

**MINUTES OF MEETING  
COMMUNITY PRESERVATION COMMITTEE  
February 11, 2019  
Location: Weston Police Station Training Room**

The Community Preservation Committee (the “CPC” or the “Committee”) convened a regular meeting, duly noticed, on Monday, February 11, 2019 at 7:00 p.m. in the Police Station Training Room. CPC members present were Stephen Ober, Chair; Barry Tubman; Ken Newberg; Laurie Bent; Chris Houston; Steve Wagner; and Nina Danforth. CPC members Sue Zacharias and Nathalie Thompson were absent. Friends of the Josiah Smith Tavern, Inc. (“Friends”) President Adrienne Giske and member Henry Stone were present. Permanent Building Committee (“PBC”) Chair Jim Polando was present. Residents Nick Danforth and Julie Hyde were present. Weston Media Center Senior Producer Allana Muldoon, Conservation Administrator Michele Grzenda, and CPC Administrator Tracey Lembo were also present.

Steve Ober indicated that the meeting was being videotaped.

**Public Comment**

None.

**500 Wellesley St. (FY20)**

Ms. Bent indicated that she would be requesting \$2,517,300 in Community Preservation Act (“CPA”) funds on behalf of the Conservation Commission (“ConCom”) to purchase and protect approximately 13 acres of land at 500 Wellesley St. known as Wellington Farm. After referring to a map and an aerial photograph of the site, Ms. Bent noted that the property, located south of the Massachusetts Turnpike in the heart of the Town’s historical farming district, had been in the Danforth Family since 1907 and indicated that the farmhouse located on site had been designated as a historic property in 1988. Ms. Bent also noted that Waltham Fields Community Farm had been farming a portion of the property since 2012 and that the purchase of Wellington Farm would be the realization of former ConCom Chair George Bates’ long held dream. Ms. Bent reported that the Massachusetts Water Resources Authority (“MWRA”) had paid the Town \$3 million earmarked for preservation in exchange for land used to build a reservoir and that in 2000, Weston’s Committee to Advise on Land Acquisitions (“CALA”) had listed 11 priority parcels and ranked Case Estates number 1 and Wellington Farm number 2. Ms. Bent suggested that when the Town adopted CPA in 2001, many people had been thinking of Wellington Farm. Ms. Bent also indicated that the Town’s 2017 Open Space and Recreation Plan had identified Wellington Farm as a priority parcel.

Ms. Bent reminded the Committee that a purchase and sale agreement (“P&S”) had been signed with land owner Nick Danforth 1 ½ years ago and that a 2016 appraisal had valued the 11.32 acres in the Farming Development Lot (the subject of the 2017 P&S) at \$2.8 million and Lot 7, just south of the farmhouse, at \$700,000. Ms. Bent stated that after lead was found on the property, the P&S was cancelled and that Michele Grzenda would explain the remediation process in a subsequent presentation. Ms. Bent indicated that the Historical Commission (“HC”) was interested in protecting Lot 7 in order to maintain the view of the 1760 farmhouse from Glen Rd. and Wellesley St. Ms. Bent explained that since purchasing Lot 7 as open space would protect the historic viewscape and since Mr. Danforth had agreed to grant a historic preservation restriction (“HPR”) on

the farmhouse, ConCom wished to acquire both the Farming Development Lot and Lot 7, which today have a total appraised value of \$3.5 million as they did in 2016. Ms. Bent explained that the property's purchase price was \$3,375,000, that closing and post-closing costs totaled \$20,000, that there was \$877,700 left in the MWRA account, and that ConCom was, therefore, requesting \$2,517,300 in CPA funds. In response to Committee questions, Ms. Bent and Mr. Danforth confirmed that there would be public access to the property and that farming might occur on Lot 7 as long as the viewscape was preserved. Ms. Bent then turned the presentation over to Ms. Grzenda to request CPC administrative funds.

### **500 Wellesley St. (FY19)**

Ms. Grzenda suggested that it might be helpful for the CPC to review environmental remediation at Wellington Farm which had stalled the property's purchase. Ms. Grzenda reminded the Committee that in 2016 the property had been appraised and that a P&S had been signed which contained an environmental contingency. Ms. Grzenda reviewed steps in the cleanup process and CPA/Town funding for these steps including the following:

- 1) \$3,950 to hire a Licensed Site Professional ("LSP") to conduct a Phase I Environmental Assessment which had recommended soil testing;
- 2) \$6,400 for the Town's LSP to conduct soil sampling for a Phase II Environmental Assessment (change order #1) which revealed elevated levels of lead, but no arsenic, in 2 samples;
- 3) \$3,500 for the Town's LSP to oversee additional soil testing undertaken by Mr. Danforth's LSP (change order #2);
- 4) \$2,625 for the Town's LSP to oversee further soil testing undertaken by Mr. Danforth's LSP (change order #3);
- 5) \$5,000 for the Town's LSP to oversee the remediation proposal developed by Mr. Danforth's LSP (change order #4);
- 6) \$1,000 for the Town's LSP to oversee soil excavation (change order #5a); and
- 7) \$2,000 for the Town's LSP to review the final report produced by Mr. Danforth's LSP (change order #5b and the subject of the current request).

Ms. Grzenda explained that stereomicroscopic imaging had confirmed the theory that lead in the soil was the result of paint chips from an on-site water tower and pump house. Ms. Grzenda noted that because lead paint was the cause of contamination, the standards of a MA Contingency Plan did not apply to the property's cleanup, yet the property had been remediated to these stringent standards. Ms. Grzenda reported that contaminated soil had been excavated and replaced with clean fill and that Mr. Danforth's LSP believed that the remediated site posed "no significant risk to human health." Ms. Grzenda indicated that the current request for \$2,000 would enable the Town's LSP to review Mr. Danforth's LSP's final report and, hopefully, give the property a clean bill of health. Ms. Grzenda referred to a slide summarizing project costs and then invited questions.

In response to Committee questions, Ms. Grzenda indicated the locations of the tennis court and former water tower. Ms. Grzenda reported that parking for several cars existed under the MA Turnpike overpass and described a contiguous portion of trails including along the MWRA Aqueduct, an existing trail from Glen Rd. to the MWRA Aqueduct, and a trail on the other side of Wellesley St. across Gateways Farm into the Blaney Aquifer land. Ms. Grzenda noted that the amount of funding in the MWRA account fluctuated, that ConCom's intent was to drain this

account, and that any unused CPA funding would be returned. Ms. Bent suggested beginning the process of liquidating the MWRA account.

***VOTE: Mr. Ober entertained a motion to approve ConCom's request for \$2,000 in FY19 CPC administrative funds for additional LSP funding for 500 Wellesley St. Steve Wagner made the motion, which was seconded by Ken Newberg. The motion passed unanimously with Nina Danforth's recusal.***

### **Josiah Smith Tavern ("JST")**

Adrienne Giske and Jim Polando indicated that they would provide an update on the JST project. Ms. Giske reviewed the project's schedule reporting that they were in the early stages of design development; that Chris Houston, Town Manager Leon Gaumond, and Pam Fox had met with Historic New England ("HNE"); that design development would conclude in May; that construction documents would be produced between April and July; that the project would be bid in September; and that bids would be due on October 8<sup>th</sup> in anticipation of Town Meeting on December 3<sup>rd</sup>.

Ms. Giske reviewed the Friends' activity over the 2016 -2019 period including 10 meetings with the architectural firm Baker/Wohl, 2 presentations to the PBC, several meetings with Ms. Grzenda, 6 meetings with the Town's building inspector, and 3 meetings with the Finance Committee. Ms. Giske noted that the Friends' Letter of Intent with the Webber Restaurant Group had expired but that the Boston Restaurant Group was providing a short list of potential tenants.

Ms. Giske reminded the Committee that the JST had suffered 37 years of deferred maintenance and suggested that a purchaser would have to be paid a substantial amount of money to be induced to take title to the building. Ms. Giske reviewed current cost estimates including \$9.75 million in hard construction costs and a \$12.5 - \$13 million total development cost including a 20% contingency. Mr. Polando compared the JST's per square foot construction only costs (\$699) to those for Case House (\$460) and the Weston Art and Innovation Center (\$630) and suggested that Case House costs were much lower because it did not require septic or major site work and because it had been kept in much better condition due to its continuous occupation. Mr. Polando noted that some of the project's cost drivers included a large retaining wall, HNE's requirements (such as replacing deteriorated features with similar materials), and neglect. After suggesting that the Friends' plan was popular, Ms. Giske noted that the project manager had provided updated cost estimates several hours ago and that actual costs would not be known until bids were obtained.

Mr. Wagner asked what had changed since the last substantial price increase. Mr. Polando cited additional structural investigation, a better understanding of site constraints, and [a better understanding of] HNE's requirements with regard to the rear building addition. Mr. Wagner suggested that construction costs were also rising; Mr. Polando noted that private sector construction costs were reportedly rising 9% annually. Mr. Polando stated that he had hoped that the project would be presented at Spring Town Meeting but that it had become clear that more complete documents were needed. Ms. Giske indicated that after revision last May, total project costs had been estimated at \$9.4 - \$9.5 million. Mr. Polando noted that while the Friends' proposed to deliver only a warm, lit, shell to the restaurant tenant, a few construction items were required by this particular use including an exterior grease trap. Ms. Giske noted that the restaurant consultant

had reported that the restaurateur's build out would cost \$1.1 million. Ms. Danforth commented that only a solid restaurateur could fund that level of fit out.

Mr. Ober asked what steps needed to occur to make it to Fall Town Meeting and what could go wrong. Ms. Giske indicated that drawings would be completed in September, and Mr. Polando stated that bids would be due on October 8<sup>th</sup>, at which point final costs would be known. Mr. Polando noted that under Chapter 149, bids could be held for up to 60 days with an extension. Henry Stone suggested that good documents for the Case House project had led to a tight bid range. In response to Mr. Wagner's question about bids relative to cost estimates, Mr. Polando stated that bids on the Case House project were approximately 10% higher than expected.

Ms. Giske indicated that HNE would be consulted after design development; Mr. Houston expressed cautious optimism that negotiations with HNE over the existing deed restriction could be completed by May and that Town Meeting could vote to authorize an amended restriction at that time. In response to Mr. Ober's question about HNE's potential desires, Mr. Houston noted that HNE had an HPR template which, if adopted, would give it control over landscaping on adjacent property, for example. In response to Ms. Bent's comment about some HNE cost drivers which were not visible, Mr. Houston suggested that which HNE requirements were negotiable needed to be clarified. Ms. Giske stated that fire protection was the most important part of the JST proposal, suggested that HNE was beginning to understand that the Town may not move forward with any proposal should the Friends' proposal fail, and noted that rents were increasing in Weston Center. Mr. Polando explained that the design process would run parallel to the HNE negotiation process. Mr. Houston indicated that negotiations with HNE had had to wait until the design process was further along.

Ms. Giske described the proposed addition in the Friends' plan as minimalist compared to previous plans. In response to Ms. Danforth's question about the proposal for a retaining wall, Mr. Polando expressed displeasure that its extent had not been identified sooner. Mr. Houston asked if the wetlands in the back of the property were expanding. Mr. Polando explained that the project had to be designed for the current wetland boundaries but that the water table would have to rise 3-4 feet to encroach on the JST parking lot. Indicating that he was not entirely certain what type of vote was necessary to amend the HNE restriction at May Town Meeting, Mr. Houston expressed his belief that a simple majority would suffice.

### **CPA Fund:**

- **Projections**

Mr. Ober referred to handouts relating to CPA Fund ("Fund") financial status and suggested that the easiest to digest was the Word document which explained changes from the last time the CPC had reviewed Fund projections. After noting assumption changes, Mr. Ober highlighted large changes in projects including an increase in the purchase price of 500 Wellesley St. as well as a change from cash funding to bonding since project costs now exceeded \$2 million. Ms. Bent expressed hope and Mr. Wagner confidence that the project could garner the required 2/3's vote for bonding. Ms. Bent noted that since ConCom had consulted the Housing Trust, she was hopeful that they would support the project at Town Meeting. Mr. Houston raised the issue of the Town's right of first refusal on 751 Boston Post Rd. for which a 40B opposed by neighbors was planned. Ms. Bent described 500

Wellesley St.'s location and visibility as superior to that of 751 Boston Post Rd., and Mr. Wagner noted that the property owner was donating an HPR at 500 Wellesley St.

Mr. Ober reported that many projects originally planned for FY20 had been pushed back to a later date in the projections but that some, like the JST, might be brought to Fall Town Meeting. Mr. Ober noted that bonding 500 Wellesley St. had essentially freed up cash which had been used to increase cash funding and reduce bonding for the JST. Mr. Ober suggested that in light of updated costs presented for the JST earlier in the evening, there would have to be a bonded portion of the project. After indicating that he was happy to review details, Mr. Ober drew the Committee's attention to the "Minimized Projection" worksheet and noted that the \$1-\$2 million fund balance originally projected for FY20 was now projected for FY21 because of the JST project's delay. Mr. Houston reported that he had not yet confirmed whether the additional \$1.13 million in projected funding for Case Campus Walkways would be needed. Mr. Ober indicated that the JST project request was now \$3 million higher than the figure reflected in the projections.

Mr. Ober asked how the \$10.5 - \$11 million construction cost originally estimated for the JST [in the spring of 2018] had been reduced to \$9.5 million. Mr. Wagner noted that redundant contingencies had been eliminated; Mr. Houston referenced pencil sharpening and suggested that costs could rise even further than current expectations. Mr. Ober reiterated that the Fund balance would be insufficient to cash fund the entire JST project. Barry Tubman thought the Town would react to the JST project's total costs more than the cash/bonding split. Mr. Wagner reminded the Committee that challenges to the size of the Fund balance had been fought off by explaining to the Town that cash was being saved for the JST project. Mr. Ober noted that the Committee had not discussed the bar for an uncomfortably low Fund balance. Mr. Houston suggested a 50/50 cash/bonding split for the JST project. Responding to Mr. Ober's request for clarification, Mr. Tubman reiterated his belief that the funding mix for the JST was of some importance but questioned whether a \$15 million project would be approved.

Mr. Ober wondered how often the Town had spent \$15 million on a single project. Mr. Houston cited total project costs of \$10 - \$11 million, \$12.5 million, and \$31.5 million for the DPW, Police Station, and Field School, respectively. The Committee discussed the likelihood of Town Meeting approval for such an expensive project; Mr. Houston noted the 75% - 80% vote in favor of additional design fees for the project. Mr. Tubman raised the issue of the opportunity cost of the project. Mr. Ober asked about 751 Boston Post Rd.; Mr. Houston suspected a \$10 million+ purchase price for the Town to exercise its right of first refusal.

Mr. Ober noted that though the numbers he would present at the Public Hearing and at Town Meeting would focus on a very near term time horizon, the cash/bonding decision for 500 Wellesley St. would impact these near term figures. Tracey Lembo explained that no debt service was due in the year in which a project was bonded, that interest only was due the next year, and that principal and interest was due the year after that. The Committee agreed to recommend bonding for 500 Wellesley St.

- **Existing Projects with Balances**

Referring to a spreadsheet detailing the status of existing Fund appropriations, Mr. Ober reminded the Committee that, as had been explained at the last meeting, the \$781,000 remaining in the Case Estates account would be used. The Committee discussed making it easier to identify remaining balances which were not expected to return to the Fund (e.g. \$5,000 for the 699 Boston Post Rd. HPR and \$2,825 for the 55 Coburn Rd. HPR). Ms. Lembo reported that in accordance with Committee instructions, she routinely asked project sponsors with accounts in which there had been no activity in a year or more to return the funds or provide the CPC with a short term plan for using them. Mr. Ober noted that the Brook School expansion project was likely to be resubmitted; Ms. Lembo noted that the Elderly Housing Committee had considered a request for May Town Meeting. Mr. Newberg indicated that Weston Affordable Housing Foundation, Inc. would be submitting a request for funding for 4 units on Birch Lane.

**Fall Town Meeting:**

- **CPC Schedule**

The Committee agreed on an application deadline for Fall 2019 Town Meeting of Tuesday, September 10<sup>th</sup> and on the following fall meeting schedule:

- 1) Monday, September 16<sup>th</sup> at 7 p.m.;
- 2) Monday, September 23<sup>rd</sup> at 7 p.m.;
- 3) Monday, October 7<sup>th</sup> at 7 p.m.; and
- 4) Monday, October 21<sup>st</sup> at 7 p.m. (Public Hearing).

- **Revised CPC Application**

Ms. Lembo explained that the proposed Town Manager Acknowledgement Form which had been circulated was intended to remove ambiguity around what constituted consulting with the Town Manager and relevant groups regarding Town priorities and capacity. The Committee agreed to adopt the form for the fall 2019 application cycle.

**Approve Minutes of the CPC Meeting on January 28, 2019**

***VOTE: Mr. Ober entertained a motion to approve the minutes of the CPC meeting on January 28, 2019. Mr. Houston made the motion, which was seconded by Mr. Tubman. The motion passed unanimously.***

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

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Tracey A. Lembo  
CPC Administrator

## **Appendix A**

### **CPC Meeting February 11, 2019 Document List**

- 1) 500 Wellesley St.:
  - a. May Town Meeting Application (FY20) for Acquisition Funding
  - b. 500 Wellesley St. Appraisal
  - c. 500 Wellesley St. Purchase and Sale Agreement
  - d. PowerPoint (FY20 Acquisition Funding)
  - e. CPC Administrative Application (FY19) for LSP Funding
  - f. PowerPoint (FY19 LSP Funding)
- 2) CPA Fund Financial Information:
  - a. 2-5-19 - Draft FY20 CPC Spreadsheet
  - b. Changes from 10-4-18 CPC Spreadsheet
  - c. 2-5-19 Existing CPA Fund Project Status Spreadsheet
- 3) Fall Town Meeting:
  - a. Proposed Fall 2019 CPC Meeting Schedule
  - b. Town Manager Acknowledgement Form for CPC Application
- 4) Draft minutes of the January 28, 2019 CPC Meeting