



# City of Lowell – Community Preservation Committee

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## Community Preservation Committee Meeting Minutes

Thursday, January 13, 2021 6:30 p.m.

Conducted in-person and via zoom

**Note: These minutes are not completed verbatim. For a recording of the meeting, visit [www.ltc.org](http://www.ltc.org)**

### Members Present

Adam Baacke, Chair  
Eric Slagle, Vice Chair  
Sinead Gallivan, Member  
Sidney Liang, Member  
Brad Buitenhuys, Member  
Philip Shea, Member  
Christine McCall, Member  
Troy Depeiza, Member

### Members Absent

John Linnehan, Member

### Others Present

Dylan Ricker, Associate Planner

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A quorum of the Committee was present. E. Slagle called the meeting to order at 6:35pm. Members attending remotely include, Member Shea, and Member Depeiza.

### I. Minutes for Approval

#### 12/16 Minutes

C. McCall motioned, and B. Buitenhuys seconded the motion to approve the December 16, 2021 meeting minutes. The motion passed unanimously, (7-0).

### II. Continued Business

### III. New Business

### Deliberation and Vote on 2021 CPA Applications

The Community Preservation Committee (CPC) will deliberate on all CPA Applications submitted for the current application cycle. At the conclusion of deliberations the CPC will vote on funding recommendations which will be sent to the City Council for approval.

#### Discussion:

E. Slagle stated that DPD staff provided CPC members with a summary of CPA projects and the total funding available. B. Buitenhuys said it may be beneficial to discuss projects that may not receive funding first. E. Slagle said he was considering discussing projects which can be funded in an alternative way first, including project which can be bonded for against the local CPA surcharge, adding that this makes sense for 2 projects.

E. Slagle said the 2 projects that he feels should be bonded include the Rollie's Farm proposal and the City Hall Stained Glass proposal. E. Slagle stated the Rollie's Farm project is the City's one chance to protect a swath of land of this size in Lowell, and bonding the project would allow the CPC to pay off the project with future CPA allocations and not just

in one year. C. McCall agreed and said she was prepared to support the funding C. McCall asked what the City would be committed to if it bonded the Rollie Farm project. E. Slagle stated he has met with the City CFO and participated in a Community Preservation Coalition bonding seminar. E. Slagle said that a bond for the full \$1.5 million could be bonded for 20 years and would result in approximately \$91,000 per year payment for 20 years depending on the final bond rate. E. Slagle added that discretionary funds available in future years would be reduced by this amount annually as the CPC would be required to pay this amount toward the bond. E. Slagle said the bond makes sense as the land will be protected in perpetuity.

E. Slagle stated if the stained glass were bonded it would be roughly \$30,000 per year. S. Liang asked whether E. Slagle was considering bonding the full amount. E. Slagle confirmed his proposal was to bond the full amount. E. Slagle stated that in regards to Rollie Farm, the City was essentially purchasing a Conservation Restriction which will last forever.

A. Baacke joined the meeting.

A. Baacke stated that the City is required to spend or set aside at least 10% of funds annually for open space and given the level of development in Lowell there are not many opportunities to protect open space in the City. A. Baacke said that roughly \$100,000 per year would need to be allocated toward open space. A. Baacke added that the bond does not necessarily take funding away from other projects. E. Slagle noted that it is unlikely that another project of this scope is received by the CPA.

S. Liang said he was asking to ensure the CPA was not hamstrung in future years. E. Slagle said he wanted to consider this proposal first since if the CPC agrees, then the total CPA funding requested would be significantly reduced.

S. Gallivan asked what happens if the City rescinds the CPA. E. Slagle said no community has ever revoked the CPA, but there are 2 options, 1 you can leave the surcharge in place and every dollar is directed toward the bond until it is paid off, or the surcharge is eliminated except what is necessary to pay off the bond.

A. Baacke asked whether it makes sense to put the existing open space funds as a down payment and bond the additional funds. E. Slagle said this was an option, and added there are 2 additional projects applying for these funds.

B. Buitenhuys said he would prefer discuss the projects separately. B. Buitenhuys expressed concern about reducing annual funds but noted that there would be a good deal of additional funds available this year. B. Buitenhuys stated he supports bonding the project. C. McCall expressed support for funding the project either via bonding or using current funds. S. Liang agreed with bonding the projects, together but expressed some concern that some projects may not get funding. T. Depeiza said he is in favor of bonding both projects and noted this is a one-time opportunity to protect this land. S. Gallivan said she in favor of funding in either manner. P. Shea said he was in favor, and asked whether the bond will necessitate a two-thirds vote by the City Council, E. Slagle confirmed this.

A. Baacke asked whether there should be a vote at this point. P. Shea said he would prefer to vote now. B. Buitenhuys asked whether funds are allocated this cycle. A. Baacke confirmed the applicant would receive funds this cycle and the City would then be responsible for paying off the bond.

Motions:

P. Shea motioned, and E. Slagle seconded the motion to bond \$1,500,000 of funding for the 1413-1415 Varnum Avenue (Rollie's Farm) project for 20 years with the following condition:

- 1) The applicant shall grant the City of Lowell a permanent Conservation Restriction on the 2 parcels.

The motion passed unanimously, (8-0).

Discussion:

**Whistler House Museum of Art, Park and Courtyard**

A. Baacke recused himself from discussion on the Whistler House application.

E. Slagle said the CPC should make a determination as to whether this project is outdoor recreation or open space. E. Slagle said the applicant was amenable to a Conservation Restriction. B. Buitenhuys asked if the property currently had a Conservation Restriction, C. McCall stated the City does not currently hold a Conservation Restriction. B. Buitenhuys noted the applicant is amenable to the restriction.

B. Buitenhuys expressed support for funding the Whistler House project in some capacity, but not fully this year. C. McCall agreed and stated she is open to some funding for the project. S. Gallivan agreed, and said as open space it is not clear how the space would increase benefit to Lowell residents. S. Gallivan said she did not feel the needs were as large as other projects. S. Liang agreed and said at first he did not know this was a public park. S. Liang said he is supportive of the project but the funding ask is too high. S. Liang added that promoting usage of the park would be beneficial. T. Depeiza agreed with the prior comments and did not feel the project had as significant a benefit to the City as other proposals.

S. Gallivan noted there is approximately \$263,000 of open space funding available for open space projects, and added that it is her understanding that the project is not yet under construction and may need to be further delayed. S. Gallivan said the applicant may be able to apply for additional funding next year when construction is further along if they are in need of more funding. C. McCall agreed and said it did not appear a significant amount of funds would be used this year. C. McCall added that it was not clear what the value of the Conservation Restriction was for the property.

E. Slagle said it would be beneficial for the applicant to clarify the goals and uses for the project and re-apply in the next CPA funding cycle based on comments from the members. S. Liang asked if there was an urgency to fund this project this year. B. Buitenhuys said his understanding was the funding this year would be used for the area further from the new building including new irrigation and general landscaping. B. Buitenhuys suggested waiting to vote until after other decisions have been made. E. Slagle noted that the project is only competing with 2 other open space projects.

C. McCall asked about requiring a Conservation Restriction on the property. E. Slagle stated this can be a condition of approval.

Motions:

S. Gallivan motioned, and T. Depeiza seconded the motion to not fund the Whistler House Museum of Art, Park and Courtyard project. The motion failed (3-4), with Members Buitenhuys, Liang, Depeiza, and Shea voting No, and Members Slagle, Gallivan, and McCall voting Yes.

B. Buitenhuys motioned, and S. Liang seconded the motion to table the Whistler House Museum of Art, Park and Courtyard project. The motion passed, (6-1), with Member Shea voting No.

**Clemente Park**

C. McCall stated that DPD staff has applied for \$500,000 of funding for Clemente Park and a design has been created. S. Liang asked about the timeline for the grant money that was applied for. C. McCall said an allocation would be so the timeline would be similar, and added that the applicant would be required to work with DPD regardless. C. McCall said a Master Plan is being created and funds are being requested as this is one of the most highly utilized parks in an underserved community. C. McCall said they have a strong chance of receiving funding through CDBG, and noted that

items included in this CPA application were included in the DPD application. S. Gallivan noted that funding for improvements this year would have a benefit.

S. Liang asked whether the Clemente Park Committee will be able to provide input on the project. C. McCall stated that DPD is getting input from the Clemente Park Committee, and they will be involved in the process. C. McCall said certain improvements such as resurfacing the playground and other portions of the park have been applied for. C. McCall noted it is a long-term goal to expand the park. S. Liang said he just wanted to confirm the work being proposed by DPD would be more extensive than the CPA application and that there would be community engagement.

S. Gallivan stated her only hesitation is that these funds are more immediate. A. Baacke said the question comes down to whether the Council will support the CDBG funding and whether there is a strong likelihood of funding and added the timeline for funding is likely similar to the CPA funding. B. Buitenhuis expressed concern about the CPC relying on another Board to fund the project, and said he is supportive of funding the project in full. A. Baacke asked from a procedural standpoint whether it was easier for the Committee to take action one at a time or to discuss each project prior to funding decisions. C. McCall said the CPC decided to discuss all projects first.

### **555 Merrimack Street**

E. Slagle stated one concern about this project is that it appears to be close to full funding and this funding is supposed to be the 10% reserve. E. Slagle said given the volume of funding requested he is hesitant to use such a large chunk of funds to go toward a project which appears to be already paid for. E. Slagle noted this is a good project.

B. Buitenhuis said the cost per unit is a good way to gauge the strength of the applications. S. Liang stated the Acre neighborhood needs the support and the walkway improvements will benefit the neighborhood.

S. Gallivan expressed support for the project noting that it is in line with the CPA Plan and it serves a community with a high need for housing in Lowell. S. Gallivan added that the funds were being used to leverage many funds and in reference to total funding the request seems reasonable.

T. Depeiza said he is in support of the project and added that the work being done is important. T. Depeiza stated he would be supportive of any level of funding to help the applicant complete the project.

### **Community Teamwork: A Place to Live**

S. Liang recused himself.

C. McCall said the funding requested was small, and noted this was for pre-development costs which presents a risk the project won't be completed. C. McCall said this is an important project which addresses key homeless goals by providing supportive housing for unhoused individuals. C. McCall noted that CTI has been making efforts to address these needs. C. McCall stated that roughly 85 people are sleeping outside in frigid temperatures and this is a major need in Lowell.

A. Baacke stated that under the CPA there is no obligation for CTI to repay funds if the project does not move forward. B. Buitenhuis agreed with C. McCall and state he is fully supportive of the project. T. Depeiza expressed support. S. Gallivan agreed with C. McCall and said she is supportive noting that Community Housing was the greatest need per the CPA Plan outreach.

P. Shea asked about the estimated timeline for permitting. A. Baacke said the project is unique in that it is not clear when the project would be completed. A. Baacke said one question is the current zoning of the property and explained potential pathways for approval. E. Slagle expressed support for the project.

## **Acre Crossing**

C. McCall said she is supportive of the project and the site has been vacant for a long time. C. McCall said this is a unique opportunity to provide affordable homeownership opportunities. C. McCall noted the site is an important redevelopment site and there is an opportunity to create generational wealth for low-income families. C. McCall said she would support funding this project to the greatest extent possible. C. McCall said the property is currently highly underutilized.

T. Depeiza agreed with C. McCall and said the homeownership aspect is important. T. Depeiza expressed support. C. McCall added that the project is utilizing a variety of funding sources and the funds could be used to leverage additional funding sources.

P. Shea expressed support for the project and stated it would be a strong asset for the neighborhood. E. Slagle agreed and said the affordable homeownership aspect is important to addressing affordable homeownership. S. Lang expressed support for funding the project to the greatest extent possible.

## **One+ Lowell**

B. Buitenhuys said he is supportive based on the importance of affordable homeownership, and stated this is an important way to benefit homeowners. B. Buitenhuys expressed support for funding the project in its entirety.

A. Baacke said the CPC should take into account both Acre Crossing and this application seemingly have overlaps.

C. McCall stated she is support of the One+ program and proposed a condition that the One+ Lowell funds not be used for the Acre Crossing development. A. Baacke stated the Council is not able to change or remove CPC conditions of approval.

E. Slagle said this project would require CPC funding in subsequent and would likely have a significant impact on many residents. A. Baacke said It may be worth investing in the program at this point when more funding is available to see the program work, and added that it may be more difficult to fund in future years. B. Buitenhuys noted the program's past success in Boston.

## **First United Baptist Church: 1827 Bell and Wheel Repair**

C. McCall said she is supportive and the request is modest. S. Liang agreed and said he is in favor. B. Buitenhuys agreed and noted this is a good price for a Preservation Restriction.

### Motion:

C. McCall motioned, and B. Buitenhuys seconded the motion to approve \$12,000 of funding for the First United Baptist Church Bell and Wheel Repair project with the following condition:

- 1) The applicant shall grant the City of Lowell a Preservation Restriction on the property.

The motion passed, (7-1), with Member Gallivan voting No.

### Discussion:

## **88 Middle Street**

B. Buitenhuis said he would consider partially funding this project this year. E. Slagle agreed with B. Buitenhuis and said that there are many expensive historic preservation applications.

E. Slagle noted that MCC should seek internal or state funding sources prior to applying to the CPC. C. McCall agreed.

#### **Girls Inc.**

B. Buitenhuis stated he is not supportive of using CPA funds to reimburse applicants for something already purchased. S. Liang agreed and said that reimbursement is not a top priority considering other projects requesting funds.

#### **Downtown Lowell Building Restoration Loan Fund**

C. McCall said this is a unique application and is supportive of the proposed conditions. C. McCall noted the funding could be used to leverage more funding from local banks. C. McCall stated the Lowell Plan has had success operating similar funds and that the funding could have a significant impact on downtown. C. McCall expressed support for fully funding the proposal.

S. Liang agreed and asked whether CPA funding has been used on this type of project before. E. Slagle noted this has not been done for. E. Slagle said that A. Baacke, DPD staff, and he have been in contact with the Community Preservation Coalition and noted the proposed conditions that emerged from these conversations. E. Slagle stated that the Loan Loss Reserve Fund was deemed ineligible and this accounted for half of the request. E. Slagle expressed support.

A. Baacke agreed that this is the time to support this type of project and noted its importance. A. Baacke said there is significant demand for this program in Downtown Lowell. A. Baacke stated that recipients would be leveraging CPA funds with private funds to complete projects. A. Baacke noted that \$500,000 could be spent on the program, and an additional \$500,000 reserved if the project is successful.

B. Buitenhuis noted the applicant is amenable to phased funding, and the funding will leverage significant additional funds. B. Buitenhuis said the proposal fits into the category of projects that should be funded to the greatest extent possible rather than full funding.

#### **City Hall Stained Glass Restoration**

E. Slagle said the stained glass windows to be replaced are in severe disrepair. E. Slagle stated there was a previous capital request to restore the stained glass for \$250,000 and over the past few years the cost to restore the windows has increased to \$473,713. E. Slagle noted this is different from other applications as it is a City building and the restoration of city buildings is a CPA Plan goal. E. Slagle added that the City will continue to occupy the building in the long-term making it eligible for bonding.

S. Gallivan agreed and expressed support for bonding based on the high need and the fact this is a long-term asset for the City. S. Liang expressed support for bonding the project. T. Depeiza agreed and expressed support. P. Shea stated he is in support.

#### **80 Gorham Street**

C. McCall stated the project is great, and the building is currently condemned. C. McCall said this is a beautiful block and the applicant is undertaking a huge project, adding that any City funding would be beneficial. C. McCall noted that alternatively the project could be referred to the LDFC program if it receives funding. C. McCall added that the project is fully permitted.

S. Gallivan expressed support for fully funding the project with CPA funds to ensure the project can be completed on timeline. T. Depeiza expressed support and noted the importance of the block and the impact the building's restoration would have on the area. S. Liang agreed and said he is in support of funding the project in full.

E. Slagle stated the Building Commissioner has visited the property and noted the project is a significant undertaking for the developer. E. Slagle said the developer is taking a major risk in redeveloping a needy property.

A. Baacke said the building is highly significant and is one of the oldest remaining buildings in Downtown Lowell. A. Baacke said the Community Preservation Coalition expressed the importance of finding buildings that are truly significant. A. Baacke noted that it is a for-profit developer and said the program is about community benefit. A. Baacke said there is community benefit to restoring this building, and asked if members have thoughts on funding private applicants versus non-profit or public applicants.

B. Buitenhuys expressed concern about funding a private developer which would ultimately benefit financially from the development. B. Buitenhuys noted the project will not be stopped and is concerned that this is a developer seeking a profit. S. Liang said he took this into account but considering the amount requested and total impact he is ultimately in support.

A. Baacke noted that the Committee can't be sure the project will move forward regardless. A. Baacke said one option is to refer the applicant to the LDFC program if it receives funding. B. Buitenhuys stated the LDFC is in a better position to determine the importance and fund the project.

Motion:

E. Slagle motioned, and C. McCall seconded the motion to bond \$473,713 for the City Hall Stained Glass Restoration for 20 years. The motion passed unanimously, (8-0).

Discussion:

A. Baacke stated that the consensus among members appeared to be that there was interest in funding the Clemente Park project in full. A. Baacke noted there were mixed opinions on the 555 Merrimack Street project, but there was consensus around the open space request. B. Buitenhuys and C. McCall agreed. A. Baacke stated the funding for the housing portion was undecided. A. Baacke said there appeared to be support to fully fund the CTI A Place to Live project. A. Baacke said there was also broad support for the Acre Crossing project, and members debated whether the project should be fully funded this year or partially funded this year and consider additional funding next year. A. Baacke stated there was broad support for the One+ Lowell project as well. A. Baacke noted there did not appear to be support for funding the MCC project or Girls Inc. project. A. Baacke said CPC appeared to support \$500,000 of funding for the LDFC program. A. Baacke said the 80 Gorham Street project seemed to have significant support as well.

B. Buitenhuys said based on previous discussion there appear to be 3 projects which total funding is still being debated, including the housing portion of the 555 Merrimack St project, Acre Crossing, and 80 Gorham Street.

E. Slagle said based on previous discussion the discussions appear to amount to \$1.9 million of total funding. A. Baacke confirmed the project which were bonded do not require any funding in this funding cycle. A. Baacke said this leaves roughly \$400,000 of funding for the remaining projects.

A. Baacke expressed support for providing some funding for 555 Merrimack Street before fully funding the Acre Crossing project. E. Slagle agreed considering Acre Crossing was amenable to phased funding.

C. McCall asked whether Whistler House funding would be open space. E. Slagle said open space money could be granted to the Whistler House if they agreed to a Conservation Restriction.

C. McCall proposed partially funding 555 Merrimack Street at a reduced amount and allocate the remaining funding to the Whistler House. E. Slagle said his concern is that this will leave money restricted for open space and expressed support for using open space funds for the Whistler House. C. McCall and E. Slagle noted the Whistler House would need to provide proof the Conservation Restriction was worth at least the amount the City funded the project for.

E. Slagle suggested providing \$100,000 of open space funds conditional on receiving a Conservation Restriction.

C. McCall said she is supportive of fully funding Acre Crossing and partially funding 555 Merrimack Street. A. Baacke noted supporting projects as open space does not count against the \$400,000 of remaining funding available.

B. Buitenhuys explained the proposed funding levels including funding certain projects in their entirety the CPC would be \$170,000 over budget. B. Buitenhuys subtracting this difference from the funding provided to the 555 Merrimack Street project and fully funding the Acre Crossing based on previous discussions.

Members deliberated on total funding available for the remaining projects.

E. Slagle expressed concern about funding the Whistler House for more than \$100,000 based on the unknown cost of the Conservation Restriction.

B. Buitenhuys stated he believes 80 Gorham Street will be completed regardless of CPA funding. A. Baacke disagreed stating he was not sure this was the case. A. Baacke said his impression was 555 Merrimack Street will move forward regardless, but is in support of funding both projects. A. Baacke said the real estate market in Lowell does not always support for-profit projects and 80 Gorham Street may not be completed without funding. A. Baacke noted that government subsidies have been used for private developers in Lowell in the past. A. Baacke said the CPC should be determining public benefit.

S. Liang expressed support for funding 555 Merrimack Street based on their support the community and services they offer especially considering the funding for Acre Crossing. S. Liang said he sees both sides of the argument and expressed support for reducing total funding for 80 Gorham Street.

B. Buitenhuys stated he was supportive for leaving some money left over for next year. E. Slagle said the amount left over based on the discussion after fully funding Acre Crossing and 80 Gorham Street is \$193,000 if Clemente Park is not open space.

A. Baacke noted based on the prior conversation about funding private developers that Acre Crossing is also a for-profit development. A. Baacke stated that if the Committee is uncomfortable with funding private developers this should also be considered. A. Baacke said the Committee should be consistent. E. Slagle said he is mainly concerned with a projects viability moving forward. E. Slagle said he is willing to give less than the full ask because this project will move forward unlike the Acre Crossing or 80 Gorham Street projects. E. Slagle expressed support for giving the remaining \$220,000 to the 555 Merrimack Street.

S. Gallivan expressed concern about funding Acre Crossing beyond \$500,000. C. McCall said she is in support of funding in full this year because the developer is using the CPA funding as a local match for the Commonwealth Builder Grant which has a 1:1 match requirement. C. McCall added that this funding is necessary to complete the project.

B. Buitenhuys expressed support for the funding levels previously discussed by the Committee.



A. Baacke summarized the funding discussed.

Motions:

C. McCall motioned, and S. Gallivan seconded the motion to fund the following projects at the following funding levels with the conditions.

Improve Clemente Park: \$110,000

555 Merrimack Street: \$220,000 of total funding, with \$27,000 of coming from the Open Space Reserve with the following conditions:

- 1) The applicant shall grant the City of Lowell a 30 year affordability restriction on all proposed dwelling units; and
- 2) The applicant shall grant the City of Lowell a Conservation Restriction on the canalwalk.

Community Teamwork - A Place to Live: \$72,800 with the following condition:

- 1) The applicant shall grant the City of Lowell a 30 year affordability restriction on all proposed dwelling units.

Acre Crossing: \$763,200 with the following condition:

- 1) The applicant shall grant the City of Lowell a 15 year affordability restriction on 17 homeownership dwelling units; and
- 2) If a property is sold within 5 years of purchase the CPA funds must be repaid in full, if the property is sold in the following 10 years the CPA funds must be repaid at a prorated amount.

One+ Lowell: \$500,000 with the following conditions:

- 1) Recipients shall grant the City of Lowell a 15 year affordability restriction on properties purchased with this program; and
- 2) If a property is sold within 5 years of purchase the CPA funds must be repaid in full, if the property is sold in the following 10 years the CPA funds must be repaid at a prorated amount.

Downtown Lowell Building Restoration Loan Fund: \$500,000 with the following conditions:

- 1) The Applicant shall obtain CPC approval for each project it selects to receive funding from the program. The applicant shall submit property information and a complete budget detailing how CPA funds will be used; and
- 2) All applicants receiving funding shall grant the City of Lowell a Preservation Restriction on the property receiving funding.

80 Gorham Street: \$178, 100

- 1) The applicant shall grant the City of Lowell a Preservation Restriction on the subject property.

The motion passed unanimously, (8-0).

C. McCall motioned, and B. Buitenhuys seconded the motion to grant \$100,000 of funding from the Open Space Reserve to the Whistler House Museum of Art, Park and Courtyard project with the following condition:

- 1) The applicant shall determine the value of the Conservation Restriction and ensure that the value is greater than or equal to the funding granted.

The motion passed unanimously, (7-0).

#### **IV. Other Business**

#### **V. Notices**

#### **VI. Further Comments from Community Preservation Committee Members**

C. McCall motioned, and E. Slagle seconded the motion to cancel the January 27, 2022 CPC meeting. The motion passed unanimously, (8-0).

#### **VII. Adjournment**

C. McCall motioned, and E. Slagle seconded the motion to adjourn. The motion passed unanimously, (8-0). The time was 9:17 PM.