

**COMMUNITY PRESERVATION COMMITTEE**  
**DRAFT Minutes, January 26, 2012**  
**Acton Town Hall**

Members present: Walter Foster (chair), Janet Adachi, Tory Beyer, Roland Bourdon, Doré Hunter, Andy Magee, Betsy Mercier, Susan Mitchell-Hardt, Corrina Roman-Kreuze, Ken Sghia-Hughes

Also present: Steve Noone (Finance Committee observer), Roland Bartl (staff)

The meeting was opened at 7:35pm.

1. Project Hearings

A. 7:30 PM – Friends of the Lower Field – Lower Field Multipurpose Rec. Complex & O’Grady Skate Park Expansion, Peter Ashton, liaison

Presenters:

Bill Mullen, FOLF

Dave Wilson, FOLF

Cathy Fochtman, Acton Recreation Director

The applicants provided a supplemental handout and presented a detailed PowerPoint presentation covering the proposed project. The committee had the following comments and questions (committee comments *italicized*, applicant responses in plain font):

- *How would the field time be allocated among the various groups? How would the allocation of field space/time be determined when different groups are vying for the same field at the same time?* The applicant showed a calendar schedule with highlighted times for each of the various groups. Schedules will have to be worked out among the participating teams.
- *How do you think you will get through the legal hurdles laid out by Town Counsel?* The applicant has been working on the legal issues and is confident that they can satisfy the legal questions under the CPA law, with a permanent easement for a fixed time limit. Aside from that, FOLF would like to hear from CPC whether we think this is a good idea, and then those issues can be addressed.
- *Town Counsel suggests that if the CPA law is modified, FOLF would have to pay back the portion of CPC money used for the artificial turf.* The applicant stated that the project is structured so that no CPC money would be used for the artificial turf, and disagreed with the opinion stated in Town Counsel’s memo that CPC money should be considered to apply to all aspects of the project.
- *Town Counsel’s memo suggests that charging a fee would have implications for insurance coverage for the Town.* The applicant believes that this would not have a substantial impact on Town insurance premiums. Also, the teams renting time on the facility generally have their own insurance policies.
- *Janet commented that it does not appear that the project is eligible under the CPA law, as a result of the Seidman decision. There is also an equity issue with other lower cost projects that have not been able to proceed due to Seidman.* The

applicant stated that since the Leary Field project, only 13% of CPC money has gone to recreation projects, so it is appropriate to put more into recreation now.

- *Roland commented that he would like to see the rental money return back to the CPC, for allocation to future projects.* The applicant believes that this would be possible, subject to the Town's desires. The plan now is to have 1/3 of the income generated return to the Town.
- *Dore' commented that the legal issues have to be worked out in an iron-clad way, with agreement from bond counsel and Town Counsel.*
- *CPC usually requires our money to be the last to be spent on a given project. What are the assurances that all other money would be spent before CPC money is spent?* The applicant stated that all the money would have to be in place at the same time in order for work to begin, and that it would all be spent simultaneously to complete the project right away.
- *Why isn't the funding more equitable, between the 3 major funding sources (as was the "3-legged stool" approach used for the Leary Field project)?* The applicant said that the funding approach was based on the reality of what is available, starting with a reasonable estimation of rental fees to repay a mortgage, and then what the school district can afford.
- *How will the rental income be split after the mortgage is paid off? Is there an agreement or requirement as to how the money will be allocated?* The agreement is 2/3 to the school district, 1/3 to the Town, but it is up to the district and Town to decide how to use the funds received.
- *What is the estimated parking demand, and what will you do if you don't get the easement in the Rt. 2 right-of-way?* The applicant stated that they are working on an agreement with the MassDOT, which looks promising. The parking study showed a need for about 100 to 120 spaces. If MassDOT does not grant an easement, the applicant would be able to use 75 spots on-site and could develop some additional spots by the tennis courts.
- *What about the wetlands setback?* The applicant will have to ask for variances from the Conservation Commission, but they believe they will have an approvable plan.
- *What is the likelihood that the Town Recreation Department will submit another proposal in the future for the skatepark for the other 2 bowls that are not being proposed in this project?* The Recreation Department is building a constituency for the skatepark with this project, so they are working on developing it.

B. 8:30 PM – Acton Housing Authority – Development Funds, Sachem Way, Ken Sghia-Hughes, liaison

Presenters:

Rebecca Plaut Mautner, Consultant to AHA

Kelley Cronin, AHA Executive Director

Bob Whittlesey, AHA Board Chair

The applicant provided 2 handouts to the committee and presented information about the development project at Sachem Way, including the following information:

- A review of the history of the project development to date

- A review of the financial history of the project
- Changes to the project, including:
  - The project now includes sewers, to accommodate concerns of abutters, which has changed some of the assumptions of the project
  - The state DHCD requested certain changes to the plans to reduce cost
  - The cost estimation has increased, based on actual costs for a similar project in Sudbury
- Due to the projected cost shortfall, the AHA is looking for additional commitments from several sources to cover the anticipated costs
- CPC money will be leveraged 6 to 1
- The additional request would amount to a total of \$58K per housing unit from the CPC, which is less than other typical CPC-funded housing projects in surrounding towns

The committee had the following questions and comments (committee comments *italicized*, applicant in normal text):

- *What is the need? What is the waiting list for affordable housing?* The AHA has 186 households on the waiting list for local residents.
- *Explain the sale of condo units to fund the development.* The AHA has 3 condos, which are sub-standard, due to being below grade and having flooding issues. These will be sold, and the proceeds will go to the development project.
- *Why did the permit and fees go up so much?* Mainly due to sewer tie-in costs.
- *Why so much for marketing and advertising?* There are a lot of regulations regarding advertising and marketing the units. The DHCD has become more rigorous in the past few years. We also expect the units to be very popular, so there will be more costs for running the lottery and screening applicants.
- *Why did the Clerk of the Works cost increase?* Mainly due to the complexity of the site work, which was not fully understood 2 years ago, and the decision to use modular construction. A larger role for a Clerk of the Works was required.
- *Why did the insurance cost go down?* Insurance costs have fallen over the past 2 years.
- *What site work is required?* Lots of earth moving, due to the large slope on the site, detention ponds, sewer tie-in, etc.
- *Have you submitted a stormwater management plan under NPDES?* Yes, at the Zoning Board of Appeals hearing.
- *What is the estimated sewer treatment fee for the units?* \$1500/mo.
- *Is the housing design LEED-certified?* Yes, the buildings are designed to be LEED-silver home certified.
- *Is the elimination of the septic system reflected in a reduction in cost in the new budget?* Yes, but there are other costs that make the overall budget higher.

## 2. Minutes of 01/19/12

The minutes from the 1/19/2012 meeting were unanimously approved as amended.

## 3. Closing Prior Year Accounts/Recapture Funds – Final Action

After some discussion, the Committee voted unanimously to recapture the funds as listed in Roland Bartl's memo of January 10, 2012.

#### 4. Administrative Update

Andy raised the issue of providing additional funding for the Windsor Building project to cover the bathroom and kitchenette sink, as raised during the hearing on the Windsor Building last week. Tory thought we could fund this in a different funding cycle. Walter wants to see a concrete proposal from Dean before the committee debates it. The committee agreed that we ask Dean for a cost proposal and for information about how it would be incorporated with the project as it current is proposed. Roland Bartl will solicit this from Dean for the committee.

The Finance Committee has invited the CPC to their meeting on Feb 7, at 8pm to present on all of the proposed projects except for the Lower Fields, which will be presented by FOLF at the same meeting.

Our next meeting is on February 9, where we will hear an update on the Historic Preservation Loan program proposal from the Historic District Commission. We will also begin our deliberations on this year's proposals, following our usual process.

The meeting was adjourned at 10:00 pm.

Respectfully submitted,

Ken Sghia-Hughes, Clerk