



Town of Sudbury

Community Preservation Committee

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MINUTES

OCTOBER 16, 2019

SILVA ROOM, FLYNN BUILDING, 278 OLD SUDBURY ROAD, SUDBURY, MA

Members Present: Chair Sherrill Cline, Vice Chair Lynne Remington, Pat Brown, John Hincks, Mara Huston, Eric Poch, Anuraj Shah, and Diana Warren

Members Absent: Thomas Friedlander

Others Present: Adam Duchesneau, Director of Planning and Community Development

At 7:03 p.m., Ms. Cline called the meeting to order.

Minutes for Approval: September 18, 2019

Ms. Brown wanted the minutes to reflect a correction. Ms. Brown had indicated the Board of Selectmen were very interested in the possibility of reverting Community Preservation Act (CPA) funds which had been allocated for the purchase of the CSX rail corridor back to the CPA fund. However, Ms. Brown wanted to correct this statement to indicate the Board of Selectmen had only discussed and contemplated the matter. Mr. Hincks asked for an amendment to the September 18, 2019 minutes by adding a footnote to reference the October 16, 2019 minutes.

Ms. Remington made a motion to approve the minutes of September 18, 2019 as amended. Mr. Hincks seconded the motion. The vote was unanimous, 7-0, with Mr. Shah abstaining from the vote and Mr. Poch absent from the vote.

Preliminary Review of Applications Submitted for May 2020 Annual Town Meeting and Public Hearing Schedule

Historic Resource Inventory Survey

Ms. Cline stated the request from the Historical Commission was for \$30,000 for further surveys of 30 historic houses and two area surveys.

Ms. Warren explained the surveys are conducted on historic resources such as structures, such as bridges, buildings, such as homes, and also on areas which could be a historic district or a large property. She indicated conducting historic resource inventory surveys for Sudbury had been an ongoing effort. Ms. Brown asked if there were any specific areas of interest. Ms. Warren stated the Historical Commission had a list of buildings and some areas they would like to survey. Ms. Warren also indicated the Historical Commission was looking at areas in town that had clusters which had not been well identified.

Ms. Brown asked if the Historical Commission had identified the two areas they wanted to survey. Ms. Warren noted there is still money remaining from the previous appropriation which would be used for the

ten properties they had chosen. A Request for Proposals (RFP) would be issued in the near future to do these surveys.

Ms. Brown asked if the Historical Commission would be submitting a list of the 30 properties and the two areas to the Community Preservation Commission (CPC). Ms. Warren explained phase one of the surveys was done in 1996 by professional surveyors surveying 156 properties. 30 additional properties were done in 2008 and 28 in 2010. Ms. Warren noted there were two areas they were going to examine: one was the George Pitts Tavern District and the other was the expanded Kings Philip District.

Ms. Warren stated that prior to 1996 surveys were performed by non-professionals and performed by members of the Historical Society.

Mr. Hincks asked what were the criteria that puts a property on a list and what is the breakdown for the \$30,000. Ms. Warren stated Gretchen Shuler had been involved in all three phases of the surveys. Ms. Warren indicated the going rate for a typical survey was \$350 to \$400 per survey.

Ms. Warren stated the criteria was a combination of age, architectural significance, historical significance, or tied to historical events.

Mr. Shah stated he felt the perceived value in the town was the historic nature of Sudbury. Mr. Shah also noted that out of approximately 6,600 housing units in Town, 428 houses were built before 1940. Of those 428, 128 are protected in local historic districts leaving approximately 300 outside of the protected historic districts.

Mr. Shah noted there was \$5,000 worth of funding remaining from a previous version of this project. He indicated he would like to see a plan of what was going to be surveyed, who will be performing the surveys, and what the cost of those surveys would be.

At this time Mr. Poch arrived at the meeting.

Ms. Cline recapped the CPC's questions as they would like to see a list of the properties and a statement of the estimated cost.

Ms. Cline noted in the past the CPC had approved an estimate and if the project came in under that funding allocation, the left over money would be return to the CPA fund.

Remediation of Water Chestnuts from Hop Brook Pond System
This application was requesting \$60,000 worth of CPA money.

Ms. Cline explained that in the past these applications would fall under open space. She suggested the Applicant amend his application to reflect funding would be used in the open space category and not historic resources. The weed eradication program had been approved by the Department of Revenue under an open space category.

Ms. Huston asked if this was the same as they had done in the past. Ms. Cline explained harvesting had been done in the past but the Applicant now felt harvesting was not the best long term plan. As such, the Applicant would now like to use a chemical eradication plan.

Mr. Hincks indicated he liked the program but had a concern with the appropriated budget and repurposing the \$30,000 for the eradication. Mr. Duchesneau stated as long as the work falls into the wording of the Warrant Article, the Applicant could continue to use the money from previous years.

Ms. Brown indicated if the Warrant Article had stated the money was to be used for harvesting, and if they were now not harvesting, they could not use the previously appropriated money for the chemical eradication.

Ms. Remington felt it was important for the Applicant get their Conservation Commission permits in place as chemicals may be an issue or concern of the Conservation Commission.

Ms. Brown noted the Applicant would need a vote of approval from Conservation Commission before the work could commence.

Mr. Hincks asked if the CPC approval was contingent upon approval from the Conservation Commission. Ms. Cline noted there could be wording in the Warrant Article to reiterate Conservation Commission approval was required.

Ms. Cline requested the Applicant provide an update at the public hearing as to how far they had gotten with the Conservation Commission.

Removal of Invasive Species from King Philip Woods

Ms. Cline asked if there were any questions or concerns regarding this application which sought funding under the open space and historic categories.

Ms. Warren asked if this request was appropriate under the historic resources CPA category. Ms. Cline stated the road was historic as well as the Tavern of the Damned and the stonewalls.

Mr. Hincks indicated his impression was educational signage was to be installed and Ms. Warren noted signs for educational purposes could not be used for the historic resources CPA category. To meet the criteria the property either needed to be listed on a state register or deemed historic by the Historical Commission. Ms. Warren did not know whether this property was deemed historic by the Historical Commission. Ms. Cline noted signage had been approved for the Hearse House and the historic cemeteries in town. There was a discussion about how and whether this project would be split between the two categories.

Ms. Cline asked if the CPC had any questions for the Conservation Commission and there were no comments.

Regional Housing Services Office (RHSO) Membership Fee

Ms. Cline explained this request was an annual application which supported Sudbury's portion of the consulting services provided by the Regional Housing Services Office.

Mr. Hincks noted the application looked similar to applications from past years.

Sudbury Housing Authority Acquisition, Creation, Preservation, and Support of Affordable Rental Housing

Ms. Huston asked if the Housing Trust was comfortable with the Sudbury Housing Authority taking the full amount of the 10% community housing allocation. Ms. Cline noted the Housing Trust had not

submitted a competing application. Ms. Huston asked if the Housing Trust had been informed the Sudbury Housing Authority had submitted a CPC application. Ms. Cline stated there was a representative of the Housing Trust on the Sudbury Housing Authority, and there was communication and transparency between the two entities.

Mr. Hincks stated he was unclear as to how the money would be spent. Ms. Cline explained every year, the 10% mandatory allocation for community housing was allocated to either the Sudbury Housing Trust or the Sudbury Housing Authority. The Sudbury Housing Authority has been trying to acquire property. Ms. Cline stated the purpose was to have the funds available to the Housing Authority when a property becomes available for purchase. Ms. Cline continued to explain the Sudbury Housing Trust also looks for properties which they would subsidize to assist homeowners in obtaining affordable housing. Therefore, the applications do not specify a property.

Mr. Hincks expressed his concern with the difference between the amount of detail requested from other projects and the lack thereof for the Sudbury Housing Authority's application.

Ms. Brown explained the law stated that for the community housing CPA category, communities did not need to identify a specific project and funds could simply be directly transferred to the local Housing Authority. Mr. Hincks acknowledged the need for the Housing Authority and the Housing Trust to be nimble when opportunity arose.

Design of Wayside Inn Road Bridge Over Hop Brook

The Department of Public Works (DPW) had submitted a request for \$125,000 for the design of the bridge over Hop Brook. Ms. Cline asked if there were any questions or comments on the application.

Mr. Shah questioned how the \$125,000 would be allocated for the project. He wondered if the \$125,000 was just for the design of the bridge or if there were construction costs also involved.

Mr. Hincks asked if the requested \$125,000 was just to rebuild the bridge and did not include the design.

Mr. Duchesneau explained the bridge had been struck by a car which damaged its parapet wall and this created an unsafe situation. The DPW did not have any money in their budget to repair the bridge but could have obtained emergency repair funding from the Massachusetts Department of Transportation (MassDOT). Mr. Duchesneau also explained the Historic Districts Commission (HDC) was not satisfied with the proposed design details for the bridge and denied the proposal submitted by the DPW to repair the bridge. Mr. Duchesneau explained the DPW would now make the bridge repair a capital project. He stated the \$125,000 was only for the design of the bridge and the DPW would return to the CPC with an application for construction funding the following year.

Ms. Brown noted the DPW needed to have the design for the new bridge finalized in order to go out to bid for the actual construction work. This proposal was the first step which needed to be approved at Town Meeting and then the construction phase would be the next portion. The entire project, including design and construction, would take approximately two years to complete.

Mr. Shah stated the HDC was looking for a guardrail with wood to be used in the bridge reconstruction.

Mr. Shah wanted to know the additional construction cost of the bridge. Ms. Cline stated the bridge was rebuilt in 2003 and probably not in compliance with historical standards. The goal was to rebuild the bridge in a design consistent with the historical location.

Ms. Brown stated the bridge was originally built in the 1890's and rebuilt in 2003. The bridge was in the historic district. Ms. Warren agreed a metal bridge would be an eyesore in the Wayside Inn Historic District but questioned whether the bridge was an historic resource as defined by the statute.

Ms. Cline stated she wanted to see a statement regarding the cost for the design services and how the consultant had arrived at the figure of \$125,000. Was this an expense over and above the regular construction design? Ms. Brown explained that when the bridge was damaged on July 4, 2019, the DPW was able to claim to the MassDOT it was an emergency to fix the parapets. However, the Historic Districts Commission denied the permit for an "off the shelf" design. Had the DPW been able to proceed with the repair as an emergency, the DPW could have avoided going through the RFP process. When Ms. Warren questioned whether the bridge qualified as an historic resource, Ms. Brown pointed out the Historic Districts Commission felt it had jurisdiction to deny the permit.

Mr. Hincks felt the project should perhaps be covered by the DPW's operating budget with the CPA funds used to pay the additional cost of the historic design.

Ms. Cline asked Mr. Duchesneau to ask the DPW for clarification on how they arrived at the figure of \$125,000 for design services. Mr. Duchesneau stated he would do that and also ask for the Applicant to verify how they felt this project fit into the historic resources CPA category.

Mr. Poch read aloud the Community Preservation Coalition's definition of historic resources and questioned whether the bridge was an historic resource. There was a lot of debate on this topic. He then asked who owned the property where the bridge was located. Mr. Duchesneau stated the bridge was in a public right of way and therefore the Town was responsible.

Mr. Poch suggested paying for the project out of the general fund and submitting an insurance claim to reimburse the general fund would be a more transparent option for the proposal. Mr. Duchesneau stated the DPW had attempted to collect an insurance claim from the driver who damaged the bridge but the matter was currently being litigated.

Ms. Cline asked Mr. Duchesneau to seek clarification on what portion(s) of the bridge would be repaired. Mr. Brown stated her understanding was the construction of the bridge was similar on both sides and therefore both sides of the bridge would be repaired.

Goodnow Library Historic Room Conversion

Ms. Cline noted the application had been received past the submission deadline. She asked if the CPC wanted to consider the application. Ms. Cline noted the Applicant was requesting \$130,000 to cover the cost to refurbish the Historic Room in the library which would include shelving, locking cases, tables, lighting, and outlets.

Mr. Shah stated that after reviewing the application he felt it did not fall into the historic resources CPA category as the list seemed to be all furniture.

Ms. Huston's suggestion was to see if the CPC had the available funding for the project and, if so, she felt the CPC should consider the application. Ms. Cline confirmed there was funding available.

Mr. Poch asked if there were any historic elements in the request of the Applicant. He also asked if the items requested preserved any local historic documents. Mr. Shah said it seemed like the purpose was to make the room more accessible rather than to preserve documents.

Ms. Cline stated perhaps a member from the library should be given the opportunity to explain why this counted as historic preservation. Mr. Poch wondered if there was a specific element that truly counted as historic preservation of unique documents and artifacts.

Ms. Cline asked for a motion to accept the application even though the application was received a day late.

Ms. Remington made a motion to accept the Goodnow Library Historic Room Conversion CPC application received October 11, 2019. Mr. Poch seconded the motion. Discussion ensued.

Mr. Duchesneau suggested it would be bad precedent to take a hard position against any late applications in case something of merit came in late in the future. Ms. Brown countered it was bad precedent to accept late applications.

Ms. Huston made an argument regarding the deadline and the fact that applications are date stamped, not time stamped, and she noted that detail was not being considered.

Ms. Cline noted although the application was received 24 hours late, it did not affect the scheduling process for the CPC's public hearings or deliberation.

Ms. Cline then asked for a vote on the motion.

The motion passed, 5-3, with Ms. Cline, Ms. Remington, Mr. Hincks, Ms. Huston, and Mr. Poch voting in favor, and Ms. Brown, Mr. Shah, and Ms. Warren opposed.

Ms. Remington suggested the CPC should make a policy regarding late applications. Ms. Cline suggested that the policy is that applications should be submitted on time and, if late, will be accepted at the discretion of the Committee.

Ms. Cline asked if there were any further questions from the CPC. Mr. Duchesneau stated it appeared the only question for the Applicant was how this project fell into the historic resources CPA category. Ms. Huston asked for a breakdown of the elements of the project which would fall into the historic resources CPA category.

Mr. Poch suggested the Applicant should focus on any historic documentation and other aspects of the project which would fall into the historic resources CPA category.

Mr. Duchesneau suggested setting the public hearing schedule. Ms. Cline stated the first public hearing to be held on November 20, 2019 would include the Historic Resource Inventory Survey, Removal of Invasive Species from King Philip Woods, and the Design of Wayside Inn Road Bridge Over Hop Brook applications. The second public hearing would be held December 4, 2019 and include the Sudbury Housing Authority Acquisition, Creation, Preservation, and Support of Affordable Rental Housing; Regional Housing Services Office (RHSA) Membership Fee; Goodnow Library Historic Room Conversion; and the Remediation of Water Chestnuts from Hop Brook Pond System.

Review of Financial Projections for FY 2021

Ms. Cline reviewed the FY2021 CPC Financials and the following were some of the highlights:

Finance Director Dennis Keohane has conservatively estimated the state CPA match would be approximately 30%.

The estimated annual income for FY21 is \$2,590,000.

Ms. Cline stated the debt service would be \$1.1 million for prior real estate purchases and the administrative allocation of 5% was the maximum amount allowed by statute.

Ms. Cline also indicated the estimated CPA fund balance as of June 30, 2020 was calculated with the FY19 ending fund balance plus the FY20 estimated revenue, minus the FY20 budget expenditures.

Ms. Cline noted the CPA mandatory 10% category reserves for the coming fiscal year would be as follows:

- Community Housing: \$259,000
- Historic Resources: \$540,000 because there were funds remaining from FY19 and FY20
- Open Space and Recreation: \$0 because the funds were used to pay the debt on previous acquisitions.

Ms. Cline explained the CPC looks at the line item "Revenue Remaining For New Projects". This year's CPC applications totaled \$681,600 of new funding requests as follows:

- \$30,000 for Historic Resource Inventory Surveys
- \$60,000 for the Remediation of Water Chestnuts from the Hop Brook Pond System
- \$47,600 for the Removal of Invasive Species from King Philip Woods.
- \$30,000 for the Regional Housing Services Office (RHSSO) Membership Fee
- \$259,000 for the Sudbury Housing Authority's Acquisition, Creation, Preservation, and Support of Affordable Rental Housing
- \$125,000 for the Design of the Wayside Inn Road Bridge Over Hop Brook
- \$130,000 for the Goodnow Library Historic Room Conversion

Ms. Cline explained there are three CPA categories which the CPC has to spend or reserve 10% of the annual estimated revenue. With regard to community housing, this amount is spent by either allocating the money to the Sudbury Housing Authority or the Housing Trust. The historic resources category received its 10% for various projects, but if the money is not spent it is placed in the reserve. Ms. Cline explained the purpose of the CPA was to provide funding for these community resources so the funds could be reserved for large expenditures.

Regarding bonding capacity, Ms. Cline noted payments for the Cutting and Dickson properties will be removed in a couple of years from the debt.

Ms. Huston asked when there would be enough debt capacity to allow the renovations for the Town Hall to move forward. Ms. Cline indicated funding could presently be allocated for this project. Mr. Poch explained there was borrowing capacity of \$5 million. However, the project was still in the design phase and using the allocation for that purpose from a prior year.

The CPC then reviewed the spreadsheet of appropriations prior to and including FY20, including the debt payments made in FY20. There is a column showing the payments made in this fiscal year and a final column showing the balance remaining in each appropriation. The chart does not include a column showing the original appropriation, which some members thought would be helpful.

Mr. Hincks asked about the older projects and whether they were still active. Ms. Cline pointed out that at the meeting of January 16, 2019, the CPC reviewed each project's status. Ms. Brown also noted the proponents should be completing annual reports. Mr. Duchesneau will be sending the requests for the annual reports to proponents with projects approved prior to and including FY18.

Ms. Brown asked whether some of the financial documents the CPC reviewed could be posted on the website. The bonding capacity is on the Fin Com website. Ms. Cline noted her concern was the documents were not self-explanatory.

Mr. Duchesneau asked if the CPC would like to set a deadline for submissions of the annual reports. Ms. Cline asked staff to give the Applicants a month to respond and the CPC could then review the reports at their leisure. Mr. Duchesneau stated he would ask the project managers to submit their reports by December 9, 2019.

Administrative Report

Mr. Duchesneau noted the correspondence he had received and indicated it had been forwarded on to the CPC.

On motion by Ms. Brown, seconded by Ms. Warren, it was voted unanimously, 8-0, to adjourn the meeting at 9:05 p.m.