

COMMUNITY PRESERVATION COMMITTEE

Public Meeting Minutes

January 25, 2016

7:30 P.M.

First Floor Conference Room, 141 Keyes Road

Pursuant to notice duly filed with the Town Clerk's Office, Concord's Community Preservation Committee held a public meeting in the First Floor Conference Room at 141 Keyes Road starting at 7:30 P.M. Committee members Bouzha Cookman, Linda Escobedo, Greg Higgins, Paul Mahoney, Dee Ortner, Geoffrey Taylor and Peter Ward were present.

Committee Member John Cratsley arrived after the start of the meeting. Ms. Cookman called the meeting to order at 7:30 P.M.

Meeting with Stuart Saginor of the Community Preservation Coalition

Stuart Saginor, Executive Director of the Community Preservation Coalition, was present to discuss the Coalition and work of the CPA in Massachusetts over the last ten years. Members introduced themselves at this time as did the members of the audience – Marcia Rasmussen, Director of the Dept. of Planning and Land Management; Dean Banfield, 73 Walden Terrace; and Robert Grom, 141 Mildred Circle.

Mr. Saginor gave a PowerPoint presentation at this time, explaining that the last time he had come to talk to Concord about the Community Preservation Act had been for a Town Meeting discussion at the old high school in the early days of the CPA. He explained that the Coalition had been formed by several non-profits to advance and advocate for the CPA and their offices were located in the Boston offices of the Trust for Public Land. At present, 160 communities, or 45% of Massachusetts communities, had adopted the CPA. Three more communities were also working to adopt the legislation. Mr. Saginor had never seen as much interest in the CPA as he was seeing now and believed that this interest could only benefit the program. CPA funds had been used to complete 4,000 Historic Preservation projects, had preserved 23,471 acres for Open Space, and had completed 1,550 Recreation projects. In all, the CPA had raised \$1.4 billion in Massachusetts for Community Housing, Historic Preservation, Open Space, and Recreation projects.

Mr. Saginor explained that the CPA Trust Fund was built from a \$20 transaction fee on any property filings at the Registry of Deeds. In the last few years, it had also been bolstered by State budget surplus funds, but the Coalition recognized that this was a short term measure. A new measure that had been introduced since the start of the legislation was a blended CPA where the local funds were raised from both a local surcharge and other sources. At present, the CPA Trust Fund was up slightly from last year, but no new fees or tax changes were proposed for this year.

Mr. Saginor went on to explain how the State funds were dispersed to participating communities. The majority of the funds were distributed in the first round, but communities with the maximum 3% surcharge in place were eligible for a second and third round, which were weighted to favor smaller and less affluent communities. He explained that he did not think that increasing Concord's local surcharge to 3% would be all that helpful to the community in terms of a large increase in additional state matching funds because as a fairly large and wealthy town, it would be in the bottom decile for those additional rounds.

However, he estimated that if Concord raised its surcharge to 3% that it would raise approximately \$40,000 in additional State funds, increasing the percentage match from the existing 29.67% to 33.62%. Of course, increasing the surcharge would double the amount of local funds raised and give the town more funds to buy open space and fund other worthy projects. Mr. Saginor stated that Acton was also interested in raising its local surcharge percentage and due to its affluence was also likely to have a low state fund match return on the second and third rounds. Mr. Saginor reviewed the average amount raised by Concord at its current 1.5% surcharge and noted that it was one of the highest amounts raised locally in the State and how this would be changed by increases to 2% or 3%. Mr. Saginor urged the Commission to move cautiously with any changes to the CPA until they understood all of the implications of a possible action.

Mr. Saginor explained that the legislation for the blended CPA had taken ten years to pass. It had originally been envisioned to encourage cities to tap into CPA funds. Quincy had pushed for this option initially, but the Coalition had found that as the State match decreased, no communities have tried to actually use the blended CPA format. To initiate it in Concord, the CPC would need to take the request to Town Meeting and start over with a new CPA bylaw. Mr. Saginor stated that the Town of Littleton was the only community that had passed the blended CPA option. The benefit of this option was that there would be more CPA funds available if every year Town Meeting voted to put some of the funds raised through other sources into the CPA account. On the other hand, the CPC could never be sure of the amount of funds that would be available or the match if it varied by Town Meeting, and generally communities wanted to know how much was available to recommend before voting on funding. He noted that the Department of Revenue had not issued a report on this process yet and did not feel that they needed to address it.

Mr. Saginor noted that bonding was another issue that Concord had expressed interest in, and that the Coalition had a webinar on this topic which he encouraged Members to view. To date, 81 communities had bonded CPA funds for 199 purchases. \$280 million had been bonded so far, generally for big purchases, using general obligation bonds. Bonding can only be done using the local surcharge and requires a 2/3 vote of Town Meeting to approve. He showed the Committee the Coalition's CPA Bonding Capacity worksheet and noted that they could request assistance on this from their Finance Department. He explained that this worksheet could help the Committee to understand the process and would provide them with a maximum amount that could be bonded. Mr. Saginor stated that the local surcharge could be bonded for up to 30 years or the life of the asset. He encouraged the Committee to specify the terms of the bonding and to clearly note it in the warrant article to avoid any future problems or confusion. He added that no ballot election was required to bond CPA funds, just a 2/3 vote of Town Meeting. CPA Bonding did not raise the local surcharge and these bonds could be combined with non-CPA funds if that was convenient. Mr. Saginor explained that the bond payments could count as the 10% minimum requirement for funding in the Community Housing, Historic Preservation, and Open Space categories. If a community later decided to revoke the CPA and had an outstanding bond, they would need to continue the local surcharge until the bond was repaid.

Ms. Cookman asked what the range of local surcharge percentages were across the state. Mr. Saginor explained that about half of CPA communities were at 3%, and most of these had been passed in the early days of the CPA. There were two communities at .5%, many at 1% or 1.5%, and that one community had gone for a 3% surcharge in the last few years. The amount of the match varied greatly, though, depending on the size and property values of the

community. He noted that some communities received as little as \$5,000 from their State match and that many were quite small amounts. Nantucket, Newton, Lexington, Cambridge, Barnstable, and Waltham were on the other end of the spectrum and usually had over \$2 million a year in funding. He noted that Cambridge was in the situation where they had set aside \$1.2 million for Open Space to meet their 10% requirement and could not find an allowed use for the funds. This was one of the reasons that the Recreation uses had been changed to allow work on existing sites.

Members asked what types of projects were trending across the State. Mr. Saginor noted that sustainability was a recent trend but that it was hard to use CPA funds for that purpose and noted that it only worked for some Affordable Housing and Historic Preservation projects. He explained that the trend was to make Affordable Housing projects sustainable since the operating costs would be lower over time. He referred to Wayland, which had used \$600,000 to upgrade their affordable units. He noted that the current trend in Affordable Housing was to upgrade existing units and pointed out that funds could be used for any component of developing and maintaining Affordable Housing. This was true for Historic Preservation as well.

Mr. Mahoney asked whether Town Meeting would be required to vote each year on the percentage to allocate to CPA funds if the blended approach was passed. Mr. Saginor stated that the CPC would still have the local surcharge but would have to ask each year for Town Meeting to allocate any funds from other sources. He reviewed the additional funds which Concord would have if it increased its surcharge to 3% and noted that it would go up, Mr. Saginor was asked whether the Town could eliminate the exemption for the first \$100,000 in property value. He answered that the Town could eliminate the exemption but could not change it to another amount as it was not indexed.

Mr. Saginor explained that the Coalition was working to increase the amount of the fee at the Registry of Deeds. Ms. Cookman asked how much of an increase was expected and Mr. Saginor answered that they had not specified an amount but wanted to raise the fees high enough to have a 50% match for all CPA communities in Round 1. Mr. Mahoney asked about the State's capacity to do this and whether it was possible to have this amount if all Towns in Massachusetts joined the CPA. Mr. Saginor was not sure at this time, but noted that the legislation required that even if all 351 communities joined the CPA, the trust fund had to provide at least a 5% match. Mr. Mahoney asked how much was raised by the local surcharge. Mr. Saginor stated that \$105 million was raised state-wide by the local surcharge and that this amount would grow by 4% a year, or the average new override amounts. Mr. Saginor noted that it was not possible to project this number out as real estate was hard to follow and they relied on the March estimates from the Department of Revenue for any future numbers.

Mr. Mahoney stated that he found the statewide map of CPA communities very helpful and asked if there were similar maps available for other states. Mr. Saginor explained that the CPA was unique to Massachusetts. Connecticut had the closest program which was a state pot of funds that communities could apply to. Mr. Saginor thought that the magic of the CPA, though, was that it worked at a local level with the Town Meeting structure.

Dean Banfield, 73 Walden Terrace, wanted to discuss the blended CPA fund. He noted that this was a complicated proposition. He felt that there was a strong sense in Concord that CPA funds should be spent on Town projects and asked how other communities dealt with

the tension between Town and other projects. Mr. Saginor thought that this tension was true of every community and that each one dealt with it differently. He explained that some CPA programs were very centrally controlled but that this was primarily in cities. Mr. Banfield stated that he thought the Town had completed many valuable projects that were not Town owned.

Ms. Cookman asked how long a timeframe was needed to bond CPA funds. Mr. Saginor answered that it could be done very quickly. He noted that Lenox had managed to bond funds within two months of passing the CPA.

Discussion and Approval of Land Acquisition Funding for Ball's Hill Road Property

Director of Planning and Land Management Marcia Rasmussen presented the Town's Special Application for funds to purchase open space lands on Ball's Hill Road. She explained that the Town Manager and Finance Director had also wanted to attend but that they had had to attend other meetings. Ms. Rasmussen explained that the Town had been working on this throughout the Fall but had been unable to reveal the location. The current owner, Charlene Engelhard, was ready to sell a significant portion of her lands off of Monument Street along Ball's Hill Road. She had originally asked for \$6.9 million but that Town had negotiated to buy the land for \$6.4 million with tax donations. The Town's potential future well site was nearby. About \$800,000 of the purchase price would come from the Town's current budget, \$400,000 was requested from CPA funds, and the rest would be raised by the Concord Land Conservation Trust (CLCT). Ms. Rasmussen noted that this was a one-time opportunity and that if the Town did not purchase the land, it would be sold for development. The site included 15 acres along the Concord River across from the Great Meadows National Wildlife Reserve. The land included walking trails and would protect wildlife, and was also believed to hold Native American artifacts. Ms. Engelhard had purchased the land to protect it from development when the Town had bought the adjacent well site.

Ms. Cookman asked how the Town would like the CPC to proceed. Ms. Rasmussen stated that the Town was requesting to use existing Land Acquisition Reserve Funds and the new funds proposed to be allocated to the Reserve at the 2016 Town Meeting to meet the \$400,000 needed. Ms. Cookman asked if this could be done without changing the CPC warrant article. Ms. Rasmussen explained that the CPC's warrant article would not need to be changed because the Town Manager had already addressed the purchase in Article 23. Mr. Mahoney asked whether the Committee could change the nature of the Land Acquisition Funds use now that the warrant was closed. Ms. Cookman was uncomfortable with changing the existing warrant article and noted that Article 23 discussed using \$150,000 in Land Acquisition Funds and not the \$400,000 being discussed. Ms. Ortner reviewed the application and asked if any of the funds would be allocated to maintenance. Ms. Rasmussen explained that the Town was still working with the CLCT to determine how the land would be owned or shared. Ms. Ortner noted that no maintenance funds were included in the budget.

Ms. Ortner asked if the Natural Resources Commission or Planning Board needed to review the project. Ms. Rasmussen stated that they were not required to review it but that the NRC was aware of the project. Ms. Ortner asked what restrictions would be placed on the land. Ms. Rasmussen stated that the Town was looking at all applicable restrictions including conservation, agricultural preservation, and water protection. Most of these were appropriate

to the site and all allowable ones would be considered. Mr. Higgins asked if the site would be shared and Ms. Rasmussen stated that they would most likely divide up the site. Mr. Higgins noted that there was a developed trail system on the land and asked if Ms. Rasmussen could speak to retaining access to these paths on the remaining lands. He wondered if the Town had reserved the right to have access to those trails. Ms. Rasmussen was not sure but thought that the CLCT might pursue that issue. Mr. Higgins encouraged the Town to try to keep the trail access and all agreed that they would prefer that none of the trails were blocked. Mr. Higgins stated that this issue had also been raised with the NRC and that he was not sure that the NRC would support the project without the continued access. Ms. Rasmussen stated that she did not have an answer to that question at this time but would check to see if the issue had been raised.

Members agreed that the land acquisition would be advantageous to the Town and timely. Mr. Saginor noted that he had seen other communities deal with similar situations around farmland and that a structured agreement had been used to transfer access and control over adjacent parcels when the current owners left or sold the land. He explained that this was done through easements which did not take effect until the current owner was ready to move and suggested that it might be a solution for the continued trail access. Members agreed that it was a great location for land acquisition.

Ms. Escobedo asked about the feasibility of the project. Ms. Rasmussen explained that the Town had looked at the site when the well site was purchased. They did not need to complete a 21E review and had already looked at the zoning of the site.

Ms Cookman asked for a vote on both the existing CPA reserve funds and the \$250,000 the CPC had already agreed to set aside, anticipating a request of this nature. Mr. Mahoney moved that the Committee support a recommendation to Town Meeting for the acquisition of the Balls Hill Road property using \$400,000 in CPA funds with \$150,000 to come from existing Land Acquisition Reserve Funds and \$250,000 from this year's funding recommendation for the Land Acquisition Reserve Fund. Mr. Taylor seconded the motion.

Members discussed whether to add that the CPC should be involved in developing an appropriate restriction for the site. It was noted that this would be required in any case if CPA funds were used to purchase the site. Mr. Mahoney amended his original motion to request that the Town coordinate any deed restrictions with the CPC. Mr. Taylor seconded the motion as amended and ALL VOTED IN FAVOR.

Ms. Cookman noted that Mr. Vlacovsky had been unable to continue on the Commission and had resigned since the last meeting. The Select Board was expected to appoint Barbara Pike to replace him. Mr. Cratsley arrived at this time.

Review and Discussion of Potential Draft Project Conditions

Members reviewed the past procedures on conditions and noted that a Memorandum of Understanding would be used for Town Projects and a Grant Agreement developed for Non-Town projects. Ms. Kritzer was asked to send out the template for the Town project memos to all Members for review.

Beginning with the general conditions for all projects, Members changed condition #5 to refer to both temporary and permanent signage.

For Condition #6, Members discussed what was meant by a “Significant” change in the approved project. Members agreed to replace “significant” with “material.”

For Condition #7, Members expressed concern with project oversight. An additional line was added to the condition to state that “If not actively engaged in the project, the Grantee will send periodic reports to the CPC on the status of the project and its anticipated date of completion.”

Members asked Ms. Kritzer to develop an update on existing projects for the next meeting. Members discussed having bi-annual project updates to assess their progress over time. Ms. Kritzer was also asked to update the title for the Non-Town project conditions.

Concerning Specific Conditions, the Emerson Umbrella Windows condition #1 was amended to reflect that only half of the windows would be done at this time.

For the New Church Entrance Steps, condition #2 was revised to be more specific as to the number of times that the building must be open to the public annually. Members suggested that the building be required to be open at least 2-4 or 3-4 times a year and asked Ms. Kritzer to reach out to the Applicants to confirm that it would be available on a continued basis and to make sure that this number was reasonable for them to do.

For the White Pond Restoration Project, condition #3 was revised to include any reports, findings, or analysis resulting from the data analysis completed with CPA funds.

For the USS Concord Bell Project, Ms. Cookman shared with the Committee that she was not comfortable moving forward with a recommendation for this project when the designs were not yet approved by the Historic Districts Commission. Members asked Ms. Kritzer to let the Applicant know that the Committee may not move this item at Town Meeting if the Certificate of Appropriateness from the HDC has not been issued before the CPC’s last meeting prior to Town Meeting. Members noted that the last meeting was currently scheduled for March 7 and discussed whether another meeting on March 21 should be scheduled for this issue. Members agreed to ask the Applicant to complete the approval process before the last scheduled meeting on March 7.

For Phase III of the Field Renovation Project at the Concord Carlisle High School, Members agreed to add a condition that the funding would not be used to construct the practice wall. Members also discussed whether the Phase III funds should be allowed to be used for landscaping. Ms. Ortner believed that the funding should only go towards the completion of the field. Members noted that the Applicant had funding well in excess of the CPA funds for this round and agreed that the CPA funds could just be used on the field without impacting the rest of the work in this Phase. Mr. Higgins asked if the Committee could include a condition about removing the Shot Put area. He explained that he had promised the NRC that he would raise this issue with the CPC. The Applicant should have done this work as part of Phase II but the Shot Put area had not yet been removed. The NRC could not sign off on Phase II until this area was gone and had asked whether the CPC could add this as a condition to their future funding to move the work along. Members expressed concern with conditioning Phase II work as part of Phase III funding and instead asked Ms. Kritzer to reach out to the Applicant to find out what their plan was for the Shot Put area and to make them aware that its removal had been raised as a potential condition. Ms. Ortner asked

whether condition #3 should be revised as it refers to originally approved plans and the plans had been changed several times over the course of the project. Ms. Kritzer was asked to check on how the Phase III work had changed between the original and current plans.

Mr. Mahoney moved to approve the general and specific draft conditions as amended in deliberations. Ms. Escobedo seconded the motion and ALL VOTED IN FAVOR.

Review and Approval of Community Preservation Coalition Membership Renewal

The Committee's annual Membership to the Community Preservation Coalition was due to be renewed at this time. Mr. Taylor moved to approve payment of the dues for Concord's continued membership with the Community Preservation Coalition. Mr. Mahoney seconded the motion and ALL VOTED IN FAVOR.

Fund Distributions and/or Approvals

Mr. Taylor explained that the Drinking Gourd Project had submitted a recent request for reimbursement for work at the Caesar Robbins House that included charges for the utilities at the site. Ms. Kritzer explained that the CPC had paid those charges during the restoration of the building, and the question at present was whether they should continue to be paid now that the physical work on the site was largely complete. Members agreed that the question or what qualified for funding during the course of a project should be discussed at the next meeting as part of an overall review of existing projects.

Approval of Minutes

No Minutes were reviewed at this time.

Other Business

The question of developing a permanent sign for CPA funded projects had been discussed at previous meetings. Members agreed to discuss the question further at their March meeting.

Mr. Taylor moved to adjourn the meeting. Mr. Higgins seconded the motion and ALL VOTED IN FAVOR. The meeting was adjourned at 10:00 P.M.

Respectfully submitted,

Lara Kritzer
Senior Planner

Minutes Approved on: June 14, 2016

Paul Mahoney, Clerk