



# Town of Sudbury

## Community Preservation Committee

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### MINUTES

OCTOBER 21, 2020

### VIRTUAL MEETING

**Members Present:** Vice Chair Lynne Remington, Dave Henkels, John Hincks, Mara Huston, Jean Nam, Jennifer Roberts, Anuraj Shah, and Diana Warren

**Members Absent:** Chair Sherrill Cline

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

At 7:04 PM, Ms. Remington called the meeting to order.

#### **Preliminary Review of Applications Submitted for May 2021 Annual Town Meeting and Public Hearing Schedule**

Ms. Remington opened the discussion by thanking Pat Brown for her many years of service on the Community Preservation Committee.

Ms. Remington explained the Community Preservation Committee's task was to review the applications, determine if they qualified for Community Preservation Act (CPA) funding, and if any additional information needed to be submitted.

#### **Bruce Freeman Rail Trail Final Design and Construction Support**

Ms. Remington summarized the application by noting in 2016, \$150,000 was allocated at Town Meeting to the 75% design phase of the Bruce Freeman Rail Trail. The Applicant, Town Manager Henry Hayes, was requesting the funds be reallocated for use in the later phases of design and construction. Ms. Remington indicated the scope of the project fell into the Open Space and Recreation CPA category. Ms. Remington explained that the original \$150,000 would be reverted and replaced with this allocation and the project would be broader in scope than the 2016 allocation.

Members of the Community Preservation Committee raised questions as to whether or not CPA funds could be used for the project. In particular, the question regarding ownership in perpetuity of the corridor was brought up. Ms. Huston stated the project did not move forward previously because they did not own the land. Ms. Roberts noted there were steps in place to implement a lease with Massachusetts Department of Transportation (MassDOT) to begin the 75% design plan.

The Community Preservation Committee also requested to see the entire plan's cost breakdown for the project, at the 25% design level, 75% design level, etc. Members sought a timeline of the project and wanted to know what funding would be used for each portion of the project.

Frank Freely Fields Improvements

Ms. Remington explained the request was for \$393,000 to be used for design work of the entire project and do Phase 1 of the project to resolve safety issues, which included a guardrail in front of the batting cage, netting, and drainage. The scope of the project was within the Open Space and Recreation CPA category. Ms. Remington noted the Applicant was the Town of Sudbury Park and Recreation Department with support from Sudbury Youth Softball.

Ms. Huston stated the request was for design funds for Phase 1 of the project. Ms. Remington questioned why the funds were not requested through a capital appropriation from Town Meeting. Ms. Huston indicated the project's proponents had requested free cash from the Town and they were told to seek CPA funds for the project first to see if they might be awarded.

Ms. Remington raised concerns about funding the entire project. Ms. Huston stated that the plan was to seek funding from a variety of sources, just as the Playground Modernization Project had done. Mr. Hincks was concerned that if the Community Preservation Committee agreed to fund Phase 1 of the project, that other funding sources would not be willing to participate.

Mr. Shah wanted to know who the civil engineer was who would design the drainage and irrigation aspects of the project. Ms. Nam suggested that Warner Larson Landscape Architects should be able to tell Community Preservation Committee who they consulted to get their estimates – and/or what their expertise was to provide the estimates. Ms. Warren wanted further clarification on how the \$95,000 figure for design work was calculated.

Ms. Nam requested an explanation of where the various quotes came from. She wanted to know what organization was used to develop them and how the numbers were determined. Ms. Huston stated Warner Larson Landscape Architects were used to develop the initial cost estimates for the design of the project. She explained there are three fields: Upper Feeley and then Feeleys #1 and #2 which were down the hill. Ms. Huston indicated the project called for a guardrail in front of the batting cage to prevent a vehicle from hitting the cage, as well as for drainage for the upper field, a retaining wall, and netting for the fence on the first base side to prevent foul balls from entering the tennis courts.

Mr. Hincks asked for data regarding the usage of the fields. Members of the Community Preservation Committee agreed that it was important to support girls softball in the same manner as the boys sports at Featherland Field were supported.

Mr. Henkels asked who currently maintains the fields. Ms. Huston stated that the users of the fields pay a fee to the Field Enterprise fund which is used to maintain the fields with assistance from the Department of Public Works/Park and Recreation Department.

Mr. Henkels asked if the drainage and irrigation work would require a permit through the Conservation Commission and Ms. Huston indicated it would.

Ms. Nam felt the Applicant should consider seeking accessibility grants to pay for some of the work. She agreed to provide any contact information she had for this type of grant to Ms. Huston. Mr. Hincks asked if anyone had asked Sudbury Youth Baseball to provide funding for the project.

Mr. Henkels stated there was a cost difference between pervious and impervious surfaces. Ms. Huston noted the driveway was not in the scope of the work, but the walkways at the fields were included in the project.

#### Heritage Park Sign

Ms. Remington noted the Applicant had requested \$5,000 under the Open Space and Recreation CPA category. She indicated the Applicant was Patti Welch of the Sudbury Garden Club.

Ms. Nam asked if the sign had already been installed and Mr. Shah confirmed it had been. Mr. Shah stated he did not feel the Applicant could be reimbursed for a project which had been completed. He also noted that the Garden Club had donated the sign to the Town and the Town had already accepted the donation. Ms. Remington stated Mr. Duchesneau and herself had discussed this project, and Mr. Duchesneau was going to reach out to Town Counsel about this matter. Ms. Huston stated she believed an Applicant could not be reimbursed for a project which had already been completed. Mr. Duchesneau stated he had advised the applicant that he had questions as to whether reimbursement of an expense was allowable. Community Preservation Committee members also raised the question whether, in any event, this sign fell under the Open Space and Recreation category.

#### Historic Preservation Plan

Ms. Remington explained the project was the creation of a Historic Preservation Plan for the Town. She also noted this was something which would likely be included as an action item in the soon to be finalized updated Master Plan. Ms. Remington noted the total funding request was \$35,000. The Applicant was the Historical Commission through its Chair, Chris Hagger.

Mr. Shah stated he felt the project should be put on hold until the Master Plan update had been completed. He noted that the Master Plan identifies a number of interested parties who should be included in the development of the HPP. Ms. Warren stated that the Historical Commission is aware of the issues raised by Mr. Shah. She noted that in many towns, the HC takes the lead in the development of the HPP and their intent was to file the application now as there would be a long lead time including a planning process to develop the scope of work and then issue an RFP. Mr. Shah pointed out that the MP states that the lead on developing the HPP is the Board of Selectmen, then the Planning Board, then the HC, and then the Historic Districts Commission.

Ms. Remington asked if the Master Plan would be completed before the start of the new fiscal year (July 1, 2021) and Mr. Hincks indicated it would be finished in the early part of 2021. In his opinion, the issue is not whether there is agreement on the need for an HPP, but which Board or Committee would administer the funds. Ms. Warren pointed out that the Massachusetts Historical Commission has a governance model for the development of HPP's. Mr. Shah wanted the governance structure to be specified. Ms. Roberts asked whether the HC would be amenable to the governance, administration, and rollout of the HPP to be conducted as stated in the MP. Ms. Warren stated she would ask the HC.

#### Housing Production Plan

Ms. Remington explained the Applicant had requested \$25,000 to create a Housing Production Plan. She noted the Applicant was the Planning and Community Development Department through Mr. Duchesneau.

Ms. Remington noted the Applicant has indicated the Town needs to prepare a plan that conforms with state guidelines and the Town's current Housing Production Plan expires on April 20, 2021.

Mr. Duchesneau stated Sudbury was now in safe harbor from Chapter 40B housing developments as it had achieved the threshold of having 10% of its housing stock qualify as affordable housing units. He also reiterated a Housing Production Plan is only valid for five years. Mr. Duchesneau noted he had been working with Liz Rust from the Regional Housing Services Office to arrive at an estimated cost to update the Housing Production Plan.

Mr. Duchesneau stated the Housing Production Plan would assist the Town in determining what housing options are available to residents and what the housing needs are for the community. The Plan analyses the total housing stock including the number of units that are affordable, the size of the units, whether single family or not, etc. The Plan considers whether the current housing stock is serving the needs of the community.

Ms. Roberts asked if the housing numbers in the current plan were based on the 2010 Census data. Mr. Duchesneau explained the total housing unit numbers were based on the 2010 Census data but other figures are taken from the American Community Survey data, which is updated each year but are only estimates. Mr. Duchesneau also noted he had considered applying for CPA funding to update the Housing Production Plan last year, but he and Ms. Rust felt it would be better to capture the 2020 Census data into the new plan.

Mr. Duchesneau noted that a current HPP was a prerequisite to being designated by the State as a Housing Choice Community. Sudbury is currently so designated, but the designation only lasts for 2 years. The benefit of this designation is eligibility for grants. Ms. Nam wanted to know which grants, if any, the Town had received in past years related to housing initiatives – i.e. what benefits had Sudbury received as a result of the Choice Community designation.

#### Housing Trust Allocation

Ms. Remington explained the funds requested were \$388,500 and the scope of the project fell into the Community Housing CPA category. She also noted the request was for the allocation of 15% of the fiscal year's CPA funds towards the community housing and that the applicant was the Housing Trust.

It was noted the last allocation to the Housing Trust occurred back in 2018. The application indicated the Housing Trust has 37 units and the request would allow for the creation of one additional unit as well as support for other housing initiatives of the Trust including the newly created and COVID related Emergency Rental Assistance Program.

Ms. Huston asked if the Sudbury Housing Authority was comfortable with the request from the Housing Trust. She questioned whether the Housing Trust was overstepping its bounds administering a rental assistance program when the Sudbury Housing Authority handles rental units.

Ms. Roberts inquired about the establishment of the Emergency Rental Assistance Program. Mr. Duchesneau explained the Regional Housing Services Office created an ERAP for all the communities it served and assisted the Sudbury Housing Trust with establishing the program.

Board of Selectmen member Janie Dretler of 286 Goodman's Hill Road and member of the Housing Trust explained the pandemic had forced the Housing Trust to establish an Emergency Rental Assistance

Program. However, at the moment, the program is supported through the existing funds held by the Housing Trust, which includes funds which come from the work the Housing Trust does conducting affordable housing lotteries.

Ms. Dretler noted that the Housing Trust was supportive of the Coolidge at Sudbury Phase 2 project and there was not a conflict with the Sudbury Housing Authority.

There was discussion as to whether CPA funds were used for the ERAP. The questions raised were whether 5% of the request would be used to fund the ERAP; what was the intended use of the funds; and whether administering an ERAP was consistent with the Housing Trust's mission.

#### Regional Housing Services Office (RHSO) Membership Fee

Ms. Remington explained the request was for \$30,000 which was a portion of Sudbury's total FY2022 membership fees for the Regional Housing Services Office consortium.

Mr. Duchesneau explained the Regional Housing Services Office consortium was comprised of nine communities and the membership fee primarily included the inventorying, maintenance, and monitoring of affordable housing units in the community. The RHSO also assists in lotteries for affordable housing which generates revenue for the Housing Trust as well as providing housing related resources and advice.

Ms. Remington asked which of the towns in the Regional Housing Services Office consortium was the lead community and Mr. Duchesneau indicated it was Concord.

Mr. Hincks asked about the housing inventory and the overlap with the Housing Production Plan. Mr. Duchesneau stated the monitoring data would be incorporated into the Housing Production Plan. Ms. Huston noted the Housing Production Plan included data regarding all types of housing and not just affordable housing.

Ms. Roberts inquired as to why Sudbury received more services than the other communities in the consortium. Mr. Duchesneau noted the most important additional service provided was the assistance with conducting the housing lotteries in other communities, which brings money back to the Housing Trust. However, Mr. Duchesneau indicated he would look into the matter further and get additional information.

#### SMILE Playground Surface Improvements

Ms. Remington explained the request was for \$178,038 and the project fell into the Open Space and Recreation CPA category. She also noted the Applicant was the Park and Recreation Department.

The project would replace the rubber surface, add additional equipment, and bring the playground into conformance with the Americans with Disabilities Act (ADA).

Ms. Nam stated she would like to see the Petitioner commit to perform better maintenance of the playground in the future. She suggested methods to prolong the life of the playground surface. Mr. Shah agreed. Mr. Hincks asked if the Petitioner was the responsible party for the maintenance. Ms. Nam stated the Park and Recreation Department would be responsible for the maintenance. Ms. Huston stated it the Parks and Grounds Department which is part of the Department of Public Works would be responsible for maintenance. Ms. Huston also noted the Field Enterprise fund pays half of the salary of the Parks and

Grounds Department employees. However, the Field Enterprise Fund did not have sufficient money to handle the maintenance of this playground or remove the trees with roots causing some of the damage.

Ms. Roberts asked who should be contacted regarding the maintenance of the playground. Ms. Huston stated she believed it would be Park and Recreation Director Dennis Mannone and Department of Public Works Director Dan Nason.

Ms. Nam wanted to know if any community input had been considered regarding which new playground equipment should be installed.

The Community Preservation Committee indicated they would like to schedule site visits to Feeley Fields and the SMILE Playground. Mr. Duchesneau stated he would coordinate these site visits with the Applicant.

**Discussion Regarding Schedule for Review of Funding Request Applications for the 2021 Annual Town Meeting. Future Meeting Dates as Follows:**

After some discussion, the Community Preservation Committee settled on the following public hearing dates for each of the applications:

November 24, 2020

- Bruce Freeman Rail Trail Final Design and Construction Support
- Historic Preservation Plan
- Housing Production Plan
- Housing Trust Allocation
- Regional Housing Services Office Membership Fee

December 2, 2020

- Heritage Park Sign
- Frank Feeley Fields Improvements
- SMILE Playground Surface Improvements

Ms. Remington noted final decisions on moving applications forward to the May 2021 Annual Town Meeting would take place on December 16, 2020 and January 6, 2021. She also indicated the plan was to finalize the Warrant Articles and the Annual Report on January 20, 2021 and possibly January 27, 2021, if necessary.

**Discussion of Community Preservation Act Grant Agreements**

Ms. Remington indicated Ms. Cline had been working on this item and coordinating with Town Counsel on it, but since she was not in attendance, it would be preferable to postpone the discussion of this item until a future meeting when Ms. Cline was present.

**Review of Financial Projections for FY 2022**

The Community Preservation Committee reviewed and discussed the financial projections for the upcoming fiscal year provided by the Finance Department. Ms. Remington went through each of the figures to ensure each member had a good understanding of the projected revenues and expenses as follows: Estimated Annual Revenue - \$2,550,000; Fixed Expenses including Debt Service and estimated

administrative budget - \$1,220,535; Revenue for new projects - \$1,329,465. The Total Estimated Funds was \$7,554,358 minus Total Reserved Funds of \$1,765,971 left Unreserved Funds of \$5,122,541.

It was noted that the Community Preservation Committee has a policy of limiting its annual expenditures to the Revenue for new projects while retaining the principal for larger projects such as open space purchases or the proposed renovation of Town Hall.

There was a discussion about whether the Community Preservation Committee should have a priority list for large expenditures with the general consensus being that it would be beneficial.

The Committee also reviewed the Debt Schedule. The question was raised whether the Finance Director would be refinancing the debt in view of the low interest rates. Mr. Duchesneau will inquire.

### **Approval of Meeting Minutes: August 5, 2020**

Ms. Remington noted these draft minutes were not yet ready and would be taken up at a future meeting.

### **Administrative Report**

Mr. Duchesneau recapped the public hearing schedule and noted Town staff would reach out to the Applicants to inform them of the dates of their public hearings. He also indicated the notices for the public hearings would be run in the local newspaper and posted to the Town website.

The Community Preservation Committee discussed past Applicants, the submission of the Annual Reporting Forms, and the performance of CPA funds which were awarded. The Community Preservation Committee indicated they would like to review the Annual Reporting Form used by the Applicants and to discuss possibly revising the form at their next meeting. There was a question as to whether the Community Preservation Committee could require detailed financial reporting from the Applicants.

Pat Brown of 34 Whispering Pine Road noted the policy for annual reporting was adopted on December 6, 2017 and the form was available on the Community Preservation Committee website. She requested that the Community Preservation Committee finances be posted on the website. She also asked whether the Executive Session minutes of January 18, 2017 could be released to the public.

### **Election of Officers (Chair and Vice Chair)**

Ms. Remington indicated Ms. Cline was willing to serve again as Chair and she was willing to serve again as Vice Chair.

Ms. Remington made a motion to nominate Ms. Cline as Chair. Ms. Warren seconded the motion. Roll Call Vote: Ms. Remington – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Nam – Aye, Ms. Roberts – Aye, Mr. Shah – Aye, and Ms. Warren – Aye.

Ms. Huston made a motion to nominate Ms. Remington as Vice Chair. Mr. Shah seconded the motion. Roll Call Vote: Ms. Remington – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Nam – Aye, Ms. Roberts – Aye, Mr. Shah – Aye, and Ms. Warren – Aye.

Ms. Remington made a motion to adjourn the meeting. Ms. Huston seconded the motion. Roll Call Vote: Ms. Remington – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Aye, Ms. Nam – Aye, Ms. Roberts – Aye, Mr. Shah – Aye, and Ms. Warren – Aye.

The meeting was adjourned at 9:35 PM.