

COMMUNITY PRESERVATION COMMITTEE

Public Meeting Minutes

January 5, 2021

7:00 P.M.

Virtual Meeting

Pursuant to notice duly filed with the Town Clerk's Office, Concord's Community Preservation Committee held a virtual public meeting on Tuesday, January 5, 2021 at 7:00 p.m. using the Zoom meeting platform. Meeting ID: Webinar ID: 824 8225 0167 Password: 225416.

Present: Committee members Tom Kearns (Chair), Peter Ward, John Cratsley, Nancy Nelson, Diane Proctor, Judy Zaunbrecher, Burton Flint, Hester Schnipper, and Paul Grasso.

Others Present: Elizabeth Hughes, Town Planner, Holly Cratsley, Tom Wilson, Matt Johnson, Select Board Liaison, Christine Reynolds, Finance Committee, and Elizabeth Rust, Concord Housing Development Corporation

Mr. Kearns called the meeting to order at 7:03 p.m. by a roll call vote.

Mr. Kearns noted that the meeting will be recorded and reminded all present to mute their lines if not speaking. Committee members introduced themselves and stated from which Board or Committee they were designated. Mr. Kearns briefly reviewed the agenda for the evening and noted that Mr. Grasso was responsible for drafting minutes of the meeting. Ms. Hughes noted that the recording of the meeting will be available for review.

Review of Current Applications and Any New Materials Received

Mr. Kearns noted that new documents have been received from applicants:

1) Letter from Kate Hodges, Assistant Town Manager, to CPC regarding the White Pond project. Mr. Kearns noted that the issues covered in the letter were discussed extensively by the CPC on December 8, 2020, and that it was helpful to receive the letter. Ms. Proctor commented that she could not find link to recent White Pond Advisory Committee meeting, as she thought the CPC would be interested in attending. Mr. Kearns noted that the CPC would review this issue.

2) Letters of support regarding the Bruce Freeman Rail Trail project.

3) Additional material submitted by the WTFTF regarding the Wright Tavern project. Mr. Cratsley recused himself and turned off his microphone and camera. Ms. Zaunbrecher noted that she would like clarification regarding whether there would be additional information supplied by the WTFTF. Ms. Cratsley said WTFTF had received a thorough report from historical architects, that this almost a design/build situation, that the WTFTF does not anticipate further application materials and that the consultant and historical architect foresee some potential demolition. Ms. Cratsley further noted that the second floor is beginning to separate and exact structural design needs to be based on what is seen on-site; she said that historical architects and engineer are conservative, are collaborators and WTFTF will rely on them to recommend contractors and work through collaborative effort to reduce impact on the building. Ms. Cratsley said that the WTFTF is committed to completing the project with oversight and is hopeful CPC grant will be sufficient but, if not, the WTFTF will raise funds. Ms. Proctor asked, given the expertise that the CPC has in this area in Ms. Nelson and Mr. Kearns,

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how much detail regarding the project is needed or how much should the CPC trust that the WTFTF will handle the project. Ms. Hughes said that the CPC should decide how it will go about funding and consider what purpose for which CPA funds should be used and what the merits are for each project. Ms. Hughes noted that there is no need for the CPC to focus on the technical aspects of a project and observed that the WTFTF has the expertise to complete the job. Ms. Nelson noted that the CPC is legally responsible for following Department of Interior standards and, since the CPC will be funding in advance it does not know how the project will proceed. Ms. Nelson commented that receiving construction documents in the interim may be appropriate. Ms. Hughes noted that conditions can also be added to the grant, with which Mr. Kearns agreed. Mr. Kearns noted that CPC asked the applicant to be more specific and that WTFTF had done what they were asked to do. Mr. Kearns said that, in answer to Ms. Nelson's question raised by WTFTF's supplemental letters, he thinks the WTFTF has done a good job in responding to issues raised by the CPC. Mr. Wilson said that the WTFTF thinks that the CPC will be interested in checking in on the project at certain milestones, and that the WTFTF seeks to be collaborative and welcomes any conditions that the CPC may deem necessary. Mr. Wilson said that the WTFTF expects to receive more information from historical architects and should any of the new information contravene any previously supplied information the WTFTF will supply it to the CPC. Mr. Wilson noted that the WTFTF seeks to provide a public access building.

Town Counsel Memorandum - Update

Mr. Kearns noted that a response from Anderson Kreiger, town counsel, has been received and that he recommends the CPC go through it together project by project.

1-20 – White Pond Beach Improvements project. Anderson Kreiger memo comments that this project is a permissible use of CPC funds. Mr. Kearns noted that the CPC has no further comments.

2-20 – Emerson Field Flagpole project. Mr. Kearns commented that the Anderson Kreiger memo notes that, in their view, the flagpole does not meet the requirements of a “historical resource” under the CPA. Ms. Hughes noted that the project has been forwarded to the Concord Historical Commission for further discussion at their next meeting.

3-20 – Bruce Freeman Rail Trail project. Anderson Kreiger memo comments that this project is a permissible use of CPC funds. Mr. Kearns noted that the CPC has no further comments.

4-20 – Wheeler Harrington House and Land project. Mr. Kearns notes that Anderson Kreiger has provided a two-part opinion; first regarding the continued development of house as open space and the second refers to the Ball-Benson house; Mr. Kearns said he does not know why the Ball-Benson house is referenced. Ms. Zaunbrecher said that the Ball-Benson house is waiting for an appropriate site. Mr. Kearns noted that information may not yet be posted to CPC. Ms. Schnipper asked if Ms. Nelson could further clarify her questions to which Ms. Nelson responded that the Ball-Benson structures may not be in as good shape as could be and reconstruction could be an expensive undertaking. Mr. Kearns noted that the CPC should evaluate the Wheeler project on an “open space” basis. Ms. Zaunbrecher asked how the property could be used beyond what is outlined in the materials. Mr. Kearns noted that counsel mentions a linked trail system. Ms. Zaunbrecher asked if any work beyond that would constitute an appropriate use of CPC funds. Mr. Kearns said that is difficult to know. Mr. Ward noted that the CPC could create one of several conditions, that typically accompany a Memorandum of Understanding, with which Mr. Kearns agreed and further noted that the CPC can try and keep the applicant focused. Ms. Proctor asked how the CPC can limit the

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applicant's scope when it is their project. Mr. Kearns noted that the town proposes to develop a community-specific site and that this project will be designated into a specific category by the CPC. Ms. Proctor noted that the CPC may have to state this. Ms. Nelson clarified that the Ball-Benson project is the house and barn. Ms. Zaunbrecher noted that the Ball-Benson project is referenced in the project application with which Mr. Kearns agreed. Mr. Cratsley said if the CPC is comfortable with open-ended applications it will have to wait and see. Mr. Kearns said that it is apparent that there will be a series of steps forthcoming.

5-20 – Housing Production Plan project. Anderson Kreiger memo comments that this project is a permissible use of CPC funds. Mr. Kearns noted that the CPC has no further comments.

6-20 – Regional Housing Services Program project. Anderson Kreiger memo comments that this project is a permissible use of CPC funds. Mr. Kearns noted that the CPC has no further comments.

7-20 – Staffing and Technical Services project. Anderson Kreiger memo comments that this project is a permissible use of CPC funds. Mr. Kearns noted that the CPC has no further comments.

8-20 – Emerson Conservation Restriction project. Anderson Kreiger memo comments that this project is a permissible use of CPC funds. Mr. Kearns noted that the CPC has no further comments.

9-20 – Warner's Pond Dredging project. Anderson Kreiger memo comments that this project is a permissible use of CPC funds. Mr. Kearns noted that the CPC has no further comments.

10-20 – Chamberlin Park Bridge – Survey and Permitting project. Anderson Kreiger memo comments that this project is a permissible use of CPC funds. Mr. Kearns noted that the CPC has no further comments.

11-20 – Old Rifle Range – Survey and Permitting project. Anderson Kreiger memo comments that this project is a permissible use of CPC funds. Mr. Kearns noted that the CPC has no further comments.

12-20 – Affordable Housing Buy-Down project. Anderson Kreiger memo comments that this project is a permissible use of CPC funds. Mr. Kearns noted that the CPC has no further comments.

13-20 – 110 Walden Street Preservation project. Anderson Kreiger memo comments that this project is a permissible use of CPC funds. Mr. Kearns noted that the CPC has no further comments.

14-20 – 58 Monument Square Roof Replacement project. Anderson Kreiger memo comments that this project is a permissible use of CPC funds. Mr. Kearns noted that the CPC has no further comments.

15-20 – First Parish, Repair, Stabilize and Renovate Wright Tavern project. Mr. Cratsley recused himself and turned off his microphone and camera. Anderson Kreiger memo comments that this project likely falls within constitutional protection for government grants. Ms. Nelson noted that she had a question regarding the use of the word “solely” on page 6 of the Anderson Kreiger memo (i.e., “...would serve solely a public purpose...”) as only first floor of renovated building would be public. Mr. Kearns said that this is a good question and further noted that rented areas will not be public and that, in the past, projects were required to have all spaces public. Mr. Flint said that the primary purpose of funding should be non-denominational for a public function. Mr. Kearns said that the CPC can ask Anderson Kreiger to clarify “solely.”

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Additionally, Mr. Johnson noted that the Emerson Field flagpole project could fit under recreation restoration if this project is not considered a historical resource. Mr. Kearns noted that the CPC will see what path the CHC will take on this.

Discussion of Potential Recommendations

Mr. Kearns recommended that the CPC review list of projects and see where the Committee is resulting from prior deliberations.

The Committee discussed the Housing Production Plan Update project. The Committee was in favor of fully funding this project.

The Committee discussed the Regional Housing Services Program. The Committee was in favor of fully funding this project.

The Committee discussed the Affordable Housing Buydown project. Ms. Proctor asked how much money the CHDC has as the CPC needs some clarification regarding available aggregate funding. Ms. Schipper asked Ms. Proctor if she had a specific dollar amount in mind to which Ms. Proctor responded no and that she would primarily like more background. Ms. Rust responded that the CHDC has a small amount of money available and as a 503c entity has no revenue sources and will be depleted in four years. Ms. Rust noted that this project is to create and provide housing and that there are two kinds of opportunities the first is to preserve the Emerson annex and second to purchase market-rate housing as it becomes available; town funds are usually for larger projects. Ms. Rust noted that the CHDC and CHA are two entities created to provide affordable housing. Mr. Johnson, addressing the possibility of a 2021 TM affordable housing free cash warrant article, said that discussions were just beginning. He noted, however, that the current fiscal environment was much tighter than in prior years, so funds may not be available. Mr. Kearns said a simple example is in the application and asked should opportunity arise how much money is available. Ms. Rust said about \$800,000 is available and CHDC may be able to contribute small amounts. Mr. Kearns noted that there is money available now. Mr. Cratsley asked if there was Concord Housing Foundation funds available. Ms. Rust said that there was less than \$100,000 per project available and the possibility existed of fund raising more.

The Committee discussed the Emerson Flagpole project and noted that the Committee would like to fully fund this project. Ms. Schnipper noted that she understands the Committee may have to move this project around but that it is important that this project be funded. Mr. Kearns said that the Committee will have to consider timing CHC will consider this project at its next meeting.

The Committee discussed the 110 Walden Street Preservation project. The Committee was in favor of fully funding this project.

The Committee discussed the 58 Monument Square Roof Replacement and Historic Structures Report project. The Committee was in favor of fully funding this project. Ms. Nelson asked if the applicant had to adjust the amount of money in each category to give one category (roof material) more money and less to another (HSR). Mr. Kearns said he thought that might be permissible.

The Committee discussed the Wright Tavern project. Mr. Cratsley recused himself and turned off his microphone and camera. The Committee was in favor of funding the project at \$260,000. Ms. Zaunbrecher asked to clarify if revised requested amount was \$250,000; Mr. Kearns confirmed that the requested amount on the revised application was \$260,000. Ms. Nelson noted that the Committee does not know what the work will look like but, we do know that only the first floor is likely to be

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public. The requested amount is for stabilization and more will be needed for historical preservation. Ms. Nelson stated that given CPC's responsibility to ensure conformance with the Secretary's standards, it may be premature to fund the project except for the most critical stabilization work. Mr. Kearns asked if it was premature to fund at all to which Ms. Nelson said except for basic preservation and stabilization of the building. Ms. Nelson noted that she is uncomfortable with some aspects of this project including the credentials of the involved parties. Ms. Proctor said Ms. Nelson's questions are exactly what give Ms. Proctor pause and that the WTFTF may need to further clarify their application as Wright Tavern is a building of consequence. Ms. Proctor said she is unsure exactly what the CPC is being asked to fund. Ms. Zaunbrecher noted that it may not be possible yet to fully understand what needs to be done as site needs to be accessed, and that the WTFTF approach to this point seems reasonable. Mr. Kearns said that that the Wright Tavern is a national treasure and should have a high bar, and he is in favor of stabilization funding. Mr. Kearns noted that the CPC has provided clear guidance to the applicant to proceed in a responsible manner to which the applicant has responded. Mr. Kearns said that he supports funding the project, would consider conditions and does not want to defer the project; while building is not in imminent danger of collapse it is clear in structural report that there are serious issues that need to be addressed. Ms. Nelson said she thought it may be possible to increase funds in a category and decrease in another – as long as the total request goes down and/or does not increase. Mr. Kearns stated that that the work is focused on stabilization efforts. Ms. Nelson stated that the project requires significant involvement of historical architect in the development of plans and specs. Mr. Kearns, Ms. Zaunbrecher and Ms. Proctor each expressed support for funding the project at \$260,000. Ms. Proctor added that the project would need conditions.

The Committee discussed the Chamberlin Park Bridge project. The Committee was in favor of fully funding this project.

The Committee discussed the Emerson Land Conservation Restriction. The Committee was in favor of fully funding this project.

The Committee discussed the Wheeler Harrington House and Land project. The Committee was in favor of fully funding this project.

The Committee discussed the White Pond Beach project. The Committee was in favor of fully funding this project.

The Committee discussed the Bruce Freeman Rail Trail project. The Committee was in favor of fully funding this project.

The Committee discussed the Warner's Pond Dredging project. The Committee was in favor of fully funding this project.

The Committee discussed the Old Rifle Range project. The Committee was in favor of fully funding this project.

The Committee discussed the Staff and Technical Services project. The Committee was in favor of fully funding this project.

Additionally, Mr. Kearns noted that the Committee has reviewed entire slate of projects and asked if there were any issues outstanding and noted that the Emerson Field flagpole project would be considered at the next CHC meeting. Ms. Proctor said that she liked Mr. Johnson's idea of making this project a recreation project as it is in their purview. Mr. Kearns said that the most linear path is

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to let project go to CHC, get their guidance and CPC will discuss again at its next meeting, with which Ms. Proctor agreed. Mr. Kearns asked if any other projects needed attention and noted that the Wright Tavern project had raised many questions. Mr. Cratsley recused himself and turned off his microphone and camera. Ms. Cratsley noted that the WTFTF had appointments with engineers and historical consultants the following week and they do not know yet if this will result in any changes. Mr. Kearns asked if there was any specific information that would be helpful to the CPC. Ms. Cratsley said that the WTFTF had received some specific construction information and that, given recent holidays, she was concerned that further revised information may not be forthcoming soon. Mr. Kearns noted that it might be prudent for the CPC to draft conditions. Ms. Nelson noted that she would like assurances by January 19, 2021 that the project is moving forward collaboratively. Ms. Cratsley and Ms. Nelson briefly discussed credential of parties involved in project. Mr. Kearns noted that the project must follow Department of Interior standards. Ms. Nelson stated that the WTFTF already affirmed the commitment to follow the Secretary's standards in their application.

Ms. Zaunbrecher said that, regarding the Wheeler-Harrington House project, CPC prior funding had not been used, and asked if CPC could draft a condition requiring that unused money be returned prior to funding current project. Mr. Cratsley noted that he thought it had been confirmed that this money will be returned. Mr. Ward commented that this issue will have to go to Town Meeting before money can be returned. Mr. Kearns agreed that returning unused money should be a condition. Ms. Hughes noted that this money will be returned as required by original warrant article.

Review of Voting Process/Meeting Dates

Mr. Kearns asked if Committee was ready to vote or if more consideration was needed on January 19, 2021. Ms. Zaunbrecher noted that there is currently \$33,000 unallocated, should it be allocated to the buydown project, with which Ms. Proctor agreed. Ms. Proctor stated that she would like to know how much Anderson Kreiger charged to provide its memorandum and how this charge was allocated; did the CPC pay for this out of its budget and is \$33,000 an accurate estimate of available unallocated funds. Ms. Hughes noted that the town had not received a bill and that this item would likely come out of the administrative budget, with which Mr. Kearns agreed. Mr. Cratsley stated that during prior deliberations Heather Gill, Senior Planner, did not receive legal bills but that would likely be changing. Ms. Proctor stated that she wanted to confirm that this issue is considered. Mr. Kearns noted that, regarding Ms. Zaunbrecher's suggestion about the potentially unallocated \$33,000, the CPC is close to finalizing its recommendations and will make final determinations on January 19, 2021 and could allocate the \$33,000 then. Mr. Kearns noted that this will afford the Committee the opportunity to confirm that the math works. Mr. Cratsley added that the Committee can also confirm that estimates for fiscal year 2022 have not changed.

Mr. Kearns said that the CPC is now in the final draft stage for public posting – informal finalization; maybe vote on January 19, 2021 or early February. Ms. Hughes notes that the timeline is not in jeopardy as the warrant item closes in March.

Ms. Nelson said that a completed project, Old Manse, showed a significant balance of unused money. Ms. Hughes noted she was unaware of this and would check on it, along with a surplus from another project. Mr. Kearns said that this money would not be available.

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Other Business

Mr. Kearns noted that he will work with Ms. Hughes to produce CPC annual report. Ms. Proctor asked when and where this was due to which Mr. Kearns responded it was due at the Town Manager's office by the end of the month.

Ms. Nelson asked if applicants may use unused monies to complete projects, to which Mr. Kearns responded another application would be necessary. Ms. Nelson stated that could add to available funds.

The Committee deferred review of the draft minutes of the December 8, 2020 meeting until January 19, 2021.

Adjourn

There was no further discussion. Ms. Hughes noted that the Chair may adjourn the meeting without a motion to adjourn. At 8:53 pm, Mr. Kearns adjourned the meeting.

Respectfully submitted,

Paul Grasso
Community Preservation Committee

Minutes Approved on: March 16, 2021

Secretary