

Minutes
Town of Acton Community Preservation Committee (CPC)
January 11, 2018
Acton Memorial Library

Members Present: Bill Alesbury (Vice-Chair), Peter Berry, Tory Beyer, Dean Charter, Walter Foster (Chair), Amy Green, Greg Johnson (Associate), Carolyn Kirkpatrick (Associate), Nancy Kolb, Joe Will (Clerk), Ray Yacouby

Others Present: Roland Bartl (Acton Planning Director), Roland Bourdon (Acton Finance Committee), Cathy Fochtman (Acton Recreation Director), Amber Klauer (Acton Historical Society), Bill Klauer (Acton Historical Commission Chair), Mathew (Selby) Selby (Acton Director of Land Use and Economic Development), Tom Tidman (Acton Natural Resources Director)

Walter opened the meeting at 8:00 PM.

I. Citizen Concerns

- none

II. Minutes of December 21, 2017

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

While waiting for the scheduled time for the first project hearing, Walter noted that the next meeting is 01/25. He and Roland Bartl described some things for the Committee to expect. In advance of the meeting, Roland will share a spreadsheet that will include a complete, final accounting of CPA \$ available for 2018 and a complete listing of projects that have been presented for consideration (and not withdrawn). Committee members can use the spreadsheet to think about in advance how they feel the \$ should be awarded. The Committee will start the deliberation process at the 01/25 meeting and by the end of February (or earlier) should have its final decisions available for inclusion in the Spring Town Meeting Warrant.

Joe is on the CPC as the representative of Acton's Recreation Department, so by statute there is no conflict of interest when he votes on Recreation projects. However, he disclosed that he is also on the Cemetery Commission and wonders if there would be a conflict of interest re the cemetery proposals. Walter sees none, but Roland Bartl will look into it.

III. Project Hearings and Review

• Old North Acton School Project – \$315,000

Bill Klauer presented using a PowerPoint handout (screen projection unavailable).

Comments/Questions:

– What would be done with the building? What's the real plan for historical preservation? Not sure yet what would be done with the inside of the building. Right now, the proposal is more about the outside of the building and the grounds around it.

- For the CPC to recommend acquiring this under historic preservation (presently “a stretch”), it needs to know a better plan as to what its use will be. Making it into a Fire Department office will cause it to lose all its historical significance and make it difficult to support this proposal. Ten years from now, people will not know that this was a school house.
- If one doesn’t know what the building will be used for, it wouldn’t necessarily be lost; e.g., consider how New Orleans uses plaques.
- There was concern about whether a portion of the property being “combined with former DFW property for North Acton Fire Station” (i.e., land for municipal use) is proper use of CPA funds. This is not a request for Open Space funds. Selby and Peter explained the Fire Station situation at the adjacent 66-68 Harris Street property. Selby asked the question of Town Counsel about the preservation restriction that is required. It would be on the building itself, would not stretch over the entire lot, and would not preclude the use of the land for a fire station. This opinion of Town Counsel is not in writing.
- Supporting documentation shows various build dates for the house, e.g., 1865, 1872, “around 1900.” Is its 1839 build date correct? Bill Klauer: Yes.
- The Acton Historical Commission demolition delay on the building expired today.
- Town Counsel has expressed concern that some of the proposed work (e.g., tree removal, landscape work) does not clearly qualify as rehabilitation or historic preservation. Bill Klauer: Town Counsel probably doesn’t realize how close the tree growth is to the building.
- It’s a great building and it would be good to see it saved. It would be more comfortable if other sources of town funds would be used for trees and cleanup, and maybe a portion of Town funds used to buy at least a portion of the land. It’s hard to deal with using CPA \$ to buy the land and then part of the land ends up as a parking lot. The proposal would be more favorable if the Town would come up with some \$.
- Having Town leverage, say 50%, would help support this project.
- Per the Town: All the value is in the land.
- For this purchase, the proposal needs Board of Selectmen (BoS) support. Per Peter: Before the CPC makes its final recommendations, the BoS will give us its impressions on all Town projects.
- It would be great if we could have the BoS recommendations by the next CPC meeting.
- The CPC is an incorrect vehicle for this project. It should be a BoS decision. It is not known what use will be made of the building. This would be the first CPA purchase of land that is not for Open Space. All other projects involving landscape say “Landscape matters.” It would be difficult to be receptive of this purchase not knowing what will happen to the property. Town Meeting (TM) will have to know why the CPC recommends buying the property. To take this to TM, it would be helpful if there would be a restriction that the land can’t be touched (for non-rehabilitation purposes). It would also be helpful to know the intended, or possible, use. This project needs better planning and more massaging before it can be supported.
- \$14K for roof repair for a very small building seems excessive.

– If any additional information becomes available, the Historical Commission should make sure that it gets to the CPC.

• **Skatepark Expansion – Phase 2, Skate Plaza – \$76,000**

Cathy presented using a PowerPoint handout (screen projection unavailable). The first part of her presentation was a recapitulation of Recreation CPA projects in progress, and an overview of the 2014-funded basketball courts project that didn't commence within the three year, one month time period required by the CPA, resulting in a turnback of \$76K.

Comments/Questions (on Skatepark):

– What's the current use of the existing part of the Skatepark? It's heavily used. It's well-known regionally.

– What's the level of confidence in getting \$20K from Boxborough (Boxborough's operating budget, not its CPC): Not that high.

– Stantec Corporation, the Skatepark designer, is advising on foundation grants that may be available.

– What assurances are there that this project would move ahead expeditiously? The design is in hand (paid for from the Rec Dept. revolving fund). An early step after funding would be to complete the technical specifications with Stantec.

– The presentation would be stronger if it would include a tight time frame schedule so that it will be clear that things will get done. Getting such a schedule to the CPC will be of help.

– The project needs \$90K. The request is for \$76K. Any leveraging \$ greater than \$14K would be used to offset the CPA \$.

– What's the "shelf life" of the \$135K (Skatepark grant awarded in 2015)?

Recreation is spending from that award, and once as little as \$5K is spent in year 1, 2, or 3 of a project, the funds for the project are encumbered indefinitely.

– Rec has some work that it's already contracted for? Yes. How much of the \$135K remains? Most of it.

– Does anyone have to pay to use the Skatepark? No.

– Can Rec commit to 1) seeking as much \$ leverage as possible, and 2) using funds in excess of the \$14K shortfall to reduce the CPA \$ used? Yes, to both.

– The current Skatepark could not have happened without CPA \$. This site (Skatepark and lower fields) is "amazing". It needs to be finished, but it should be leveraged as much as possible.

– This would be "it" for the Skatepark? Yes, the proposed project is part two of a two-part expansion. This would complete Skatepark.

– There is need to "tighten up" the other sources of funds.

– It would be good to be able to work with Boxborough (and the School Department) to complete this project. Boxborough should be able to fund 10% of it. It's possible to foresee other (Acton and Boxborough) shared projects being leveraged by a relationship being built between the two towns.

• **NARA Performance Improvements – \$25,000 (\$19,000 + \$6,000)**

Cathy also presented the two NARA Performance Improvement projects. She referenced the NARA Master Plan that is about to be printed and promised that Rec will have a copy for everyone on the CPC.

Comments/Questions (ADA accessible ramp for NARA stage):

- If any community group would like to use a platformed NARA stage, there must be such a ramp.
- Do community groups request use of stage now? Yes.
- Is the quality of the ramp such that it can be left up for extended periods? Yes.

Comments/Questions (variable message sign):

- It's a capital improvement, so the Town should pay for such a sign.
- NARA has had use of the Highway Department sign in the past, but not for an entire summer.
- How was the Highway Department sign paid for — maybe the Town could do the same for NARA? Don't know how the Highway Department acquired its sign.
- Why not ask for a permanent sign? Because of the portability of the desired sign. The Town does not own property (for a permanent sign) at the corner of Ledge Rock Way and Main Street (the main entrance to NARA).
- Town Counsel said that Rec must show that the signboard is “not used for other non-CPA eligible uses.” It seems that there would be no way that NARA would have exclusive use of the signboard, therefore its purchase is totally inappropriate for CPA \$. As it will be used for marketing, it's more appropriate that Rec pay for it out of its revolving fund.
- That limitation (see previous point) is critical. It would be possible to vote for the sign if it were to be used exclusively for NARA.

Discussion on the sign led to a discussion on Rec funding.

- Peter pointed out that Rec is not funded out of Town operation funds. Rec's budget is approved by the Town Manager and is funded only by fees (and donations). None of Rec's equipment is purchased out of the Town Budget. If Rec needs something, the Town refers Rec to the CPA.
- Cathy noted that the Department of Natural Resources also supports Rec.
- Walter pointed out that Rec has always been self-funded, but thinks that there's been a shift in town. People understand you have to pay for some things like NARA. Perhaps it's time to change the budgeting thinking. The message that Cathy is hearing (in this discussion) is that CPA funds are not meant to substitute for budget funds. Rec needs to be careful about what it brings to the CPC. It should use the CPA as a funding source for “marquee projects”. The CPC needs to work with Tom Tidman, the new Town Manager, and the BoS for a major realignment in thinking so that the CPA is not treated as a “slush fund.”
- Others agreed:
 - The CPC gets lots of requests from Rec that should be part of a capital program from the Town. There needs to be a realignment of the budgeting process.
 - This is an institutional issue. The Town Manager should be riding herd on this, recognize the problem, and bring it to the Town. There needs to be a realignment of town procedure/thinking.
 - NARA is a gem and needs to be operated as such.

Walter would be happy to talk with Cathy about this offline.

• CPA 5% Administrative Support 2018 ~ \$56,000

Roland Bartle explained that the funding request will be for the maximum allowed, 5% of the local revenues and the state match. He explained what the funds are used for, gave examples, and shared a spreadsheet (11/01/17) of estimated annual CPA support costs. It shows that there is a significant annual Town contribution to Acton's success with the CPA.

Comment:

– Planning is doing a very competent job, and is under-appreciated. Having this kind of very good and very dedicated support is invaluable. The CPC doesn't say "Thank you" enough.

IV. Administrative Updates

- This meeting's packet includes updated applications for the following projects:
 - Open Space Acquisition/Protection Set Aside Funds and Open Space Acquisition and Preservation Fund (from the Open Space Committee)
 - Development/Acquisition Funds for New Affordable Housing Units (from the Acton Housing Authority)
- Nancy will be away for a number of weeks. She will submit written comments to Walter and may try to join meetings by phone.
- Roland Bartl will provide the CPC with an update on the rail trails.
- There has been no Supreme Judicial Court decision yet on the awarding of CPA funds to the Acton Congregational Church. To date, the litigation has cost the Town \$250K, but should cost nothing more.

The facts that

- 1) Recreation didn't commence a project within the three year, one month time period required by the CPA resulting in a turnback of CPA funds, and
 - 2) there are CPA \$ still "out there" for the 2009 Powers Gallery project
- prompted a discussion on the monitoring of CPA-funded projects.

Summarizing:

In general, Planning does a great job on following up on CPA projects, but possibly not as much monitoring as the CPC would like. It would be helpful to the CPC if there was a running spreadsheet with funded projects. It makes sense that the CPC would see this spreadsheet when it is reviewing the Annual Plan. That would be the time for it to review the projects and talk about those that raise concerns. The CPC tries to ask annually where each project is each year and, in fact, the CPC acknowledges that it "is responsible for . . . the monitoring of the progress of funded community preservation projects." To that end, the CPC has to do better. It could have a letter that goes out to every funded project each year. Also, it needs a worksheet to help it oversee extant projects. It's disappointing to see projects disappear because they don't get encumbered indefinitely. It's possible to be creative with encumbering.

10:15 PM — It was moved, seconded, and voted unanimously to adjourn.

Next Scheduled Meetings: 01/25, 02/08, 02/22, 03/08, 03/22