

Minutes for CPC Meeting of 1/22/04, 7:30 pm - 11:00 pm, Library Meeting Room

Attending: Peter Berry, Andy Magee, Walter Foster, Catherine Coleman, Erin Bettez, Susan Mitchell-Hardt, Peter Grover, Matt Lundberg, Roland Bartl

Absent: Mimi Herington, Alison Gallagher, Chris Schaffner

Audience: Ryan Bettez, Nancy Tavernier, Morene Bodner, Jim Snyder-Grant, Mike Scanlon, Brewster Conant, Jonathan Chinitz, Tom Tidman, Nancy McShea, John Ryder, Les Nelken, Ryan Bettez, Bob Whittlesey

I. Meetings with Applicants:

**1. Acton Community Housing Corporation
- Willow Street; Community Housing Fund**

Nancy Tavernier made the presentation for ACHC with Ryan Bettez and Rob Whittlesey assisting.

To help the CPC understand housing issues Nancy put together a handout with a chart which shows the difference between the AHA and the ACHC; a write up on the Home Rule legislation where the ACHC Board of Directors were given specific powers, and a sheet on Q&A on CPA and Community Housing from the CP Coalition web site.

Affordable housing qualifies for public support as it's for a public purpose. The ACHC requires a deed restriction. Any CPA fund may be used to create housing for income groups who earn up to 80% of Acton's median income.

Community Housing Fund - \$75,000

The ACHC is requesting \$75,000 for establishment of a Community Housing Fund. The application listed all that the statute allows for the use of the funds. The ACHC will pick the following four areas:

- 1) Acquisition
- 2) Retention
- 3) Sustainability of Household
- 4) Support affordable housing through creative strategies.

- 1) Acquisition of units can result from new construction or through existing housing stock - they have 8 units purchased by a developer.
- also 8 new construction units.

Re: new construction:

- One can buy additional units in a Chapter 40B development. For example Franklin Place began as a 32 unit development which would allow for 8 affordable units. The number of units may be reduced to 12 units which would allow 3 affordable units.

One could subsidize a 4th unit - pay the difference between the market rate and what a family could buy it for. (From 12 units one could get 4 affordable units).

The advantage is that the number of affordable units is increased without the town owning them which is an incentive for the ACHC to support downsizing a project.

- One could subsidize a unit being purchased as affordable housing, e.g. the Towne Building. The ACHC helped with the payment or mortgage so that someone who makes less can buy it.

(In '02 83% of the local town and school employees earned less than \$50,000 which would qualify for affordable housing).

- Willow Street. It was town owned land which could be developed for affordable housing. CP funds could be used to develop the property, for site preparation, etc.

Purchasing existing units is another potential use which is more complicated unless the developer buys a house off site, which is easy. They have ways to work with developers.

(Boxborough voted \$200,000 for a condo buy down program).

2) Retention of existing affordable units:

The ACHC could use the fund to retain those existing affordable units that are up for resale. Affordable housing must go to another income eligible person. One must go through the lottery process, find people who are eligible, and market the unit (which is the town's responsibility). This process is a \$5000 expense from the fund.

(Resales have until 120 days - they had their first and only one two years ago. There was a lag in getting the mortgage - almost got to 120 days deadline and risked losing the unit).

3) Sustainability of household:

The ACHC have 8 existing units; two are over 50 years old. Many need significant improvements - new roof, furnace, etc. Families may not be able to afford to pay for the improvements. They need a low interest loan program, liens, or a grant.

The ACHC wants to hang on to existing affordable housing families by helping them out.

They can help by retrofitting houses for the elderly and/or handicapped to allow them to stay in town. These properties don't need deed restrictions, though it would be nice to do. CPA funds can be spent for this purpose.

4) Support affordable housing through creative strategies:

Creative strategies for increasing affordable housing can be generated from hiring a consultant. One is doing a housing plan now. In Franklin Place, the negotiating process led to a creative way to do friendlier 40B's. Professionals need to help develop a more effective process.

New View Account:

The ACHC has a fund, the New View account. It was established in the mid 90's through a gift to the town of \$100,000 in lieu of providing affordable housing on the site.

They used the fund in small ways:

- to fund a first time homebuyers' course
- to fund a consultant for the resale of the Harris Village houses.

It was never enough to buy one unit of affordable housing.

The ACHC, being frugal Yankees, did not want to draw down the account where it wouldn't be replenished. They wanted to be sure the way they used it would help more than one family. \$95,000 remains.

Nancy envisions it combined with CP funds. To have a community housing fund established as an interest bearing account through the town the ACHC needs seed money of \$75,000. The BoS could transfer the \$95,000 into this account. Any excess profits, etc. flow into that fund. The Robbins Mill Pond development was supposed to generate \$400,000 in lieu of two units on site. Those funds could go in there.

The process Nancy suggests is a negotiation. The ACHC will be the initiator of funding requests. The CPC does not need to be excluded from the process.

The CPA statute requires Town Meeting to make all transfers into the Community Housing fund. All future transfers into it go to Town Meeting. Use of funds remains flexible. The funds are not cyclical in nature.

The ACHC is asking for \$75,000. Creating the fund will make a statement; the community is willing to put public funds into community housing. They need to get the fund established, and it will grow each year with more CPA funds going into it. If we replenish it, they will spend.

Willow/Central Streets request for \$25,000

The goal is to see if it's economical for a developer to acquire town owned property and build community housing.

The site is less than half acre; it's one parcel. It was taken by the town for back taxes. The property was contaminated (petroleum contamination from its use as a garage).

The town spent \$160,000 to clean up the site. Its unique because it's zoned for multi family housing; 4 units/building are permitted through Special Permit from the BoA. One unit must be owner occupied. There is a 2000 sf garage to be torn down. The site is an eyesore, overgrown, boarded up; the properties next door don't sell - it's a blight on the neighborhood.

The BoS have the authority to auction off the property now. The ACHC asked that the property be designated for affordable housing use. They can stipulate the use in an auction situation.

Town owned land is to be used for public purposes. They want to put out an RFP to build a 4 units/12 bedroom multifamily dwellings, but first they need a consultant to do a feasibility study.

Potential prior challenges lead to issues explained on the back of handout which show how complex this issue is. The categories are an estimation.

The bottom numbers show what profit could be realized.
If no market rate units, but 4 affordable units were built, the developer would lose \$400,000;
If one market rate unit and 3 Affordable units were built, the developer would lose \$257,000;
If two market rate units and 2 affordable units were built, the developer would lose \$26,000.
If three market rate units and one affordable unit were built, the developer would make a profit of \$3000, and so forth.

Who will do it? The ACHC must find an alternate source of revenue to flow into the formula - grants, etc. To do that requires a feasibility study - it could show it won't work, but it's unlikely.
If there are state grants which can offset site development costs, a consultant will know them.

In the local share there is a cost for acquisition, the cost to clean the property, and the cost of paying the back taxes. The town could donate the property which reduces the cost by \$210,000.

It cost \$22,000 for a small report for the Towne School Building. That paid for a real estate expert, architect, marketing, design, and economic feasibility study. Also included was a chart on the grants available, conceptual design, and floor plan of interior of building. At the end he concluded the project is economically feasible which lead to an RFP based on the feasibility study. The report gives you a blueprint for how to do it. In July we will have an RFP ready to fund the consultant. In 6 weeks a feasibility study will be created and can be presented to the BoS, who will

either put the property up for auction which implies it will be feasible without local funds or the ACHC could be the developer.

The advantage of developing this site is it is consistent with the CPA statute which says its ok for construction of a new building on a previously developed site.

It's consistent with the Master Plan

It's near retail, church, library, train, and fits in with other multifamily dwellings in W. Acton.

The mechanics of this study could be used on other parcels.

Andy had a question about the housing fund. The CPC talked about the idea of taking money and giving it to another entity; it's allowable. The committee expressed reluctance that we're passing on our responsibility. Perhaps a compromise would be an overlap where the CPC could have a say and the ACHC would come back here and keep the CPC informed.

Nancy said that would be acceptable. They would start with the ACHC, include the CPC and end with the Selectmen. She would welcome the CPC's input, leaving the expenses (excess) for all of us.

\$95,000 must authorized by the selectmen.

- Andy asked if the request for \$75,000 is firm.

- Nancy stated that it's not firm; however, it would be nice to have a little more than \$95,000 in the housing fund. \$75,000 is a round number for seed money for a fund.

Andy stated that the dilemma is what if this is a conflict with an open space purchase, which is one reason it's awkward to give total control.

- Andy asked how the ACHC leveraged \$400,000 in lieu of two units at RMPL.

- Nancy replied that the developers were asked to do so by the Planning Board - standard practice with big projects.

- Andy asked about Willow St. The Towne School study costs \$22,000; \$25,000 is a little on the high side.

- Nancy commented that it's not as it includes engineering, getting the septic system planned, etc.

- Erin commented that the New View money is not in an interest bearing account. She asked if it could be moved in to a better account. The answer is yes.

- Erin commented that it's great to create the fund, however creating a track record and spending it down would be nice. A balance of both would be good.

- Walter asked about meeting the 10% state affordable housing requirement. Feb. 2 is a planning meeting at the town level; they will look at that number across each town. Acton is exposed on the 10% - what are your thoughts regarding legislative changes in the near future?

- Nancy said few reforms have taken place. One can count additional units that exist as mobile homes; Section 8 certificates don't create new housing. Gov. Romney wants to create zoning incentives and that's exciting. The governor wants to reimburse towns for doing affordable housing - link it to school construction, sewers, etc.

10% is the goal set in '69; the ACHC doesn't expect Acton to meet it. The number of affordable units must be certified each year by the state. We need to show we are trying.

- Rob Whittlesey stated that legislation tries to honor people making a real effort. Acton has a program so intuitively we're in a good place. We have to advocate in town.

- Walter thinks Willow St. is a great project - It's a fill in place; it's tax property - a double take for the town. It's good bang for the buck.

- Catherine asked how Nancy prioritizes where the housing funds will go? Nancy says that opportunities present themselves such as getting additional units in a Chapter 40B. (There are 6 more 40B's in the works) - It's an easy

way to get additional units. They plan to offer more than one homebuying class/year.

They look to local projects such as Willow St. and the Towne School to provide units.

- Catherine asked if grants are available - Nancy said they are not. There is no reason to apply as there aren't any for one unit.

- Erin agreed that you have to have a minimum number of units.

- Peter Berry asked if she could get small grants.

- Nancy said it's possible for feasibility and environmental studies.

- Catherine asked why they only got 19 units in 19 years.

Nancy said they got them from a developer. To get a density bonus they need to do affordable housing, however, density bonuses are not required.

The Acorn Park development consists of 60 homes; the developer contributed two units off site.

- Peter Berry said that even with Willow St., the committee must be frugal as the committee acts as trustees for taxpayer monies. The committee could vote up to \$25,000. Re: the RFP, the committee would like to see the results and input on who is doing the study. Let's see the unit category numbers so people can see their money is providing results.

- Peter asked about the housing fund and if they had laid the ground work with the selectmen? (yes); did they waive the clean up cost? (not yet).

Public comment: John Ryder asked as a private citizen, have we gotten a "no further action" letter from DEP? - Nancy said yes, they are contemplating affordable housing.

2. Acton Memorial Library - Flag Preservation

Dennis Ahearn, Trustee of the Library since '82, made the introduction.

Restoration of the flag would be a critical step in the library's efforts to preserve and make accessible its Civil War artifacts and honor the intentions of William Allan Wilde, who gave Memorial Library to Acton in honor of its Civil War veterans. Key elements of Memorial Library's long-term plan include artifact restoration, the design, and construction of a permanent exhibit in the library, and expansion of local resources that the library has already made available on line.

Mr. Ahearn gave the committee a spirited narration of the history of the Davis Guards, the organization of the veterans post known as the Post of the Grand Army of the Republic in the town of Acton. He explained how the library came to own aprox. 150 artifacts and documents from the years prior to, during and following the Civil War. The Civil War items range from epaulets and canteens to shackles, swords and flags, the majority of which were owned by residents who fought, and in some cases died, in the conflict.

In addition Mr. Ahearn explained about the significance of the flag.

The veterans organization formed after the war was called the Isaac Davis Post

The Ladies' Auxiliary presented the post with a series of flags.

Historians haven't found a plaque showing this flag specifically, which is a representation of the flag the soldiers fought for and for which many gave their lives. The American Legion Post inherited the flag and gave it to Acton Library.

Tom Dunn, a trustee of the library, submitted a new proposal from Windsor Conservation, at Mimi Herington's suggestion.

At a recent board meeting the trustees voted to fund \$2500 of the project so the funding request is reduced from \$7900-\$8700 to \$5400-\$5700.

Deirdre Windsor, the Principal of Windsor Conservation, gave a conservation assessment of the flag and reviewed the current condition. She has worked on many flags and textiles in the nation that represent what our forefathers have done. Restoration of these flags tell stories and bring history alive to

children, etc. (Tom circulated a supplement - a collection of flag projects which Deidre Windsor has worked on).

Textiles are fragile; light, environment, handling, etc. can degrade them. The flag wasn't carried across the field - this flag is in good condition on one hand. The flag end has damage where silk degrades. To view this type of artifact and make it available to the public, display is integral part of the process.

She outlined the current condition of the flag and what can be expected. She has walked the library itself to see what areas of the library are appropriate for long term preservation. It's a great project. She has worked on flags in this region. Each time it's been an important event for the town or state - a long lasting investment.

Tom Dunn spoke re: the scope of requests. The flag is one artifact, one piece of a much larger project. They have 150 artifacts and documents, weapons, muskets, swords, diaries, etc. Go to the Acton Library website and go to the historical document section - more will be put on the website including obituaries for all veterans. (One veteran was on private duty in Washington when Lincoln was assassinated. He was part of the the execution squad for Booth).

- Peter Grover asked if a metal frame is acceptable.
- Deirdre replied that the metal frame covers the hardware she needs so it doesn't upstage the flag.
- Matt asked where they plan to display the flag. Deirdre commented that she has found 2-3 spots. It might involve moving two plaques which are to the left of the elevator on the second floor. The walls are big enough, central, and require less lighting.
- Tom Dunn commented that the space is designated in the old building; turn left at the alcoves and the designated space is to the left.
- Peter Berry asked about the flag's place of origin and age. Dennis replied it has 48 stars. The women's auxiliary corps may have given it to the post; Dennis commented that the striped portion is woven rather than sewn in strips. It's machine sewn with the exception of the metallic fringe.
- Peter B. asked if the costs are solid - they are.
- Catherine asked what would they do if they didn't get funding.
- Tom stated that the flag would stay in the closet; they would apply for other grants for display of the other artifacts; they would seek funding elsewhere such as NEH or others.
- Walter had a question re: grants. He emphasized they want to leverage federal and state funds. He strongly urged them to explore and help combine grants when they come back over time. Walter was delighted that the trustees voted \$2500 as they need to receive the best value on each project. Contribution of funds says the project is important. Dennis said they will continue to pursue grants, and that the trustees are behind it.
- Andy commented that they applied for two grants - NEH in Sept. '03. Dennis said no funding was awarded on the first grant. A second grant is pending.
- Erin commented there's potential to work with the schools to develop curriculum to study these materials to learn more of Acton's history.

Public Comment: None

3. T.J. O'Grady Memorial Skateboard Park, Inc.

Les Nelken of 2 Duggan Road made the presentation. The goal is to build a safe place for Acton youths and others in the area to skateboard. The skateboard committee evaluated the materials for quality, low maintenance and durability; they also benefited from others past experience building and running skateboard parks in the area. They learned that wood wears down fast; concrete is better; quality means safety. A high quality

skateboard park also means that kids will take better care of it - throw out trash, etc.

The liability issue is settled. Town Counsel told the skateboard committee that they are protected under state statute if the park is treated like a playground - unsupervised - skate at our own risk. It reduces liability. The town will post rules - no glass containers, etc.

The skateboard park has broad committee support. The Hayward Rd. property was purchased by the Town of Acton for \$2,500. The skateboard committee collected more than 1000 signatures in support of the park and raised over \$90,000. The park design is finalized; Stamski and McNary donated the site plan, and it's in walking distance to the junior high school and high school.

The skateboard park is the size of two tennis courts (11,195 sf) with smooth surface, ramp area, beginners area, bowl area, and different slopes and terrains for different abilities. BMX bikes have special hours because they can't mix with skaters; it's a well balanced skatepark.

There will be a parking lot, viewing area, fence to keep boards from rolling into the parking lot. They will hang sponsorship signs on the fence. There is no plan for lights.

Project phasing:

Site preparation	9/3 - 4/04
Design	10/03-12/03
Bidding	2-4/04
Construct	April - July
	OPENING.
BUDGET	\$90,000 Street area
	\$1000 Beginners area
	\$50,000 Bowl area
Total	\$215,000
Non skate area	70,500
Total	\$285,000

Town Meeting appropriated	\$80,000
Raised	90,000
CPA	67,000

They will continue fundraising.

The Town of Acton Recreation Dept. will manage the construction and maintain the skate park.

The project fits the CPA criteria.

It satisfies the goals of the OSRP; is consistent with the '98 Master Plan.

it's economically feasible; serves an underserved population.

It's consistent with Town Meeting action.

The town will be able to implement it - 70% of the leg work is done. The project is well defined, well thought out, has community support, and will demonstrate that the CPA works for Acton.

Andy commented that Bedford did a skateboard park through the CPA. To him this is what the CPA is about; it's a playing field. He asked, if we fund you at a higher rate in one year, could you leverage more money somewhere else?

Jonathan Chinitz commented that it wouldn't be possible.

Mr. Chinitz discussed the bidding process. Included in the basic bid will be the most important elements. The entire bowl will be considered an alternate.

Walter commented that the bowl is \$48,500. How do you account for the \$67,000 request which doesn't include the bowl?

Jonathan commented that that number is based on the quality and number of structures that will fit in the design - they will get some, but not all. The important elements are accounted for with the existing funds.

Walter asked if they have tried to have Boxborough submit a warrant article to help fund this project.

Jonathan replied that there is support from Boxborough; they have contributed more than \$10,000. Boxborough is in a difficult situation; we'll get their support if we show them we've put the stake in the ground - they will help us through the first round of funds. They plan to go back - maybe not at this town meeting, as there are bigger issues.

The skateboard park has the merits to stand on its own.

Walter added that leveraging the CP funds is critical. There could be a strategy of negotiation with Boxborough. Acton has already funded \$80,000 and if it funds more, then Boxborough may be willing to close the funding gap. Acton appropriated money even though it is in financial difficulties.

- Nancy McShea commented that if it goes to the contracting process, more funding will be available. Businesses and others will assist with funds when they are sure it will happen.

- Catherine asked what kind of maintenance will be required and who's responsible?

Nancy replied that there will be trash pick up though kids often clean up. They will need to check ramps and set up a maintenance schedule for checking ramps, bolts, and surfaces; it will be similar to maintenance on a playground.

- Catherine asked if there would be a maintenance contract with the people who build it. Nancy replied that it depends - if it were built into the bid process to some extent.

- Catherine asked how often things need to be replaced. Nancy replied that over time things can wear out. The ramp will wear. If things wear out, there will be fundraising efforts. They can hold skatepark demonstrations. There are not lots of maintenance issues, particularly since they plan to get the best quality and do it right the first time.

- Peter Berry asked how people learn to skateboard without injury. Nancy replied that the skateboard committee holds clinics and the children watch the older kids. They teach each other; many are self taught in the basement.

- Peter commented that this project requires two years of funds, and this is our first year; it's a struggle to commit funds for next year.

- Matt asked if they had gotten a green light with respect to wetlands. Tom Tidman said they are in good shape re: the wetlands.

- Peter Grover asked about change orders during construction. You should have a set of documents to protect yourselves against that.

- Jonathan Chinitz said they sat with Dean Charter, Nancy McShea and Tom Tidman. He was pleased to see that the design is grounded and has value, simplicity in scope, clear, not complicated. The general contractor bid focused on pouring concrete.

- Peter G. asked if the sponsorship signs are permanent. Yes, they will be like those at the little league field

- Peter asked if there are landscaping plans. Tom said there will be a grass sitting area, and perhaps landscaping along the driveway. They want a park like atmosphere.

- Roland observed they are requesting two years of funding - how does phasing affect cost efficiency? Tom stated that it would be nice to do it at once, and that there will be a little disruption to the site the next year.

- Catherine asked about spectators' seating. Answer: There will be a pavilion with bleacher seating. The Eagle Scouts will build it and supply benches.

Public Comment: None

II. Discussion re: Process for Evaluating Proposals

There are three meetings left before the final decision and having a warrant article for the selectmen. The committee will meet 1/29, 2/5 and 2/26 with the intention of voting on the 26th. Once the committee makes its decisions, it could hold another public meeting to hear public comments.

Roland will build administrative costs into his and Andy's spread sheets. Roland will email the spreadsheet again. He will make it available at the next meeting on the computer so that the committee can play with the line items; some things will emerge.

At the next meeting the committee will brainstorm their priorities and fit the proposals into one of three priorities. Rationales will be discussed.

Walter commented that his priorities change depending on additional leveraging, etc. Lack of leveraging could lead to a recommendation to return next year. His model would be a hybrid. He wants detail - to know if there is a possibility for getting a matching donation.

Walter put the reserve fund as a first priority. He sees it as open space. He would like to put it first and take it off the top. In some ways Application 15, Reserve Fund is easiest; then you know what funds remain for the other proposals.

- Andy put the Reserve Fund at the top of the list. He would like to look at the spread sheets and thinks more meetings may be necessary.
- Matt Lundberg would like to hear everyone's opinion first on how they ranked the applications.
- Peter said his goal will be to let everyone speak, one project at a time.
- Walter recommended getting Town Counsel to rule on each proposal especially in the committee's first year. It will be a question on the town meeting floor. It will show the committee did due diligence.

Vote: The committee voted to spend administrative funds for Town Counsel to rule on each proposal.

Discussion of Issue of Public Input on Final Decisions before sending them to selectmen. The committee discussed doing so in the "Guidelines."

Peter felt there's not time for public input.

A dilemma for holding a public meeting is the risk of receiving a second round of presentations - from 15 groups; on the other hand, it would help the committee anticipate Town Meeting reaction.

- Bill Mullin offered a suggestion. When he was a selectman and they did the budget, they always offered the public an opportunity to speak.
- Andy agreed with letting people participate the whole time.
- John Ryder added his support. The committee will deliberate, and offer 15 minutes at the end of the meeting for public comments. The proponent has a chance to ask if you are considering xyz.

Peter commented that public comments will be built into the next three meetings.

Anne Fanton was particularly interested in Proposal 15, CPC Reserve Fund. She believes it's important to set some funds aside while at the same time it's awkward if it sits there.

She believes that voters were thinking of larger things which could be done with CP funds, which can't be done if all the CP funds are allocated. There could be a good affordable housing opportunity, etc. She hopes the committee will try to be ready. The funds should be used for something meaningful - saving a valuable historic building, a priority open space parcel, etc.

Andy also feels strongly about that. There are many fine projects in front of us and most aren't time critical. We need to be prepared.

Erin commented that the committee will make a good faith effort and try to create a balance.

Catherine felt the balance will become apparent when the committee completes the process.

Respectfully submitted: Susan Mitchell-Hardt