

Community Preservation Committee
September 8, 2008

PRESENT, Members: Mr. Bulman, Chair; Mr. Snow, Vice Chair; Ms. Ivas, Mr. Leavitt, Mr. McKain, Mr. Scott, Mr. Trafton, Mr. Wood

Others: Mr. Sharry and Mr. Wait, Recreation Committee; Mr. Bjorklund

7:00 p.m. The meeting was called to order.

MOTION by Mr. Leavitt, SECOND by Mr. Trafton, and UNANIMOUSLY VOTED (6-0) to accept the agenda as submitted.

I. NEW BUSINESS:

A. Next Meetings: Mr. Bulman noted that there are likely to be many applications before the coming deadline and suggested that the committee meet twice a month in November and December. Because the second Monday in October is a holiday, the October meeting will be held on the 20th. The November meetings will be on the 3rd and the 17th, and the December meetings will be on the second and 16th.

B. Preliminary Applications-

1.) Mr. Bjorklund asked if he should submit a preliminary application on his property behind the Rod and Gun Club. Mr. Bulman said that any purchase of land applies de facto for an application under the Community Preservation Act. He added that this in no way implies that the committee will vote to endorse the proposal, only that it qualifies for a hearing before the board.

2.) Recreation Committee: Mr. Sharry asked if it would be appropriate for CPC to fund a feasibility study of what is now a hole in the ground in a wetland area in front of the high school. They want to take a small corner from an open area near the kids' playground and fill in a small corner of the pond. They will also go to the Conservation Commission, DEP, and other interested entities to find out if the area can be used, and how.

Mr. Bulman asked if he was asking for money from CPC's administrative funds. Mr. Sharry said the hope is to identify the wetlands and to make a plan for the entire area. He has talked to Mr. Kalishes who said that, subject to study, it consists of an isolated wetland and they hope to have the work done by a Brook Monroe of Plymouth who does a good job. Mr. Bjorklund said a topographical study would be required to determine if it is a resource area and Mr. Sharry said that Ralph Cole would do the planning work.

Mr. Leavitt noted that there is a great need for girls' softball fields.

Mr. Bulman asked how much a field would cost, and Mr. Sharry said much would depend on the study. If possible, they would like to take advantage of an existing parking area and move the fill over. It makes sense to try to develop there. If necessary, they will replace the wetland in another area.

Mr. Leavitt advised Mr. Sharry to not skimp on the cost. If they do it at all, they should do a good job. Mr. Sharry agreed and said if he could not do it in the proposed area he would not do it.

Mr. Scott asked if they would consider various layouts, and Mr. Sharry said they would.

Mr. Scott said it would be necessary to determine the highest and best use for the site. Mr. Sharry said recreation would like to have two softball fields, one for varsity and one for junior varsity. He will supply a conceptual sketch and will come back for design and construction of the fields. Mr. Kalishes feels it is viable and could be put together by next July.

Mr. Wood asked how the area overlays other uses, and Mr. Sharry said it did not do so at all, except on the ocean side of the current field.

Mr. Bulman asked if this would be a new softball field and was told that it would. Mr. Scott determined that there is enough money in the administrative fund.

MOTION by Mr. Scott, SECOND by Mr. Leavitt to appropriate \$3,000 from the administrative fund, with the Chairman to be given a copy of the Scope of Service.

Mr. Trafton asked if this would be an appropriate use of the fund and Mr. Bulman said it would.

Mr. McCain amended the motion to add, "If the study proves that the proposal is feasible the \$3,000 will be returned to the administrative fund upon approval of the application at Town Meeting."

The motion as amended PASSED UNANIMOUSLY (8-0).

3.) Elm Street: Mr. Wood distributed copies of an Application for Eligibility that he had sent to Chairman Bulman for discussion. The Water Resource Committee was also interested in the proposal involving land off Elm Street owned by the Tilden family. Diamond Development has a contract to buy and develop the property. Mr. Wood asked who the developer should be, Mr. Bulman said that it could be either the property owner or the person interested in buying the property. The more endorsements the better.

Mr. Wood pointed out that protection of the water supply is a big item. In response to a question by Mr. Leavitt he added that ten acres of open space would be involved, of which three to four acres would be drainage. (However, the latest detailed draft subdivision plan, provided by Mr. Bjorklund, shows less than one acre for drainage and nine acres open space.)

Mr. Scott noted that Mr. Bjorklund has a fifteen lot subdivision on the site. This is extra land that shows on the Town's Open Space Plan.

Mr. Scott noted that Mr. Bjorklund has a fifteen lot subdivision on the site. Mr. Bjorklund agreed, and added that he is not required to do open space on the site. This is extra land that shows on the Town's open space plan.

Mr. Scott offered the opinion that there would appear to be several alternative to protecting the open space acreage. Most of the acreage appears to be wetlands protected under M.G.L. 131; acreage is in Town of Scituate Water Resource Protection Zone (a local zoning By-Law) and lastly Mr. Bjorklund could donate acreage to ConCom and take a write off.

Mr. Wood said that the abutters (with who he has communicated) all strongly favor the proposal. Seasonally, it can all be used as open space for hiking, etc. Mr. Bjorklund added that, unlike the land adjacent to the reservoir, this is transitional wetland, and the delineation is done according to soils, not by wetland vegetation. Drainage is into Tan Brook, a tributary to the reservoir. He has left the back of the lots so that no one can develop there.

Mr. Bulman asked how people would get access to the area and where they would park. Mr. Bjorklund said it would be possible to put a walking path along the edge of the wetland line. If CPC is interested in the area for that purpose he can design it.

Mr. Wood added that there are quiet streets on the other side of Elm Street where cars can park. Additionally, O'Brien's lot is mostly empty on weekends and it may be possible to strike a deal with him.

Mr. Leavitt questioned whether there is sufficient town-wide interest in the proposal, and Mr. Bulman said he did not think the land in question would ever be built on. He added that if the public has the right to use the site the owner could be held responsible if someone were injured. Mr. Bjorklund said the Town is insured for passive recreation, so that problem should not arise with Town ownership.

Mr. Bulman said the proposal qualifies under CPA requirements, but he does not feel it would be of interest beyond local residents.

Mr. Snow suggested that the only gain would be to abutters who cannot access the area now. Mr. Wood suggested that there could be encroachment over time. Mr. Bulman said a deed restriction could take care of that possibility.

In response to further questions, Mr. Bjorklund said the Newton property may become available. The property goes up to Steve Litchfield's farm.

Mr. McKain asked what will happen if the property stays as it is, and suggested that it could become association property unless abutters could pick up an extra piece of land.

Mr. Leavitt said he did not see the likelihood of much town-wide interest, and Mr. Bulman agreed.

Mr. Wood suggested the possibility that a developer might take down a lot of trees and was told there is a 50' non-disturbance zone. If trees are taken down it will be necessary to mitigate with the Conservation Commission.

Mr. Wood asked if there is value in owning a ten acre strip of property abutting Tan Brook. Mr. Bulman said he does not think the area will be disturbed regardless of who owns it. Mr. Scott agreed that there are severe restrictions. It cannot be done under current regulations. Mr. Leavitt said that if he were in that area he would look into the Newton and Litchfield properties. Mr. Scott added that there is a good deal of wetland and the subdivision has deed restrictions.

Mr. Wood said the Water Resource Committee will discuss the property on Thursday. He added that protection of land cannot be guaranteed unless there are iron-clad restrictions or the Town owns the property. Mr. Rosen has a copy of the proposal and Mr. Van Lenten has been asked to oversee any further development.

Mr. Scott suggested that Water Resources should give CPC a five-year capitol plan that prioritizes future acquisitions.

ADJOURNMENT- MOTION by Mr. Leavitt, SECOND by Mr. Wood, and UNANIMOUSLY VOTED to adjourn at 8:40 p.m.

Respectfully submitted,

Claire McDonough