

MEETING MINUTES

Town of Acton Community Preservation Committee

January 14, 2010
Acton Town Hall, Room 204

Attending: Jon Benson, Walter Foster, Susan Mitchell-Hardt, Ken Sghia-Hughes, Tory Beyer, Ron Schlegel, Doré Hunter, Roland Bourdon, Corrina Roman-Kreuze, Janet Adachi, Roland Bartl, Town Planner. Also present were Steve Noone (Finance Committee Observer) and Tom Michelman.

Chairman Jon Benson called the meeting to order at 7:30 p.m.

- I. Approval of 1/7/2010 Minutes. The minutes of 1/7/2010 were approved as amended.

Susan noted with reference to the Open Space Committee presentation on 1/7/2010 that opportunities to acquire parcels generally are the result of continuous efforts by the Acton Conservation Trust to maintain contact with landowners.

- II. Appointment with Project Applicant - Test House Preservation Project (Acton Historical Commission). Request for \$54,100; presentation by William Klauer, Chairman, Acton Historical Commission (AHC). The requested amount would cover the cost of preparing a new site for the Test House, moving it to the new site, and restoring it. Owner Leo Bertolami would like to re-use the building behind the Test House, and has a permit to demolish the Test House if it is not relocated. The Test House, which is at 56 Powder Mill Road, originally was on Old High Street. The powder mill used the building as an office and to test the powder; the second floor contained a mounted gun that would launch black-powder charges at targets. Flooding caused by the overflowing Mill Pond in the 1930s led to a reconfiguration of the road, and necessitated the relocation of the Test House to the Powder Mill Road location. The remains of eight 8' x 8' powder-grinders are in the wooded area behind the Village Subaru business across the street.

The proposed new site is on Old High Street, near the intersection with High Street. Old High Street is an historical area with historical houses, as well as some businesses. The Mill Pond is across the street; Thomas Tidman, the Acton Natural Resources Director, has confirmed that the new location would have no wetlands issues. The move to the new site would involve minimal lifting of overhead wires and other complications. Doré, who is the Committee liaison for the project, noted that the Town would have to remove some trees at the new location to accommodate the Test House. The proposal includes the installation of a foundation at the new site. Doré recommended that the Town identify exactly where the Test House will sit and perhaps do some test borings.

Doré expressed concern about the moving-cost estimate, which was from a person who did not see the Test House. He added that the back portion of the building would be

removed, and presumably disposed of, before the move. The exterior is in good condition. In response to a query from Janet, Mr. Klauer said that the interior would not be stripped in preparation for moving, as originally proposed and also stated in the amended proposal. Susan noted that the relocation of the Stationmaster House had involved a mover whom the Town might ask for an estimate. Roland recommended that the Town get multiple bids, and mentioned a mover in Hingham. Tory requested more detail about the proposed moving.

In response to a query from Ken about the Town's need for the building, Mr. Klauer said that Doug Halley would like to use it for storage. Ron said that the requested sum was a lot for what essentially would be a storage shed, and that Mr. Halley should explain how he plans to use the building and whether the need is substantial. Mr. Klauer said that he would ask Mr. Halley to send an explanatory letter to the Committee.

In response to queries from Ken and Janet, Mr. Klauer confirmed that the Town's contribution to the project would be the new site, which is Town property, and that the Town would be responsible for maintenance.

In response to a query from Ken as to what would happen if the Town received no Community Preservation Act (CPA) funding for the project, Mr. Klauer said that Mr. Bertolami would have the house demolished.

III. Appointment with Potential Applicant - Bruce Freeman Rail Trail Design Funding (Town of Acton). Request for \$115,000; presentation by Roland Bartl, Town of Acton Planner. The request encompasses two parts: the first part, in the amount of \$65,000, will cover an anticipated funding shortfall; the second part, in the amount of \$50,000, will be for potential right-of-way acquisition costs.

A. Request for Waiver of Application Deadline. The deadline for application was November 9, 2009, but this application was filed today, January 14th, well after the deadline. Mr. Bartl explained that the decisions for federal and state funding involve three different agencies, and that due to a delay in the decision of the Massachusetts Highway Department (MHD), he did not have the necessary information about public funding until around Christmas 2009. The Committee agreed that there were compelling reasons to justify a waiver of the filing deadline, and voted to waive the deadline.

B. Presentation of Proposal. The Bruce Freeman Rail Trail (BFRT) has received CPA funding in previous years, most recently in 2007. Since then, Phase I, from Route 225 in Westford to Lowell, has been completed, and the Phase 2A 25%-design stage, for the section from Acton to Route 225, is essentially complete, with only state approval pending. Phase 2B is the crossing of Route 2, Phase 3 is in Concord and the remaining phases are in Sudbury and Framingham.

The Phase 2B crossing of Route 2 will be part of the Concord Rotary reconstruction, which currently is on hold. Doré noted that the need to repair the bridge east of the Rotary is an additional complication in the Rotary project.

The state has pushed the construction-funding date out to 2021-2025 (the funding date was 2010-2012 in 2007), and the estimated construction cost for Phases 2A and 2C has grown to \$30 million (\$17 million in 2009 dollars).

In December 2009, Acton, Carlisle and Westford received a \$500,000 enhancement grant from the state to complete the Phase 2A design; Acton's share of the grant is \$464,000. Acton, Concord, Carlisle and Westford have entered into an agreement to advance the BFRT: Acton is the lead town for that agreement. Phase 2A design work will resume this year, the hope being that the completion of the design work lead to the project's moving up on the construction-funding schedule; another reason for completing the Phase 2A design is the expectation that the state will be receiving federal stimulus money for construction projects in 2010-2012. Acton has submitted an application, on behalf of the four towns involved in Phases 2A and 2C, for another state enhancement grant.

The cost-estimates included in the application show that the bulk of the construction engineering and other costs for Phase 2A are for the Acton portion of the BFRT. The project includes six trestle bridges, at a design-cost of \$36,000 apiece; design work for the Route 2A bridge will cost \$132,000.

The potential right-of-way acquisition costs include the cost of title examination. Some parcels along the proposed BFRT course may have a "Rowley" problem, as in the Rowley v. Verizon decision, which addressed the issue of railroad easement rights that revert back to the grantor(s) of the easements if and when the railroad ceases to use the land for a railroad. The \$65,000 in the first part of the Town's request will not be sufficient to cover potential right-of-way expenses, which is why the Town is requesting the additional \$50,000.

Walter noted the need for the Board of Selectman to review and provide the Committee with guidance as to the priority of the Test House and BFRT projects relative to the other Town proposals for CPA funding.

In response to a query from Ken as to what the Town would do if the BFRT project did not receive CPA funding this year, Mr. Bartl said that with the current funds in the BFRT account, the Phase 2A work could resume, but could not be finished. The Town could submit 75%-design documents to the MHD; the Town will need to sign an agreement with MHD, committing the Town to completing the project, but that commitment is not possible if the money is unavailable. Mr. Bartl and Tom Michelman of the Friends of the Bruce Freeman Rail Trail reiterated the importance of completing the design stage so that the project will be ready in the event that other projects drop out and construction funding for the BFRT becomes available sooner.

Mr. Michelman noted that the Town of Acton was the only one to get Transportation Improvement Fund funding. As bad as the 2021-2025 construction-funding date sounds, he said that Acton is much better off than other towns. The BFRT Friends are in constant communication with the MHD and now have a contact there.

Once the design work is complete, the project will be eligible for construction earmarks, air-quality-improvement funding, and other funding.

In response to a query from Ken as to whether the Town might request additional CPA funding, Mr. Bartl said that if the \$50,000 for right-of-way acquisitions were insufficient, the Town could conceivably apply for more CPA funding. If the Town secures federal earmark funds (via an application to Congresswoman Tsongas's office), those funds could be used for right-of-way expenses.

IV. Trail Through Time – Request to Use Funds from 2008 CPA Allocation for Next-Phase Design Work. Ken reported on a January 11 email inquiry from Linda McElroy pertaining to the Trail Through Time project, which received CPA funding in 2008. Ms. McElroy expects to have a surplus of funds, including funds that originally were for an information kiosk. She would like to use about \$750 of the unused funds for a draft design of a large pavilion with information panels that will be in lieu of the originally proposed kiosk, and will be part of the next phase of the project. Committee members expressed concern that the proposed additional design work would be beyond the scope of the 2008 Warrant Article, and agreed that Ms. McElroy should submit a new request for CPA funding, perhaps for a full study, including of the proposed pavilion design.

V. Other Business.

A. Finance Committee Feedback. Steve Noone reported that the Finance Committee members have concerns about the Windsor Building and Test House projects, given that the buildings appear to have no real use for the Town. CPA funding limited to cosmetic work on the Windsor Building, to keep it from being an eyesore, would be more acceptable.

B. Warrant Article. Committee members discussed the proposed placement of the CPA Warrant Article immediately after the Acton, Regional and Minuteman schools budgets.

Next Meeting. The next meeting will be on Thursday, January 21st, 2010, 7:30 p.m. The Committee will discuss all proposals. The next meeting thereafter will be on Thursday, February 4th, 2010, 7:30 p.m. (Acton Town Hall, Room 126).

The meeting was adjourned at 9:52 p.m.

- Janet Adachi, Clerk