

Present: Christopher Morely (Chairman), Fred Floru, Lynne Remington,
Pat Brown, Elizabeth Quirk, Sherrill Cline, Thomas Friedlander,
Bob Beagan, and Director of Planning and Community Development
Meagen Donoghue

Absent: Diana Warren

At 7:35 p.m., Chairman Morely called the meeting to order.

Review of Financial Capacity

Present: Finance Director Dennis Keohane

At 7:35 p.m., Chairman Morely opened a discussion regarding FY18 CPA funds available and bonding capacity, and he welcomed Sudbury Finance Director Dennis Keohane to the Meeting. Copies of a “5-15 Year Capital Plan” spreadsheet, a handout entitled “Community Preservation Funds Schedule of Revenues, Expenditures and Changes in Fund Balance Budget and Actual for the Fiscal Years Ended June 30, 2015-2017” and a spreadsheet entitled “FY18 CPC Financials” were distributed tonight.

Mr. Keohane stated he is still working to reconcile the figures for unspent CPA appropriations. He explained the “Community Preservation Funds Schedule of Revenues, Expenditures and Changes in Fund Balance Budget and Actual for the Fiscal Years Ended June 30, 2015-2017” information distributed tonight reflects all appropriations in the operating fund. However, he further explained funds can be transferred into a carry-forward fund and remain there until they are spent. Mr. Keohane stated he hopes to have the figures for unspent appropriations fine-tuned in the next week.

Mr. Keohane referenced the “FY18 CPC Financials” handout, noting the revenue figures in the top section are estimates. He noted figures have been left blank for “Reserved for prior year appropriations” until he can reconcile the amounts.

Ms. Cline noted the Sudbury Housing Authority (SHA) request was omitted from the bottom section of the handout listing the CPC Proposals. Ms. Donoghue stated she will revise the list to include the SHA request.

Ms. Cline referenced spreadsheets the Committee was accustomed to receiving, which she had found very helpful in that they listed all the CPA approved projects with relevant information. She asked Mr. Keohane if he could provide similar information to the Committee when he completes his financial reconciliation. Mr. Keohane stated he could provide information back to 2002.

Ms. Cline asked where the excess revenue goes when actual local revenues exceed what was budgeted for the year. Mr. Keohane explained that any funds in excess of the budgeted amounts go into undesignated reserves. Chairman Morely explained the law requires the designation of 10% of the budgeted local revenues for specific categories (affordable housing, historical preservation, and open space) and not 10% of the actual local revenues.

Mr. Keohane summarized his review of the bonding capacity, noting he believes last year's estimate was low because it assumed no increase in revenues. However, he believes the estimated FY18 local surcharges could be \$1,800,000 versus \$1,700,000 in FY17, and thus bonding capacity has increased.

Chairman Morely asked if the Committee should be considering bonding capacity for FY18 and FY19, since bonding for a project in the first year is minimal. Mr. Keohane stated FY18 bonding payments would only be for interest, and in FY19, they would be for principal and interest. Mr. Keohane stated he estimated the bonding capacity for FY18 at approximately \$1,800,000, and possibly \$2,200,000 in FY19. Ms. Remington asked if the Committee could receive updated bonding capacity information. Mr. Keohane stated he revised these figures today, and he will circulate an updated spreadsheet to Ms. Donoghue tomorrow for distribution to the Committee.

Mr. Floru asked if the estimates include an assumption of an increase in rates. Mr. Keohane stated his estimates have been based on a rate of 3%.

Ms. Cline asked why the recent State CPA match announced for \$392,000 is not reflected, and Chairman Morely explained the timing of receipt of this payment, which will be for FY17.

At 8:01 p.m. Chairman Morely thanked Mr. Keohane for the information provided, and the discussion was closed.

Review of Project Submission Forms Received

At 8:01 p.m., Chairman Morely opened a discussion regarding the Project Submission Forms received by the November 7, 2016 deadline, and the projects were discussed as follows:

North Gate Farm Purchase of Development Rights (\$4,237,500)

Present: Proponent's Attorney Michael Fee

The Board was previously in receipt of copies of a memorandum from the Land Acquisition Review Committee (LARC) dated November 25, 2016 regarding the purchase of development rights for 999 Concord Road.

Chairman Morely reported the Town received test pit data late this afternoon along with the plan which was submitted with the original funding request, and he referenced the memorandum received from LARC.

The proponent's attorney Michael Fee stated he just now received the memo from LARC. Mr. Fee stated he has worked to advise the proponent, who has had financial struggles and is trying to preserve the property rather than have to sell to a developer to relieve financial pressure. Mr. Fee stated his client looks forward to the Public Hearing when her proposal can be presented. He also stated the client understands the availability of CPA funds is limited, and he believes his client would be open to negotiation regarding the purchase price submitted. Mr. Fee explained an average price was submitted to begin discussions, asking if the Committee might be willing to consider the project for a lesser amount.

Chairman Morely stated LARC members recalled a previous review of this property for approximately \$2 million, and this lower figure did not alter LARC's conclusion as stated in the November 25, 2016 memo. Mr. Fee stated the \$2 million figure may have corresponded with the original parcel. However, Mr. Fee noted the property owner has since acquired 18 additional acres, in the hope that a larger property offer would be more attractive to the Town. He stated there are a lot of wetlands on the 18 acres, which would present challenges, but it is assumed that at least nine lots of the proposed 11 lots could be developed.

Chairman Morely stated his understanding was that a subdivision could only be built if the existing home of the property owner were demolished, but that the owner wished to remain there. Mr. Fee stated he believes the property owner would have to be willing to tear down the home, if the property were to go to a developer.

Mr. Friedlander asked if CPA funds have been approved in the past for projects not supported by some Town entity(ies). He believes there has been a precedent of funding requests being supported by a Town group(s). Chairman Morely suggested the proponent should reach out to the Conservation Commission.

Mr. Fee stated he wishes he had had the opportunity for he and his client to discuss the proposal with LARC before LARC reached its conclusions.

Ms. Cline asked for clarification regarding the 35 acres noted in the application and the 18 acres referenced for development. Mr. Fee explained the property owner bought the additional 18 acres to add to the conservation interest in the parcel. He stated the property is contiguous with other surrounding protected areas.

Ms. Cline asked what portion of the property is under Chapter 61A, and it was stated that the original parcel is.

Ms. Remington asked if the proponent has been before the Conservation Commission and if an ANRAD has been approved. Mr. Fee stated they have not formally been before the Commission, but they have had several discussions with the Conservation Coordinator. Mr. Friedlander stated an ANRAD has been approved by the Conservation Commission.

Ms. Remington questioned the value for the proposed 11 lots, noting that if the property is primarily wetlands it could/would never be developed.

Ms. Cline asked who the surrounding open space abutters are. Mr. Fee stated he could compile the information and provide it at a later time.

Mr. Floru asked how many lots are buildable. Mr. Fee stated the subdivision plan submitted proposes 11. Upon a preliminary review of the test pit data, Ms. Remington stated there has been no testing on lots 5,7 and 10.

Chairman Morely informed Mr. Fee that it appears the CPA bonding capacity this year may be only between \$1 million - \$1.8 million, and therefore the Committee may need to pick and choose between the funding requests submitted.

At 8:20 p.m., Mr. Fee thanked the Committee for its input, and he left the Meeting.

Mr. Beagan asked if LARC typically invites people in for discussion at its meetings. Chairman Morely summarized the genesis of LARC, which meets irregularly to primarily review Chapter 61A properties.

Ms. Quirk raised a procedural question for the CPC regarding whether project requests should be rejected prior to the Public Hearing process. Chairman Morely explained that, in the past, experienced Town staff would work with proponents to help vet project applications before they were submitted in order to have the best chance to succeed. However, due to personnel changes this year, and while Ms. Donoghue is becoming acquainted with CPA for the first time, a preliminary review by staff did not occur. The consensus of the Committee was that it should not make its final decisions on project submissions until after the Public Hearing presentations. Mr. Friedlander suggested possibly having the Public Hearings earlier in this process next year. Ms. Remington suggested possibly assigning a Committee member to each project submission to learn about the project and work with the proponent and to update the Committee. Mr. Friedlander and Ms. Cline were inclined to view this function as the role of Town staff and not Committee members.

Ms. Cline suggested, and the Committee concurred, that Mr. Fee be advised that the Committee would like a real purchase figure to consider and it would like to know what other funding resources would be utilized. It was suggested the proponent should be encouraged to reach out to the Sudbury Valley Trustees and their abutters.

In response to a question from the Committee, Chairman Morely explained the property is listed on the Open Space Plan, but only because of its Chapter 61A status, and the list includes all Chapter 61A properties. He also explained this request is an extremely odd situation because typically there is a Purchase and Sale Agreement by someone else for the Town to consider for Chapter 61A properties.

Ms. Remington suggested, and the Committee concurred, that the proponent should be asked to clarify whether there would be public access to the property.

Mr. Friedlander suggested, and the Committee concurred, that the proponent should be asked to pursue Town groups to indicate support for the proposal.

Ms. Donoghue stated she would share with Mr. Fee the information requested by the Committee.

Mr. Floru opined the proposal should possibly have been vetted by the Board of Selectmen before being deliberated by the CPC.

Wayside Inn Land Preservation through conservation Restriction (\$TBD-debt exclusion, TBD CPA 100,000)

At 8:37 p.m., Ms. Brown stated she shared the Committee's previous comments with the Selectmen in Executive Session. She explained the Wayside Inn proposal is still under active negotiation regarding price and the Conservation Restriction details in Executive Session meetings. Ms. Brown stated she believes there is the intent to bring forth a proposal for the CPC Public Hearing scheduled for January 4, 2017, noting the Trustees of the Wayside Inn would prefer not to delay the project to the October 2017 Town Meeting and possibly have to enter into another appraisal process.

Chairman Morely stated the Town Manager has requested this Project presentation be scheduled for the January 4, 2017 Public Hearing.

Mr. Friedlander stated that, last year, the Board of Selectmen asked the CPC to recommend a CPA contribution to the project costs, and he assumes a similar request will be made this year. He stated the Committee does not really have to know the final agreed upon value for the property to make its recommendation of how much CPA funding it can recommend for the project.

Chairman Morely stated the Committee would want to know what the deal looks like before making its recommendation. Ms. Brown stated the Committee would probably want to know what the Town was getting in the deal and what other funding sources will be used to fund the total project costs.

Ms. Donoghue stated the Public Hearing presentations will be posted in the newspaper generically, and which projects will be presented on which date will be posted on the Town website and on the CPC agenda when it is posted.

Protect Sudbury (\$150,000 for FY18 with private contributions of \$50,000 and \$175,000 for FY19 and \$25,000 of private contributions)

At 8:43 p.m., Ms. Brown recused herself from this discussion, and she exited the Meeting room.

Chairman Morely stated he spoke with the CPA Coalition about whether this project submission would be eligible. He stated the issue is complicated, but it is possible the project would be legally eligible if the Town decides to pursue it. Chairman Morely noted previous instances where it was ruled ineligible to use CPA funds to protect land which abuts conservation land or to protect historic districts. He explained there is a $\frac{3}{4}$ mile stretch of the area in question, which is in the middle of conservation land, and thus, the Town could spend CPA money to try to protect that small stretch.

Mr. Friedlander questioned how protection would be defined.

Chairman Morely suggested the Committee should probably decide its recommendation on this project based on other factors than whether it is legally eligible. He noted the Town is already spending Town tax dollars on legal work related to this project proposal, and he questioned whether the CPC would also want to recommend the use of CPA funds.

Mr. Friedlander stated he would want to see an opinion from Town Counsel. Chairman Morely stated he would contact Town Counsel.

Mr. Floru stated whether the project is legally eligible is a fair question for the Committee to pose.

Ms. Quirk suggested it would be helpful for the Committee to have an opinion from Town Counsel prior to the Public Hearing presentation for this project.

Chairman Morely stated the Department of Revenue (DOR) previously ruled that protecting land abutting CPA land was not eligible unless development rights were being purchased.

Park and Recreation Commission/Department Pour in Place Surfacing (\$65,000)

Park and Recreation Commission/Department Consulting/Planning Services (\$50,000)

Featherland Multi-sport Court Reconstruction (\$175,000)

At 8:52 p.m., Ms. Brown returned to the Meeting.

Mr. Beagan stated that due to the Park and Recreation Director being on vacation, he did not have answers to many of the Committee's questions from the last Meeting. However, he stated Kayla McNamara and Mara Huston would be working to provide completed application materials on the Consulting/Planning and Featherland projects noted above. He also stated the Park and Recreation Commission will meet next week to vote on the Featherland court configuration(s).

Park and Recreation Commission/Department Consulting/Planning Services (\$50,000)

Regarding this project request, Mr. Beagan later clarified he had misspoken at the last CPC Meeting by stating the requested funds would be used to update the Gale Study reports. He explained this is not the case, and he summarized how the Commission might use the funds. Mr. Beagan asked if the CPC had ever received a similar type of request.

Chairman Morely and Ms. Remington stated that they do not recall a similar request for what they consider would be perceived by some as a consulting slush fund. Ms. Remington stated she would want to see a specific use of the funds delineated.

Ms. Cline suggested another option might be to request CPA Administrative Funds when a specific need is identified.

Advancing the Bruce Freeman Rail Trail (BERT) Design (\$330,000)

At 8:53 p.m., Ms. Brown stated VHB conducted a presentation on the 25% design last night, and she noted the Selectmen have not met regarding the information provided.

Chairman Morely referenced handouts distributed tonight from Environmental Planner Beth Suedmeyer of a memorandum dated November 30, 2016 and a memorandum from VHB dated October 26, 2016. He noted the financial shortfall for the 25% design previously mentioned as being covered as part of the requested \$330,000, will now be covered from other Town accounts and not with additional CPA funds. Ms. Brown stated she asked for clarification on this and her understanding is similar to what Chairman Morely stated.

Chairman Morely stated he clarified the information by email today with Ms. Suedmeyer, who confirmed the \$330,000 request is now intended to only be used for the 75% design and it is anticipated to be expended in FY18.

Ms. Brown noted it was stated at last year's Town meeting that the 75% design would cost \$300,000, however, \$150,000 was already appropriated for it last year, and now another \$330,000 is being requested for a total to date of \$480,000.

Town Hall Restoration (\$600,000)

Chairman Morely stated the Committee had not posed any questions at its last Meeting, and thus there is no new information available.

Renovation of 420 Lincoln Road, Sudbury MA (\$400,000)

At 9:00 p.m., Ms. Quirk stated she would recuse herself from this discussion, due to her husband being a member of the Lincoln-Sudbury Regional High School (L-SRHS) Committee.

Chairman Morely stated he discussed the Committee's questions with L-SRHS Superintendent Bella Wong and he reached out to the Town's two historical groups (both expressed interest in preserving the structure). He opined that, in an ideal world, it would be good to preserve this type of historic structure. Chairman Morely stated the exterior of the building could be preserved and the Town could ask for something in return, such as an historic preservation restriction on the exterior for some CPA funding to be put towards the total project costs. He stated he visited the building, and the interior, which is not in its original condition, would be demolished. Chairman Morely asked Ms. Donoghue to research whether it would need to be documented that the project qualifies for an historic restriction.

Ms. Cline expressed concern about how the Town would enforce what would be preserved.

Mr. Friedlander stated he views this project request as different than the previous CPA request for the Loring Parsonage. He stated he would like to know what other Town groups support the project. Chairman Morely stated he would share with Superintendent Wong that L-SRHS should reach out to the Sudbury Historical Commission and the Sudbury Historic District Commission.

Ms. Brown asked if there is information about how much a historic restriction costs. Ms. Donoghue stated she would research this question.

In response to a question from the Committee, Chairman Morely clarified that he did share with Superintendent Wong the idea of a historic restriction on the exterior, but the L-SRHS School Committee has not yet discussed or voted on whether this is something it wishes to pursue.

Mr. Floru asked if the structure would have to be registered as historic. Chairman Morely stated this needs to be researched. He noted the Town could decide to pursue its own separate agreement with L-SRHS, if it so chooses.

Sudbury Housing Authority (SHA) (10% of budget for housing – CPA of \$180,000, \$90,000 from National Development and TBD from SHA discretionary)

Ms. Quirk re-joined the Meeting discussions.

Ms. Cline stated the SHA waiting list reflected a 20-year wait and it had been closed. In the past two months the list has been re-opened and there have been 100 new applicants in two months. She believes this is evidence of a significant need in Sudbury. She stated the SHA mortgage capacity depends on several factors, including the value of the identified property. Ms. Cline explained the SHA's objective is to take on as little in mortgages as possible in order to maintain lower rents for its clientele. In order to fill the housing gap for lower-income families, she stated the SHA would prefer to avoid mortgages, if possible.

Mr. Floru asked what other funds have been put aside besides the 10% CPA funds usually received each year. Ms. Cline explained the 10% housing allocation has been appropriated in the past for the Sudbury Housing Trust for home ownership, and not for the Sudbury Housing Authority for rental properties.

Mr. Floru asked if there are other funding sources for the SHA besides the requested CPA funds and whether the money would stay in the operating account until a property is found. Ms. Cline stated the requested CPA funds are the only sources being considered. Chairman Morely stated the Town holds the funds as allocated but unspent until a property is identified. He also noted the requested funds would be added to the \$180,000 currently held by the SHA.

Ms. Brown broached the issue of returning funds to the CPA account which have been appropriated but since deemed to not be expendable (such as unspent money for the Melone study and CSX-related funds). She referenced a recent report on the Melone property which suggested housing should not be considered for the property. Chairman Morely stated an article is submitted every few years to Town Meeting to return such funds to the CPA account and to reconcile the financial accounts. He suggested it might be time to do it again once new staff has time to become familiar with the details. Ms. Brown requested getting a status report of what has been appropriated and spent so the Committee can get a better sense of where projects stand.

Chairman Morely asked Ms. Donoghue to provide an Administrative Funds form for FY18 to help advise the Committee as it deliberates the budget.

Board of Selectmen Chair Susan Iuliano stated the report recently provided on the Melone property suggested there are certain areas which need additional testing to better determine preferred uses for the property. She stated the Selectmen have not yet acted upon this recent information.

Chairman Morely referred to Combined Facilities Director Jim Kelly's 5-15 Year Capital Plan distributed tonight, noting he has strongly advocated for years that the Town should purchase the one-acre house lot in the middle of the Melone property because without it, it is very difficult to develop the Melone property. He mentioned the 5-15 Year Capital is important to review because it informs the Committee of the other Town spending needs.

CPC Future Meeting Schedule

The consensus of the Committee was that a meeting is not needed on December 7, 2016.

The Committee set the following meeting dates: December 21, 2016 (Public Hearing), January 4, 2017 (Public Hearing).

Minutes

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of November 16, 2016.

On motion duly made and seconded, it was unanimously:

VOTED: To adjourn the meeting at 9:32 p.m.