



# COMMUNITY PRESERVATION COMMITTEE

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Fairhaven CPC Minutes February 24, 2021

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## 1. ADMINISTRATIVE BUSINESS:

- a. Chairman's Welcome and Notification: Mr. Lucas called the meeting to order at 6:37 p.m.
- b. **Present:** Jeff Lucas, Ann Richard, Beth Luey, Roger Marcoux, Gary Lavalette and Town Planner Paul Foley.
- Absent:** Terry Meredith, Marc Scanlon and Marcus Ferro

Mr. Lucas advised there is still a vacancy on the CPC with a missing representative from the Historical Commission.

c. **Minutes:** February 3, 2021 Draft- Ann Richard made a motion to accept the minutes and was seconded by Beth Luey. On the question, Mr. Lucas corrected on page 4, "Ms. Luey said there was definitely time for them to answer the question". The "request" was for \$190,000, not the 'budget'. Mr. Lucas also corrected a grammatical error from had to 'has'. With those corrections, Ms. Richard stated she wanted to amend the motion to accept the minutes with the amendments received and was seconded by Ms. Luey. The motion passed unanimously via roll call vote.

d. **CPC Bills:** Mr. Foley stated they did pay the Community Preservation Coalition membership dues.

Ms. Richard stated there was a conversation in the chat regarding someone that could not get into the chat session. Ms. Luey stated that Mr. Rooney was not able to get on as he lost his internet connection at home.

Ms. Jill Simmons was on the zoom and stated that Mr. Rooney could not get on, as she is on the Whitfield-Manjiro Committee, if he could speak through her audio. Mr. Lavalette stated he wouldn't be able to go through a third party to be heard.

Mr. Foley called Mr. Rooney to advise that he could come down to Town Hall if he so wished.

e. **Correspondence:** Mr. Lucas stated he received a personal email and wasn't sure if that was considered correspondence to CPC. Mr. Foley said he discussed the matter with the Chair and placed the issue under general business. They will further discuss under general business.

## 2. GENERAL BUSINESS:

a. Review of available funding from the State: Mr. Foley reviewed the available funding from the state last year with a total State match of \$93,000. He says existing money is \$493,744, with estimated receipts (worst case scenario) is about \$460,000. Existing total plus the estimated fy21 is \$953,691. He

reviewed the 2021 applications for FY22 totaled \$1,169,112.00; which is more than what they have. He reviewed the different applications they have approved at this time.

Mr. Foley noted that the Whitfield-Manjiro project did go back and revised their plans. The revised proposal is smaller so their original request of \$150,000 has decreased with the reconsideration to \$55,000. Mr. Foley stated that the Academy Building is also asking for a reconsideration of their project for \$195,000, which is on the agenda to discuss. He advised they only have \$165,000 to work with in funding these projects, so obviously not enough to fully fund both projects.

Mr. Foley stated a member of the public, Mr. Gerry Rooney has joined the Zoom meeting via phone. Mr. Rooney was able to be heard via a phone call.

Mr. Foley reviewed a slide regarding secretary of the interior's standards for rehabilitation that was recommended by Stuart Saginor from the Community Preservation Coalition.

**b. Discuss Funding Options:** Mr. Foley reviewed the projects that have been approved thus far.

Mr. Lucas wanted to remind everyone that they have approximately \$165,000 left and to keep that in mind when they make any motions so they don't go over budget. He said it was only fair to hear both before they make any decisions.

Ms. Richard asked for a point of order, as they did vote at the last meeting to revisit the Whitfield Manjiro, she does feel that they need to move forward and vote to open the discussion again for the Academy Building if they are going to do that. Ms. Richard stated at the last meeting they voted to reconsider only hearing the Whitfield Manjiro project. She noted they had voted not to fund the Academy Building.

Ms. Richard made a motion to revisit the vote at the last meeting to hear the Academy Building and reconsider the vote taken at the February 3, 2021 meeting and to discuss it at this meeting tonight and was seconded by Gary Lavalette. The motion passed unanimously via roll call vote.

Mr. Lavalette stated they have already voted on other projects and he believes they have extra ordinary conditions now and asked how etched in stone the monies voted for the other projects actually are. He was of the opinion that he would give it face value on the projects presented tonight and perhaps they may need to change the vote or monies given on projects they had already voted on. He said it hasn't been written up and wondered what kind of flexibility they had to shift some funds from previous votes.

Ms. Richard stated the previous projects that already got voted on were received with completed applications that were already voted on. She said the committee felt as a whole that the two before them tonight were incomplete applications. She reiterated that they shouldn't revisit the previous applications to change the funds, and she explained that you can't take monies from open space per se and give them to Historic. She explained that you can't take from one category to use for a different category. Ms. Luey agreed with Ms. Richard.

Mr. Lucas said in previous years, they generally complete the review, decisions and funding at the same time but whereas they have already made those votes, he doesn't agree with the idea to reconsider them. Ms. Richard stated in previous years they have never reconsidered applications, and she said they are giving these two applications more opportunities than others have received in the past.

Mr. Lavalette said they had decided to not vote for the Whitfield and now giving Mr. Rooney a second chance to bring more information. He doesn't agree with what they're doing. He said this isn't set in stone and things arise and they should take that into consideration.

Mr. Lucas responded that the two applicants that they are reconsidering - we are giving them a chance - it's positive and to reconsider the applicants that produced completed applications at the right time and then revisit the vote would be perceived as a punishment; and he doesn't think that is fair to those projects. He explained there is a process and they followed it. He said the two projects they are listening to tonight have a lot of potential but they were not ready yet, in his opinion, with the submitted application.

Point of Order, by Mr. Wayne Oliveira, as chairperson of the Historic Commission. Mr. Oliveira asked for clarification on how they're application was incomplete.

Mr. Lucas stated there were three to four specific questions that were asked of the project. Mr. Oliveira said he answered the questions via email and did not receive an email back to return to a second meeting. He stated that he objects that the Committee continues to say they had an 'incomplete application.' He explained that he has a whole project book that cost money to put together and the questions were answered. He takes objection to the 'incomplete stamp.'

Mr. Foley stated Mr. Oliveira was at the December meeting where there was a motion to continue to the January meeting and then he sent an email with the minutes and login for the next meeting, and Mr. Oliveira was not in attendance at that meeting. Mr. Foley stated that perhaps he could've been a bit more direct to include in that email that 'he was continued and should attend'. However, he thought because Mr. Oliveira heard Ms. Richard continue the meeting, and a follow up email was sent that was sufficient and he apologized if he didn't specifically clarify that Mr. Oliveira was expected to attend the meeting.

The Committee moved forward to speak about the Whitfield Manjiro Friendship project. Mr. Foley began discussion that the Applicant had revised their plans to keep the exterior appearance the same but noted that the Committee was looking for natural materials from that period which the revised plans do not show. He noted that the plans show that the building must be framed and enclosed atop of the newly poured foundation. He said they were looking for 'barn doors' to replicate the old ones and are asking for less money than they originally asked for. He said there would be some landscaping improvements and advised of the remaining work and to what it included. The revised estimate is \$54,350. Mr. Foley showed the plans that were submitted.

Mr. Rooney said he invited the engineer but he had a conflict and wasn't on the line.

Mr. Foley showed the existing conditions. Mr. Rooney stated there would be a fabricated barn door on the main access that they will make as close to the original as possible but the existing wood is too far gone.

Mr. Lucas opened it up to the members for discussion.

Mr. Lavalette asked about the reviewing portion. He said he believes the project has its merits and is a good project but he doesn't think it is up to this Committee to decide what should be or not be done

correctively to that time period of said building. He thinks it would be better up to the Historic Commission to advise.

Ms. Luey stated the Commission's responsibility is to hear and review a completed application. She stated they have been asked to fund a project and have never gone to the "Historic Commission" to review 'historical' projects in town previously.

Mr. Lucas explained the process. He stated the 'point person' on a project, for example the library has a point person and the high school has a point person, it is their responsibility to get the architect involved and bring all necessary paperwork with descriptions in detail to the Committee. He said this particular building is a little different but they have had control of the building for some time and they went in front of the Historical Commission a few months ago and this project wasn't discussed but the value of the building as a historic building was discussed. At that meeting, no one discussed who had control of the building and Mr. Lucas didn't feel that someone should now be making that determination. He stated that is a battle that someone else can choose to have at a later date. The job of the CPC Committee is to review the merit of the project and verify if they believe it has merit and the correct historical fixtures, etc. to move forward as a CPC funded project.

Ms. Richard stated at their last meeting it was determined that they forward plans for representation from their architect. She stated it was her opinion, they should vote on what they asked them to bring forward. She said the committee brought them back to give them another chance, we owe them to make a vote and anything else can be debated on the Town Meeting floor. She said it is the role of the CPC to ask questions and get answers. She said they need to be clear of our role here. They are not suddenly going to get an oversight from the Historic Commission as they have never done that before. "We asked for information and they provided it, that's what we need to vote on," Ms. Richard stated.

Mr. Foley stated the committee asked them to have the building look the same with authentic materials. We are going to be talking later about reviewing and our process and he suggested that it would make sense to route applications in the future to departments that could have an opinion, perhaps Historic Commission as one of them. Mr. Lucas said that's the purpose of having the different boards represented and it is that committee's representative job to bring it back to their board.

Ms. Richard stated there was no conflict to have the Chairperson of the Historic Commission on the CPC, and advised Mr. Oliveira there was an opening on the CPC for his board.

Ms. Richard stated she would like to see the drawing that Mr. Foley was referring to on the materials suggested.

Mr. Foley explained via a slide that the commission needs to review key aspects of the reuse of materials, which included Azek Cap, Polyurethane Crown Molding, aluminum and Azek Side Trim in addition to cedar shingles. Mr. Foley said the Secretary of Interiors guidelines are to reuse the existing materials first and if that is not possible to use similar natural and historic materials. He said the applicant should have their engineer here to discuss.

Mr. Lucas stated that this engineer has brought into what the standards are today, being aluminum drip caps, in those days would be lead flashing; azek soffit and polyurethane (no details in the windows). Mr. Lucas described what materials would not be acceptable and it's many of the materials listed on the plans. He explained the differences of methods to putting this building back together versus the

materials being used. Mr. Lucas said the roof says "rubber roof", and that shouldn't be where you can see it. Mr. Lucas advised the windows were not listed as to what they actually were; no designation of the railings as listed. Mr. Lucas said it has to be the creation of a reality to what would've been installed in that era. Mr. Lucas said he isn't sure this project is quite ready yet.

Ms. Richard asked Mr. Rooney if there was an explanation to the different materials suggested.

Mr. Rooney stated they would commit themselves to replicate the historic materials that are available now. He said they'd be happy to work with the historic commission to get the building to where it was in the 1800's and to make sure they have a project the CPC can endorse.

Mr. Marcoux stated that the plans presented were not to those historical standards.

Mr. Foley suggested either continuing or conditionally approve the project with the expectation that the Applicant will revise the material list by town meeting. If they have not then the CPC can ask to pass over that part of the CPC Article.

Ms. Luey stated that materials need to be changed as that would also change the budget and it may cost more to use wood and authentic materials and she wasn't sure how they would work that in the condition. Mr. Lucas said he believes the discussion and vote needs to take place tonight. He said to approve without specifications isn't a good precedent. Ms. Luey asked whether they would be able to approve the project with the suggestions made by Mr. Foley.

Mr. Rooney stated they would be amendable to revising the plan and materials and the WMFS will make up any extra costs.

Ms. Richard stated as long as they put it in the motion that they will not use synthetic material.

Mr. Lucas wasn't sure that could happen asking what the reference point would be. Who would monitor it. How would they condition the project or who would be there to monitor the project once it gets approved. He said he was totally uncomfortable without seeing some of the details on the approved plans. He said he wasn't sure the contractor or the architect will take the state guidelines to heart.

Mr. Foley said they could ask for approvable plans by town meeting and if not, then they would pass over at town meeting.

Ms. Richard stated she is comfortable with a contingency for when we put it forward at town meeting that the correct information would be on the plans and that we aren't going to review any other project at this time.

Mr. Lucas said he would like to hear the next discussion before a vote first. He said that CPC is not here to design the building for an applicant and that is the applicant's job to bring the application to CPC.

Mr. Lavalette stated that he knows from being part of the Historic Commission that projects are checked on a daily basis and we are very particular about the projects that we are overseeing.

**c. Request for reconsideration of Academy Building:** Mr. Wayne Oliveira was present on behalf of the Historic Commission as the Chairperson. He said he believed his application should have been the poster child for what CPC funds is all about.

Mr. Oliveira went on to say this is the type of work that CPC should want to embrace. He said that he believed is application was not incomplete and takes offense that the committee is advising that it is. He said they paid \$8,000 in architectural fees for the original ADA ramp and restoration of front door for security and safety for the public. He stated the building serves as the office of tourism and the Historic Society museum, which only had one egress and no handicap accessibility. He stated this was a project he inherited from the previous chairperson and it has taken all this time to get the project half done. Mr. Oliveira stated it was a project that the CPC approved a few years ago but there wasn't enough funding to get everything they wanted done, so that's why they are back. He said it's very expensive to get things done 'historically' and the Commission takes great pride in doing it right. He said the second means of egress was important. He said they are asking for \$195,000 to complete the project, the ramp alone is \$141,000, which is being done now.

Mr. Oliveira stated he attended the December meeting and was asked questions and he answered them in an email, had he known he was expected to come back in January, he would have. He stated the book from the architect is the project manual. He reviewed the project sidewalk to accommodate a wheelchair. Stairs will be made of granite blocks and they are trying to be prudent with the town's money but also be historically correct.

He went on to say that he is not sure why they are paving the asphalt of a skateboard park but hesitant about a town owned building.

Mr. Lucas tried to interrupt the speaker to advise him to keep to the academy building project. Ms. Richard wrote in the comments that the speaker is out of order.

Mr. Oliveira said he doesn't know how they could vote without hearing everyone's applications.

Mr. Lucas explained that the role of the CPC was to only recommend to town meeting based on their review process and it's up to Town Meeting to grant the funds. He did say at the January meeting, the votes were made to accept the projects they have already accepted and they were done unanimously.

Mr. Oliveira stated he was upset and frustrated because they deemed his project incomplete, and he doesn't feel it was. He said that the Academy Building should've been included in the first round of votes.

Ms. Luey stated she was new to this committee and received the proposal. She said she was upset because the \$190,000 that they were asking for wasn't broken down at all. She said she couldn't see how the money was being appropriated. She said because it wasn't well broken down financially, she deemed it incomplete. She would've liked to see how much each of the parts (the door, the steps) were going to cost.

Mr. Oliveira stated that the project manual is what is given to the contractor and then he figures the financial based on the bottom line. He said it's a long process that he had to go through past Town Administrator, Mark Rees and the procurement process.

In another question, Mr. Oliveira stated to Mr. Foley that in the past historic commission has returned \$70,000 and perhaps that money should be available again for recycle. He said they cannot wait two years for this money.

Mr. Foley advised that it's turn back money and would be part of the CPC existing funds account.

Ms. Richard stated for full disclosure, she does not have a conflict of interest for this building. She is the sister of Christopher Richard, who is the Tourism Director and whose office is in the Academy Building. She stated that she has been on the CPC for a few years now and has never been yelled at by an applicant. She says this is a worthy project and she appreciates the historic value in town, but as she has been stating in this meeting you can't just take money from one category and put it in another, CPA funds don't work that way. She stated she appreciates people's passion for the beautiful town buildings.

Mr. Lucas stated they are here tonight to talk about the merits of the project and would like to leave the conversation with that. Mr. Lucas reviewed the application process and since the first month the CPC came together, they reviewed applications and even tossed out a few that weren't even considered as they didn't meet the criteria. He said there is a review process of asking the applicants questions and receiving the answers and then meeting them again the next month. He said the CPC has met several months in a row and the projects have been tossed around and discussed at some length. He stated they weren't just given or put out there in thin air. Mr. Lucas said on this particular project he would was not clearer based on the information provided on what the railing on the step would be, the light fixtures, the door all warrant more specific detail. He said he agrees with Ms. Luey that this is a pretty complex project and the budget should be broken down to reflect what the monies would be going to pay. He said, like always, once the project is approved, it is very hard to then go back on the project.

Mr. Lavalette stated it was obvious that the CPC doesn't have enough funds to fund both of these projects completely and asked if there was an opportunity to phase the work in two different phases with monies.

Ms. Luey asked if the CPC voted \$40,000 to replace the door and fan and threshold historically accurate would that cover it. Mr. Oliveira did not know.

Mr. Lucas stated he would've liked to see a vote today, but perhaps they can't do that. He said he would like to see a breakdown in the budget and a change in the door put forth.

Mr. Oliveira said his main concern is the security. He also stated the vendor didn't supply the breakdown and to go back to the architects to split the project would be causing financial grief.

Mr. Lucas stated they received five pages from a three hundred document. He said other applicant's described the project in detail and that's what they were looking for with this project.

Ms. Luey said she finds it astounding that they are offering money and instead of a reasonable answer they are getting criticism of how our process is from the applicant. "Do you want the money or don't you, Wayne," she asked.

Mr. Oliveira said of course they want the money, but he wasn't sure how they would break down the project without it costing more money; and he said he doesn't think they asked the same from other

applicants. Ms. Luey and others stated they didn't have to ask the other applicant's as it was already broken down for them.

Mr. Oliveira apologized if they thought he was being rude and disrespectful but he is frustrated and he felt they weren't on the same legal playing field as everyone else.

Mr. Foley said it shouldn't be a big deal for the architect to break it down.

Mr. Oliveira stated there wasn't any money available to go back to the architects to request that.

Mr. Lucas stated the committee does pull apart other projects as they did tonight with the previous conversation with an applicant and even with that project there was a break down in the financial request.

Ann Richard made a motion to stop the conversation of this project. I think we've heard from the applicant and should move forward. No one seconded the motion.

Mr. Lucas asked if committee members felt they could vote on it tonight. Mr. Foley stated he hadn't received a drop dead date for Town Meeting as of yet.

Mr. Lucas said he would prefer to get a budget breakdown. He said that he is concerned that if they are being told they are doing something wrong than he'd rather be able to vote with a breakdown of the cost.

Ms. Richard made a motion to move on from this discussion on the merits of the academy building and it was seconded by Ms. Luey. On the question, she asked if they would then come back to discuss both applicants again. Committee members agreed that they would like to see the additional information that was discussed. The motion passed unanimously via roll call vote.

Mr. Lucas asked where do they go from here.

Mr. Lavalette made a motion to give the Historic Commission \$80,000 for the Academy Building which would be cost for the door, door fan, and threshold and side lights on the original building only. No steps or sidewalk included. Mr. Lucas asked where he is getting that figure from as there is nothing concrete detailed and he doesn't want accusations made that they voted without a budget.

Ms. Richard asked like previous application if they could make a contingency that plans be submitted prior to town meeting if Mr. Oliveira would be okay with that.

Mr. Oliveira said he was confused on what the motion was. He asked if the figure was based on \$80,000 approval or you want plans submitted by Town Meeting.

Mr. Lucas said he'd like to see the description cleaned up and a better cost estimated budget put together with a couple of breakdowns, including lighting, door and window above.

Mr. Luey suggested another meeting for more specifications to come forward. Ms. Richard is amendable to meeting one more time.



Mr. Oliveira will not be here 3/10/21 to 3/17/21. Ms. Richard stated he could send a representative and he said he was uncomfortable with that as he feels that's what some of the discussion has been tonight revolving around him supposed to be at another meeting but not in attendance. Mr. Oliveira stated he would be able to forward the information to the committee members.

Discussion on continuing the meeting for these applications.

Ann Richard made a motion to continue both these applications to March 4, 2021 to receive the updated information and was seconded by Beth Luey. The motion passed unanimously via roll call vote.

d. Review **CPC Annual Report for Town Meeting**. The Committee agreed to discuss this at their next meeting.

e. Preliminary **Discussion on CPC Plan and Process**: Mr. Foley discussed the two-step application process done by other communities with building a better CPA Application Process. Part of the first step would be a brief report by the applicant, a CPC site visit may be appropriate to place the proposal in context. The CPC may educate the applicant on the requirements of the CPA and the CPC may advise that other approvals, permits or authorization from other committees may be necessary, i.e. Historical Commission. The second process would be the full application. Mr. Foley discussed special exceptions to allow outside of the normal window if an application is for a known historic property threatened with demolition or a high priority property for open space that does not fit within the normal CPC time frame. Mr. Foley discussed other grant agreements that held administrative conditions. Mr. Foley reviewed the Town Of Dartmouth CPA contract agreements that are very formal with language such as, "whereas, now therefore, the town and the recipient agree as follows". He said they use basically a contract that the applicant and Town both sign off on.

Mr. Lucas thanked Mr. Foley for his presentation and that it was very informative. He said it is very important to lean on the coalition. He says it's important to take pictures of the different aspects to keep on file. He stated some of the contracts have fine-tuned their application to evolve the CPA process to insure accuracy.

Ms. Richard thinks that the application interview process should be very specific and formal and limit the discussion at times. She believes it needs to be very clear process with the applicant.

Mr. Lucas said he would like to see an inventory of the buildings that the historic commission is in charge of, and document that; and do a review of what should be relevant interior/exterior.

Ms. Richard would like to make a motion to adjourn and notify those members that are not here to be here next week and was seconded by Beth Luey. The motion passed unanimously via roll call vote.

Meeting adjourned at 9:32p.m.

Next meeting is scheduled for Thursday, March 4, 2021 at 6:30p.m.

Respectively submitted,  
Patricia A. Pacella  
Recording Secretary