

## MEETING MINUTES

### Town of Acton Community Preservation Committee

January 7, 2010  
Acton Memorial Library

Attending: Ron Schlegel, Tory Beyer, Roland Bourdon, Corrina Roman-Kreuze, Susan Mitchell-Hardt, Doré Hunter, Walter Foster, Jon Benson, Ken Sghia-Hughes, Janet Adachi, Roland Bartl, Town Planner. Also present were Steve Noone (Fin Com Observer); Open Space Committee members Andy Magee, Terry Maitland, Jane Ceraso and Karen O'Neill; and Acton Conservation Trust members Anne Forbes, Kathy Acerbo-Bachman, Cathy Hansgate, Dianne Romano and Catherine Coleman.

Chairman Jon Benson called the meeting to order at 7:30 p.m.

I. Approval of 12/17/2009 Minutes. The minutes of 12/17/2009 were approved as amended.

II. Appointments With Project Applicants (3 of 9)

A. Open Space Acquisition/Protection Set-Aside Funds. Request for \$500,000; presentation by Peter Ashton, Chairman, Open Space Committee (OSC). This request is consistent with Community Preservation Act (CPA) allocations in prior years. There are many more opportunities for open-space acquisition, perhaps due to the economic downturn. The OSC currently is in negotiations about a number parcels in different parts of the Town, and works closely with the Acton Conservation Trust and Sudbury Valley Trustees (SVT), which have shared some costs and thus enabled some leveraging. The collective cost of the parcels under consideration would far exceed the balance in the Open Space Set-Aside account, so acquiring all of the parcels at one time is not possible.

Kathy Acerbo-Bachman noted that the parcels under consideration in South Acton abut National Register properties and the South Acton Historical District.

B. Open Space Acquisition and Preservation Fund. Request for \$25,000; presentation by Mr. Ashton. The parcels that currently are under discussion required appraisals well in advance of negotiations. The funding for those appraisals came out of the Town's general operating budget, so the Town Manager favors this proposal for a new fund to cover appraisal costs and legal services, as well as other similar expenses, for example, the cost of wetlands delineation.

In response to a query by Corrina, Mr. Ashton said that the fund would be managed in a manner similar to that of the Acton Community Housing Corporation fund. The fund also would be dedicated to specific purposes, so the Town Manager would not be able to use the monies for a different purpose; Doré, Walter, Ken and Roland Bartl

agreed on the need for a written policy that describes in detail how the fund is supposed to work, including specific restrictions on the use of the fund. Jon noted that Town Counsel's analysis cites the need for specific limitations on the use of the fund. Mr. Ashton will provide the Committee with a statement describing the proposed process for the authorization of proposed expenditures.

Susan noted that under Town Counsel's analysis, the Town would have to reimburse the fund for acquisition-related expenditures if a proposed acquisition fell through. In response to a query by Steve Noone, Mr. Ashton said that the fund would cover the cost of all appraisals, including those for transactions that subsequently fell through, and probably would be sufficient for up to two years' worth of appraisals.

In response to a query by Mr. Noone, Mr. Ashton said that the OSC has been advised to avoid bond-funding and therefore has not considered it.

In response to a query by Walter about prioritizing the parcels currently under discussion, Mr. Ashton said that all of the parcels are top-priority in the open-space ranking, though OSC members are not in complete agreement as to the relative priority among the parcels. Walter also noted the need for leveraging via Town funding.

In response to a query by Ken, Mr. Ashton acknowledged that the fund could include monies other than CPA funding, for example, gifts, subject to Board of Selectmen approval. The OSC would not be averse to a requirement that it secure the Committee's approval of proposed expenditures falling outside of the scope of uses specifically authorized in the written policy that Committee members have recommended.

In response to a query by Anne Forbes, Mr. Ashton said that he is not aware of comparable funds in other towns; the SVT has been able to get similar access to CPA funding, perhaps as part of the administrative-expense funding.

- C. Theatre III – Complete Professional Assessment of Preservation Needs (Acton Community Center, Inc.). Request for \$27,000; presentation by Pamela Furnace, Development Chair; Tom Wachtell, President; and Michael Gorman, of Gorman Richardson Architects. (Website: [Theatre3.org](http://Theatre3.org) or [TheatreIII.org](http://TheatreIII.org)). The theater building is 142-years-old; the theater is in its 55<sup>th</sup> season. The theater's corporate status is current.

A number of structural problems came to light in the course of the installation earlier of the CPA-funded windows. The walls are not square; the stability of the floor joists is a concern. The theater has done stop-gap repairs to keep out water and wildlife, but the building requires more, permanent repairs. The theater is seeking funds for a complete survey by an architect to evaluate the structural integrity of the building and generate a master plan that describes the current condition, identifies what needs to be done and in what order, and will bring the building into compliance with the

Americans With Disabilities Act. Jon noted that in Town Counsel's view, the qualification of the project as historic preservation was a "judgment call."

Mr. Gorman said that the Gorman Richardson firm, founded in 1976, serves the New England area and has performed similar building reviews for other clients and is familiar with the historic preservation process and regulations, and the needs and requirements of non-profit organizations. As a complement to the historic-preservation experience, the firm also has a building sciences group that is familiar with the latest building techniques and technology.

The evaluation will involve "selective demolition," meaning the dismantling of portions of the building so that the architects can figure out how to make the repairs. An additional complication is that the work to take apart the building must "do no harm": Mr. Gorman cannot assume before the assessment is completed that the wood must be replaced, so the wood must be salvaged. To avoid damaging the wood in the process of removal, Mr. Gorman proposes to drive the existing fasteners into the wood so that the wood comes off easily and can be re-used. Mr. Wachtell noted that the photographs included in the application show a lot of surface damage, including water-damaged plaster in the building interior, under which there probably is substantial structural damage. Ms. Furnace said that the evaluation is only the first step in what will be a long process.

In response to a query by Tory, Ms. Furnace said that the theater will learn from the assessment whether or not it can afford to make the necessary repairs.

In response to a query by Roland, Ms. Furnace said that the assessment will take two to three months.

Doré said that the building was historically important and that the proposed assessment was the sensible thing to do. Janet agreed, adding that the language in the CPA seemed to allow for classifying the proposal as historic preservation. Walter and Ken noted the need for more leveraging. Ms. Furnace said that the theater already is raising money, and that an *a cappella* fundraising performance is scheduled for the upcoming three-day weekend.

In response to a query by Ken, Ms. Furnace explained that the initial estimate was \$25,000, to which she added a \$5,000 contingency amount, bringing the total to \$30,000, which she reduced by ten percent (10%) to \$27,000. The estimate does not include certain costs such as the cost of hiring someone to do work that the theater finds that it cannot do itself. In response to a query by Jon, Mr. Gorman said that the fee for the assessment project is for a 90-day project. The repair and restoration work based on the assessment would be a separate project with a separate fee.

Ms Forbes, who is on the Board of Directors for Iron Work Farm, which has been before the Committee twice in behalf of the Jones Tavern, commended the theater for taking a comprehensive approach. State matching funds are available for the planning

stage of preservation projects, as in the case of the Faulkner House. In response to a query by Ms. Forbes, Roland Bartl said that the public bid requirements do not apply in this instance, where the award would be to a private entity.

Ms. Acerbo-Bachman said that the Historic District Commission supports the theater's proposal. She added that as Director of Art and Architecture for Trinity Church in Boston, she recently completed a master plan for Trinity Church after years of deferred maintenance.

Roland Bartl noted that once there is a preservation restriction on the property, there is no need for another.

In response to a query by Mr. Noone, Ms. Furnace said that the property had not been appraised. Mr. Noone suggested that figuring out the property value would be wise before a significant investment of money in the building. Roland Bartl said that the Town Assessor's records could help, although the assessed value is not necessarily the same as the appraised value.

### III. Other Business.

- A. Potential Open-Space Purchase. Mr. Ashton briefly addressed one of the open-space opportunities under negotiation, a 16-acre parcel that is under contract with a purchaser and as to which the Town now has the right of first refusal pursuant to Chapter 61A; the Town has 120 days from the owner's Chapter 61A notification to decide whether to match the purchaser's price, which necessitates getting an appraisal. The OSC is drafting a Chapter 61A policy, which the Town currently lacks.

In response to a query by Jon, Mr. Ashton said that whether the Committee should conduct a site visit depends upon whether the potential purchase progresses. If the appraisal comes in low, the transaction will not go forward.

- B. Piper Lane. In response to a query by Walter, Roland Bartl confirmed that although the Committee had authorized the use of CPA funds for the preservation of the property during the winter, the water pipes had frozen, apparently due to a heating malfunction that was not discovered immediately because Town personnel do not check the house every day; according to Dean Charter, Town Municipal Properties Manager, the resulting damage was significant. The Town will have to pay for the repair. Walter noted that the Town and Committee could face the same house-related issues with respect to the one open-space parcel under discussion that includes a house

In response to a query by Jon, Roland Bartl said that there currently are two draft warrant articles providing alternative solutions to the frontage problem: placement of an open-space conservation restriction on the entire, undivided parcel; or purchase of a parcel that will provide the required frontage.

Next Meeting. The next meeting will be on Thursday, January 14th, 2010, 7:30 p.m. The Committee will hear the applicant presentation on the Test House, and then will begin deliberations on all of the proposals.

The meeting was adjourned at 9:00 p.m.

- Janet Adachi, Clerk