

**Minutes**  
**Town of Acton Community Preservation Committee**  
**September 08, 2016**  
**Acton Memorial Library**

Members Present: Bill Alesbury (Vice-Chair), Peter Berry, Tory Beyer, Dean Charter (Associate), Walter Foster (Chair), Susan Mitchell-Hardt, Carolyn Kirkpatrick (Associate), Ken Sghia-Hughes, Joe Will (Clerk)

Others Present: Roland Bourdon (Acton Finance Committee observer), Mary Bowe-Shulman (Acton resident, Acton-Boxborough Softball fan), Kelley Cronin (Acton Housing Authority Executive Director), Amy Green (Acton Conservation Commission), Kristen Guichard (Acton Assistant Planner), Bill Klauer (Acton Historical Commission Chair), Andy Magee (Acton Open Space Committee Chair), Matthew “Selby” Selby (Acton Director of Land Use and Economic Development), Nancy Tavernier (Acton Community Housing Corporation (ACHC) Chair), Tom Tidman (Acton Director of Natural Resources)

Walter opened the meeting at 7:31 PM, pointing out that Amy will be rejoining the CPC as Conservation Commission representative. She has been reappointed by the Board of Selectmen (BoS), but has not yet been sworn in. For informational purposes, Walter also clarified the role of the CPC Associate members.

**I. Citizen Concerns**

- Mary is “thinking creatively” on how to possibly fund lighting at the Acton-Boxborough Regional High School (ABRHS) softball field and asked about the CPA and the inter-municipal agreement processes.

The CPC pointed out that since the ABRHS softball field is a property of the regional school system, the Region would be the applicant for CPA funds. Funding proposals for the coming year are due November 14. An inter-municipal agreement (in this case opening up a school property to “outside” use) would be part of the proposal. The CPC suggested that Mary next talk about the possibility of a CPA proposal with folks at ABRHS.

**II. Minutes of August 11, 2016**

- It was moved, seconded, and voted unanimously to approve the minutes as presented.

**III. Review and Approve CPA Plan 2017**

- Walter led the CPC through edits made since the previous meeting.

It was moved, seconded, and voted unanimously to adopt the Plan for public review with edits as presented.

Kristen pointed out that the Plan now goes onto the Town website. The 09/22 CPC meeting will be for public questions and input. The CPC will consider the input, adjust the Plan as needed, and then adopt the Plan as final. CPC members representing particular groups considering projects are urged to speak to their groups to get them to this meeting.

#### **IV. 53 River Street**

- Selby gave a PowerPoint presentation on a land purchase opportunity for Acton — the land owned by (Rick and Linda) Lazaro Paving at 53 River Street. Andy, Nancy and Kelley, and Bill K offered supporting information from the purview of the three respective groups they represent. Tom added additional information. A common point made was that this opportunity addressed all four categories of community preservation: open space, housing, historic preservation, and recreation. All also acknowledged that this opportunity presented itself in a very short period of time. Tom pointed out that the land is considered riverfront, which would give Acton lots of leeway in terms of what the Town could do with it. Proposed funding for the purchase includes \$375K from the Open Space set aside, and \$300K for bonding. ACHC would provide \$200K conditioned on the assumption that housing on the site could go forward, and the General Fund would cover the balance (\$33K) of the \$908 overall cost. If the site would be found to be “too dirty” environmentally the Town would back out of the purchase.

Chief CPC concerns were about the process. Walter reviewed some of the CPA process and pointed out that it would require a vote for the CPC to go outside the normal process. Peter, speaking to the process, pointed out that the BoS will be meeting next Monday night in Executive Session about financing this purchase. The BoS needs to finalize the warrant (for the 10/05 Special Town Meeting) on 09/19, as the warrant has to go out on 09/20. It's possible that the Town could use free cash for this purchase.

If the BoS votes Monday to spend free cash for this, does the CPC need to address this now? Peter: I would say 'No'. The next scheduled CPC meeting is 09/22. The CPC will set up a placeholder meeting for 09/15 in case the BoS does not vote this. The CPC can keep that date or cancel it based on the BoS meeting. For a 09/22 meeting, however, the CPC would need results of votes of various groups. Can we go back to Lazaros to find if they would be open for more time?

Question for Kristen: Can the Town buy the land and still come to CPC through the normal process to fund this? Kristen thinks “No” but she will check on this. Per Andy: The Town can't buy and then have CPA come in. The Town can still do the housing part and then fund the pieces, but not the \$375 for the open space.

The CPC has Open Space \$. Could we commit say \$375K towards the purchase price to help the Town and keep the property out of the hands of a developer? We would want a vote from the Open Space Committee that it would be willing to do this.

Andy: We will discuss this at tomorrow's Open Space meeting.

Given that 1) the CPC tries to do due diligence in its project approval process, 2) this process should include votes from all the relevant committees, and 3) it not being fair to commit funds for this project before hearing other projects, the CPC feels that it would be best to have the BoS buy the land so that the CPC can take more time to worry about details.

Other points made during the discussion:

- The Town's Preliminary Plan (see PowerPoint slide) is consistent with Acton's 20-20 and its Open Space and Recreation Plans. It's a nice use of historic property.
- If the CPC were to grant CPA funds for this, Town Meeting would first have to agree to purchase the land by 2/3 vote, and then vote to allow the use of CPA funds.
- If we passed on this now and had to wait for April, chances are the Lazaros would sell to a developer. What is developable? Normally, the flood plain is a limiting factor. But if a developer comes with a 40b, this goes out the window and they can build to the edge of the stream. At the mill site itself, there's no riverfront area.
- If town develops the housing entirely as affordable housing, all units would count towards the 40b inventory.
- Building affordable housing on the site would take several years. So would development in general. Sounds like there would be requests for more CPA funds.
- Bonding cost is still up for debate.
- There are no \$ in historic set aside (a possible CPA funding source).
- The CPC shouldn't be tied to bonding \$300K through historic preservation only. Committing \$300K of historic preservation funds might suck a lot out of historic preservation for a few years and might create adversarial situations with other groups.
- This will only work if it works for everybody.
- Can we look at the (entirely fenced) property? Tom: If we want to do a site walk, he'll try to set it up with the Lazaros. Kristen will do a Doodle poll, giving us two or three times that we could do the walk.

## **V. Project Reports and Updates**

- Both Rail Trails are under construction. Construction of the bridge over Route 2A for the Bruce Freeman Rail Trail is particularly notable. On the Assabet River Rail Trail there has been some construction screening in deference to the Maple Street abutters.
- At NARA the first modular for the Sports Pavilion is on foundation. Footings for the second modular were poured today and it should be on foundation in 2 weeks. The Office of Michael Rosenfeld has been hired to design the Pavilion interior.
- At the Arboretum, the fern boardwalk is complete and has reopened. The trees near the boardwalk were removed this past winter. Plants in the understory planting area have been watered all summer. A rain garden is being built next to the Arboretum parking.
- The TJ O'Grady Skatepark amoeba bowl is underway.
- The preliminary hearing for the Americans United lawsuit challenging Acton's CPA funding of projects by two Acton churches is scheduled for 2 PM on 09/14 at the Middlesex Superior Court in Woburn. Peter provided current public information on the suit.

## **VI. Administrative Updates**

- September 22 is the Public Hearing for the CPC Plan 2017.

10:00 PM — It was moved, seconded, and voted unanimously to adjourn.