

MINUTES OF MEETING
COMMUNITY PRESERVATION COMMITTEE
January 27, 2020
Location: Weston Town Hall

The Community Preservation Committee (the “CPC” or the “Committee”) convened a regular meeting, duly noticed, on Monday, January 27, 2020 at 7:00 p.m. in the Lower Level Conference Room at Weston Town Hall. CPC members present were Stephen Ober, Chair; Barry Tubman; Ken Newberg; Nina Danforth; Nathalie Thompson; and Steve Wagner. CPC members Sue Zacharias and Marcy Dorna were absent. Weston Affordable Housing Foundation, Inc. (“WAHFI”) President Peter Endicott and board member Keith Gross were present. Attorney Eric Goldberg of Wilchins, Cosentino & Novins LLP and Birch Lane abutters Andrew Rostami, Steven Gordon, and Chris Gilligan were present. Weston Media Center Regional Communications Technician Jim Tremble and CPC Administrator Tracey Lembo were also present.

Steve Ober noted that the CPC had received 4 applications for May Town Meeting, 2 of which (a request for funding for housing support and for a housing production plan) would be considered at the next meeting. Mr. Ober invited public comment.

Public Comment

Nina Danforth noted that the Rail Trail Planting article had been included in the consent agenda at December Town Meeting, suggested that it was the first time a CPC article had been included in that agenda, and requested that all CPC articles be considered separately in the future. Mr. Ober noted that a recurring request for housing support had been included in the consent agenda in the past. Barry Tubman suggested that there was a difference between a recurring and a one-time request, which Mr. Ober acknowledged.

Applications for May Town Meeting:

- **8-10 Birch Lane**

Keith Gross introduced himself as an architect and WAHFI board member and noted that WAHFI built and owned housing, much of which had been donated, that contributed to Weston’s affordable housing stock. Referring to an existing condition plan of the property formerly identified as 216-218 Boston Post Rd., Mr. Gross indicated that Birch Lane intersected Boston Post Rd. between Derby and Rolling Lanes. Mr. Gross noted that there were 2 existing houses built in 1900 each sited on a conforming lot but situated in the Birch Lane right of way (“ROW”). Mr. Gross indicated that Birch Lane was a dead-end private way akin to a driveway and that an adjacent house on Birch Lane shared the ROW.

Referring to a site development plan, Mr. Gross described incorporating input from the neighbors and the Historical Commission (“HC”) into plans for rebuilding the existing houses and moving them out of the ROW. Mr. Gross reported that each unit would feature a new mudroom, bedroom, and garage and noted that there were 2 areas suitable for 6-bedroom septic systems on the site. Mr. Gross indicated that after multiple iterations WAHFI now intended to locate both existing properties on a single lot, with all 6 bedrooms using a single septic system, and to reserve the other lot for future development of a duplex.

Mr. Gross next referred to floor plans and elevations noting that the HC considered the houses important representations of a dwindling number of worker housing units. Steve Wagner

suggested that the current site plan differed from the one that the HC had last reviewed. Responding to Committee questions and expressing concern about the legality of working in the ROW, Mr. Gross clarified that both houses would be moved out of the ROW, with one house being moved significantly. Mr. Gross explained that the fieldstone foundations of each house had to be replaced and that each house would be taken down to its studs and sheathing and rebuilt.

Peter Endicott reiterated that both houses required new foundations and noted WAHFI's effort to maintain the properties' character, with input from the HC, while creating updated housing meeting current regulations. In response to Mr. Tubman's question, Mr. Gross indicated which portions of each house were currently located in the ROW, and Mr. Endicott expressed WAHFI's desire to "do it right once and for all" since each house required a new foundation. Mr. Gross noted that 1 house would fully conform to setback requirements while the other would be located in the setback, requiring a waiver from the ZBA.

Mr. Ober asked what approvals were needed given that the project sited 2 houses on 1 lot. Mr. Gross indicated that the project would require a comprehensive permit [through Chapter 40B] and thought the Planning Board needed to be consulted as part of that process. Mr. Endicott explained that eventually the ZBA would have to grant relief to site 2 houses on 1 lot and that WAHFI was seeking CPA funding prior to beginning the permitting process. Mr. Wagner noted that WAHFI had come to the HC a couple of years ago asking to demolish the existing houses and replace them with duplexes and that more recently WAHFI had presented plans to renovate the 2 houses and construct a duplex on the back lot. Mr. Wagner indicated that the HC had initially asked WAHFI not to demolish but add onto the existing houses and later to phase the project (i.e., build the duplex at a later date). Mr. Wagner noted that many neighbors attending the HC meetings had expressed concern over density, that WAHFI had worked hard to address those concerns, and that WAHFI had done what the HC had asked of them.

In response to Nathalie Thompson's observation that there were few houses on Birch Lane and Ms. Danforth's question about a vegetation buffer, the Committee discussed impacts to neighbors on Derby and Rolling Lanes. Mr. Gross referred to the site development plan which identified existing trees over 6 inches in diameter. Responding to Mr. Ober's question about occupancy, Mr. Endicott stated that at the time WAHFI acquired the houses by gift in 2015, 1 house was vacant and the other occupied and that the tenant had moved out in the intervening time period.

Indicating that it was based on WAHFI's current portfolio, Mr. Endicott reviewed the project's operating pro forma. Mr. Endicott noted that in order to maintain some flexibility, rents were set lower than those affordable to 6-person households earning 80% of area median income, the maximum allowed by HUD. Mr. Endicott indicated that WAHFI would conduct a lottery giving preference to 6-person families. In response to Mr. Ober's question about the rental agent fee, Mr. Endicott reported that WAHFI employed Lynn Friedman, the Property Manager at Merriam Village, to manage all of its properties. Mr. Ober asked why WAHFI didn't seek private financing given the projection of significant net operating income. Mr. Endicott explained that income was volatile since each vacancy resulted in a new lottery process typically taking 3 months. Mr. Endicott also noted that an absence of debt gave WAHFI the flexibility to sometimes fill units with tenants earning less than maximum allowable incomes and to waive rent in the event of existing tenant hardship (e.g., job loss or salary reduction). Ken Newberg suggested that it was not in the Town's best interest to burden WAHFI with debt

since he understood that WAHFI's properties would revert to the Town in the event of default. Responding to Ms. Danforth's question of whether budgeting to replace a new septic system in 10 years was necessary, Mr. Endicott indicated that line items for capital replacement were intended to avoid future Town funding requests (e.g., the CPA Fund request for the Jones Rd. roof). Mr. Ober suggested that a simpler way to think about capital equipment replacement line items was an \$8,000/year reserve for any type of necessary capital expense.

Referring to the project's development budget and indicating that it was a conservative estimate, Mr. Endicott explained that construction costs had been derived from WAHFI's previous experience and estimates from a contractor with whom WAHFI had done substantial work. Mr. Endicott noted that previous WAHFI projects had been completed under budget with excess funding returned to the CPA Fund. Ms. Thompson noted that even with free land, the project was projected to cost more than the Viles St. Project. Responding to Mr. Tubman's question, Mr. Endicott reminded the Committee that Viles St. was an existing duplex with 2, 3-bedroom units that WAHFI had expanded. Mr. Tubman observed that the Birch Lane Project was projected at 3 times the cost of the Viles St. Project without land.

Mr. Wagner advocated for a detailed, independent cost estimate prepared by someone other than WAHFI's contractor. Mr. Endicott suggested that WAHFI was trying to understand whether the CPA had any appetite for the maximum budget number presented and that given the fluidity of the project's scope, an estimator would not add value at the present time. Mr. Tubman asked what the CPC was being asked to do, since he saw neither a specific project nor a specific budget, and, agreeing with Mr. Wagner, asked that WAHFI provide more support for project costs. Mr. Newberg reminded the Committee that the project both created affordable housing and preserved historic resources and noted that WAHFI's original plan of demolishing the existing housing and building new duplexes was substantially cheaper. Ms. Thompson remarked that WAHFI was only preserving the unit frames. Mr. Newberg noted that the HC had been asked to be a co-applicant. Mr. Wagner reported that while the HC had voted to support the project in concept, it had not seen current plans nor current construction cost estimates. Mr. Newberg asked what would give Mr. Wagner more comfort; Mr. Wagner suggested a return to the HC and a visit to the Planning Board. In response to Mr. Ober's question, Mr. Endicott indicated that WAHFI needed the Select Board's support to begin the comprehensive permit process and that a meeting with them had not yet been scheduled.

Mr. Ober reported that the CPC would vote to recommend projects to May Town Meeting at its public hearing on March 23rd, noted that CPC meetings were scheduled for February 10th and March 9th, and asked what WAHFI would accomplish between now and March 23rd. Acknowledging that the project could be pushed back to fall Town Meeting, Mr. Endicott indicated that Mr. Gross would develop construction documents and that WAHFI would present a specific project budget instead of a maximum project budget. Mr. Ober wondered whether the historic preservation premium explained the difference in costs between Birch Lane and the Pine and Viles St. projects. Mr. Endicott noted significant costs attributable to rebuilding the road. In response to Mr. Ober's question, Mr. Newberg reported that the Housing Trust, while favorably disposed toward the project, had not formally voted to support it since it had lacked a quorum at the meeting at which the project was reviewed.

The Committee discussed funding a cost estimate from the CPC administrative budget. WAHFI indicated that it would pay for the estimate with its own funds. Mr. Ober suggested that WAHFI could submit an administrative fund application to be considered at the CPC's

February 10th meeting if it preferred. Ms. Danforth suggested presenting photos; Mr. Wagner suggested that CPC members visit the property.

Attorney Eric Goldberg representing 5 homeowners on Derby, Perry, and Rolling Lanes whose properties formed a horseshoe around the subject property noted the beauty of the area, indicated that his clients had technical objections to the proposed development which were not within the CPC's purview, and expressed his clients' general support for the relocation and repurposing of the 2 existing cottages. Mr. Goldberg also reported his clients' opposition to the reserved right to future development of a duplex. Abutter Andrew Orsami described difficult site conditions and suggested that WAHFI was being thoughtful in addressing them. Mr. Ober invited WAHFI to return to the CPC's March 9th meeting if the project was still on track for consideration at May Town Meeting.

- **Weston Cemetery Conservation Preservation Initiative Phase III**

Mr. Wagner indicated that the HC was requesting funding for Phase III of the Cemetery Restoration Project. Mr. Wagner reported that a condition assessment of both Farmers' Burial Ground and Central Cemetery had been conducted in 2007. Mr. Wagner also reported that Phase I entailed a \$125,000 appropriation in FY14 that had been used for marker conservation at Farmers' and for plans and specifications to restore a tomb at Central and that Phase II consisted of a \$205,000 appropriation in FY18 that had been used to undertake marker conservation at Central, to complete marker conservation at Farmers', and to update the condition assessment report. Mr. Wagner indicated that both Phase I and Phase II were complete and that there was money left over from each phase that DPW wanted to retain in case of issues with Phase III.

Mr. Wagner showed before and after pictures of markers conserved at Farmers' Burial Ground along with photos of markers before and during conservation at Central Cemetery. Mr. Wagner noted that Weston Media Center had produced a video of restoration work at Central Cemetery and, in response to Ms. Danforth's questions, reported that the natural patina of stones was not permanently altered.

Mr. Wagner reviewed the Phase III budget as follows: 1) \$117,000 for tomb restoration at Central Cemetery; 2) \$10,000 for stone wall and gate work at both Farmers' Burial Ground and Central Cemetery; and 3) \$10,000 for consultant Ian Meyer to manage the project. Mr. Wagner noted that the same contractor had completed Phases I and II of the project but that Phase III would need to be competitively bid. Mr. Wagner also noted that DPW would manage the project's contract. In response to Committee questions, Mr. Wagner agreed to report back with the age of and names inscribed on the 6 tombs to be restored. In response to Ms. Danforth's questions, Mr. Wagner described dangerous existing conditions at the tombs including open doors and collapsing ceilings. Ms. Danforth suggested presenting pictures of the tombs.

Mr. Wagner presented a summary of Phase I through III project costs totaling \$470,000. Mr. Ober noted that the current request for \$140,000 for Phase III was originally estimated at \$200,000. Mr. Tubman asked about South Cemetery on Route 30. Mr. Wagner reported that there was no condition assessment for that cemetery presently and that the HC would seek funding for it at a later date. Mr. Newberg asked if the delay between project phases was the result of the loss of a DPW employee; Mr. Wagner stated that there was a delay between Phase

I and Phase II of the project, not between Phase II and Phase III. Ms. Danforth praised Weston's new Supervisor of Cemeteries, Parks, and the Transfer Station, Jackie Jackson.

Other

Mr. Ober reiterated that the CPC had received 2 additional requests for funding to be considered at May Town Meeting: 1) \$32,000 for Regional Housing Services Office participation/staff support and 2) \$30,000 for a housing production plan. Noting that requests for FY21 might still be submitted for November, Mr. Ober reviewed projects included previously in CPA Fund projections for FY21 including Case Estates preservation restrictions, a preservation restriction for 261 Merriam St., additional sidewalk funding, funding for Memorial Pool, and funding for the Brook School expansion. Tracey Lembo reported that the Traffic & Sidewalk Committee had abandoned plans for Glen Rd. at the present time and intended to undertake a new Master Plan.

Mr. Ober indicated that the CPC would review updated CPA Fund projections along with existing project status at its next meeting and noted the possibility of another citizens' petition to reduce the CPA surcharge which the Select Board had discussed at its January 7th meeting. Mr. Ober suggested that though this was not a new issue, the CPC should be mindful of it as it reviewed numbers. Mr. Ober also expressed his belief that if you thought the Town would have undertaken CPA projects in the absence of the CPA Fund, it made more sense to reduce the General Fund budget since it had no associated state match. Mr. Wagner did not think the General Fund could have undertaken all CPA projects because the Town's debt level would have been too high.

In response to Ms. Lembo's question about what guidance she should provide to WAHFI in advance of their next meeting with the CPC, Committee members requested formal endorsements from the Select Board, the HC, and the Housing Trust and asked that WAHFI have a discussion with the Planning Board.

Approve Minutes of the CPC Public Hearing and Meeting on October 28, 2019

VOTE: *Mr. Ober entertained a motion to approve the minutes of the CPC public hearing and meeting on October 28, 2019. Ms. Thompson made the motion, which was seconded by Mr. Wagner. The motion passed unanimously.*

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Tracey A. Lembo
CPC Administrator

Appendix A

**CPC Meeting
January 27, 2020
Document List**

- 1) CPA Applications for May Town Meeting:
 - a. 8-10 Birch Lane:
 - i. Application
 - ii. Presentation
 - b. Weston Cemetery Conservation Preservation Initiative Phase III:
 - i. Application
 - ii. PowerPoint
- 2) Draft Minutes of the October 28, 2019 CPC Meeting

CEMETERY RESTORATION PHASE III

Submitted by Weston Historical Commission

Project History

- Initial condition assessment survey completed in 2007
- Phase 1 FY 14 CPC \$125,000 **COMPLETE**
 - Marker conservation at Farmers Burial Ground
- Phase 2 FY 18 CPC \$205,000 **COMPLETE**
 - Marker conservation at Central Cemetery
 - Update condition assessment report



Farmers Before and After



Farmers Before and After



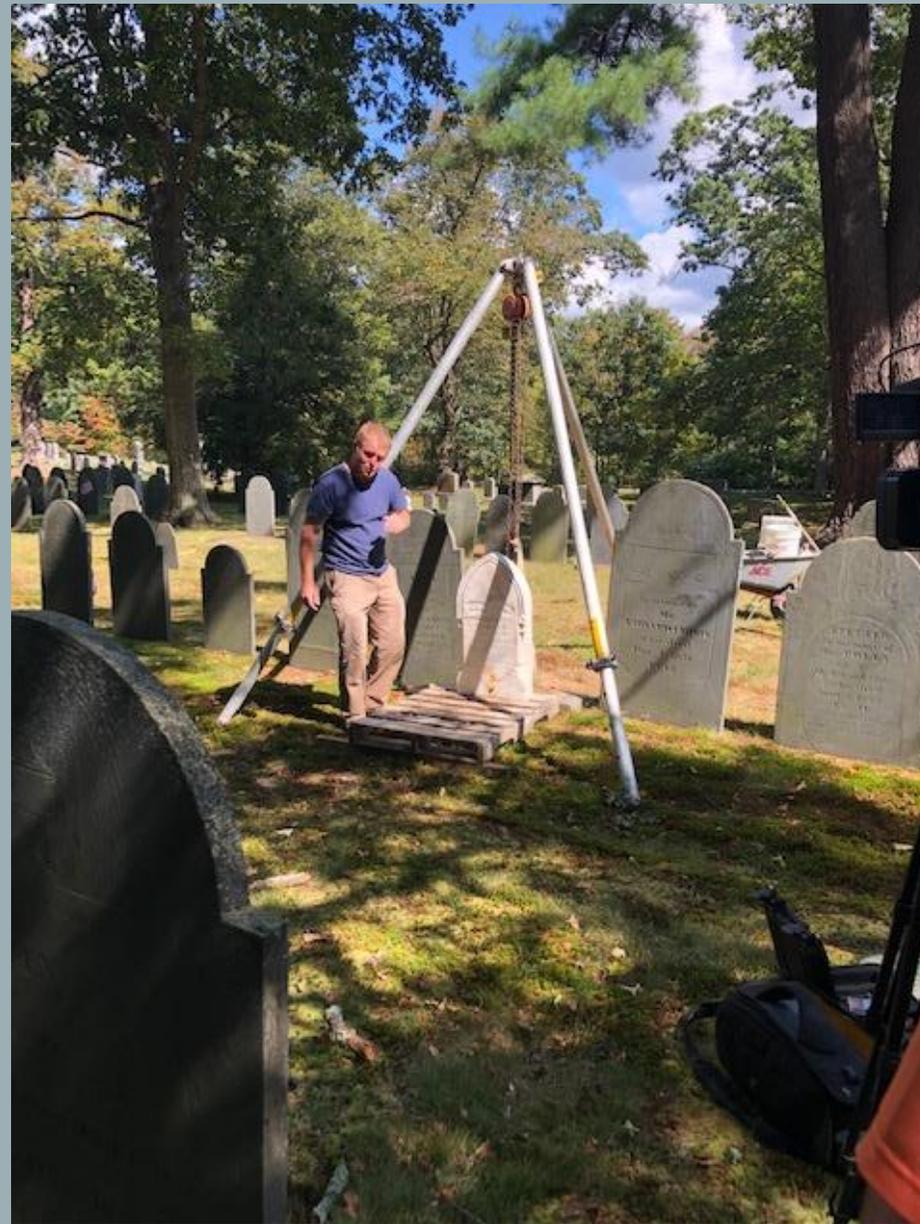
Central



Central



Central



Central

Current Request

Phase 3 Cemetery Restoration

- Tomb Restoration \$117,000.00
- Stone Wall and Gate work \$10,000.00
- Consultant \$10,000.00
- **TOTAL REQUEST \$140,000.00**



TOWN OF WESTON

11 Town House Road
Weston, MA 02493

TOMB RESTORTION WESTON CENTRAL CEMETERY WESTON, MA

INDEX OF DRAWINGS

- S-1 - Tomb Elevations and Plan***
- S-2 - Tomb Sections and Details***



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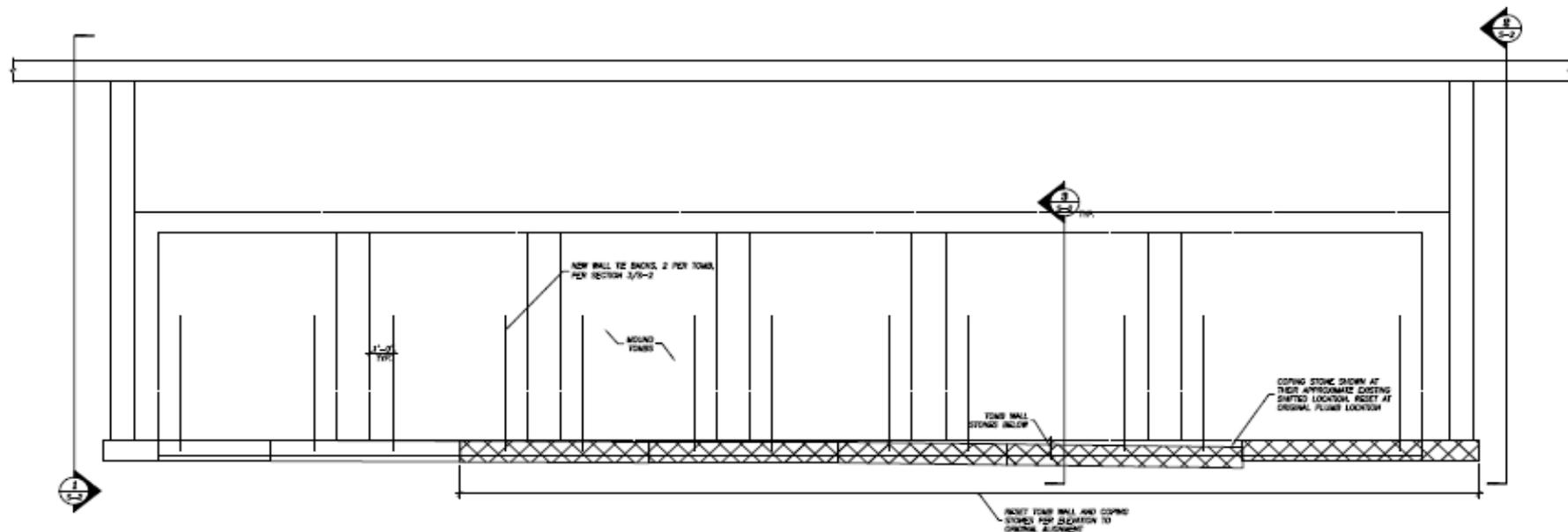
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DATE: 12-18-18
DRAWN: SMO
CHECKED BY: AM

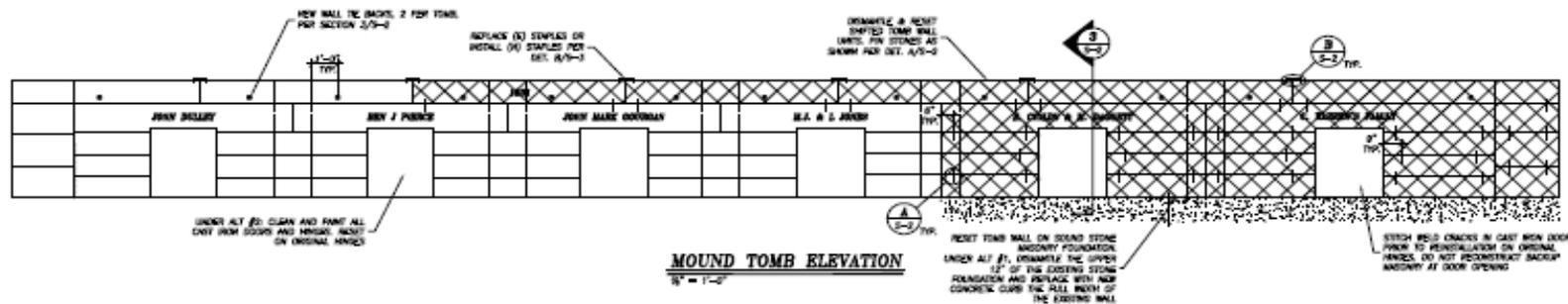
TOMB ELEVATION & PLAN

Drawing No:

S-1



MOUND TOMB PLAN
1/8" = 1'-0"



MOUND TOMB ELEVATION
1/8" = 1'-0"

Summary

- Phase 1 \$125,000.00
- Phase 2 \$205,000.00
- Phase 3 \$140,000.00

- Total \$470,000.00

Thank you for your consideration