

Community Preservation Committee

November 17, 2008

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

OTHERS: Mr. Roberts, Ms. Fenton, Mr. Corbin, Mr. Greenberg, Mr. Stewart, Mr. Sharry, Mr. Wait, Mr. Drew, Mr. Bjorklund, Ms. Vitelli, Mr. McLaughlin, Ms. Bramwell, Ms. Horsman

CALL TO ORDER – 7:05 p.m.

I Agenda-

MOTION by Mr. Leavitt, SECOND by Mr. McKain, and UNANIMOUSLY VOTED 9-0 to accept the agenda as submitted.

Mr. Bulman explained that the final, corrected minutes, had not been re-circulated by Ms. McDonough so they could not accept the minutes from October 20, 2008. Mr. Bulman further explained that Ms. Crowell will keep the tapes and the Committee may go to transcribing from the tapes in the future. Mr. Scott was questioning if the minutes from September 8, 2008 were in fact accepted. They were but the Committee asked to have some addition/clarification added to those minutes. Ms. Crowell will check with Ms. McDonough on the status of the additions.

II General Business-

Mr. Bulman asked the Committee to skip to general business due to the fact that the Committee was ahead of schedule.

1. Mr. Bulman said that he did not get any specific ideas for a thank you gift to St. Mary's Parish Center. If we haven't heard from the Parish Center by the next meeting the Committee will come up with something on their own and send it with a letter of thanks.
2. Mr. Bulman spoke about the E-Mail he sent to Committee members regarding applications and categories being prioritized. He is looking to the liaisons from the different Town Committees to inform the CPC how applications from their categories rank in terms of importance. He feels that going forward more and more applications will be competing in the same categories. i.e.; recreation, historical, etc. It would help the CPC to know how the Town Committees see the projects in terms of rank. Say for instance the CPC were to recommend to Town meeting two or more applications in the same category the CPC could recommend them in order of A,B or C on the list. Additionally if a Committee felt they had a project coming forward in the future that would be a lot of money that would rank ahead of the projects presently on the table this would be important information the CPC should know. Mr. Bulman told Mr. Trafton that in terms of housing applications he felt the board would probably send the applicants directly to the Affordable Housing Trust.
3. Mr. Bulman reminded that Committee members that the CPC is suppose to hold an annual public meeting under the Community Preservation Act to review what the Committee has done. He has spoken with Lisa Fenton, of the Advisory Board, at length about having the public meeting before Town Meeting. The idea is by holding the public meeting in February we could review prior projects, including literature on every one, discuss current applications, have a questions and answer period, and provide spread sheets of our financials and hopefully this will help to eliminate confusion at Town Meeting. In theory the residents would be familiar with

the CPC, it's past projects and current applications, thereby helping to avoid a lot of time spent on the floor at Town Meeting explaining. Mr. Bulman suggested that we hold the meeting at the GAR Hall. This would meet the CPA requirement, give people insight as to what goes on at a Town hall and hopefully make Town Meeting a quicker process. Ms. Ivas asked if they could scan the applications and have them available. Mr. Bulman suggested scanning a portion of the applications, as some are quite large with plans, etc. Then the applications could be posted on the web site. Ms. Fenton suggested that there could be a one page or less synopsis, and that would be something that the advisory board incorporate into their advisory booklet. Mr. Bulman agreed that was something that the Committee could do as each application has a member of the Committee assigned to oversee that applications process.

4. Mr. Bulman brought up the decision that came down from the courts regarding the Newton CPC case. In short it cleared up any thought that you could use CPC funds to restore an existing park. You cannot do any restoration work to an existing recreation facility. The decision did leave a little bit of a question about "if you have Town land that wasn't purchased with CPC funds could you use CPC funds to create a recreational use on it?" Mr. Bulman contacted the coalition and it was clear that is was allowable as long as there was no prior recreational use on that parcel. For instance if the land was once a ball field and you want to convert it into a basketball court you can't do it. If it was basically open space not used for activity then you can do it. Mr. Snow brought up the soccer field at Hatherly School. Mr. Bulman stated what's done is done. Mr. Scott reminded the Committee that the area was never formally a playing field, never formally constructed as such, or dedicated as such. It was an open area that the kids would use. Mr. Snow questioned where to draw the line in terms of the Conservation Commission coming before the Committee with changes to the Driftway Park. Mr. Snow wanted to know if the park is already there is the decision saying that to do additional work is OK or not. Mr. Bulman's position is that he feels that the CPC couldn't use funds to refurbish existing trails. Mr. Scott stated that the project Con.Com. was bringing forward was a continuation of a multi-phased project brought before the CPC several years ago by Mr. Clark. Mr. Bulman said it might be between whether you're creating and preserving open space versus you're doing recreation. Mr. Bulman reminded the Committee that the girls softball field that the recreation department originally wanted to put on a ball field at Cushing School couldn't be done because it was precluded for that reason.
5. Mr. Scott wanted to review the process the Committee would use in reviewing the applications. Mr. Bulman suggested reviewing the CPC goals depending on the criteria, whether it's open space, historical, etc. and asking the applicant how the project meets the goals and keep something of a score card. Mr. Scott is concerned about the amount of funding the Committee will have, specifically the state match. He'd like to take each application under advisement and develop a spread sheet and not vote on any applications until they have all been heard. Mr. Bulman agreed and mentioned that he thought the Committee had decided to vote on all the applications at the last meeting in January. There was continued discussion as to how much money the Town would receive from the State. Mr. Bulman said he would talk to Stuart, but had a hard time believing it would be zero because it CPA is still funded out of Registry Fees that are dedicated under the Act. As of right now it's not money the government can grab because it comes from a different fee base. The fees are definitely down but it's more of a question of the percentage of match the Town will get.

Mr. Trafton is having difficulty getting in touch with the contact people on one of the applications assigned to him to oversee. Mr. Bulman has had E-Mail contact from the Humarock Applicants and will forward that information onto Mr. Trafton. Mr. Trafton is very concerned with the Humarock playground application and its lack of completeness.

Mr. Wood was curious as to when the Committee notified applicants of their hearing date. Mr. Bulman told him that Ms. Crowell was handling that and suggested that the schedule be posted on the website.

Mr. Snow had questions surrounding the Affordable Housing application for the Driftway assigned to him. Given the fact that this application will probably be sent to the Housing Trust he was curious as to whether or not he should attend the Housing Authority's meeting on Tuesday. Is the CPC going to recommend that the Authority still come forward and present their application? If so would the CPC then make a recommendation to the Housing Trust? Mr. Bulman feels that the application in question should be made to the Affordable Housing Trust. The Town has created this board specifically for this sort of application. It is in line with the Trust's mission. Mr. Bulman says that the Committee has to take an application that's for affordable housing, the Committee has to hear the application if the Housing Authority wants to present it because it is a valid application. Mr. Bulman has reservations about recommending the application if the Committee isn't going to send it to Town meeting. Mr. Bulman thinks the applications should go to another entity. Mr. Snow will let the Housing Authority know where the CPC stand. Mr. Bulman reiterated that the CPC must hear the application if the Housing Authority wants the CPC to hear it but they can certainly withdraw the application if they'd like to. Mr. Bulman brought Mr. Trafton (who wasn't on the CPC last year) up to speed on the Affordable Housing Trust, its purpose, etc. Ms. Fenton asked if there had been an update from Housing Authority on their last request for money. Mr. Snow told her that the information was in their current application and a copy was give to her for the Advisory Board.

III Application Hearings – 7:30 p.m.

Whitworth Cannon Application – Mr. Leavitt spoke of his support for the project, provided the Committee members with a brief history of the cannon and introduced Mr. Corbin. Mr. Leavitt reminded the members that Mr. Corbin was the one who spearheaded the renovations of the GAR Hall. Mr. Bulman thanked Mr. Corbin for the facility. Mr. Corbin told the members that the cannon used to be out in front of the GAR Hall. The cannon was moved by the Town of Scituate in 1995 when the GAR Hall was formally closed and is presently stored in the barn at the Cudworth House. It was always the intent of those working on the restoration of the GAR Hall to restore the cannon once the hall was finished. It is the opinion of Mr. Corbin that the gun is as much a part of the building as the shingles, foundation, etc. A year ago Mr. Corbin began researching companies that could not only restore the tube but also put it on a historically correct gun carriage. There are very few companies or people in the United States that do this kind of work. Of the companies he contacted, Mr. Steen seemed the best choice. He oversees most of the field cannons in the National Parks in VA, West VA and Kentucky. He is the conservator. This gun has been actively researched for over 50 years by private citizens of the Town. There is concrete documentation that this is in fact a Whitworth Cannon. These guns were manufactured in England; it was a prototype of what was to come in the 20th century. The United States didn't buy many of these guns from Great Britain but as a token of good will the United States accepted a handful. Most of these guns were destroyed during the World Wars for their steel. This gun is not an iron tube. It is only one of five know to exist in the United States. Mr. Corbin has to prove to the company that this was in fact a 12 pounder Whitworth muzzle loader. Mr. Corbin was concerned that the cannon was filled with concrete. This is very bad but Mr. Steen assured him that this can be corrected. Mr. Corbin, through his research, says that it is very possible there is a time capsule inside the tube dating back 1915. Mr. Corbin handed out

pictures of what the carriage would look like. Due to the fact that the cannon will be outside year round Mr. Steen is recommending that the carriage be built of aluminum. This is what they use in the battle field parks down south. It looks like wood. A local landscape contractor provided an estimate for a cobblestone pad.

Mr. Snow asked if the cannon could be secured. The cannon can be secured but it is so heavy you couldn't move it without equipment.

Mr. Bulman noted that because it's not real property it's not on a state register, the CPC would need documentation from the Historical Society stating that it is a Whitworth and it is very historically significant for these reasons. Mr. Corbin says he has a letter from the foremost authority on Civil War ordinance stating that it is a Whitworth Cannon. Mr. Bulman asked for that along with a letter from the Historical Society.

Mr. Snow asked if the gun was surrendered to the Union. Mr. Corbin says that it is oral tradition in this Town that the gun was captured confederate gun.

Mr. Wood asked if the carriage was made out of wood how long it would last. Mr. Corbin says that Mr. Steen wouldn't guarantee it for more than 15 years. Then it would have to be restored again.

Mr. Wood asked what the price difference was between wood and steel. Mr. Corbin didn't recall specifically, he guesses maybe a thousand dollars.

Mr. Scott wanted to know if the price included delivery. Mr. Steen is delivering a gun out this way in the spring, so he would pick the gun up free of charge but to deliver it back would cost approximately \$1000.

Mr. Limbacher questioned how the figures on the estimate add up. Mr. Leavitt confessed that he did the addition. Mr. Leavitt said he would revise the numbers and make an addendum. Mr. Snow suggested that when they redo the numbers they add in for transportation.

Driftway Pedestrian/Bicycle Trail Phase II – 7:50 p.m.

Mr. Stewart representing the Conservation Commission said they are coming before the CPC because they are short of funds. There are a couple of reasons why. Since this project was approved last spring they have done the engineering work and have better details on the exact costs. One of the primary reasons for the shortage is because the cost of petroleum products gone up so drastically. The other reason is because of the work required to build a retaining wall in between the condominium complex and where it connects with Kent Street. There is a down grade requiring a significant retaining wall. Mr. Stewart discussed the two estimates Con. Comm. received. They are comfortable with the number they have now. Con. Comm. has also made an application to the Dept. of Conservation and Recreation trails program for \$50,000 grant. The grant isn't given out until next May. Whatever amount they are given they will be able to return back to the CPC, but because they just don't they are asking for the full amount now even though they don't think they'll end up using it. The Con. Comm. has taken \$20,000 from their fund to do the engineering work.

Mr. Bulman asked if the grant application was in and pending. Mr. Stewart said that it was and a copy was included in the CPC application packet.

Mr. Stewart says that the project meets the criteria for the grant application extremely well so they are optimistic they will get some money, again they just don't know how much.

Mr. Scott reminded the Committee that Con. Comm. had paid for the design and permitting of this and asked Mr. Stewart to update the Committee on what progress had been made on the phase of the project funded at the last Town meeting. Mr. Stewart said that in the funding of last year was the design and permitting of the foot bridge and trail rail improvements. They have done the trail improvements, cleared out all the brush, put down stone dust. The design and permitting of the foot bridge is underway. They didn't start that right away because there was a question about access and right of ways. The Con. Comm. did hire out of their funds a title attorney to research all the deeds and titles and access. There is an access on the Kline property and one at the end of Martha's Lane that the Town has rights to. However to provide public use would be to overburden the easements and that's not what they were designed to do. So the engineering firm has been guided to look at how to design the foot bridge coming down from the trail and they think that is quite reasonable.

Mr. Stewart spoke about getting two easements for the next section of the bike trail so that they can move the trail in significantly, approximately 25-30 feet in. Similar to the section of the trail now that bends away from the road towards the small field. The big easement is from the Scituate Housing Authority and it has to be approved at Town meeting.

Mr. Leavitt wanted to know if the trail went by residences. Mr. Stewart says that it does and that his Committee has met with them several times. They are working very closely with those residents.

Mr. Bulman asked for clarification on how the bike section of the new trail will look. Mr. Stewart said that there will be an enamel product put down that looks like red brick. It will be clear to all that there is a difference between the paved road and the trail. A rumble strip was looked into but neighbors were concerned about the noise that would be created when cars drove over it. There will also be signage. Mr. Bulman wanted to know if the Conservation Committee spoke to the Traffic Rules and Regulations Committee concerning the laws surrounding the bike path. For instance if someone was driving on Kent Street with their wheels on the path can they be cited.

Mr. Scott will talk to the police Chief about this issue.

Ms. Ivas voiced her concern that there was no vertical barrier between the road and the bike path. She is concerned about the safety of the users. Mr. Snow reminded her that the pedestrians would be on the opposite side of the road. Ms. Ivas feels that regardless people will be walking on the bike trail. She'd like to see a curbing or rounded brim. Mr. Stewart hadn't really thought about that but said he would look into it. Mr. Snow and Mr. Bjorklund restated that the idea was that pedestrians would be on the other side of the road. To put up a guard rail would be very expensive and cost prohibitive and this final phase would complete the path from Greenbush to Scituate Harbor. Mr. Snow suggested that in a couple of years this could be revisited and improved but it could be several hundreds of thousands more. Ms. Ivas wanted to know if the EOT had been contacted. Her concern is that this is the most high traffic area.

Mr. Wood wanted to confirm that this application was strictly for additional funding and that it did not include additional work.

Mr. Bulman suggested to Mr. Stewart that the Committee would vote on funding that would be automatically reduced by any grant money that the Con. Comm. gets

Driftway Park/North River Marshes Public Access Plan Phase III – 8:20 p.m.

Mr. Greenberg and Mr. Stewart representing the Conservation Commission. Mr. Greenberg quickly reviewed the original multi phase application brought before the CPC by Mr. Clark in 2001. Mr. Greenberg explained that the conceptual plan he had with him was a result of the first phase of the

project. The project is currently in-between proposal and construction. Construction would include new trails, enhancement of the dock, and also a new area that would result in a public amphitheater where the current picnic area is. This application is for the final surveys necessary as part of the implementation, a topographical survey, plan designs for new paths and trails, and informational kiosks and a plan design for a ramp and dock for the existing fishing pier. Mr. Greenberg stated that they had received estimates from two different groups for two elements of this. They have not gone beyond that for additional estimates.

Mr. Wood asked what the purpose of the amphitheater was. Mr. Greenberg responded that the hope was it could be used for a host of different presentations, natural history and environmental being the primary ones. Mr. Stewart explained that the area was rich in history which includes ship building that was done on the river and the sand and gravel that once occupied that space.

Mr. Bulman asked Mr. Stewart and Mr. Greenberg to explain to him why the amphitheater was not a building or structure. Mr. Stewart stated that it would be built out of granite blocks on the current slope.

Mr. Snow reminded Mr. Stewart and Mr. Greenberg that CPC money cannot be used to build a structure. Mr. Bulman stated that the current design seems to fall more into landscaping. Mr. Bulman stated that he feels the kiosks are structures.

Mr. Scott spoke about the original application submitted by Mr. Clark, the five year plan that the Conservation Commission had and how the different phases of this project meet CPC requirements. Mr. Scott stated concern for some of the original parts of the plan that may have been put aside, namely the boat ramp. Mr. Scott felt it would be helpful to the CPC and the Town to have the Conservation Commission update their five year plan, stating what the plan was, where it is at now, where they hope to go with it and what they anticipate future expenses to be. Mr. Bulman agreed stating that the more cohesive it is the better it makes it for this project. Mr. Scott said it would help to justify this project as well. Mr. Snow reminded the Committee that some of the pieces of the plan were met with resistance so that the Conservation Commission was trying to go forward with the pieces that were more favorable in general. He agreed it was a good point. Mr. Bulman stated that updating the 5 year plan was in keeping with his request earlier in the evening to have each Committee rank their projects. CPC funding may be reduced in the future so knowing what's anticipated, the CPC may save money specifically to complete certain projects.

Mr. Bulman voiced concern that if the CPC knows it can't build a kiosk then they shouldn't be paying for architectural plans to design one. He asked the Conservation Commission to break down the application in more detail and take out the things that are structures, including the roof on the pier. Mr. McKain echoed the same concerns about paying for structures, but felt that the amphitheater fell in line with landscaping. There was continued discussion about the pier and the roof. Mr. Greenberg informed the Committee members that these ideas were all the result of public recommendations. Mr. McKain isn't sure that a re-planking of the existing pier falls under the CPA guidelines. It seems to fall under the realm of maintenance, however Mr. Bulman will look into it.

Mr. Leavitt wanted to know when the work would be done. He suggested that the Conservation Commission be more specific about what they want and come in with a design build application. He went on to explain how the Historical Society was able to reduce costs on the Grist Mill project. Mr. Leavitt suggested that they get estimates for the work from local contractors. He has a real concern that this project has been going on for four or five years and it's continually conceptual with nothing concrete. As the proposal stands now the Conservation Commission will be spending almost a \$100,000 on the design. Mr. Bulman agreed with Mr. Leavitt explaining that they would rather give money to build it next fall versus funding a study and then money dries up and you end up with a study and no construction money. Perhaps the Conservation Commission should pick one

component of the project and concentrate on obtaining money for building that, for instance the amphitheater. Mr. Stewart mentioned that Northern Oak was very helpful working on the rail bed out to the marsh, providing the labor free of charge. Mr. Scott feels that you are going to have to pay for design because it would have to go to public bid. It is not legally permissible to ask private contractors to give a price.

Ms. Ivas had some questions concerning the present boat ramp and if the project before the Committee would impact the residents ability to use it and if so how. Discussion continued around this question. Mr. Snow explained the controversy surrounding the original proposal to build a new boat ramp on the river directly across the street from the entrance to Widows Walk Gold Course and why that had to be postponed. Mr. Snow, Mr. Greenberg and Mr. Stewart all agreed that the Conservation Commission would still like to see that project come to fruition in the future. As it stands now however, residents will be able to use the existing boat ramp.

Item four Records Preservation is being postponed until December 15th

Waiver Request of Deadline for Recreation application – 9:00 p.m.

Mr. Sharry, Chairman of the Recreation Commission thanked the Committee for hearing his request to grant a waiver. He spoke about the letter of explanation he wrote to the Committee and reiterated the reasons why the Recreation Commission wanted to build a girls softball field. Mr. Sharry spoke to the reasons why the application was late. He reminded the members of the Recreation Commission's original application last year to build the field on the grounds of Cushing School. After determining that it wouldn't be possible the Recreation Commission looked into the only remaining land available that being the area out in front of the Scituate High School, where there is presently a hole. The Recreation Commission asked the CPC for funds to do an environmental study of that area. The money was granted and the study started timely. The Recreation Commission realized at the time the money was approved that they were on a tight time schedule but the study took longer than they had expected and the results were not back until after the deadline for the applications had passed. The Recreation Commission felt that they were not in a position at the time of the application deadline to submit an application because they didn't know if they would be able to proceed.

Mr. Bulman felt he was speaking for the entire CPC Committee stating that the project was one that they all liked. At the same time the deadline rules were created for a reason and the Committee needs to be strict but they also want to see good projects come before the CPC. Given that the CPC approved the environmental study money out of administrative funds they were very surprised and disappointed that there was no application by the deadline. The CPC felt that the Recreation Commission could have submitted a skeleton application that could have been supplemented later, or even one that could have been withdrawn if the information came back with negative results. Mr. Sharry agreed that the Recreation Commission could have done that but they felt they just had no idea what would work.

Mr. Leavitt stated the there had been discussion on the Committee about the deadline rules and also the vision of a waiver. He thought the Recreation Commission stated their case for a waiver fine and suggested the CPC grant the waiver.

MOTION by Mr. Leavitt to authorize a waiver for the Recreation Commission on the application of the girls' softball field, SECOND by Mr. McKain.

Mr. Bulman asked if there was any discussion.

Mr. Scott wanted to know if the feasibility study was complete. Mr. Sharry stated that it was complete. Although there is not a finalized report they do have all the findings. Mr. Scott was asking for more detailed information regarding the project. And it was suggested that these questions wait for the hearing if the waiver is granted.

Mr. Wood asked when the CPC would be receiving a complete application and if it would include the environmental study that was done. Mr. Bulman said that he had told Mr. Sharry to be ready with an application and in fact the Recreation Commission had brought the application with them to the meeting. He thanked the Recreation Commission for making that effort not knowing whether or not the waiver would be granted. Mr. Snow echoed Mr. Bulman's feelings regarding the deadline, etc. however he stated that he felt the Recreation Commission had been very straight forward with the CPC regarding their timeline and proceedings.

Being no further discussion the motion was UNANIMOUSLY approved 8-0.

Mr. Sharry thanked the Committee members and mentioned that they would have drawings and plans in the very near future. He asked to recognize the people who came to the meeting in support of the project. Mr. Drew from the Youth Center, Mr. McLaughlin from the South Shore Senior Softball League, the two girls' high school softball coaches.

Mr. McKain was appointed as the liaison for this application, and the hearing was scheduled for December 15th. Mr. Bulman stated that the Recreation Commission didn't need to spend money on several copies of the plans and drawings and suggested that only one need to be done and left with Mr. Scott in the Engineering office of Town Hall.

Due to the planning board schedule of hearings the Hennessey Project application will be rescheduled to January 12, 2009.

ADJOURNMENT – 9:20 p.m.

MOTION by Mr. Leavitt, SECOND by Mr. McKain

UNANIMOUSLY VOTED to adjourn the meeting.

Respectfully submitted,

Karen S. Crowell