

RECEIVED & FILED

APR - 1 2004

TOWN CLERK  
ACTON

Minutes for CPC Meeting of 3/11/04, 7:30 pm - 9:40 pm, Library Meeting Room

Attending: Peter Berry, Walter Foster, Andy Magee, Catherine Coleman, Susan Mitchell-Hardt, Alison Gallagher, Peter Grover, Matt Lundberg, Mimi Herington, Roland Bartl

Absent: Chris Schaffner, Erin Bettez

Audience: Anne Forbes, Nancy Tavernier, Betty McManus, John Ryder

1. Approval of Minutes, 2/05/04; 2/26/04

The Minutes of 2/05/04 were approved with the changes requested by Andy Magee.

The Minutes of 2/26/04 were approved with the changes requested by Andy Magee, Anne Forbes, and Peter Berry.

New Business: Discussion re: Finance Committee Recommendations for Funding Cultural Resource List - Peter Grover

Initially the Fin Com voted to approve funding of the Cultural Resource List; they later reversed their decision. They invited Anne Forbes and Peter Grover to make their case in more detail. Anne stated that the wording of the original application was unfortunate as it highlighted that the Cultural Resource List is the basis for the AHC to administer the Demolition Delay Bylaw. The AHC's primary interest was in having a community wide cultural resource survey. The Fin Com is unhappy with the Demolition Delay Bylaw because they felt the 6 month delay created a financial burden and hardship. On that basis they prefer to not see the list expanded. Anne pointed out that the funding would not be spent on the Demo Delay Bylaw, but on the survey, and how that will be done is up to the Historical Commission. The State is directing the AHC to expand the list.

The Fin Com would approve the application if the list is not expanded. The AHC discussed their options - they could use the funding on the list they have and come back in a year for money to expand it - or they could take their chances at Town Meeting.

John Ryder urged Anne and Peter to meet with the Chairman of the Fin Com to discuss spending the funds on the cleaning up the old list.

- Walter pointed out that there is a timing issue. The Warrant Articles are printed on 3/12. There is one CPC meeting (on March 25) before Town Meeting.

- If the Warrant Article were to change in substance Walter would have to take it back to the BoS, who can't meet with them before Town Meeting.

- The applicant can come to the CPC any time to say they don't want to go forward with it; however, he believes it's a very worthwhile project and should be voted on by the larger audience.

Andy and Peter pointed out that the CPC held public meetings on the applications and that the committee also had the benefit of having a Fin Com member reporting back. Public objections to the application never came up. The CPC heard the applicant and studied the proposal, thus completing its role.

- Alison and Mimi both commented that it's time to move forward with the application as is and let the town decide.

- The CPC has Anne's new version of the summary in which she took out the reference to the Demo Delay Bylaw leaving the emphasis on surveying cultural resources up to WW II.

- John Ryder agreed with the sentiment that the citizens will decide. He urged the AHC to meet again with the Fin Com and to negotiate as the Fin Com would like to arrive at a positive recommendation.

Walter pointed out that the CPC doesn't need to take action - that it's up to Peter and Anne to decide what to do.

John commented that Fin Com has deferred recommendation and will make its final recommendation at the Town Meeting

**Discussion re: Funding AHA Purchases of Condominium Units with CP Funds.**  
The question was if CP funds are awarded to the Acton Housing Authority toward acquisition of affordable housing units, does the language of Chapter 44B Section 12(b) require the units be owned and managed by the city or town?

Town Counsel stated in his letter of 3/9 that CP funds can be appropriated to the Acton Housing Authority in support of the acquisition of affordable housing units that will be added to the Housing Authority's rental housing inventory, where the preponderance of the purchase money derives from others sources (in this case the developer's \$300,000 donation - which augmented CP funding of \$200,000.)

(Betty McManus explained that the state will pay the AHA the condo fees of \$250-\$300/mo/unit or \$80,000/year on condos the AHA owns. The state also pays for administrative costs).

Town Counsel recommended seeking confirmation from DOR about his interpretation that it is permissible to use CP funds in that way.

Walter commented that he thinks Town Counsel's analysis is good and feels comfortable that the CPC doesn't need to ask DOR about their interpretation. Nancy Tavernier agreed; she added that the CPC would not hear from DOR before Town Meeting.

Nancy pointed out that in the actual language of the Community Preservation Act the word "acquire" isn't used in reference to Community Housing but is with respect to everything else. She thinks it's intentional.

**ACTION:** Susan said that she would check with Chris Saccardi of the CP Coalition to get his opinion.

#### **Old Business - Letters to Applicants**

Catherine sent the CPC a draft form letter.

The following suggestions were made:

- Take out reference to the dollars in the second line.
- Line 8 - add CP Plan to list of planning documents
- Indicate that the CPC contact person will contact the applicant re: the Town Meeting presentation, etc.
- Ask the applicant and their supporters to attend Town Meeting and to vote for all the CPA Warrant article.
- Roland suggested that the applicant won't present but can speak to the article, support their project, and answer questions - The CPC needs to know who will represent the project and have that person sit nearby to answer questions.
- Catherine will make the changes and pull the letter together.
- Walter stated that reaching out to get residents to attend is an important job for the CPC.

#### **Rejection letters:**

- Chris wrote a draft rejection letter re: the EAV Green project which will serve as a model for others.

- The Chair will send the letters on behalf of the CPC.

#### **Misc.:**

The East Acton Village Planning Committee (EAVPC) requested to present the EAV Plan to the CPC.

The CPC agreed that it was not appropriate to have the EAVPC present their plan as it's not in the CPC's purview.

## 2. Town Meeting Presentations

Peter Berry, as Chair, will make the presentation; he has the option of doing a power point presentation or using slides. Roland will help in either case.

- The CPC will get help from applicants. Each one will be asked to make up a flier describing the project.

April 1 is Don MacKenzie's (Town Moderator) meeting to talk to presenters.

The way the Moderator handles the warrant article is important. The CPC must acquaint him with possible procedural issues that arise. He will need to explain to the floor that it's one Warrant Article. There will be a presentation and recommendations from the boards suggests he go through each project. If someone moves to amend, he must know they can't amend up, or put new projects up.

Someone could make an amendment to reduce the project to \$0; he would ask for discussion and a vote on the amendment to the particular Warrant Article.

John Ryder wanted to find a way to insert the language that appropriations initially were "not to exceed x amount" - he suggested adding something re: which projects are not to exceed X unless it's a hard amount. It could be put in the motion. Roland commented that the motion can be written in the warrant or as said by the Moderator.

At the April 1 meeting with Don MacKenzie, he should be given something about the phraseology of the motion.

Peter Berry pointed out that Town Counsel must write the motion for Don to read; Peter will move the article.

Concern was expressed about the 10% issue re: any category that's less than 10%, such as historic preservation - what if a project fell off?

Roland commented that the way the Act is written it's not necessary to keep track of whether or not the 10% requirement has been met. The math can be done afterward.

Andy recommended that there should be emphasis on the process for arriving at this point (a slide showing all the dates that the CPC met would be helpful) - that the CPC studied the community preservation needs of the town, consulted with town boards, etc. held several public informational hearings on the needs re: community preservation, etc.; the CPC created a CP Plan - held additional public meetings, etc.; that the CPC made their recommendations which will be voted on at Town Meeting.

Go through each project A-L - point out that each has been recommended by the CPC and they were done in consideration of each other.

The moderator will limit the presentation. It was concluded that more than 15 minutes will be needed. It would be helpful to ask the Moderator if he knew of other presentations occurring relative to this CPA Warrant Article.

Roland and Andy suggested emphasizing the projects - show pictures, but not all the details in the proposal. Again, highlight the PROCESS and the 10%, 10%, 10% - that in every fiscal year and upon the recommendation of the CPC, the legislative body shall spend or set aside for later spending, not less than 10 percent of the annual revenues in the Community Preservation Fund for open space not including recreational use, not less than 10 percent...for historic resources, and not less than 10 percent ...for community housing.

**Next Meetings:**

3/25, 7:30 pm, Library Meeting Room (Alison will be absent)

4/1, No Meeting

4/22, 7:30 pm, Library Meeting Room (Andy will be absent)

**3. Report from Communications Subcommittee - Discussion re: Publicity for Town Meeting - Catherine Coleman**

- Contact Ed Ellis re: having display tables in the hallway of the High School. Andy suggested getting an 18' table on which to display 8 1/2 x 11 inch fliers.

One flier with everything in it would be the most helpful. Andy suggested including on the cover page for the flier a message about beginning preparation of applications for next year's funding round; the CPC wants applications that qualify for funding - it was a compressed year because of the timeline and certification - people should come forward to talk to the CPC.

It was decided to ask for one page, doublesided, 3/4" margin, Times Roman type face; minimum 12 point, with photo - that can be electronically submitted. Applicants should email the flier on Adobe, if possible, to Matt Lundberg at matt@lundbergsys.com; deadline, Monday, 3/22/04 . Matt will get the materials to Roland in time to print out for the 3/25 CPC meeting in; the deadline is Monday, 3/22.

**ACTION:** Each contact person should ask for fliers and pictures. (Belle Choate has a vast picture collection of all aspects of the town). Ask the O'Grady Skate Board project proponents to give them a page on power point from a slide.

Nancy Tavernier volunteered that she will submit her picture of the Willow St./Central St. site

The CPC should also have copies of the CP Plan to pass out.

The CPC could have poster Board with FAQ's.

Plans will be finalized at the next meeting

**ACTION:** Call applicants right away.

Peter Berry will contact Erin Bettez and perhaps also call Betty McManus.

- Possibly announce in the NW Weekly that Acton Town Meeting will vote on CPA Warrant Article for a wide range of projects.

- The CPC will ask applicants to write letters to the Beacon thanking the CPC for the funding.

**Possible Photo Opportunities:**

- when the T.J. O'Grady Skate Board Park goes in the ground in the spring.

How to communicate with applicants and get them their funding:

Peter Berry suggested bringing them back to a CPC meeting for a discussion

**Discussion re: Future of the CPA**

Roland recommended sending an email to the Town Manager of the way the CPC envisions the process to continue from here on.

Respectfully submitted: Susan Mitchell-Hardt