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**TOWN OF BELMONT  
COMMUNITY PRESERVATION COMMITTEE**

Minutes: Wednesday, November 20, 2013, Town Hall Conference Room #1, 5:00PM  
Present: Floyd Carman, Joe DeStefano, Gloria Leipzig, Anne Marie Mahoney, Paul Solomon, Margaret Velie  
Absent: Lisa Harrington, Andres Rojas  
Other: Anthony Ferrante, Anne-Marie Lambert, Franklin Tucker

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Paul Solomon called the meeting to order at 5:00 PM.

Introduction for Special CPC Meeting

The CPC learned on November 14, 2013 that the meeting held on November 13, 2013 had not been posted as required by law. Paul Solomon explained that the purpose of this special meeting was to address each agenda item from the previous invalid meeting.

Approve Minutes

- Motion to approve minutes of October 9, 2013 with the following corrections passed unanimously
  - Under "Progress Report and Vote...->Green Enhancement..." spelling correction for "Westport"
  - Under "Other Business->Landscape Plan..." change wording to say that the public offered suggestions for specific areas for the project to focus on at the public meeting.
- Motion to approve minutes of October 10, 2013 Public Meeting with the following correction passed unanimously
  - Under "Projects...->First Time Homebuyer Assistance," change wording to say that the project would enable the Town to include additional properties into the inventory of Belmont's affordable housing units
- Motion to approve minutes of November 13, 2013 Public Meeting with the following correction passed unanimously
  - Under "Motion to reject Pedestrian/Bicycle Connection..." change wording of second bullet point to say that Margaret Velie voted against the motion in part because the north entrance would be for Alexander Avenue.

Review Public Meeting of October 10, 2013

The CPC had no additional comments regarding the October 10, 2013 public meeting.

Revote On Preliminary Application for High School Parking Lot/Clay Pit Pond Project

Anne-Marie Lambert gave a presentation to the CPC on the Green Enhancement to BHS Parking Lot/Clay Pit Pond project proposal. Ms. Lambert argued that it should be considered an allowable CPA project because it would create open space, though this may require a deed restriction to be placed on the property. It could also be categorized as a Recreational Land Project, because the area is currently used for passive recreational activities and the proposed water protection could potentially make it possible for residents to use the pond for swimming and boating. Fred Domenici, Supervisor of Buildings and Grounds for the Schools, is

considering funding part of the project out of the Town and School Facilities FY15 budget. The Mystic River Watershed Association has provided a letter of support for the project, and the School Committee is currently reviewing the proposal.

In previous conversations with Margaret Velie, Stuart Saginor of the Community Preservation Coalition argued that rehabilitating existing Town-owned open space, which contains pre-existing pollution, is not an allowable use of CPA funds. The project would only be allowable if the pond had been acquired using CPA funds. Additionally, the Town's infrastructure and other funding mechanisms are already in place to address the goals of this project proposal.

Motion to reject the Green Enhancement to Belmont High School Parking Lot / Clay Pit Pond Project, based on new information obtained from the Community Preservation Coalition (attached), passed unanimously.

*Anne Marie Mahoney left the meeting at 5:35pm.*

#### Review Vote on Preliminary Application for Environmental Land Inventory Project

Motion to defer voting on the Open Space Land Inventory Project until the December 11, 2013 CPC meeting, so that Town Counsel may review the application documents and provide feedback as to whether the project may be legally funded as a CPA project, passed unanimously.

#### Project Monitor Reports

The CPC had no additional information regarding current CPA projects.

#### Review Final Applications

- JV Field Irrigation Upgrade
  - The Board of Selectmen voted to support this application at their meeting on November 18, 2013.
  - Motion to move JV Field Irrigation Upgrade Project to Town Meeting for CPA funding of \$8,700 passed unanimously.
- Motion to move Electrical Upgrade Project to Town Meeting for CPA funding of \$165,000 passed unanimously.
- Motion to move Daniel Butler School Playground Project (Phase II) to Town Meeting for CPA Funding of \$66,524 passed unanimously.
- Winn Brook Field Renovation
  - The Board of Selectmen voted to support this application at their meeting on November 18, 2013.
  - Motion to move Winn Brook Field Renovation Project to Town Meeting for CPA funding of \$100,000 passed unanimously.
- Motion to move First Time Homebuyer Assistance Project to Town Meeting for CPA funding of \$375,000 passed unanimously.
- Motion to defer voting on the Belmont Community Moving Image Archive Project until the December 11, 2013 CPC meeting, pending a written endorsement of the project from the Belmont Historical Society, passed unanimously.

- Motion to reject Pedestrian/Bicycle Connection Between Belmont High School and Winn Brook because it is out of sync with the High School Renovation planning process, does not have conclusive MBTA support, and was not submitted by a permanent regulatory committee, such as the Board of Selectmen.
  - Motion passed with four votes.
  - Margaret Velie voted against the motion, stating the north entrance would be from Alexander Avenue and that voting should be deferred until the December 11, 2013 CPC meeting in order to obtain proof of MBTA support.
- Motion to reject Belmont High School Athletic Complex Study, because it should be part of the master plan for the High School Renovation Project, passed unanimously.
- Motion to move Underwood Pool Project to Town Meeting for CPA funding of \$2,000,000, subject to the balance of total project funding being raised through other outside sources, passed unanimously.

*Additional discussion on the final applications referenced above can be found in the attached minutes from the November 13, 2013 CPC meeting.*

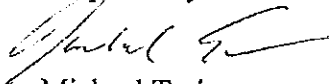
Other Business

- Motion approved unanimously for payment of \$786.94 (22 hours @ \$35.77) to Michael Trainor for administrative work.
- Michael Trainor will update the log of FY14 Final Applications to include the voting results of this meeting. After the CPC approves a final version, this spreadsheet will be posted to the Town's website.
- Paul Solomon updated the CPC that he has been contacted by Michael Smith about submitting a special application for the Thomas Clark House Project.

The next meeting is scheduled for Wednesday, December 11, 2013 at 5:00PM, Town Hall Conference Room 1.

Meeting was adjourned at 6:20 PM.

Respectfully submitted,



Michael Trainor

## TOWN OF BELMONT COMMUNITY PRESERVATION COMMITTEE

Notes: Wednesday, November 13, 2013, Town Hall Conference Room #1, 5:00PM  
Present: Floyd Carman, Joe DeStefano, Lisa Harrington, Gloria Leipzig, Anne Marie Mahoney, Andres Rojas, Paul Solomon, Margaret Velie  
Absent: John Owens  
Other: Michael Trainor

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Paul Solomon called the meeting to order at 5:01 PM.

### Old Business

- Motion to approve minutes of October 9, 2013 with the following corrections passed unanimously (seven votes)
  - Joe DeStefano had not yet arrived at the meeting.
  - Corrections
    - Under "Progress Report and Vote...->Green Enhancement..." spelling correction for "Westport"
    - Under "Other Business->Landscape Plan..." change wording to say that the public offered suggestions for specific areas for the project to focus on at the public meeting.
- Motion to approve minutes of October 10, 2013 Public Meeting with the following correction passed with six votes
  - Andres Rojas abstained from voting, as he was not present during the October 10, 2013 public meeting.
  - Under "Projects...->First Time Homebuyer Assistance," change wording to say that the project would enable the Town to include additional properties into the inventory of Belmont's affordable housing units

### Review Public Meeting of October 10, 2013

The CPC had no additional comments regarding the October 10, 2013 public meeting.

### Revote On Preliminary Application for High School Parking Lot/Clay Pit Pond Project

In previous conversations with Margaret Velie, Stuart Saginor of the Community Preservation Coalition argued that rehabilitating existing Town-owned open space, which contains pre-existing pollution, is not an allowable use of CPA funds. The Town's infrastructure and other funding mechanisms are already in place to address the goals of this project proposal. Based on this information, the CPC decided to vote on the Final Application.

Motion to reject the Green Enhancement to Belmont High School Parking Lot / Clay Pit Pond Project, based on new information to be documented, passed unanimously. Margaret Velie will submit a formal document for future reference, detailing the specific reasons why this project proposal did not represent an allowable use of CPA funds.

### Review Vote on Preliminary Application for Environmental Land Inventory Project

In a separate discussion with Margaret Velie, Stuart Saginor had suggested that the Open Space Land Inventory project was not an allowable CPA project but could be funded through the CPC's administrative budget. In the attached e-mail Stuart notes "there are only five verbs available to justify projects: [a]cquire, create, preserve[,] support and rehabilitate" and that this project proposal could not be justified using any of those terms. The CPC questioned whether this could still be considered an allowable CPA project, given the intention is to use this inventory as a first step for larger CPA projects. Paul Solomon will consult Town Counsel for a definitive answer to this legal question.

Motion to defer voting on the Open Space Land Inventory Project until the December 11, 2013 CPC meeting, so that Town Counsel may review the application documents and provide feedback as to whether the project may be legally funded as a CPA project, passed unanimously.

### Project Monitor Reports

- Building Survey of the William Flagg Homer House – Wolf Architects has signed a contract and is set up as a vendor in the Town's accounting system.
- Landscape Plan for Intergenerational Walking Path – The RFP is expected to be completed over the next few weeks.
- Irrigation Improvements at Rock Meadow – The project only received one bid for \$50,000. Given this high bid and a general lack of response, Mary Trudeau will grant an extension for submissions.
- (Town Hall) Concord Ave Door Remediation – No updates were given at this time.
- Joey's Park Rehabilitation – The majority of the work for this project has been completed and currently all CPA expenses have fallen within the allotted budget.
- Electric Service Upgrade (Belmont Village) – The project has been completed. Donna Hamilton will send the necessary bid and billing documentation to the CPC.
- Underwood Park – The study is expected to be completed by the end of January 2014.
- Comprehensive Cultural Resources Survey – The RFP has been completed and sent out to be advertised.
- Preserving and Digitizing Belmont's Vital Records – No updates were given at this time.

### Review Final Applications

Before the discussion began, Floyd Carman noted that part of the FY15 CPA budget could be used as additional funding for the current year project submissions, provided this intention is explicitly stated in the motion to appropriate funds at the Spring 2014 Town Meeting. Andres Rojas added that the amount requested for the Underwood Pool Project may require the CPC to take this action, but this should be considered a necessary exception to general practice and does not set a precedent for CPA budgetary decisions going forward.

- JV Field Irrigation Upgrade
  - Andres Rojas expressed concern that the project proposes using sod instead of seeding the JV Soccer Field, explaining that sod is of a lower quality and does not have the same longevity as a seeded field. Margaret Velie suggested the need for a written document from the Board of Selectmen that states the Town has no objection to the proposed work on the Town-owned field.
  - Motion to move JV Field Irrigation Upgrade Project to Town Meeting for CPA funding of \$8,700, under the assumption that the project will be supported by the Board of Selectmen, passed unanimously.

*Joe DeStefano arrived at the meeting at 5:59pm.*

- Electrical Upgrade
  - Gloria Leipzig confirmed that the state urges municipal housing authorities to apply for CPA funding to address safety concerns with existing community housing properties. The project is only for six buildings as it is a staged, three year process that will likely require further CPA funding requests in the future.
  - Motion to move Electrical Upgrade Project to Town Meeting for CPA funding of \$165,000 passed unanimously.
- Motion to move Daniel Butler School Playground Project (Phase II) to Town Meeting for CPA Funding of \$66,524 passed unanimously.
- Motion to move Winn Brook Field Renovation Project to Town Meeting for CPA funding of \$100,000, under the assumption that the projected will be supported by the Board of Selectmen, passed unanimously.
- First Time Homebuyer Assistance
  - Floyd Carman expressed concern over the amount of money proposed to be given to first time homebuyers (\$125,000 per affordable housing unit). Gloria Leipzig explained that the grant amount needs to be this size in order to accommodate the income restrictions on affordable housing and Belmont's high property values.
  - Motion to move First Time Homebuyer Assistance Project to Town Meeting for CPA funding of \$375,000 passed unanimously.

*Anne Marie Mahoney left the meeting at 6:12pm.*

- Belmont Community Moving Image Archive
  - The project sponsors were notified that a written endorsement from the Belmont Historical Society (BHS) was required in order to submit a Final Application. However, BHS will not consider the project and application until their meeting on December 4, 2013.
  - Motion to defer voting on the Belmont Community Moving Image Archive Project until the December 11, 2013 CPC meeting, pending a written endorsement of the project from the Belmont Historical Society, passed unanimously.

- Pedestrian/Bicycle Connection Between Belmont High School & Winn Brook
  - Andres Rojas noted that the project sponsors failed to show definitive proof of MBTA support and that the excerpt provided from an e-mail exchange was insufficient. Paul Solomon asked if this was an unreasonable expectation given the scope of the ultimate construction project would not be known until the completion of the initial study proposed in this project. Andres Rojas also noted that this project was submitted by a temporary advisory committee and that it would have been more appropriate for a regulatory committee to submit this proposal. Furthermore, the proposed project would limit the Town's flexibility when planning the High School Renovation Project. Floyd Carman added that support of this project could imply support of the proposed Community Path, for which the Town has no consensus.
  - Motion to reject Pedestrian/Bicycle Connection Between Belmont High School and Winn Brook because it is out of sync with the High School Renovation planning process, does not have conclusive MBTA support, and was not submitted by a permanent regulatory committee, such as the Board of Selectmen.
    - Motion passed with six votes.
    - Margaret Velie voted against the motion, stating the north entrance would be from Alexander Avenue and that voting should be deferred until the December 11, 2013 CPC meeting in order to obtain proof of MBTA support.
- Motion to reject Belmont High School Athletic Complex Study, because it should be part of the master plan for the High School Renovation Project, passed unanimously.
- Underwood Pool
  - Floyd Carman explained that no proposed budget could be provided with the application because the study has not been completed yet. Andres Rojas added that regardless of the final cost of the project, the \$2 million requested in CPA funds would certainly be a partial payment towards the entire project. Paul Solomon acknowledged that more information than that which was provided in the Final Application will be needed to present at Town Meeting, should the CPC decide to move the project forward.
  - Motion to move Underwood Pool Project to Town Meeting for CPA funding of \$2,000,000, subject to the balance of total project funding being raised through other outside sources, passed unanimously.

#### Other Business

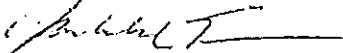
- Motion approved unanimously for payment of \$786.94 (22 hours @ \$35.77) to Michael Trainor for administrative work.
- Andres Rojas will contact the other members of the Board of Selectmen to obtain letters of support for the JV Field Irrigation Upgrade Project and the Winn Brook Field Renovation Project.

- Michael Trainor will update the log of FY14 Final Applications to include the voting results of this meeting. After the CPC approves a final version, this spreadsheet will be posted to the Town's website.

The next meeting is scheduled for Wednesday, December 11, 2013 at 5:00PM, Town Hall Conference Room 1.

Meeting was adjourned at 6:57 PM.

Respectfully submitted,



Michael Trainor



Community Preservation Committee  
Notes from Call (10/15/2013)

Present: Margaret Velle and Stuart Saginor (Community Preservation Coalition)

Green Enhancement to Belmont High School Parking Lot/Clay Pit Pond

Stuart explained that as we are not **acquiring** or **creating** Open Space the only possibility for CPA money is **preservation**. When deciding if a project meets the CPA criteria you must look at the box that is most appropriate for the project, as he stated "the absolute best box". In this case as the discharge is currently occurring and pond is already polluted so the **rehabilitation/restoration** box would be most appropriate (can't preserve something that is already broken). CPA money could only be spent on Open Space rehabilitation/restoration if the property was acquired or created with CPA funds. Clearly not the case here as the town has owned the property since the late 1920's.

Therefore the project is not an allowable use of CPA funds.

We also discussed other issues with the project that make it problematic. To summarize:

- The pond and parking lot are town owned land and when passing the CPA, and its most recent amendments, the legislature was clear that the intent was not to have CPA money be spent on existing town assets (except for historic and now recreation)—they wanted the CPA money to be used for **new** Open Space.
- The CPA projects that have been done on water bodies have been mostly invasive species removal when the plant threatened the pond/lake, so the CPA was used to **preserve** the water body from "injury, harm or destruction" and the work was actually on or in the pond. Here the work is one step removed from the pond, albeit much of it within the 100' buffer zone of the pond. The Westport water quality study that I mentioned is probably not the best example as there have been issues in Westport. To date there have been about 6,600 CPA funded projects statewide and they range from being clearly CPA eligible to being on the edge of eligibility. Stuart estimated that close to 99% of the CPA Open Space projects to date have been to **acquire** Open Space.

**Trainor, Michael**

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**From:** Trainor, Michael  
**Sent:** Wednesday, December 04, 2013 8:25 AM  
**To:** Trainor, Michael  
**Subject:** FW: Draft of 2014 CPA Open space Application Belmont  
**Attachments:** dor letter - admin money not for implementation exp brookline.pdf

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Date: Fri, 1 Nov 2013 14:47:37 -0700  
From: [Stuart.SagInor@communitypreservation.org](mailto:Stuart.SagInor@communitypreservation.org)  
To: [jsmv@msn.com](mailto:jsmv@msn.com)  
CC: [Katherine.Roth@communitypreservation.org](mailto:Katherine.Roth@communitypreservation.org)  
Subject: Re: FW: Draft of 2014 CPA Application Belmont

Hi Margaret:

Thanks for sending along the Open Space study application for some comments. This is yet another project that is a bit tricky to fund with CPA dollars in its present form.

This particular study would not be a candidate for CPC administrative funds in its present form, because it is a project initiated and conducted by another board (Conservation Commission). CPC administrative funds are reserved only for initiatives of the CPC and for operating expenses incurred by the CPC itself in carrying out its duties. Other boards, such as the Cons Com, cannot "apply" to use the CPC's administrative budget. That would be akin to the school committee asking the Cons Com if it could use some of the Cons Com's budget to develop a curriculum on environmental education. That expense is certainly related to the Cons Com's area of expertise, but it would clearly be an expense that would have to come out of the school committee's budget. The attached letter from DOR does a good job explaining how the CPC's administrative budget cannot be used by other boards.

Does the CPC feel that this information would be critical to its mission, so that it would want to contract for and oversee such a study itself? Do they feel that this is part of their charge? If so, it might be possible to have the CPC take on the study and use its administrative funds.

You can also look to see if it is an allowable CPA project expense, but that is problematic, too. If one looks at the CPA allowable uses chart (<http://communitypreservation.org/content/chart-allowable-uses>), there are only five verbs available to justify projects: Acquire, create, preserve support and rehabilitate. This particular study would not create any open space (ie: physically remove structures to leave behind open space), nor would you be preserving open space, nor would you be rehabilitating open space acquired with CPA funds.

That leaves "support" and "acquire" as potential verbs to justify the project. It would seem that the verb support would be the best match, as such a study would certainly support the effort to protect open space in Belmont. Unfortunately the verb support is only available in the housing category; you cannot pay for activities that "support" open space with CPA funds.

Once you arrive at the proper verb and it is unavailable, you head into a bit of uncharted waters if you go "verb shopping" for another verb that might work. Ignoring that for a second, the final verb available to use is "acquire." Perhaps the attached proposal could be considered the first step in the acquisition process? It does seem to be a bit of a stretch to think this way, as most would agree that the verb acquire is used for actual purchases. But it's certainly possible that your Town Counsel could see its way to justifying the project using the "acquire" box; you'd have to check with them. They would also have to be comfortable saying that the verb "acquire" is a better match than "support."

As you know, we're not attorneys at the Coalition, so you'll have to work with yours to see if there is way to justify such a project. But I do hope the above helps frame the issue for you.

Regards,  
Stuart

PS: Margaret...will you make sure to send along a copy of the letter to Paul at the CPC?

Stuart Saginor  
Executive Director  
Community Preservation Coalition  
10 Milk Street, Suite 810, Boston, MA 02108

Tel: 617-371-0540  
[stuart.saginor@communitypreservation.org](mailto:stuart.saginor@communitypreservation.org)



October 23, 2006

Jennifer Dopazo  
Town Counsel  
Town of Brookline  
333 Washington Street  
Brookline, MA 02445

Re: Community Preservation Act – Implementation Expenses  
Our File No. 2006-371

Dear Ms. Dopazo:

You asked about the use of community preservation fund monies for implementation expenses.

We do not believe community preservation fund monies may be used to pay for administrative or operating expenses incurred by general government departments, such as the assessors, treasurer/collector, accounting officer, town counsel or others, in implementing the Community Preservation Act (CPA). G.L. c. 44B. The CPA provides that monies in the community preservation fund may be used for certain categories of allowable projects and "for the administrative and operating expenses of the community preservation committee." G.L. c. 44B, §6 (emphasis added). Also see G.L. c. 44B. ("The expenditures from the fund shall be limited to ... providing administrative and operating expenses to the committee.") (emphasis added). We read the language as limiting the use of fund monies for administrative and operating purposes to those incurred by the community preservation committee itself in carrying out its statutory duties.

If you have any further questions, please do not hesitate to contact me again.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathleen Colleary".

Kathleen Colleary, Chief  
Bureau of Municipal Finance Law

KC