Commission, requesting an extension to complete the Hearse House relocation from a private residence to the cemetery. Due to the expiration of a previous sunset clause, Mr. Hill noted that this extension request requires no FY10 CPA funding. Mr. Hill stated that much of the work completed to date for this project has been done by volunteers.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Public Hearing at 9:22 p.m.

Miscellaneous

Director of Planning and Community Development Jody Kablack

Ms. Kablack provided the Committee with copies of an updated listing of the CPC FY10 Proposals, grouped by CPA category. There are three Open Space proposals for consideration of a total of \$773,600, eight Historic proposals totaling \$273,961+, four housing proposals totaling \$1,230,000 and one administrative funds request for \$30,000. She also reported that there is \$297,000 available in Historic reserves, with an additional \$230,000 of anticipated funds to be added to this category this year.

Ms. Kablack also provided the Committee with copies of an updated "Sudbury CPA Funds Analysis" and a "Community Preservation Act Revenues" report. She provided a brief overview of the data, noting that the 35.66% percentage of CPA "FY" Funds used each year for Open Space only reflects the debt service information rather than the total expenditure.

A brief discussion ensued regarding the validity and appropriate use of sunset clauses.

Ms. Kablack reminded the Committee that final project expenditures printed in the warrant language need to be as flexible as possible to allow for changes in prices after projects have gone through the requisite 30B Procurement requirements.

Upcoming CPC 2008 Meeting Schedule and Agenda

The Committee will conduct public hearings on the remaining project submissions at its next meeting on December 3, 2008, at 7:30 p.m. at Town Hall.

On motion duly made and seconded, it was unanimously:

VOTED: To adjourn the meeting at 9:45 p.m.