

Minutes
Town of Acton Community Preservation Committee
January 21, 2016
Acton Memorial Library

Members Present: Peter Ashton (Chair), Peter Berry, Tory Beyer, Walter Foster, Paula Goodwin, Susan Mitchell-Hardt, Ken Sghia-Hughes, Joe Will (Clerk)

Others Present:

Roland Bartl (Acton Planning Director), Robert Hummel (Acton Assistant Planner), Roland Bourdon (Finance Committee observer), David Honn (Historic District Commission Vice-Chairman), Ron Regan (Historic District Commissioner), Scott Kutil (former Historic District Commissioner), Tom Cooper (Citizen of Wayland); also, a videographer from Acton TV who recorded the meeting.

Peter A opened the meeting at 7:35 P.M.

I. Citizen Concern

- Wayland citizen Tom Cooper, representing himself and not an advocacy group, is concerned about the use of tax revenues for funding churches. He cites the Massachusetts Constitution, Amendment 18 Section 2 (as superseded by Article 46), presumably (by CPC Clerk) this:

. . . no grant, appropriation or use of public money . . . shall be made or authorized for the purpose of . . . maintaining or aiding any church, religious denomination or society.

CPC observations:

- We’ve been down this road before and have received legal counsel on this. In the past, we’ve funded church-building projects similar to those currently proposed based on advice of Counsel.

- Have you (Tom Cooper) raised this with other CPCs? Tom: This is the first one, but not the last.

- The CPC will consult with Town Counsel on this. Also, Peter B must take this back to the Board of Selectmen (BoS) because the Town would have to defend any lawsuit. It’s the Town of Acton that would get sued, so its important that Peter makes it very, very clear to the BoS as to what might be “on the event horizon.”

II. Minutes of January 07, 2016

- Due to late submission of the January Minutes to most CPC members, consideration of the January Minutes will be moved to the next meeting Agenda.

III. Project Hearing

- Historic District Commission (HDC) Project: Historic District Consultant (Note: This project proposal was submitted on time, “had fallen into a crack,” and never got to the CPC until the 01/07 meeting where the CPC said that it would proceed with this application. Also, Ken recuses himself from discussion re this project as it is competing for funds with another historic-preservation project submitted by an organization for which Ken serves on a governing body.)

David (primarily), Ron, and Scott reviewed the information in the HDC application and its cover letter, both of which can be found at <http://doc.acton-ma.gov/dsweb/View/Collection-7173>

A goal for this project would be a Town Meeting warrant article that would clarify this HDC information and present the HDC table of information and new zoning provisions for the Historic Districts

CPC comments and questions:

- One of the first CPA Acton-funded projects was updating an historic inventory of Acton. Can you use this? The HDC has data sources like this, but it hasn't had the statistics that it has now. It would be nice to re-inventory some of these properties.
- Would you be working under the Planning Board, the BoS, or what? We would need discussions with the Planning Board on that. However, anything coming out of this project will have to go through Planning and the BoS.
- Are you incorporating results of the Acton 2020 Plan? Yes. We want to piggyback off that. We are not trying to block building. We just want right things in the right places. Cited as a "bad" thing was a development proposed nine years ago that would have put a group of buildings behind the houses along Windsor Avenue. Later in discussion: The HDC must remember to keep Acton 2020 in the scope of this work. "Key Centers" is what to look for in Acton 2020. The general idea is to try to redirect development from open spaces into the Centers. Acton 2020 is one of the documents that the consultant will have to understand and tailor the work so that density ends up where Acton wants it. One of the intentions of this project is to better defend Districts against large development proposals.
- David cited jurisdictions that the HDC has and would have, including zoning controls that, for example, would not have allowed the houses developed along River Street in South Acton to be built as close to the street as they are.
- Every property in a Historic District is on the Cultural Resources list, so this is perfectly legal as a CPA project. But it will be a lot of work.
- Does the HDC have a consultant in mind? Not a particular person, but the HDC has avenues (examples given) for finding these people.
- Would this have to go out to bid? (The requested amount is based on 320 h of work at \$100/h + miscellaneous expenses.) Yes, as the cost would be more than \$25K.

IV. Version 1 Project Spreadsheet

- Roland Bartl reviewed the spreadsheet contents and how the various sections work. The CPC asked that Roland separate out the Open Space "appraisal fund amount" of \$20K, thereby reducing the Open Space set-aside amount to \$450K. These would be separate items in the CPA Warrant Article that results as well.

V. Initial Discussion of Projects

- Peter A: At the next meeting (02/11), we will start with everyone putting numbers in their respective columns of the worksheet. It is likely that 5 or 6 will come out unanimous so we likely won't have to discuss those projects. There is one item to be revised: The Acton Congregation Church (ACC) now requests \$51,237 for its Stained Glass Window Preservation, up from \$41K. We have about \$1.2M available, which leaves a shortage of about \$210K re the total requested amount. On the other hand, we don't have to spend everything.

Peter A then asked Committee members to share their views on the projects, trying to focus on those they are likely to cut or not fund at all. Comments from Committee members are grouped below. Groupings include the two Open Space items as described in Item IV above.

- **General**

- All projects are worthwhile (general agreement).
- The BoS will prioritize the Town projects at an upcoming BoS meeting. This will include the HDC project. Results will be made known to the CPC as soon as possible.
- If we were to lower every project amount by 14% (to achieve ~\$200K reduction), that would jeopardize a few of them.
- We can reduce \$ amounts awarded if we learn that projects are going to get \$ from other sources.

- **Windsor Green Windows**

- No comments

- **Community Housing Program Fund**

- We could reduce this. Community Housing currently has \$350K after spending \$250K this year and there is nothing in its application about additional spending. The Housing Production Plan could provide several ideas.

- **RHSO - Housing Services, 2 years**

- No comments

- **Open Space Set-aside**

- OS should be funded to the max.
- Would hold a little bit on OS. We should fund it to the degree that we can, while we try to fund as many projects as possible
- The OS is \$470K (total), so it is easy to take some away.
- Open Space would be easiest to cut back, but that's not where we should go.
- The Open Space average over time has been about 33% of available funding. 33% this year is about \$400K.

- **Open Space Acquisition and Preservation Fund**

- Try not to cut this!

- **Church projects — all 3 requests**

- There is some review needed about eligibility, but if we decide that projects are eligible, we should try to get them in.

- **SACC Roof Repair**

- No additional comments

- **ACC Preservation Master Plan (3 buildings)**

- No additional comments

- **ACC Stained Glass Window Preservation**

- No additional comments

- **Historic District Consultant**

- A good idea but may need to know a little more about this and be a bit more comfortable with how it will work.

- We could use the award letter to help “direct” the project, to allay some concerns about making sure the HDC works closely with the Planning Board, the Planning Department, and the BoS.

- **Recreation Department (RD) — all 3 requests**

- The Recreation Commission’s priorities: 1. Comfort Station, 2. Skatepark, 3. Parking Control

- Recreation projects are a concern because of the total \$ amount.

- It is really good that the RD came back the way it did (reducing requested amounts). This makes the decisions easier.

- There was general discussion about the RD helping to pay for its projects (originally, or as part of a bonding process) much like Natural Resources pays for some of its projects. Legality has to be checked.

- **NARA - Miracle Field Comfort Station**

- Has the town agreed to accept the donation of the modular homes that would be used for the Comfort Station? Yes, but only two of the homes.

- We could go down on the Comfort Station. Per the application, \$652K is the total cost. The applicants will raise \$265K, so that drops the need to less than \$400K. Also, the applicants said that it would probably be even less than that. They also have a 28% contingency, so there is some padding in there.

- Explore phasing the project. Don’t know what a “phasing” breakdown would be. With phasing, the award to go down to \$300K, maybe \$250K. The RD could come back next year to request additional \$.

- Consider bonding over, say, five years and stipulating that a portion of the bonding costs would come from RD fees, as the Comfort Station is expect to increase RD revenues. Bonding costs arrangements could me made part of the award letter, and could be revisited every year. Peter A will talk with Steve Barrett next week about the possibility of bonding the Comfort Station. Tom Tidman is not averse to the idea. Roland Bartl should run by Town Counsel the legality of using revolving funds to pay bonding debt. If bonding is a possibility, there should be some idea of terms, length of time, and how much the RD would pay.

- **Skate Park Expansion - Phase 2, Skate Plaza**

- Boxborough CPC has approved \$40K to help complete the Skatepark. If we don’t fund Phase 2, Boxborough could easily withdraw its support.

- We should try to keep Boxborough “in the game” by funding Phase 2 this year. Being good neighbors on this project would be important to future relationships between the two towns.

- Would not fund Skate Plaza. We don’t have that kind of wealth.

- Project application says that Skatepark bowl would go in this summer (2016). Phase 2 bid would go out in the fall. Phase 2 won’t happen until 2017 at the earliest. This project doesn’t need attention right away. We could push it out a year and fund it in the next cycle.

- CPA funds are immediately available after approval at Town Meeting. Cathy Fochtman said that she would try to do both projects together and complete them in 2016. Per Roland Bartl: You can put out to bid subject to funding. You have to be careful about the timing so that bids would be valid when you get funding.

– Last year, the CPC said it would look at Phase 2 this year if Boxborough were to be on board with their part. Now, it would be disingenuous of us if we didn't fund it, especially if we would want to do other projects with Boxborough.

• **NARA - Parking Control Study**

- NARA use-concerns suggest that Parking Control Study s/b fully funded.
- Would not fund Parking Control Study. We don't have that kind of wealth.
- Parking Control is the Rec Commission's lowest priority and the RD is asking for half of our budget. We could do away with Parking Control.
- Such a study should be funded through the Town's General Fund.
- This s/b part of Recreation's normal operations. It's much more important that it be funded out of the Town budget rather than by a CPA award.
- There needs to be some sort of control of the parking. \$30K for a study would not control parking this year. Could there be a parking attendant? a fee system?

• **CPA Program Support**

- No comments

• **Debt Service - Wright Hill Open Space (yr 1)**

- This \$70K would be the debt service for one year. Right now, this is an estimate as the Town is still working to put together a bonding package to save bonding costs. Hopefully there will be a bonding bundle (e.g., Kelley's Corner, Train Station landscaping, Wright Hill purchase) in a couple weeks. Last year \$7K was allocated to cover a short-term loan. This year's \$70K is based on 15-yr bond. Make sure that the right principal amount is being used because the Wright Hill Association gave back \$60K last year to reduce the amount of permanent bonding, so the debt service amount should be a little less.

VI. Report – CPA Study Committee (CPASC)

- The CPASC has not met since the last CPC meeting. The CPASC will not recommend a blended CPA fund and it will not recommend raising the percentages guaranteed to Open Space, Housing, and Historical Preservation. On 02/01, it will vote on recommending any surcharge adjustment. If the CPASC does vote to recommend increasing the surcharge, the BoS can accept the recommendation or not, but it cannot lobby for anything.

VII. Project Reports and Updates

- Thanks to Roland Bourdon, Peter A has finished the CPC Annual Report for the Town's Annual Report. The CPC thinks it looks great. Roland Bartl will submit it to the Town tomorrow.

VIII. Administrative updates

- Roland Bartl has sent out the Project Spreadsheet as an EXCEL file. When we reconvene in February, we should have our numbers ready.
- Peter B will send out attachments to a recent PowerPoint presentation that he shared with the CPC.

9:25 P.M. It was moved, seconded, and voted unanimously to adjourn.

Next Scheduled Meeting:

02/11 Project Deliberations