

CPC Meeting Minutes
Monday, March 2, 2015 7pm
Board of Selectman Hearing Room

IN ATTENDANCE: Karen Connolly, Adam Conrad, Stephen Coulter, Harvey Gates, William Limbacher, Joshua McKain, Chris Roberts, Frank Snow

Also in Attendance: John Danehey, Anthony Vegnani, Patricia Vinchesi, Kevin Cafferty, Richard Dennis, and other interested parties

The meeting was called to order at 7:00 pm

Acceptance of Agenda – The Board voted unanimously (8-0) to accept the agenda as presented

SCHEDULED HEARING AND VOTES FOR THIS MEETING:

Board of Selectmen/Gates School Rehabilitation Project for \$600,000 – Hearing and Vote: John Danehey, Anthony Vegnani, Patricia Vinchesi – Application for \$600,000 from the Board of Selectmen to be allocated each year for a minimum of five years to renovate the historic portion of the Gates Middle School, built in 1917, for public purposes.

Mr. Danehey, appearing on behalf of the Board of Selectmen (BOS), thanked the committee for the opportunity to discuss the application submitted by the Board. He explained that they are asking the Committee to set aside yearly allocations of \$600,000 over the next five years to restore the historic section of Gates School, which is the center of the building. He pointed out that, with the vote in January to relocate the middle school to the high school, the question now becomes what to do with the Gates School building.

He said that there are potentially three options: The first option is to sell the building and the 17 acres, for an estimated \$17+ million dollars. The second option is to make the building like Central School with housing for the elderly, and/or to sell a portion of the land for affordable housing. The third option, that the BOS is recommending, is to turn it into a multi-use functioning facility, beginning with the restoration of the historic part of the school for town offices. The historic restoration would be funded by the CPC allocations. He added that the project has a future recreation component with the fields, track and gym. He cautioned that, no matter what the voters decide, the Town will have to “grapple with this in the next three to four years because the school will be moving out in 2017” and the building will be turned over to the town.

Some additional comments and explanations made by Mr. Danehey include:

- The reason the BOS is submitting the application now, before the Town has decided how to use the building, is to ensure that the money is there when the Town does decide. The future of CPC funding is uncertain and, if they wait and the Town decides to move forward, the money may not be there and will cost the taxpayers. No matter what happens to the building, they would like to offset this tax burden.
- Other towns have allocated and set aside money for their historic Town Hall renovations. Although the original Town Hall was torn down, the Gates School is a historically significant public building with a lot of charm and potential that could be used for Town Hall business, the Senior Center and Recreational use. If they relocate Town Hall and, with the new public safety facility being built, these spaces could be opened to the Recreation Department, or to commercial use for more tax dollars.
- Mr. Danehey said he believes the law allows the Town to allocate and set the money aside and hold onto it so that the resources are available when the town decides what to do in three or four years.
- If the money is set aside, and then not used, this does not hurt the taxpayer because it would be returned to CPC to be used for other purposes. But, if the BOS plan does go through, they could offset \$3 million in tax burden.

- Their request to set money aside is not unusual. Mr. Danehey reminded the Committee that, in 2006, the town voted to allocate CPC money for the potential purchase of land in the West End that was thought to have well water. As it turned out the Town did not buy the land. This shows one precedent.

When asked about the timing for the plans to be put to the voters, Mr. Danehey replied that the process should take about two years and suggested that it could be March 2017.

Mr. Vegnani added that at some point, with all the overrides, the Town is going to look for ways to defer their tax payments. If the CPC is reduced in the next two or three years, then the money will not be there. This offers a way to keep CPC as strong as it is and to show that the Town is working to defer taxpayer dollars for a potential capital project. The feedback he has received is that the Town does want to renovate and preserve the Gates School and not destroy it. Although people are not in complete agreement as to what should go in there, there are still as many as 20 Town departments could go there giving them additional Town land that could be sold. They have put a committee together to look at alternative ways to save tax dollars, and setting aside the CPC money is one of the ways, along with selling town property and the green energy initiatives.

Mr. Vegnani pointed out that they are not trying to bump other projects but would like to be added to the top of a list of projects and suggested that these funds could be taken from the unrestricted reserves, rather than from the yearly 3% tax revenues. He believes the BOS is being prudent by asking for smaller amounts over a longer period of time, and wants to avoid “sticker shock” in three years.

Ms. Vinchesi reminded the Committee that the Gates Building will be considered a surplus building in 2017 and they have a window of opportunity to determine the future of the building. She said that one of the endorsements from the Historic Commission, when they reviewed the building for historic significance, was the design of the original portion (*front façade and center of building*). The preservation of the façade requires new windows, a new roof, a new stairwell, a new entrance, and a new staircase that needs to be handicapped accessible, and that alone will cost \$3 million no matter what the building becomes. She shared the 2010 letter of approval from the Historic Commission. She confirmed that the project was fully vetted two years ago.

The Committee was shown a rendering that indicated where town offices and the Senior Center could be located. Mr. Danehey acknowledged that it was not submitted as part of the application, because it was not a final draft. In retrospect, he noted that it could have served as an added visual for the Committee.

Following are some comments, concerns and recommendations from the Committee:

- Mr. McKain expressed concerns that the BOS is not coming to them with a specific plan and that he views banking or earmarking money for potential projects as problematic. He added that, although they have \$2.5 million in unrestricted funds and the money is there, he would prefer allocating it for a specific project that they have been able to review.
- Mr. Roberts said that he is less concerned about the concept of the savings than he is about the amount of the annual request. It would mean that, based on current projections, 33% of next year’s receipts could be allocated to this one project and, if another high value project comes up, the money would be tied up. He confirmed with the BOS that they would need to reapply on an annual basis.
- Mr. Conrad said that their plan to look five years out was a good idea. He clarified with Mr. Danehey that the project is “to rehabilitate the historic part of Gates School”. He noted that, from the previous study funded by the CPC, they know the building can be fixed. They know they are rehabilitating a historic building, whether it is to be a Town Hall or a Senior Center. He cited trails that have been approved by the Committee before all of the specifics of those plans were known.

- Mr. Coulter agreed that the plan to ease the overall tax burden was a good idea, but viewed the annual request as piecemeal. He suggested that the BOS ask for the \$3 million to be allocated up front and CPC could bond the money. He noted that the BOS annual allocation could be in jeopardy if CPC's yearly amount is reduced from 3% to 1% due to overrides or if a future board votes to discontinue the funding. In theory he believes this is something the CPC can do but would he would like to have more facts and project details.
- Mr. Limbacher said that, although the end result is the same, he looks at this from the opportunity of being able to use CPC funds for the historic component and not necessarily for the deferment of tax dollars. He has concerns with the specific project and would like to see more definition and what portions are going to be historic. He also voiced concerns about the impact that a yearly allocation would have on the amount they receive and that this would limit the amount of money the CPC would have for other projects. Mr. Limbacher cited the City of Needham Town Hall restoration as an example closest to the BOS request.
- Mr. Gates said he believes the Committee's reservations are due to the vagueness of the plan. He acknowledged that the BOS has not had the time to put the plan together and suggested that he would be more comfortable if they come back next year with more specifics. He is not asking for specific details, but would like to have more of a "ballpark" of the buildings usage before they set money aside. He believes the Committee is supportive, but they need to know the purpose of the building first.
- Mr. Snow said that his main concern is the Town's drinking water and that this is the Town's biggest priority and not Gates School. Town water is an issue with a lot of moving pieces. He said that having money set aside to protect and enhance the Town's current and future water needs is more crucial. He added that if you have a well you need acreage to protect that well and CPC funds need to be used for open space. He suggested looking at the Recreation money that was set aside for fields and not utilized as a resource for funds.
- Ms. Connolly said that she believes it is prudent to set aside the money on an annual basis in anticipation of a potential rehabilitation of Gates School, and it is up to the voters to decide what it will be. She would prefer to set aside money on a yearly basis, rather than the Town having to come up with the \$3 million in a few years. Her reading of the law is that they can set aside money for future spending as long as the spending is consistent with community preservation; she feels that it is. Ms. Connolly cited cases where CPC money was set aside for projects that were specific in nature, like paths and trails, and ran into trouble. Ms. Connolly suggested that the wording of the BOS application may be confusing and suggested that it be amended to Historic Rehabilitation of the Gates School.

There was additional discussion about which "bucket" the money would come out of and that reserve funds are also available. Depending on what the building is used for, it could come from historic, recreation, or affordable housing. There is also recreation money that has been allocated but not spent. The point was made that the amount spent on each area is not the same every year and that some areas have received more funding than others. Some Committee members suggested that the amount of the request on the application could be amended. It also was suggested that the BOS come back with a more detailed plan. It was generally agreed that this is a worthy project, but the majority of the Committee would like to know the use of the building before they can agree to set the money aside.

VOTE: All those in favor of funding the Gates Rehabilitation Project for \$600,000 please raise your hands.
VOTE: 3-5 (In Favor: Ms. Connolly, Mr. Conrad, Mr. Roberts; Opposed: Mr. Coulter, Mr. Gates, Mr. Limbacher, Mr. McKain, Mr. Snow)

Vinal Ave Path Application Vote: Ms. Connolly told the Committee that the Jenkins School Council has withdrawn the application. Pending official notification, the Committee voted on the project.

VOTE: All those in favor of funding the Vinal Ave Path Project please raise your hands. VOTE: 0-8
(Unanimous Vote Opposed)

North Scituate Beach Nourishment Application for \$100,000 – Discussion and Vote: Kevin Cafferty appeared before the Committee to answer additional questions related to his request for \$200,000 for the engineering and permitting phase of a project to increase the sand at Minot Beach from Bailey’s Causeway to Glades Road (*please see minutes from the January 12, 2015 hearing for details*). This will restore the beach at high tide and also add protection to the seawall. The last time this was done was in 1977.

Ms. Connolly said that the Committee has some concerns about the science of the project, and the amount of money that is being requested. The Committee would like to hear from experts on both sides of the argument over the course of the next few months.

Mr. Cafferty explained that there is grant money “lined up to do this”. Previously, he thought they were all set to receive a significant amount of money to replenish the sand, about \$2 million, in different stages. But, due to the scope of the project, the State asked them to complete the engineering and permitting first. Mr. Cafferty has secured two grants for this phase (see below) and is asking the CPC for \$100,000 in matching funds.

- \$118,000 for engineering to design the beach
- \$241,163 for permitting (Mr. Cafferty explained that permitting in a project like this has to go through several departments, including Coastal Zone Management, Game Department of Fisheries, EPA, etc.)

He added that the State is committed to investing in this project in the future but needs this work done first. Once completed, the permitting is good for 10 years.

Ms. Connolly confirmed that Mr. Cafferty is reducing his \$200,000 application request to \$100,000 in matching funds. She asked the Committee if they would like to postpone the vote until they have more information. Mr. Cafferty said that they do have the other grants and they have real costs right now related to the engineering phase. He offered that they are working with scientists to determine the best sand to use for longevity. If not approved tonight he will have to search for other funds.

VOTE: All those in favor of funding the application for the North Scituate Beach Nourishment Project for \$100,000 please raise your hands. VOTE: 8-0 (Unanimous Vote in Favor)

Driftway Land Acquisition Application for \$450,000 – Discussion and Vote: Richard Dennis appeared before the Committee to further discuss his application requesting the CPC to purchase land owned by the Housing Authority on Driftway for \$450,000 (*please see minutes from the January 12, 2015 hearing for details*). He explained his views and interpretation of the Community Preservation Act and stated that he feels that this proposal meets the criteria for open space and historical preservation, and recreational use.

When asked if the Housing Authority (HA) could sell the land, Mr. Coulter, Housing Authority Liaison, replied, “As I have said before we, as the Board, have a fiduciary responsibility to protect the assets of the Authority and we would be willing to sell it for fair market value, which at this point is really not known. We are open to that, whatever that number happens to be.”

Ms. Connolly noted that, in her view, the problem is that this property is not for sale. She added that, if the HA had put forward this application to the CPC, they certainly could have considered it, but they haven’t. She noted that, “if there is no seller, there is no buyer” and that “they (CPC) cannot buy land that the HA has not put forward for sale.”

Some Committee members noted that it was a good project if the land was for sale and it was suggested that the applicants go back to the drawing board and work something out with the HA.

Mr. Coulter said, "Before we have the (applicants) go back and spin their wheels, I think it's important for the Board to say, on a per acre basis, is the number that was thrown out as a starting point (when you look at that as a per acre figure based on what historically the CPC has paid for open space) even in the realm of possibility. Because we all know that the fair market value of that property, without even doing any analysis, is far north of that estimate. [Is it] the Board's thought that that number per acre (as a starting point) is way beyond what you might do, or maybe it is [acceptable]. If you have that thought as to where you are in regards to the number, that [will] save people a whole lot of time. The only way to know is to get the property appraised." He noted that it was not up to the HA to invest the funds to do that.

It was suggested that if the HA decides it wants to test the market and see what that property is worth they could ask the Housing Trust for the money for an appraisal. Mr. Coulter replied that "it doesn't add any affordable housing; that (appraisal) is just whether we do something there or do something elsewhere."

Mr. Snow indicated that the value of the property will be higher than the \$18,000 that they have typically paid per acre for land. He noted that there is a great deal of open space on the Driftway, with the golf course, the park and the paths. He cautioned that what they don't have is affordable housing and that this is a property slated for affordable housing. He doesn't see why this is being debated anymore.

The Committee noted that they have a responsibility to affordable housing, and whether or not they could afford this particular property, is another question for another day. Mr. Coulter added that it's not up to the CPC to come up with a value for what this property is worth.

Mr. Dennis asked the Committee if they would consider this project if it was offered to CPC by the HA, at a number that was reasonable. He added that there is no rush as the HA has had the land for 25 years. He indicated that he would like to continue the discussion with the Housing Authority. Ms. Connolly asked the Committee if the HA offers it to CPC, would they give it consideration.

VOTE: All those in favor of purchasing the Driftway land for \$450,000 please raise your hands. VOTE: 0-7
(*Mr. Coulter recused himself from the vote*)

Stockbridge Road Application: Ms. Sprague informed the Committee that she received a verbal request from Theresa Nielsen to withdraw the application. Pending official notification, the Committee voted.

VOTE: All those in favor of purchasing the land on Stockbridge Road please raise your hands. VOTE: 0-8
(Unanimous Vote Opposed)

Sailing Fleet Restoration Application for \$30,712: All those in favor of restoring the Mercury sailing fleet please raise your hands. VOTE: 8-0 (Unanimous Vote in Favor)

Town Archives Application for \$10,963: All those in favor of funding the Town Archives Project please raise your hands. VOTE: 8-0 (Unanimous Vote in Favor)

Tercentenary Markers Application for \$11,400: All those in favor of funding the Tercentenary Markers Project please raise your hands. VOTE: 8-0 (Unanimous Vote in Favor)

Library Microfiche Application Amendment: Mr. McKain recommended an amendment to the application to fund the full amount of \$7,684 (instead of 50 percent matching). **VOTE:** All those in favor of funding \$7,684 for the Library Microfiche Project please raise your hands. VOTE: 8-0 (Unanimous Vote in Favor)

Bailey-Ellis House Restoration Application for \$8,300: All those in favor of funding the Bailey-Ellis House Beam Restoration Project please raise your hands. VOTE: 8-0 (Unanimous Vote in Favor)

Teak Sherman Community Garden Application for \$6,000: All those in favor of funding the Teak Sherman Community Garden Project please raise your hands. VOTE: 8-0 (Unanimous Vote in Favor)

The Lafayette Carriage Restoration Application for \$18,000: There was a brief discussion as to whether or not this carriage has any historical significance to Scituate. **VOTE:** All those in favor of funding the Lafayette Carriage Restoration Project please raise your hands. VOTE: 7-1 (*Opposed: Ms. Connolly*)

Lighthouse Boardwalk Application for \$16,800: All those in favor of funding the Lighthouse Boardwalk Project please raise your hands. VOTE: 8-0 (Unanimous Vote in Favor)

Lighthouse Lantern Room Evaluation Application for \$14,700: All those in favor of funding the Lighthouse Lantern Room Evaluation Project please raise your hands. VOTE: 8-0 (Unanimous Vote in Favor)

Cushing Shay Restoration and Old Oaken Bucket House Improvements Application for \$69,000: All those in favor of funding the Cushing Shay Restoration & Old Oaken Bucket House Improvement Project please raise your hands. VOTE: 8-0 (Unanimous Vote in Favor)

Tilden Road Trail /Phase 2 Application for \$168,934 Discussion: The Tilden Road Trail/Phase 2 project would connect Beaver Dam and Tilden Road to Carry Litchfield and Brook Street. The Committee discussed whether this project was a sidewalk or a trail; a trail is wider. It was mentioned that Hatherly Road, Driftway and Country Way are considered part of a large loop around town and this area didn't fit that plan. It was suggested that, if Tilden Trail/Phase 1 gets completed, this project could be revisited.

VOTE: All those in favor of funding the Tilden Road Trail/Phase 2 Project please raise your hands. VOTE: 1-7 (*In Favor: Mr. McKain*)

Mr. Coulter expressed some additional concerns to the Committee regarding the Driftway land acquisition proposal and that the applicants had left the meeting with unrealistic expectations. He said that by [the applicants] going back to the drawing board and pursuing discussions with the HA they were given a "ray of hope" that the CPC would consider buying the land. He posed the question about what the Committee would pay for the land. It was agreed that, even without an appraisal, it was clear that the land would be worth more than the \$18,000 per acre that CPC has historically paid for land. He added that the HA could say that they would take \$1.5 million for it, but then CPC could not afford to buy it. He would hate to see a group spend money to get an appraisal when the problems regarding the project were far more numerous. Mr. Coulter added that the HA has a general concept about the use of the land, has had updated engineering done, and have met with the neighbors to include them in discussions and will continue to do so. Ms. Connolly offered to have an additional conversation with the applicants to reiterate the Committee's point of view.

Ms. Connolly noted that all of the applicants whose projects were approved would be asked to attend the upcoming Board of Selectmen's meeting and the Advisory Board meeting in order to address any questions or concerns.

New Business

The Committee will need to have an additional meeting to vote on the rescissions.

The meeting was adjourned at 9:18 pm

Submitted by:

Mary Sprague, Administrative Assistant