



Town of Sudbury

Community Preservation Committee

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MINUTES

NOVEMBER 24, 2020

VIRTUAL MEETING

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

Members Absent: None

Others Present: Director of Planning and Community Development Adam Duchesneau

At 7:02 PM, Ms. Cline called the meeting to order.

Public Hearing for Applications Submitted for May 2021 Annual Town Meeting

Ms. Cline opened the public hearing by reading the legal notice into the record.

Bruce Freeman Rail Trail Final Design and Construction Support

Ms. Huston recused herself from the discussion of the application.

Environmental Planner Beth Suedmeyer was in attendance to discuss the application with the Community Preservation Committee. She advised that the application for funds was withdrawn. She explained the 2016 Annual Town Meeting allocation of Community Preservation Act (CPA) funds was for the design of the BFRT for the 4.5 mile section of the rail trail from the Concord town line to approximately Station Road off of Union Avenue, just north of Boston Post Road/Route 20.

Questions had been raised as to whether or not Community Preservation Act funds could be used toward this project. Ms. Suedmeyer noted the previous Town Counsel, Barbara Saint Andre, had indicated there could be some vulnerability to if Community Preservation Act funds were used when the lease had not been written for the rail trail with terms that specified the period of use by the Town.

An opinion from current Town Counsel, Lee Smith of KP Law, did not see an issue with spending the 2016 Town Meeting allocation on the design for the rail trail prior to the lease being negotiated. It was noted the Bruce Freeman Rail Trail corridor was state owned which could serve as a recreational asset for the community even if the Town did not have the lease in place.

Ms. Suedmeyer stated the Board of Selectmen had voted to support the expenditure of these 2016 Town Meeting allocated funds at their last meeting for the 75% to 100% design of the rail trail. Therefore, she indicated the Community Preservation Act funding application for the project was being withdrawn in light of the updated opinion from Town Counsel and the vote by the Board of Selectmen.

Ms. Suedmeyer stated the Town had completed contracting with the new design engineering firm, Fuss & O'Neill, Inc., which would complete the 75% design, the 100% design, and final plan specifications and estimates for the construction bid package.

Ms. Cline asked when there would be a completed design for the project. Ms. Suedmeyer explained the Town had construction funding for federal Fiscal Year 2022, and the Town would like to have the complete design and construction bid package ready in the summer of 2022. Mrs. Remington asked when the Town expected to have a decision on the lease agreement and Ms. Suedmeyer stated after the 75% design had been completed, which would likely be in the middle 2021.

Ms. Suedmeyer explained that once the 75% design plans had been completed, the right of way plans would be updated and available for consideration by the Massachusetts Department of Transportation (MassDOT). She noted that the right of way plans had to be approved by the DOT before it would negotiate the lease.

Ms. Cline then opened the discussion to members from the public.

Pat Brown of 34 Whispering Pine Road stated it was difficult to compare the opinions of Ms. Saint Andre and Mr. Smith because even though the Board of Selectmen had released the opinions as public documents, they were not available on the Town website. Ms. Brown stated she understood there to be two issues with using Community Preservation Act funds for this project. She noted the lease would give the Town the control of the corridor and therefore Community Preservation Act funds could be used. Ms. Brown further explained the rail banked corridor situation where the state would retain the right to return the corridor to rail use without cause.

Ms. Remington asked what was a rail banked corridor. Ms. Brown explained these were rail corridors federally controlled by the Surface Transportation Board. She indicated the Surface Transportation Board held onto these corridors so the properties would not be sold to adjacent landowners and, while not being used as an active rail line, could be used as rail trails. However, there was the potential to revert the corridor to active train use.

January 18, 2017 Executive Session Minutes

Ms. Cline asked Ms. Suedmeyer if it would be appropriate to release the Executive Session minutes of January 18, 2017 which were related to the topic of spending Community Preservation Act funds for the Bruce Freeman Rail Trail project. Ms. Suedmeyer indicated she had not had a chance to ask Town Counsel this question. Mr. Duchesneau stated he would investigate the question and hopefully have an answer for the next Community Preservation Committee meeting.

Ms. Cline suggested the Community Preservation Committee seek the opinion of Town Counsel to determine if the Executive Session minutes could be made public.

At this time Ms. Huston rejoined the discussion.

Historic Preservation Plan

Chris Hagger, Chair of the Historical Commission, was present to discuss the application with the Community Preservation Committee. He noted this project was part of Volume 3 of the draft updated Master Plan, which was still being finalized by the Planning Board. Mr. Hagger also indicated the

Community Preservation Act funding request for the project was being reduced down to \$32,000 and the scope of the project fell within the Historic Resources CPA category.

Mr. Hagger explained the Town's draft Master Plan had recommended an Historic Preservation Plan be created for the town. He indicated the benefits of having a Historic Preservation Plan and noted that to this point there had not been a plan for protecting historical, archaeological, and cultural resources in the community. He explained that an Historic Preservation Plan would provide an assessment of the historical, archaeological and cultural resources, an assessment of the status of their preservation, and an identification of preservation issues, opportunities, and priorities. He stated that the plan would identify preservation partners and mechanisms for preservation. In the end, an action plan would emerge. Moreover, the Historic Preservation Plan could be used to educate residents of the historical assets and preservation tools.

Mr. Hagger explained the Historical Commission had applied to the Massachusetts Historical Commission (MHC) for a Historic Preservation Plan matching grant of \$16,000. If the grant was approved, the Historic Preservation Plan would only need \$16,000 instead of the \$32,000. He noted preference for the grant would be given to communities that have an active local historical commission.

Ms. Cline asked if the Historic Preservation Plan would encompass the scope suggested for the Historic Preservation Plan in the Master Plan and Mr. Hagger stated they would.

Ms. Warren noted there were five bullet points in the draft Master Plan and they were included in the model of the Historic Preservation Plan template.

Mr. Shah asked if the Historical Commission was willing to follow the suggested governance of the project that would be recommended in the Master Plan. His concern was that there be "buy-in" from much of the Town so that the Historic Preservation Plan would be implemented. There was then lengthy discussion regarding the governance of the Historic Preservation Plan. Ms. Warren stated that the Historical Commission was recognized on the state level as the lead preservation entity in local governments. She explained that the effort to develop the Historic Preservation Plan would be led by an Historical Preservationist who would seek input from all stakeholders in town.

Ms. Cline noted the Town would hire a Historic Preservation consultant. Mr. Hincks asked who the consultant would report to and Ms. Cline indicated the Historical Commission.

There was then further discussion as to which entity would have oversight of the development of the Historic Preservation Plan. The Community Preservation Committee, Planning and Community Development Department, Historical Commission, and Historic District Commission were all discussed as possible entities which would have some type oversight in the creation of the plan. Ms. Warren stated that if the Historical Commission receives the grant from the Community Preservation Committee and the MHC, then the Historical Commission and the MHC would partner to hire the Preservationist and create the Historic Preservation Plan. There was agreement voiced that in order to have a successful plan that is accepted by the community, that multiple committees, boards, and groups would be involved in the development of the Historic Preservation Plan.

Housing Production Plan

Mr. Duchesneau presented the application to the Community Preservation Committee and explained the request was for \$25,000 of Community Preservation Act funds to update a Housing Production Plan in

conformance with the state guidelines. He noted the Town's last Housing Production Plan was written in April of 2016 and was due to expire on April 20, 2021. He explained the purposes and components of the Housing Production Plan. The Town would hire a consultant to prepare the Plan including community outreach.

Housing Trust Allocation

Housing Trust member Kelley Cronin was in attendance to present the \$388,500 Community Preservation Act funding allocation request to the Housing Trust. This figure represents 15% of the Community Preservation Committee's Estimated Annual Revenue. She listed the 5 programs and activities of the SHT: Home Preservation Program, Small Scale Developments; Small Grant Program (non-CPA funds); Emergency Rental Assistance (new COVID related) and assisting with funding of other projects such as Coolidge and SHA. She indicated \$275,000 of the funds would be used toward the purchase of at least one new affordable housing unit and \$113,000 to assist in continuing the Emergency Rental Assistance Program.

Ms. Cronin informed the Community Preservation Committee the Housing Trust had not requested Community Preservation Act funds for the past two years. Ms. Cline noted the Housing Trust had allocated \$20,000 for the Emergency Rental Assistance Program thus far and inquired if the Housing Trust anticipated allocating another \$113,000. Ms. Cronin confirmed that was the intent of the Housing Trust.

Ms. Cline asked if the \$113,000 allocation for the Emergency Rental Assistance Program was for Sudbury residents only and Ms. Cronin indicated that was correct.

Ms. Cronin noted the Emergency Rental Assistance Program assisted 6-7 working households. Ms. Huston asked if a household was receiving the rental assistance would there still be the possibility of an eviction occurring. Ms. Cronin stated she had concerns that could still happen.

Ms. Cronin indicated the SHT was working on reconfiguring the program and developing guidelines to prevent the program from being just a temporary solution for recipients. It was noted the moratorium on evictions would terminate at the end of 2020.

Mr. Hincks asked if these were long term funds for a short-term problem and Ms. Cronin noted there was a two-year time limit on receiving assistance. She again said the SHT would develop criteria to identify people who would benefit from the short term relief as opposed to those whose income would continue to be insufficient.

Ms. Roberts asked how it was determined an Applicant needed rental assistance as a result of COVID and Ms. Cronin stated they looked at the type of employment the applicant had and compared an Applicant's tax returns to their current income.

Ms. Cronin noted the Emergency Rental Assistance Program was started due to the COVID-19 Pandemic but they now wanted to broaden the program so that it was not solely for those affected by COVID-19. Mr. Duchesneau noted the funding would be used to enhance the program making it more robust and to assist more households with paying their rent, beyond just those who were impacted by COVID-19.

Ms. Roberts asked if there was a sense of how many households would need this assistance. Ms. Cronin indicated possibly the Food Pantry or Social Workers may have a better idea.

Ms. Cronin then noted that although the application states that \$275,000 of the funding request would be used to for the buy down program, she would like to amend that to include buydown or otherwise work to preserve or create additional affordable housing units. She cited as an example a possible partnering with the SHA. She also explained how the buy down program works to create affordable units. Ms. Cline stated the Community Preservation Committee would need a Grant Agreement noting the specific amounts of funds the Housing Trust would be using for each purpose.

Ms. Nam asked when the last new unit or buy down had occurred, and Ms. Cronin stated 2016. Ms. Cronin explained that there was about 1 unit per year created through the buy down program and the small development program, plus assistance to the Coolidge building and the SHA.

Regional Housing Services Office (RHSSO) Membership Fee

Mr. Duchesneau discussed the application with the Community Preservation Committee. He explained the request for \$30,000 of Community Preservation Act funding was for a portion of the Town's membership fee to the Regional Housing Services Office for Fiscal Year 2022.

Ms. Duchesneau noted this was the fourth year a membership funding request had been made and previously the membership fee had been paid using Community Preservation Committee administrative funds.

Mr. Duchesneau explained the Regional Housing Services Office was established in 2011 and was comprised of nine towns. He stated the Town of Burlington had recently left the consortium and had been replaced by the Town of Maynard. Mr. Duchesneau indicated the membership fee would be funded by a Community Preservation Act contribution of \$30,000 and the Housing Trust would cover the remaining cost of the membership which was \$45,000.

Mr. Duchesneau stated the Regional Housing Services Office was created to support and preserve affordable housing. He noted the Regional Housing Services Office monitored a number of affordable dwelling units in town and performed a variety of other affordable housing advocacy services.

Ms. Remington made a motion to adjourn the meeting. Mr. Hincks seconded the motion. Roll Call Vote: Ms. Cline - Aye, 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 8:49 PM.