

**MINUTES OF MEETING  
COMMUNITY PRESERVATION COMMITTEE  
March 25, 2019  
Location: Weston Town Hall**

The Community Preservation Committee (the “CPC” or the “Committee”) convened a public hearing and regular meeting, duly noticed, on March 25, 2019, at 7:00 pm in the Lower Level Conference Room at Weston Town Hall. CPC members present were Stephen Ober, Chair; Barry Tubman; Ken Newberg; Steve Wagner; Laurie Bent; Nina Danforth; and Chris Houston. CPC members Susan Zacharias and Nathalie Thompson were absent. Traffic and Sidewalk Committee (“TSC”) Chair Jay Doyle was present. Recreation Master Plan Steering Committee member Michelle Callanan was present. Residents Michael Harrity, Nick Danforth, and Julie Hyde were present. Conservation Administrator Michele Grzenda, Recreation Director Chris Fitzgerald, Weston Media Center Regional Communications Technician Jim Tremble, and CPC Administrator Tracey Lembo were also present.

**PUBLIC HEARING**

Steve Ober informed those in attendance that the meeting was being videotaped and invited public comment.

**PUBLIC COMMENT**

- None.

**PRESENTATIONS BY PROJECT SPONSORS SEEKING FY20 CPA FUNDING**

**Community Housing**

- **Weston Affordable Housing Trust/Board of Selectmen – \$29,000 for Regional Housing Services Office & Housing Trust Staff Support (Support of Community Housing)**  
Ken Newberg presented a \$29,000 recurring request from the Weston Affordable Housing Trust (the “Trust”) and the Board of Selectmen (“BOS”) to pay for a certain number of hours from the Regional Housing Services Office (“RHSO”), which is an expert in affordable housing laws and regulations, supports the Trust’s mission, and helps with recertification and other technical requirements. Michael Harrity noted that the RHSO conducted affordable housing lotteries. Mr. Newberg indicated that the RHSO had held the lottery for Warren Ave. and then invited questions. Chris Houston reported that the BOS was likely to include the article in the consent agenda.

**Recreation**

- **Traffic and Sidewalk Committee – \$359,200 for Case Estates Walkway Construction and Completion of Ash St. Final Design (Creation of Recreational Land)**

**Legacy Trail Update**

Mr. Ober reported that the Recreation request had been revised, and Mr. Harrity indicated that since Jay Doyle’s request was for funding for a walkway on Case Estates from Wellesley St. to Ash St., it made sense to update the Committee on walkways on Case Estates which were being constructed with

money from an existing Community Preservation Act (“CPA”) Fund appropriation.

Referring to a map of Case Estates, Mr. Harrity reminded the Committee that approximately 29.5 acres comprising Parcels 1 and 2 had been acquired with CPA funds for open space purposes. Mr. Harrity then presented an updated version of the budget he had presented to the CPC in January which reflected an \$8.92 million CPA Fund appropriation approved in 2006, a return to the CPA Fund of approximately \$1.2 million in 2010 (because the Hybrid Plan approved at that time limited some CPA land to passive recreational uses thereby lowering its value), and an ultimate CPA Fund acquisition cost of \$6.6 million. Mr. Harrity noted that the cleanup of CPA funded land mandated by the Hybrid Plan had been completed. Mr. Harrity reviewed pre- and post-closing costs incurred to date including significant legal and environmental fees, land restoration costs, funding for a master plan, and survey and legal fees necessary to create legal lots. Mr. Harrity next reviewed additional expected costs including costs to develop an Ecological Management Plan (“EMP”) and additional legal fees. Mr. Harrity reported that approximately \$730,000 in uncommitted funds remained in the CPA account.

Mr. Harrity noted that the process to create legal lots out of Parcels 1 and 2 [which is necessary to impose a deed restriction as required by CPA legislation] was slow and that Mr. Doyle’s presentation to follow involved Parcel 2 and municipal land. Mr. Harrity indicated that the Legacy Trail, originally planned for Case Campus, now terminated at the former Summer House site. Mr. Harrity also indicated that the Legacy Trail would be paved but that the more visible connection to Wellesley St. would be stone dust. Mr. Harrity noted that after 3 meetings with the Planning Board (“PB”) an acceptable plan to create an opening in the stone wall wide enough for maintenance and emergency equipment had been developed. Mr. Harrity also noted that the planned pathways traversed some land with Activity Use Limitations (“AULs”) which increased costs because work had to control dust and to cover or properly dispose of any disturbed soil.

Mr. Harrity presented a \$715,000 total budget for the Legacy Trail and Connector including significant funding for Howard Stein Hudson (“HSH”) and Arcadis, the Town’s Licensed Site Professional (“LSP”), to provide construction oversight. Mr. Harrity noted that the project had been bid, that bids had ranged from \$370,000 to \$800,000, and that the construction costs presented represented an average of the 3 lowest bids plus a 20% contingency. Mr. Harrity also noted that funds remaining in the CPA account exceeded budgeted costs, that the Conservation Commission (“ConCom”) had applied for a \$100,000 State grant which would be announced in August, and that funds would return to the CPA account should the Town receive the grant. Mr. Harrity noted that the pathways would meet the U.S. Forestry Service’s accessibility standards and that Weston 300 would contribute benches, engraved pavers, and granite bollards to be used along the trail. Mr. Harrity also indicated plans for a compass rose and a dedication to former ConCom Chair George Bates.

Responding to Nina Danforth’s questions, Mr. Harrity reported that there would be a 16 ft. wide opening in the stone wall, the minimum width required for maintenance and emergency vehicles, located across from an existing opening on the southeast side of Wellesley St. In response to Ms. Danforth’s request that the trail be staked before Town Meeting, Mr. Houston and Mr. Harrity reminded Ms. Danforth that the pathways would be constructed with an existing CPA Fund appropriation and did not require a Town Meeting vote. Mr. Harrity emphasized that proposed walkways connected to existing trails. Noting that \$70,000 had been spent on tree planting and that many trees were dead or dying, Ms. Danforth suggested that more attention be devoted to overseeing

tree plantings and asked if further funding could be dedicated to tree planting. Mr. Harrity noted the tension between planting trees and preserving viewscape and suggested that Ms. Danforth consult with ConCom. Michele Grzenda indicated that there would be a public process component of the EMP which was being conducted by the MA Audubon Society that would help to identify Town priorities. Ms. Grzenda reported that the EMP would consider reducing invasive species and gaining habitat for grass and birds when weighing Town goals against Town resources and needs. Mr. Houston expressed concern that the trailhead near the Community Center would be located in the unpaved parking lot; Mr. Harrity clarified that the trailhead would be located on pavement, 40 ft. from the unpaved lot.

### **Case Estates/Ash St. Walkway**

Mr. Doyle indicated that he would be presenting a request on behalf of the TSC to finalize the design of the Ash St. walkway and to construct a walkway through Case Estates, which he described as components of the Legacy Trail project presented by Mr. Harrity. After indicating that the Ash St. walkway had been on the TSC's Master Plan adopted in 2010, Mr. Doyle reviewed the rationale for investing CPA funding in walkways including creating safe recreational walking opportunities and prioritizing connections between existing walkways. Mr. Doyle noted an existing sidewalk from Route 30 to the Ash St. Reservoir, explained that the Case Estates/Ash St. walkway would connect the Reservoir to the Legacy Trail and other trails in Case Estates, and reminded the Committee that walkways promote walking and jogging and other health and community benefits which had been described at previous CPC meetings.

Mr. Doyle reviewed Master Plan priorities and the status of various projects implemented with CPA Fund support. Mr. Doyle noted that the Brown/Winter St. project had been constructed in 2016, that the Merriam St. construction project had been funded at Town Meeting in 2018, that the TSC was working with the Department of Public Works to implement the Merriam St. project in tandem with the reconstruction of Merriam St. and the replacement of the Cherry Brook culvert, and that the other Master Plan projects were further out on the time horizon. Referring to a map of proposed walkways, Mr. Doyle indicated that Ash St. was centrally located. Mr. Doyle next reviewed the project's 3 year schedule and referenced milestones including the following: 1) developing a CPC funded concept study in 2016, 2) beginning final design work in 2018, 3) garnering Recreation Commission approval in 2018 and ConCom and Planning Board ("PB") approval in 2019, and 4) opening bids in March 2019. Mr. Doyle then explained that the Ash St. portion of the project was removed from the bidding because of drainage issues and that part of the current request included additional design fees to resolve those drainage issues.

Mr. Doyle presented an overhead view of the proposed project indicating that an existing sidewalk terminated at the Weston Reservoir to the north and that the Ash St. walkway would cover approximately ½ mile on the west side of Ash St. Mr. Doyle reminded the Committee that the walkway would be constructed of asphalt on Ash St. and stone dust as it meandered across Case Estates. Mr. Doyle described a timeline in which Ash St. walkway design and Case Estates walkway construction were completed in 2019 and in which the Ash St. walkway was constructed in 2020. Mr. Doyle then noted that locating the walkway through Case Estates instead of following Ash St. to the intersection across from Land's Sake avoided #226 Ash St. frontage, provided a safer pedestrian crossing location at Wellesley St., connected to existing and planned walkways including the Legacy Trail, minimized pavement, and was better supported by abutters and the community.

Mr. Doyle next presented several slides which indicated the project's proposed alignment. In response to questions from Mr. Ober and Mr. Houston, Ms. Grzenda and Mr. Doyle indicated that the current [construction] project began behind the opening in the stone wall and that the proposed surface was entirely stone dust. Mr. Harrity noted that the proposed walkway entered Case Estates at the earliest possible point, kept pedestrians protected from traffic by the stone wall, and directed water toward wetlands instead of the street. Ms. Danforth asked where the drainage issues were located. Mr. Doyle and Mr. Harrity explained that the drainage system along most of Ash St. had to be upgraded in accordance with new federal and state regulations. Mr. Harrity suggested that required curbing would have a more urban look but would be safer for pedestrians.

Mr. Doyle reported that the TSC was requesting additional design funds to enable construction bids for Ash St. over the summer, a CPC request and Town Meeting approval in the fall, and construction in 2020. In response to Ms. Danforth's question about expected construction costs for the Ash St. portion of the project, Mr. Doyle was reluctant to provide an estimate but noted that costs would be known when design was complete and the project was bid. Mr. Tubman indicated that total project costs were at least \$70,000 more than originally anticipated and perhaps as much as \$150,000 to \$250,000 more. Mr. Ober asked if costs had increased. Mr. Houston cited other Town projects in reporting that costs had, in fact, increased, and Mr. Harrity reported that the price of pavement had increased from \$60 to \$150/ton. Mr. Harrity pointed out that there were no easements required for the project, that all necessary approvals from the PB and ConCom had been obtained, and that the base of the proposed project would allow for conversion of the surface material from stone dust to asphalt in the future. Mr. Doyle reported that his request combined with the project Mr. Harrity had presented would provide a continuous walkway from the reservoir through Case Estates to the Legacy Trail and the Case Campus area beyond.

Steve Wagner asked about additional design fees for Case Estates. Mr. Doyle reported that they related to survey work, and Mr. Harrity noted that they had already been incurred. Mr. Ober asked about project timing. Mr. Harrity stated that the current CPA Fund request had been bid as an alternate and suggested that though contractors would dictate the timing and sequencing of the work (so long as it finished by September), the paved portion of the project was likely to be completed first, followed by all stone dust sections. In response to Ms. Danforth's questions, Mr. Doyle and Mr. Harrity explained that the Town had received 7 bids ranging from \$178,000 to \$378,000, that the 3 most competitive bids were within 12%, and that the Legacy Trail and Connector had been bid as the base project and the Case Estates walkway as an alternate.

## **Open Space**

- **Conservation Commission –\$2,517,300 for Purchase of a Portion of the Land at 500 Wellesley St. (Acquisition of Open Space)**

Laurie Bent indicated that she was requesting funding to acquire approximately 13 acres of farmland known as Wellington Farm and presented a map locating the property near the intersection of Wellesley St. and Glen Rd. south of the MA Turnpike. Ms. Bent emphasized the historic importance of the property and proposal including a farmhouse owned by a single family since 1907, the donation by the current landowner of a historic preservation restriction ("HPR") on the farmhouse facades facing Wellesley St. and Glen Rd., and farming of the property as well as the oldest section of the farmhouse dating to 1760. Ms. Bent noted that Waltham Fields Community Farm ("WFCF") currently leased the

property and provided organic vegetables to local markets and that Wellington Farm was the only farm in Weston listed on the National Register of Historic Places and one of the few remaining family farms in Weston. Ms. Bent indicated that the proposed purchase would represent the culmination of a 20 year preservation effort and that the property had been identified as a priority for purchase in both the 2000 Committee to Advise on Land Acquisitions (“CALA”) Report and the Town’s 2017 Open Space and Recreation Plan. Ms. Bent also reported that in 1999 the Massachusetts Water Resources Authority (“MWRA”) had paid the Town \$3 million in exchange for land used to build a covered storage tank, a portion of which was earmarked to acquire this site, and that the prospect of acquiring this property had contributed to the Town’s adoption of the CPA in 2001.

Ms. Bent presented an overhead view of the proposed acquisition and reviewed the financial aspects of the proposed transaction. Ms. Bent noted that the appraised value of the property was \$3.5 million, that the negotiated purchase price was \$3.375 million, that closing and post-closing costs were estimated at \$20,000, that \$877,700 remaining in the MWRA account would be applied to this purchase, and that the resultant FY20 CPA Fund request was \$2,517,300. While presenting pictures of Wellington Farm, Ms. Bent expressed her belief that the acquisition would be a way to preserve our past and future. Ms. Bent suggested that future generations would be able to see our history, to eat locally grown produce, to feel nourished and in touch with our past, and to experience a spiritual connection to our future. Ms. Bent concluded her presentation with a plea to appropriate funding for the acquisition.

Mr. Houston asked about the location of trails since the property was farmed. Ms. Bent indicated that they were situated along the north and east side of the site; Mr. Houston suggested making trails a part of the presentation. In response to Mr. Newberg’s question about bidding, Ms. Grzenda indicated that WFCF farmed the property under a 1 year license agreement which was renewed annually and which did not have to be bid; Mr. Harrity and Mr. Houston disagreed. Ms. Grzenda agreed to confirm the procurement rules relating to WFCF’s lease. Noting that the produce harvested by WFCF was not distributed in Weston, Mr. Houston cautioned against overselling the benefits of the acquisition.

### **CPA FUND STATUS**

- **Review of CPA Fund Status and Proposed Appropriations and Allocations for FY20**

Mr. Ober reminded the Committee that it had discussed longer term, in depth numbers approximately 6 weeks prior, noted that there had been no significant changes since that time, and indicated that his presentation for Town Meeting would focus on near term figures as was typical. Mr. Ober presented a slide showing a life to date look at the CPA Fund estimating a \$9.1 million balance at June 30, 2019, a slide showing the components of revenue through FY19 including state match received with a one year lag, and a pie chart showing CPA Fund net appropriations including the principal portion only of committed debt service. In response to Mr. Tubman’s observation that the 3 dimensional pie chart presented distorted relative shares of funding, Mr. Ober agreed to present a 2 dimensional pie chart at Town Meeting.

Mr. Ober next presented a slide listing the 3 applications before the CPC for FY20 CPA funding totaling \$388,200 noting that the request for the Case Estates walkway had been reduced and that the \$2.5 million Wellesley St. request would have no FY20 impact since debt service would begin in FY21. Mr. Ober then presented a slide which rolled forward the estimated \$9.1 million FYE19 balance to an estimated \$10.4 million FYE20 balance and noted that the FYE20 balance had at one time been

expected to be much smaller when the JST project was anticipated to be significantly cash funded and considered at May 2019 Town Meeting. Mr. Ober then presented a side by side comparison of the projected CPA Fund balance at FYE19 and FYE20 and, finally, proposed bucket allocations and administrative allowance noting that proposed allocations in 2 buckets exceeded 10% since there were known expenditures in those categories which exceeded the statutory minimum. Mr. Tubman questioned whether figures had been transposed since the proposed 10%, \$264,000 Community Housing reserve was not double the proposed 5%, \$123,000 administrative allowance. Mr. Ober suggested that a cushion had been added to the Community Housing reserve to avoid having to bring a warrant article to fall Town Meeting for allocation “catch up” (i.e., to achieve 10% statutory minimums) should actual state match exceed the 13% estimate used in Fund projections; Tracey Lembo agreed to confirm Mr. Ober’s suggestion.

Acknowledging that the yield curve was flat but noting that many of the projects under consideration when the Town adopted CPA had been funded, Mr. Harrity questioned why the CPC was proposing to bond the Wellesley St. project for 20 years instead of 10, which would save interest. Mr. Tubman suggested that long term bonding was preferable because of demands from the Josiah Smith Tavern (“JST”) and other projects on the horizon. Mr. Harrity thought the JST could be cash funded; CPC members noted that recent increased cost projections would make cash funding impossible.

## MEETING

### Committee Business

- **Recreation Master Plan – Up to \$10,000 - FY19 CPC Administrative Fund Application**

Chris Fitzgerald reminded the Committee that in September the Recreation Master Plan Steering Committee (“RMPSC”) had requested \$50,000 to complete a Recreation Master Plan (“Plan”), that \$8,000 of the Plan’s total \$58,000 cost was CPA ineligible, that the CPC had originally approved \$40,000 but had asked the RMPSC to return later in the fiscal year to see if additional funds were available. Mr. Fitzgerald explained that \$9,000 of the school’s operational budget and \$9,000 of the Recreation Department’s (“Rec”) budget had been allocated to the Plan which had forced both groups to defer projects (e.g., minor pool and field repairs). Mr. Fitzgerald asked that the CPC approve whatever funding was available to help fund the Plan so that the school and Rec operating budgets could be used for the purposes for which they had originally been planned.

Mr. Wagner wondered whether funds could be appropriated for the Plan in the next fiscal year; Mr. Fitzgerald reported that the Plan was approximately 50% complete and that he expected it to be completed by June 30<sup>th</sup>. The Committee discussed the CPC Administrative Expense spreadsheet with Mr. Ober noting that slightly less than \$10,000 was projected to be remaining at the end of the fiscal year but that approximately \$4,000 in budgeted salaries was unlikely to be used. The Committee discussed the \$10,000 budgeted for legal expenses. Ms. Lembo explained that the Town Manager allocated legal expenses to the CPA Fund at the end of the fiscal year; some Committee members felt that legal expenses should be lower than the \$3,758 spent last year. Mr. Tubman asked whether the \$9,900 appropriated for 0 Wellesley St. would be used; Mr. Newberg stated that it would. Ms. Lembo noted that in most circumstances, CPA administrative funds not used in the fiscal year in which they were appropriated returned to the CPA Fund. Mr. Ober wondered how likely it was that a project requiring CPA administrative funding that could not wait until the next fiscal year would surface. Mr.

Houston indicated that there were other sources of Town funding should a true emergency arise. Mr. Tubman suggested funding only Rec's \$9,000 portion of the Plan's funding shortfall. Ms. Lembo suggested that the funding coming from schools related to fields, not school operations. Mr. Fitzgerald suggested that the 50%/50% allocation of the Plan's funding shortfall had been negotiated and that it could not be overridden without committee votes.

***VOTE:*** *Mr. Ober entertained a motion to approve an additional \$10,000 in FY19 CPC administrative funds to develop a Recreation Master Plan. Mr. Houston made the motion, which was seconded by Mr. Newberg. The motion passed unanimously.*

• **Warrant for May 2019 Annual Town Meeting (FY20)**

The Committee voted on pending applications to be placed on the warrant for the 2019 Annual Town Meeting as follows:

- 1) ***VOTE:*** *Mr. Ober entertained a motion to support the appropriation of \$29,000 for the article entitled "Appropriate for Community Housing – Regional Housing Services Office & Housing Trust Staff Support." Mr. Tubman made the motion, seconded by Ms. Bent. The motion was approved unanimously.*
- 2) ***VOTE:*** *Mr. Ober entertained a motion to support the appropriation of \$359,200 for the article entitled "Appropriate for Land for Recreational Use – Walkway on Ash Street and Through Case Estates."*

Ms. Danforth expressed displeasure with project costs. The Committee discussed whether the Ash St. proposal differed significantly from other CPA funded sidewalks; Ms. Bent indicated that there were drainage elements in the Merriam St. sidewalk as well. Several Committee members thought the bifurcation of the Ash St./Case Estates walkway was unfortunate. Mr. Houston suggested that barring a large recession, costs would only increase should the proposal for the Case Estates portion of the project be delayed. Mr. Houston also reported that there were not great cost inefficiencies in splitting the project. In response to Mr. Ober's question, Mr. Houston reminded the Committee that should part of Case Estates be sold, only a small part of the walkway project would be impacted. The Committee discussed whether a yes vote represented a vote to put the project before the Town or a CPC endorsement of the project. Mr. Ober suggested that though there had been some split CPC votes, most CPC votes to put a project on the Town Meeting Warrant represented a CPC endorsement.

***Mr. Houston made the motion, seconded by Ms. Danforth. The motion was approved by a 6-1 majority vote.***

- 3) ***VOTE:*** *Mr. Ober entertained a motion to support the appropriation of \$2,517,300 for the article entitled "Appropriate for Open Space – Acquisition of 500 Wellesley Street." Mr. Wagner made the motion, seconded by Mr. Newberg. The motion was approved by a unanimous vote with 1 recusal.*

The CPC approved the proposed language in each warrant article and explanation with the exception of the following requested changes to Article 23:

- 1) Change article title from “APPROPRIATE FOR OPEN SPACE – ACQUISITION OF 500 WELLESLEY STREET” to “APPROPRIATE FOR OPEN SPACE – ACQUISITION OF LAND SURROUNDING 500 WELLESLEY STREET,” and
- 2) Change “the 1890 farmhouse” to “the farmhouse, part of which dates to 1760” in the article explanation.

- **Proposed Annual Allocations and Administrative Allowance for FY20**

*Mr. Ober entertained a motion to approve the following FY20 allocations, subject to verification:*

- 1) *Open Space/Recreation – \$353,000;*
- 2) *Historic Resources – \$386,000;*
- 3) *Community Housing - \$264,000; and*
- 4) *Administrative Allowance - \$123,000*

***VOTE: Mr. Tubman made the motion, seconded by Ms. Danforth. The motion was approved unanimously.***

- **CPC Report for the Warrant Book**

The Committee discussed necessary changes including the dollar amount of FY20 requests, the projected FY20 year-end balance, the description of 500 Wellesley St., and specific warrant recommendations.

***VOTE: Mr. Ober entertained a motion to approve the “CPC Report for the Warrant Book” subject to changes to be approved by Mr. Ober. Mr. Houston made the motion, seconded by Mr. Tubman. The motion was approved unanimously.***

- **Minutes of the February 11, 2019 Meeting**

***VOTE: Mr. Ober entertained a motion to approve the minutes of the February 11, 2019 meeting as amended. Ms. Houston made the motion, seconded by Ms. Bent. The motion was approved unanimously.***

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

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Tracey A. Lembo  
CPC Administrator

## Appendix A

### **CPC Public Hearing and Meeting March 25, 2019 Document List**

- 1) Community Housing - RHSO and Staff Support:
  - a. Application
- 2) Ash St./Case Estates Walkways:
  - a. Application
  - b. Legacy Trail PowerPoint
  - c. Ash St./Case Estates PowerPoint
- 3) 500 Wellesley St.:
  - a. Application
  - b. PowerPoint
- 4) CPC PowerPoint
- 5) Recreation Master Plan:
  - a. Application (FY19 CPC Administrative Funds)
  - b. 3-18-19-FY19 CPC Administrative Expense Spreadsheet
  - c. Excerpt from Minutes of September 24, 2018 CPC Meeting
- 6) Draft CPC Warrant Articles
- 7) Draft "Report of the CPC" for the Warrant Book:
  - a. Changes Tracked from May 2018 Version
  - b. Clean Version
- 8) Draft Minutes of the February 11, 2019 Meeting