

**MINUTES OF MEETING  
COMMUNITY PRESERVATION COMMITTEE  
September 16, 2019  
Location: Weston Town Hall**

The Community Preservation Committee (the “CPC” or the “Committee”) convened a regular meeting, duly noticed, on Monday, September 16, 2019 at 7:00 p.m. in the Lower Level Conference Room at Weston Town Hall. CPC members present were Stephen Ober, Chair; Barry Tubman; Nathalie Thompson; Ken Newberg; Sue Zacharias; and Steve Wagner. CPC members Nina Danforth and Marcy Dorna were absent. Rail Trail Advisory Committee (“RTAC”) member Paul Penfield, Board of Selectmen (“BOS”) member Chris Houston, and Finance Committee (“FinCom”) member John Sallay were present. Friends of the Josiah Smith Tavern, Inc. (“Friends”) President Adrienne Giske and members Henry Stone and Al Aydelott were present. Weston Media Center Regional Communications Technician Jim Tremble, Facilities Director Gary Jarowski, and CPC Administrator Tracey Lembo were also present.

Steve Ober indicated that the meeting was being videotaped, asked attendees to sign in, and reported that the CPC had one vacancy, the Conservation Commission appointee, and one new member, Marcy Dorna, the BOS appointee representing parks who was unable to attend tonight’s meeting. Mr. Ober reported that Chris Houston, who was at the meeting, was no longer a member of the CPC.

**Public Comment**

Adrienne Giske expressed her satisfaction with the way in which CPA Fund money had been spent on the Old Library and her hope that the campus could be completed.

**Rail Trail Amenities – Plant Buffer Phase II**

Paul Penfield reported that the CPC had previously appropriated approximately \$57,000 for plantings which had been matched by the Department of Conservation and Recreation (“DCR”). Mr. Penfield explained that DCR had taken control of the Phase I plantings and that the area that had been used as access for the construction of the Conant Rd. underpass had not been planted. Mr. Penfield reported that last year’s design had not yet been updated, that Pigeon Hill Rd. residents had put in their own plantings, and that the rear portion of Stonegate was not included in the current request. Mr. Penfield also reported that it was possible that the RTAC’s request might increase by \$10,000 and stressed that plantings were done on behalf of trail users to enhance their experiences. Mr. Penfield stated that he was not aware of any legal issues and that DCR had been very cooperative. Mr. Ober asked about future requests; Tracey Lembo noted that CPA Fund projections included an additional \$250,000 for the rail trail.

The Committee discussed the derivation of the \$42,405 request as the sum of the Phase II cost estimate, \$36,280, and the balance remaining on the existing landscape architect’s contract, \$6,125 as noted on the landscape architect’s scope of services which was missing from the distributed materials. Sue Zacharias advocated for planting all at once. Mr. Ober asked what steps were left in the project should the current request be approved. Mr. Penfield explained that in addition to the second phase of the planting project, 500 ft. of trail connecting Weston’s trail to the Waltham border would need to be designed and constructed, including the trestle bridge. Mr. Penfield

described issues surrounding the construction of Waltham's section of the trail. Steve Wagner asked if the solar panels near the Town's transfer station could be screened; Mr. Houston reported that he had heard some people echo Mr. Wagner's sentiments and others suggest that the Town should celebrate, not screen, the panels. Henry Stone asked how maintenance would be funded since CPA funds cannot be used for this purpose. Mr. Ober asked if the BOS had discussed trail maintenance. Mr. Penfield reported that DCR was supposed to mow the trail shoulder but that other towns had assumed the responsibility for this task since it was low down on DCR's priority list. Mr. Penfield also reported that a new non-profit was being formed that could assume maintenance of the trail. John Sallay suggested that the trail shoulder not be mowed at all to protect pollinators. Mr. Penfield explained that DCR had promised to mow a 2 ft. wide shoulder, a difficult task since much of the shoulder was hilly and beset with rocks. Mr. Ober invited questions, and hearing none, invited Mr. Penfield to the CPC's Public Hearing on October 21<sup>st</sup>. Mr. Ober indicated that the CPC viewed presentations at this hearing as a dry run for Town Meeting.

### **Josiah Smith Tavern ("JST") Construction Funding Request**

Ms. Giske stated that she would be asking for construction funding for the JST, that the figures she would be presenting were based on 90% construction drawings, and that a project schedule was included in the information that had been circulated. Ms. Giske referred to a handout she had presented to the FinCom demonstrating the very small area on the JST site where any additional building could occur due to the existing historic preservation restriction ("HPR") held by Historic New England ("HNE") and wetlands, setback, and septic constraints. Ms. Giske reported that 100% construction drawings would be completed by the end of the week, that the JST would be Weston's most sustainable project, and that the Friends were seeking final approval from the MA Architectural Access Board ("MAAB"). Al Aydelott reported that the Friends were seeking variances from certain handicapped accessibility requirements which, if denied, would not be fatal to the project. In response to Mr. Houston's question about what the Friends were requesting, Mr. Aydelott used as an example an existing door opening that was 33 inches instead of 34 inches wide.

Ms. Giske presented floor plans and elevations, a landscape plan along with details, and historic photos of the JST and the immediate area. Ms. Giske highlighted that the proposal was still for a 105-seat restaurant, that all but 12 parking spaces for the community room would be located on site, and that the view from the street would be substantially the same. Ms. Giske also reported that service areas would be in the back and that there would be minimal impact on the facility. Ms. Giske noted that the Fire Department and the Planning Board had approved the project and that ConCom had identified isolated wetlands. Ms. Giske also reported that St. Julia's was providing temporary space to the Historical Society and supported the project. Mr. Aydelott reiterated that loading and utility areas were in the back and noted that the project included spaces for electric vehicles, a bike rack, and a courtyard for outside dining.

Ms. Zacharias asked about access from parking spaces across Boston Post Rd. Ms. Giske reported that there would be 2 crosswalks. In response to Mr. Ober's question, Ms. Giske confirmed that trucks would traverse the parking lot to deliver goods at the back of the building. Mr. Aydelott noted that existing ledge would screen the parking lot. Ms. Giske and Mr. Aydelott indicated that the elevator shaft would not be visible from the street. In response to Committee questions, Ms. Giske reported that the septic system was located under the garden adjacent to St. Julia's. In response to Ms. Zacharias' question, Ms. Giske reviewed some of the elements of the planned Bio-

Clear septic system. In response to Ms. Zacharias' questions, Mr. Aydelott reported that HNE would sign off on signage, and Ms. Giske reported that non-profit addresses would be on the door. Mr. Aydelott also reviewed planned dark sky compliant lighting and noted that conduits would be put in to facilitate additional lighting should it be necessary.

Ms. Giske referred to a handout detailing the hard costs of construction as estimated by A.M. Fogarty based on 90% construction drawings. Gary Jarobski reviewed the entire \$12.7 million construction budget including utilities, information systems, architectural fees (i.e., construction management), owner's project management ("OPM") fees (which are required for Town projects over \$1.5 million), and testing/legal/insurance/hazardous materials fees. Mr. Jarobski indicated that a higher than normal contingency, 20%, was required because of the age of the JST, its wood frame construction, and HNE's control. Mr. Ober asked about the 2% contingency detailed in the Fogarty estimate; Mr. Jarobski explained that contingency reflected the uncertainty stemming from incomplete drawings and would disappear when drawings were complete. Mr. Jarobski noted that 12 filed sub bids were due before the bid from the general contractor ("GC") and would be vetted by the OPM and the working group and referred to the GC. Mr. Ober noted that the GC had 2 weeks to incorporate filed sub bids. Ms. Giske stated that the JST was much older than WAIC; Mr. Aydelott highlighted the challenge involved in bringing a late 1700's/early 1800's building up to current code standards while preserving its historic fabric.

Ms. Giske indicated that the biggest hard cost line items were site work, structural, mechanical/fire protection, and the addition. Ms. Giske also noted that floor loading was a significant cost item. Mr. Ober referred to the project time line noting his understanding that GC bids were good for only 30 days and asked if there was a similar rule for filed sub-bids which are due on October 24<sup>th</sup>, after the CPC's Public Hearing. Mr. Ober asked if that deadline could be moved to before the CPC's Public Hearing on October 21<sup>st</sup> so that the CPC could have better information before it voted. Mr. Houston suggested moving the CPC's Public Hearing to October 28<sup>th</sup> instead. Mr. Ober noted that the CPC's Public Hearing was always scheduled prior to the BOS vote on the warrant; Ms. Lembo wondered when the warrant would go to print. Mr. Houston suggested that the BOS could vote on the warrant and then pass over any CPA Fund articles not ultimately approved by the CPC. Mr. Houston acknowledged that only the CPC could recommend spending CPA funds. The Committee agreed to move its Public Hearing to October 28<sup>th</sup> subject to confirmation that this was permissible.

Ms. Giske reviewed operating projections noting that both projected income and expenses had increased since the budget was first created in 2015 – 2016. Ms. Giske explained that the Friends would again engage the restaurant consultant they had used in the past and stated that revenue projections were conservative. Ms. Giske reported that the project's liquor license was valued at approximately \$500,000 and would be held by the Town and rented annually. Mr. Ober asked about the JST Trust Fund; Mr. Houston stated that it was an endowment given to the Town when it acquired the building, and Ms. Giske noted that it generated approximately \$6,000 - \$7,000 in annual income. Mr. Ober asked about the status of the restaurateur. Ms. Giske reiterated that the Friends would again hire the restaurant consultant who had previously worked on the project, noted that they hoped to go back to the restaurateur who had previously signed a letter of intent, and stated that this restaurateur was not interested in negotiating until after Town Meeting. Mr. Ober asked about the expected timeline for reengaging the restaurant consultant; Mr. Aydelott indicated that the restaurateur would be brought in as soon as possible after construction funds were awarded.

Mr. Ober asked about the status of negotiations with HNE; Mr. Houston suggested that they were going well and then revisited the issue of the timing of the CPC's Public Hearing. Mr. Houston noted that because Thanksgiving was a week later this year than last, the CPC and BOS could vote on warrant articles on October 28<sup>th</sup> and 29<sup>th</sup>, respectively, and adhere to essentially the same time line as the prior year. Mr. Houston wondered what would happen if Town Meeting did not approve the JST project until December 9<sup>th</sup> since the project schedule indicated a contract award on December 5<sup>th</sup>. Mr. Jarowski clarified that the 30-day requirement for GC bids was for 30 business days, so there was additional time built into the schedule and this would not be a problem. Mr. Ober asked Mr. Houston if he had any sense of what the new Moderator would allow as a time limit for the JST presentation; Mr. Houston thought it would be at least 10 minutes but acknowledged that he had not discussed the issue.

Mr. Sallay asked if financing of the JST would be discussed at the current meeting; Mr. Ober indicated that it would be discussed at the CPC's next meeting, either on September 23<sup>rd</sup> or October 7<sup>th</sup>. Mr. Sallay suggested that the CPC use all available cash, approximately \$10.5 at FYE 2020 according to the most recent Town warrant, and bond for 4 years to finance the construction of the JST. Mr. Sallay reported that his back of the envelope calculations indicated that this approach would cover existing debt service and required bucket allocations. Mr. Ober likened this debt service period to bonding for a fire truck. Acknowledging his awareness that CPC projections would be refined, Mr. Sallay suggested that conceptually it was not fiscally prudent to borrow money in order to reserve funds for yet to be identified projects. Responding to Ms. Giske, Mr. Ober indicated that the CPA Fund had been accruing approximately \$2.5 million in new revenue annually and confirmed that there would be new state match revenue this year. Mr. Ober suggested that very little of the CPA Fund balance was restricted to specific buckets.

Mr. Wagner suggested that Ms. Giske spend more time talking about the JST addition at Town Meeting and stated that the Town owed the Friends a huge debt of gratitude for all of the work they had put into the project.

### **September 2019 CPC Plan**

Mr. Ober suggested that Committee members review the CPC Plan and provide suggested edits to be considered at the next meeting. Barry Tubman noted that the most substantive change was the increase in recording fees which would increase the state's match. Ms. Lembo agreed to provide Mr. Tubman with better information from the Community Preservation Coalition regarding the timing and magnitude of the impact of the fee increase on CPC financial projections.

### **CPC Sign Placement**

The Committee reviewed the placement of its promotional signs and asked that the sign in front of the JST be moved to the Old Library and that the sign at Field 3 be moved to 500 Wellesley St. when possible. The CPC discussed locating a sign at the rail trail; Mr. Penfield expressed opposition to this.

### **CPC Schedule for May Town Meeting**

The Committee agreed to a deadline of Tuesday, January 21<sup>st</sup> for applications for May 2020 Town Meeting and the following meeting schedule:

- 1) January 27<sup>th</sup>;
- 2) February 10<sup>th</sup>;
- 3) March 9<sup>th</sup>; and
- 4) March 23<sup>rd</sup> (Public Hearing).

### **Approve Minutes of the CPC Public Hearing and Meeting on March 25, 2019**

***VOTE:*** *Mr. Ober entertained a motion to approve the minutes of the CPC public hearing and meeting on March 25, 2019. Mr. Tubman made the motion, which was seconded by Mr. Wagner. The motion passed unanimously.*

### **Other**

After discussion, Ms. Lembo agreed to assume that 500 Wellesley St. was bonded for 20 years and to provide 2 projections for the CPC to review: 1) the JST bonded for 5 years and 2) the JST bonded for 20 years.

The meeting adjourned at 9:10 p.m.

Respectfully submitted,

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Tracey A. Lembo  
CPC Administrator

## **Appendix A**

### **CPC Meeting September 16, 2019 Document List**

- 1) Rail Trail:
  - a. Application for Phase II Plantings
  - b. Landscape Architect Fee Proposal – August 28, 2019
- 2) Josiah Smith Tavern:
  - a. Application for Construction Funding
  - b. Town Manager Acknowledgement Form
  - c. July 31, 2019 A. M. Fogarty 90% Construction Document Cost Estimate
  - d. Josiah Smith Tavern Site – Build Out Potential
- 3) CPC Plan:
  - a. Draft September 2019 CPC Plan (Clean Version)
  - b. Draft September 2019 CPC Plan (Redlined from September 2018)
  - c. Draft September 2019 CPC Plan Appendices 1-7
- 4) Current CPC Sign Placement and List of CPA Funded Projects
- 5) Proposed CPC Schedule for May 2020 Town Meeting
- 6) Draft Minutes of the March 25, 2019 CPC Meeting