

**MINUTES OF MEETING
COMMUNITY PRESERVATION COMMITTEE
January 28, 2019
Location: Weston Police Station Training Room**

The Community Preservation Committee (the “CPC” or the “Committee”) convened a regular meeting, duly noticed, on Monday, January 28, 2019 at 7:00 p.m. in the Police Station Training Room. CPC members present were Stephen Ober, Chair; Barry Tubman; Nathalie Thompson; Ken Newberg; Sue Zacharias; Steve Wagner; Chris Houston; and Nina Danforth. CPC member Laurie Bent was absent. Weston Affordable Housing Trust (“HT” or “Trust”) Chair Sarah Rhatigan, Traffic and Sidewalk Committee (“TSC”) member Clint Schuckel, and Historical Commission (“HC”) Co-Chair Phyllis Halpern were present. Resident Michael Harrity, Weston Media Center Regional Communications Technician Jim Tremble, Regional Housing Services Office (“RHSO”) staff member Liz Valenta, Conservation Administrator Michele Grzenda, and CPC Administrator Tracey Lembo were also present.

Steve Ober indicated that the meeting was being videotaped.

Public Comment

None.

261 Merriam St. (Arvilla Stickney’s House) – Historic Preservation Restriction (“HPR”) Appraisal (\$4,500)

Since the first two expected presenters had not yet arrived, Mr. Ober asked Phyllis Halpern to present the HC’s request to appraise a HPR on 261 Merriam St. first. Ms. Halpern reminded the Committee that it had approved this request in an earlier fiscal year but explained that the funds had not been used at that time because of procurement issues. Ms. Halpern displayed photos of the property and described it as a 1901 Queen Ann style house sited on 1.12 acres at the corner of Merriam St. and Hallett Hill Rd. in the Silver Hill National Register Historic District. Ms. Halpern noted that property, which was surrounded by a hostile 40B development approved by the ZBA and now under appeal, had been threatened until neighbors purchased it.

Ms. Halpern noted that the property belonged to a trio of houses on Merriam St. built by members of the same family and explained the home’s significance including the scarcity of middle class Queen Anne houses in Weston and of historic homes on wooded lots, the property’s prominent location on a scenic road in Weston’s first large-scale subdivision, and the “combination of nearby houses, barn, stonewalls and wooded lots [which] create an important historical streetscape, vital to establish the context of the District.”

Referring to a map illustrating the surrounding properties included in the permitted 10 unit 40B project, Ms. Halpern suggested that a much larger 40B would be constructed if the developer had control of 261 Merriam St. Ms. Halpern presented additional interior and exterior views of the property and, in response to Nina Danforth’s question, indicated that the house was occupied by renters. Mr. Ober invited questions. Sue Zacharias expressed her belief that the home anchored the neighborhood and applauded the neighbors’ purchase. In response to Mr. Ober’s question, the Committee discussed the appraiser’s ability to complete the project in a timely manner. Responding

to Chris Houston's question, Ms. Halpern stated that funding to purchase the HPR would not be requested at May Town Meeting.

VOTE: *Mr. Ober entertained a motion to approve the HC's request for \$4,500 in FY19 CPC administrative funds to commission an appraisal of an HPR on 261 Merriam St. Ms. Zacharias made the motion, which was seconded by Ms. Danforth. The motion passed unanimously.*

RHSO & Community Housing Staff Support (\$29,000)

Sarah Rhatigan indicated that she was presenting an annual request which the Town Manager had submitted on behalf of the Trust requesting funding for participation in the RHSO and staff support for the HT. Ms. Rhatigan explained that the RHSO did specialty housing work, including monitoring, State reporting, and re-sale functions and included the towns of Acton, Bedford, Concord, Lexington, Sudbury, Wayland, and Burlington. Ms. Rhatigan indicated that Liz Valenta, an RHSO employee and former Trust member, provided technical assistance and some administrative support to the Trust. Ms. Rhatigan noted that the \$29,000 FY20 request was up slightly from the previous year's request because of a slight addition in the number of service hours to be provided to the Trust.

Ms. Zacharias asked about the source of other funding for this project in a previous year; Ms. Rhatigan thought the funds had come from re-sale fees. Mr. Houston wondered whether the request could be funded out of CPC administrative funds. Ms. Rhatigan noted that, in contrast to other time sensitive projects, the request lent itself to a regular Town Meeting funding schedule; Ken Newberg suggested that the size of the request would be an issue for CPC administrative funding. Mr. Houston suggested that next year Ms. Rhatigan only present the request at the CPC's Public Hearing and noted that the Board of Selectmen ("BOS") would consider including the request in Town Meeting's consent agenda.

Ash St. Sidewalk Construction (\$650,000)

Clint Schuckel reminded the Committee that it was approximately the 8th fiscal year in which the TSC had presented a request to the CPC for funding and described the current request as the most compelling project from a recreation standpoint. Mr. Schuckel reported that the Town's Sidewalk Master Plan had been completed in 2010, that the current request represented the TSC's 3rd project, that it took approximately 3 years to complete a single sidewalk project, and that the TSC's objective was to create safe recreational opportunities.

Mr. Schuckel noted that because of wetland, abutter, and alignment issues, the Ash St. project was now prioritized over Warren Ave. Mr. Schuckel explained that construction of the Merriam St. sidewalk, for which funding was appropriated at May 2018 Town Meeting, had been delayed because of roadwork and culvert issues but would soon be rebid. Mr. Schuckel stated that because of concern that DPW could not manage multiple sidewalk projects simultaneously, funding for a construction manager was included in the current request. Mr. Schuckel referred to a map of proposed new sidewalks noting that the Town had applied for State funding to construct sidewalks at the Wellesley St./Route 20 intersection and along the entire length of Route 30. Mr. Schuckel reviewed milestones for the current project beginning with the May 2016 CPA Fund appropriation for a concept study and including purchase of the Case Estates property in June 2016, Recreation Commission approval in December 2018, Conservation Commission ("ConCom") approval and

surface material selection in January 2019, and anticipated Planning Board (“PB”) approval in February 2019. Mr. Schuckel indicated that bids should be available in time for the CPC’s vote at its Public Hearing in March.

Referring to an overhead view of the proposed project area, Mr. Schuckel noted that the posted speed limit north of the Weston Reservoir along Ash St. was 40 mph and that the TSC hoped to create a safe place for people to walk and to promote enjoyment of Case Estates, the Town’s biggest investment. Mr. Schuckel indicated that the west side of Ash St. had only 2 abutters and that routing the path through Case Estates avoided 226 Ash St. which was very close to the road. Mr. Schuckel reviewed the sidewalk’s proposed alignment beginning at the reservoir where the existing sidewalk ends on the east side of Ash St., crossing to the west side of Ash St. south of an existing parking area, either abutting or following Ash St. with a 2-3 foot buffer as it extends north, “meandering” across Parcel 9, and then connecting to the Legacy Trail Connector on the west side of Wellesley St. via a new crosswalk.

Mr. Schuckel reported that the combination of the Legacy Trail/Connector and the Ash St. pathway totaled nearly a mile of new walkway (of which, 2/3 was located on Case Estates) and that the 2 projects had been designed and would be bid as one despite having different funding sources (i.e., existing and proposed CPA Fund appropriations for the Legacy Trail/Connector and the Ash St. walkway, respectively). Mr. Schuckel reviewed the \$650,000 Ash St. budget noting that it had been developed by the Town Engineer based on previous projects, that it included \$50,000 for construction management and a 20% contingency, and that bids would be in hand for the CPC’s Public Hearing in March.

The Committee discussed the surface material for each project. Mr. Schuckel explained that both the sidewalk along Ash St. and the Legacy Trail would be paved, while the Connector and path across Parcel 9 would have a stone dust surface. Mr. Schuckel further explained that the base of the stone dust paths would allow for paving in the future should maintenance costs prove to be prohibitive. Ms. Danforth asked about the breakdown between paved and stone dust surfaces. Mr. Schuckel thought it was roughly half and half. In response to Committee member questions, Mr. Schuckel noted that stone dust would accommodate bikes and that stone dust could not be plowed. Ms. Zacharias asked if the paths would be open to dogs. Michele Grzenda reported that an Ecological Management Plan would be undertaken for Case Estates and that her preliminary recommendation was that dogs be allowed on leash only. In response to Ms. Danforth’s question about costs, Michael Harrity indicated that stone dust paths were cheaper to construct than asphalt paths and that maintenance expenses occurred less frequently for the former than the latter. Mr. Ober asked about the original proposal for the Ash St. sidewalk. Mr. Schuckel reported that though the original proposal featured a sidewalk on Ash St. all the way to Newton St., opposition from the homeowner at 226 Ash St. and concerns about safe crossing at Case’s Corner had altered the proposal for the path’s alignment. Steve Wagner asked if the Town might sell Parcel 9. Mr. Harrity and Mr. Houston explained that the parcel might be sold in the future but that the BOS was not actively pursuing a sale at this time.

Ms. Danforth expressed concern about tree impacts and noted that the Tree Advisory Group (“TAG”) would like to be consulted. Ms. Zacharias referenced discussion at the PB concerning tree impacts, and Mr. Schuckel noted that only 2 large, live trees would be removed. Ms. Danforth

expressed her belief that projected costs were high and, acknowledging that TAG had missed the relevant PB meeting, pledged to “do what we can.” Mr. Schuckel reminded the Committee that the budget contained a large contingency because the project had not yet been bid. Mr. Harrity suggested that the salient point was that bids would be in hand before Town Meeting.

Case Estates Update

Mr. Harrity reviewed the history of the Town’s purchase of the 62.5 acre Case Estates recalling that in 2005, after Harvard University announced plans to sell the property, the Town formed the Case Estates Review Committee (“CERC”) to evaluate the Town’s interest in acquiring it. Mr. Harrity reported that Harvard commissioned an appraisal which valued the property at \$28.5 million, that the Town commissioned an appraisal which valued the property at \$20.5 million, and that, after CERC recommended that the Town take control of the property, the parties agreed on a \$22.5 million purchase price which was unanimously approved at Special Town Meeting in November 2006.

Referring to a map of the property, Mr. Harrity reminded the Committee that Parcels 1, 2, and 6a (“The Hillcrest Corridor”) were acquired with CPA funds for open space purposes, that Parcels 7 and 8 were acquired with General funds for municipal use, and that Parcels 3-6 and 9 were acquired with the expectation that they would be sold for residential use if private funds could not be raised to preserve them. Mr. Harrity reviewed the original purchase price allocation to various parcels noting that the lots purchased with General funds were burdened with more than their fair share of costs because the purchase price exceeded the Town’s appraised value which is not permissible under CPA regulations. Mr. Harrity reminded the Committee that prior to closing, elevated levels of lead and arsenic were found in the soil and that the purchase was delayed as Harvard completed additional testing. Mr. Harrity then recalled the Hybrid Remediation Plan which was narrowly approved at May 2010 Town Meeting whereby Harvard agreed to remediate some of the property to residential standards and some to a standard that would allow only passive recreational use in exchange for a \$3 million reduction in purchase price, \$1,185,667 of which was returned to the CPA Fund.

Mr. Harrity next explained how additional testing required to implement the Hybrid Plan uncovered further contamination leading to Harvard’s offer to sell the property to Weston as is for \$14.8 million. Mr. Harrity then reported that Weston sued Harvard to force them to comply with the Hybrid Plan and that the Town acquired the property for \$13,740,200 in June 2016 after cleanup by Harvard consistent with DEP guidelines. Mr. Harrity then explained the allocation of the \$5,759,800 reduction in price to individual parcels noting that since much of the CPA land was remediated, the bulk of the price reduction was allocated to municipal parcels. Mr. Harrity then reviewed post closing costs pointing out that legal and environmental expenses had been higher than anticipated but assuring the Committee that costs had been carefully allocated between CPA and municipal accounts.

Mr. Harrity reviewed some of the post closing work done to date including surveys, demolition and stabilization of existing buildings, and clearing of invasive species and described additional required costs including environmental consulting fees, costs to develop an Ecological Management Plan, and additional surveys. Mr. Harrity reported that approximately \$725,000 in uncommitted funds remained in the CPA account.

Mr. Harrity discussed survey work undertaken to create legal lots, several of which were being reconfigured to protect view corridors north of Wellesley St. and to respect an abutter's wishes south of Wellesley St. Mr. Harrity noted that the Town could not use the existing buildings on Lots 4 and 5 because of septic limitations, so the expectation was that they would be sold with HPRs and that Weston Forest and Trails would hold a conservation restriction ("CR") on Lot 5 to protect the Hillcrest Corridor view. Mr. Harrity reported that after lot reconfiguration, land area acquired with CPA funds totaled 30.3 acres.

Mr. Harrity presented a Master Plan for Case Land developed by Tom Wirth Associates ("Wirth") in 2016 and an accounting of CPA and municipal expenditures and required costs for Case Estates. Mr. Harrity suggested that the BOS and ConCom supported using the remaining uncommitted balance in the CPA account to create the Legacy Trail and Connector since it provided access to open space, connected with existing trails and sidewalks, and was consistent with CPA regulations and the Town Meeting vote.

Mr. Harrity presented current plans for the Legacy Trail and Connector noting that it would meet the U.S. Forestry Service's Trail Accessibility Guidelines but not the more restrictive Massachusetts Architectural Access Board's regulations. Mr. Harrity described efforts to minimize slope and avoid trees and highlighted the trail's terminus at the site of the former "Summer House." Mr. Harrity reported that the surface of the Legacy Trail and Connector would be asphalt with embedded chips and stone dust, respectively, and that Weston 300 would donate benches to be located at multiple pull offs. Noting that a 16 foot opening in the hen's tooth wall on Wellesley St. would be required for maintenance and emergency vehicle access, Mr. Harrity emphasized that the project represented the primary access to open space.

Mr. Harrity indicated that the need for a Licensed Site Professional to oversee environmental work had increased project costs and explained that the Legacy Trail/Connector and Ash St. projects would be bid as one though costs would be broken out. Mr. Harrity also reported that the Town had applied to the State for a \$100,000 grant which would reduce the CPA Fund contribution should it be awarded.

Responding to Committee questions, Mr. Harrity illustrated the portion of the project which would be paved (i.e., the Legacy Trail) and the portion which was slated to have a stone dust surface (i.e., the Connector). Mr. Wagner wondered about the impact of maintenance vehicles entering at a single entrance; Mr. Harrity reported that mowing was only done 2-3 times/year. Responding to Ms. Danforth's question, Mr. Harrity stated that Howard Stein Hudson ("HSH") had replaced Wirth as the project's design firm and that HSH was developing details from Wirth's plans to create a bid package. The CPC discussed how bidding would be handled. Mr. Harrity explained that one project with two components would be bid to insure that appropriations were used appropriately and that the Legacy Trail/Connector could be built should the Ash St. project be defeated at Town meeting. Responding to Mr. Ober's question, Mr. Wagner suggested a base bid plus an add alternate. In response to Ms. Halpern's question about potential State funding, Ms. Grzenda reported that the Town had applied for a Mass Trails Grant through the Department of Conservation and Recreation and noted that the Town had been awarded such a grant for the Rail Trail. The Committee discussed benches to be donated by Weston 300. Mr. Harrity noted that 12-14 benches

were anticipated along the Legacy Trail and that some benches would be donated and placed along the Rail Trail as well. Ms. Danforth expressed concern about private ownership of the Case Estate's buildings; Mr. Wagner emphasized that they were likely to be encumbered by HPRs. Mr. Harrity noted that total costs for the Legacy Trail/Connector Project were estimated at \$692,000 including a 22% contingency and that approximately \$725,000 remained in the CPA account. Mr. Houston wondered why costs were broken out between the Legacy Trail and Connector; Mr. Harrity explained that it was merely to provide detail.

Mr. Houston wondered whether the CPC agreed that constructing the Legacy Trail and Connector was in keeping with the original CPA Fund appropriation. Mr. Harrity stated that the proposed use of CPA funds was consistent with the Town Meeting vote, State regulations, and savings on the purchase price. Mr. Ober asked if the CPC was troubled that the appropriation made 13 years ago did not contemplate the Legacy Trail. Mr. Harrity noted that the original appropriation contemplated trails and access and that CPA funds could be applied to the Case Estates portion of the Ash St. Project should bids for the Legacy Trail/Connector come in lower than expected. Committee members did not express discomfort with the proposal. Ms. Danforth again expressed unease with the sale of the Case Estates buildings; Mr. Harrity again stressed their expected encumbrance by CRs and HPRs.

Other CPA Fund Applications

Mr. Ober indicated that the CPC had received one additional application to be considered for May Town Meeting, funds to acquire 500 Wellesley St. Mr. Ober listed other projects which had originally been planned for FY20 as follows: 1) Brook School Apartments Conceptual Design, 2) Additional Rail Trail Funding, 3) 500 Wellesley St. HPR, 4) Josiah Smith Tavern ("JST") Construction, 5) Case Estates HPRs, 6) Additional Funding for Farmer's and Central Cemetery Restoration, and 7) Memorial Pool. Mr. Ober noted that some projects, like the JST, were likely to be considered in the fall. Mr. Ober also noted that the 500 Wellesley St. HPR was no longer expected to require CPA funding since the property owner had agreed to provide it gratis.

Approve Minutes of the CPC Public Hearing and Meeting on October 22, 2018

VOTE: Mr. Ober entertained a motion to approve the minutes of the CPC public hearing and meeting on October 22, 2018. Mr. Tubman made the motion, which was seconded by Ms. Danforth. The motion passed unanimously.

The meeting adjourned at 9:02 p.m.

Respectfully submitted,

Tracey A. Lembo
CPC Administrator

Appendix A

CPC Meeting January 28, 2019 Document List

- 1) 261 Merriam St. HPR Appraisal:
 - a. Application
 - b. PowerPoint
- 2) Community Housing Staff Support:
 - a. Application
- 3) Ash St. Sidewalk Construction:
 - a. Application
 - b. PowerPoint
- 4) Case Estates:
 - a. Memo from Michael Harrity to the Board of Selectmen Dated December 12, 2018
 - b. Michael Harrity PowerPoint Presentation to the Board of Selectmen Dated December 18, 2018
 - c. Case Estates Votes
 - d. Case Estates Accounting Spreadsheet Dated 1-23-19
 - e. Michael Harrity PowerPoint Presentation to the CPC Dated January 28, 2019
- 5) 1-24-19-FY19 CPC Administrative Expenses Spreadsheet
- 6) Draft Minutes of the October 22, 2018 CPC Meeting.