

## Community Preservation Committee

January 27, 2010

MEMBERS PRESENT; Mr. Bulman, Mr. Limbacher, Mr. Lane, Mr. McKain, Mr. Scott, Mr. Traffon, Mr. Wood, arrived late Mr. Leavitt and Mr. Snow

OTHERS PRESENT; Ms. Pipes, Mr. Patterson, Mr. Bartlett of Norfolk Ram Group, Mr. Mirarchi, Ms. Mirarchi, Ms. Von Iderstein Ms. Robbins, Ms. Konary of Norfolk Ram Group, Mr. Bjorklund, Mr. Wheelwright, Ms. Foster, Ms. Brown, Mr. Ball, Ms. Sharpe, Mr. Sharpe

I – Call to order 7:04 P.M.

II – Acceptance of agenda MOTION BY Mr. Bulman, SECOND by Mr. McKain and UNANIMOUSLY VOTED 7-0 to amend the agenda and hear items under Old Business first.

III – Old Business

1. Noreen Sharpe, presentation of web site design. Ms. Sharpe handed out pictures of sample web site pages for members to review. Mr. Bulman's comment was; due to the fact that acquiring affordable housing has primarily been delegated to The Affordable Housing Trust, he didn't feel affordable housing should be listed in the header of the web page. He also suggested that under the affordable housing section there could be a description of how the Affordable Housing Trust was created and give a description of the Trusts' responsibilities. Mr. Wood liked the three pictures but suggested that not there should be a picture of a recreational project. Ms. Sharpe said pictures could be added at any time. Mr. McKain noted that the dollar amount of \$3.67 million, received in state matching funds is not correct, it is a higher number. Mr. Bulman agreed that the number does increase every year and he will give Ms. Sharpe the correct number. Mr. Wood asked if it would be appropriate to discuss a contract extension. Mr. Bulman stated that the time frame in the contract was to be done by a certain date but that was only for the Town Meeting portion. MOTION by Mr. Wood, SECOND by Mr. Bulman and UNANIMOUSLY VOTED 8-0 that the contract with Sharpe Design be extended to June 30, 2010.
2. Discussion with consultants from Norfolk Ram of Grants for Open Space. Mr. Mark Bartlett and Ms. Katy Konary. Ms. Konary presented a summary of the grant programs they felt might be accessible for some of the CPC land purchases. She spoke in particular of the Land Program through the Division of Conservation Services. Typically the offer is announced in the spring, sometime in April, applications are due in mid summer and the grant awarded in the fall, usually in November. The contract, if awarded, is executed typically two weeks after the awards ceremony and any purchase of land must be done after the contract is executed. For fiscal year 2011 this particular grant program has five million dollars. Ms. Konary said there usually 20-25 applications received and approximately half of them are funded, with a maximum of \$500,000 per grant. She further explained that although a Town vote isn't required it is strongly encouraged, and the grant coordinator will review with the consultants the language for the article to be presented at Town Meeting to ensure it meets all the rules and regulations. Ms. Konary reviewed with the members some of the requirements necessary to be considered for the grant and they include; an open space plan and the Commonwealth Capital Form, an application filled out by the Town Administrator. She said

Scituate has filled one out the last 4 out of 5 years, with last year's score being an 84. The higher the Town's score the more points received, and there is a ranking on this grant program. She also said that Scituate qualified for up to 54% reimbursement under the LAND grant program. An appraisal is also required and any lands purchased would be required to have a conservation restriction placed on them. Mr. Bulman asked if the fact that the CPC had purchased several other parcels around this one help the application and the answer was yes. It was restated that this program would only apply to the Bjorklund and Wheelwright properties.

#### IV - Vote on Applications

1. Open Space/Bjorklund Property; Mr. Scott said that the Conservation Commission gave a favorable recommendation. Mr. Bjorklund said a number of the CPC members did walk the property with him. Mr. Wood and Mr. Snow, the CPC liaisons for the application, spoke in favor of the application. It's a parcel that works with the trail system already in place and at some point would give access from Route 3A into the other parcels previously purchased for conservation. Mr. Bulman stated that he was very interested in the ability to get 50% grant funds and asked Mr. Bjorklund if, the CPC voted in favor of the application, would he would be willing to wait until September (when CPC would be notified whether or not their application was accepted), and if CPC was not rejected would he be willing to wait until November to close. The idea being not to vote contingent on the grant, if the Town didn't get the grant they would still purchase the property if the Town votes favorably. Mr. Bjorklund said he would certainly be willing to talk to the Town about that, he felt going to Town Meeting first would be the number one step. Mr. Bulman is asking the question assuming that the application gets a favorable vote from the CPC and Town Meeting. Mr. Bjorklund's answer was yes. Mr. Scott asked if there was a plan or record on file and Mr. Bjorklund answered there was a compiled plan with the Barnes Estate dating back to around 1930 when the Rod and Gun Club was created. Mr. Scott's concern is without a plan of record the Town is buying parcels without knowing the precise acreage, and relying on old assessor's records. Mr. Scott stated he would like to put a condition of approval on this recommendation, that a plan suitable for filing at the Registry be done, the same with the Wheelwright parcel. Then based on that plan, the actual acreage is what the Town would be purchasing. Mr. Bjorklund then asked if the plan came back with more acreage would Town still buy and Mr. Scott answered yes, keeping in mind that the price would be no more than \$17,000 an acre. Mr. Bulman reminded the members that typically the vote would be the lesser of fair market value or \$17,000 an acre, so if the acreage did go up then the seller would get more money, as long as the appraisal was equal to or higher than that. Mr. Bjorklund said he would be willing to allow a closing survey but the issue would be the surrounding parcels didn't have surveys. The conservation pieces were taken based on the stone wall plans, so there may be a distance to be able to start a survey. So if CPC wanted the type of survey Mr. Scott is asking for, he's not sure how far he was willing to go. Mr. Scott referenced the Hennessey property but that is quite a ways away. Mr. Bjorklund said that the Lambert Property, which was transferred to Moncey, and then ultimately transferred to the Town has an accurate survey and that could be used as a basis because that is the entire western border of Mr. Bjorklund's parcel. Mr. Snow suggested that because the CPC is asking Mr. Bjorklund to put off the purchase of the property until November, maybe the CPC could look at the cost of some of the surveys as a way of being fair. Mr. Scott said he was going to suggest that for both the Bjorklund and Wheelwright properties and the cost would be paid for out of CPC administrative funds.

MOTION by Mr. Scott, SECOND by Mr. Traffton; that the CPC recommend to Town Meeting the purchase of the Bjorklund property for a cost of \$128,350, with the condition that a plan suitable for filing with the Registry of Deeds and an appraisal be done and that no more than \$17,000 per acre is paid. MOTION by Mr. Bulman, SECOND by Limbacher that an AMENDMENT is made to the motion to say the Town pay the lesser of fair market value or \$17,000 per acre and the survey will determine the acreage. Being no discussion the motion was UNANIMOUSLY VOTED 8-0.

2. Bates House; Mr. Ball from the Historical Society wanted to remind the Board of two things; first that the Historical Society is willing to contribute \$25,000 to start a rental account which the Society feels will cover the costs for the property for the next few years and second that the owner will be looking for a second article giving the Historical Society administration of the property. Mr. Bulman suggested it could be done in one article and also said that the article would be conditioned on a life estate for the current owner. Mr. Bulman, CPC liaison for the application is in favor of the project. Mr. McKain, also a liaison for the application, reminded the members that Mr. Ball's concern for a second motion is unnecessary because the provision that the Town would officially own the Bates House and the Historical Society would manage the property is built into the application.

MOTION by Mr. Scott, SECOND by Mr. Traffton; that the CPC recommend to Town Meeting the purchase of the Bates Property on Jericho Road for a maximum cost of \$350,000; with the condition that the property be placed in the care and custody of the Scituate Historical Society. MOTION by Mr. Bulman, SECOND by Mr. Limbacher that an AMENDMENT is made to the motion to state that the purchase by subject to a life estate for Yvonne Toomey and that the purchase is for the lesser of fair market value or \$350,000. Being no further discussion the motion was UNANIMOUSLY VOTED 8-0.

3. Mirarchi Family Property; A survey of the property was handed out to the members showing that there is no buildable lot. The previous appraisal, with the condition that there was one buildable lot, came in at \$255,000. Mr. Bulman noted that when the application was submitted to the CPC it had a funding request to be determined. He asked if there was an amount they would like to fill in now. Ms. Mirarchi answered not at this time. They would like to see what the CPC would offer and then take that back to the other family members. Ms. Mirarchi said that the family had not been informed of the Water Resources or the Conservation Commission's recommendations for the property. Mr. Scott reported that both were favorable, with the Water Resources Committee scoring the property a 41 out of 47 points. Mr. Bulman explained his reason for asking for a dollar figure was because the CPC was considering purchasing developable uplands for \$17,000 an acre but this isn't developable property. Normally an applicant requests a specific dollar amount and then the CPC votes. Mr. Snow asked what the assessed tax value was. Ms. Mirarchi didn't have an exact figure. Mr. Wood, the other CPC liaison for the application, reported that he and Mr. Snow had walked the property and he was in favor of the Town purchasing it at a fair price which needs to be determined. Ms. Mirarchi asked if the family had the time to meet and determine a dollar figure and come back with it to the next CPC meeting. Mr. Snow echoed Mr. Bulman's remarks that it would be desirable to purchase the property and protect it but by virtue of it being mostly wetlands it's already protected by the Conservation Commission. Mr. Bjorklund mentioned that there are certain by-laws in Town that can allow for some development; given that in the future if something is developed on the Steverman Farm, which abuts the Mirarchi parcel, some concessions can be given for tapping into the wetlands while building on abutting

pieces. Therefore there is a value for the family if the Town doesn't purchase this parcel. Mr. Scott questioned this and Mr. Bjorklund explained that the flexible open space development by-law requires 30% be open space and of the open space half of it can be wetland.

MOTION by Mr. Scott, SECOND by Mr. Snow and UNANIMOUSLY VOTED 8-0 to defer voting on this application until the CPC meeting of February 8, 2010.

4. Archival Records Restoration; Mr. Leavitt, who was not present, is the CPC liaison for this application. Ms Brown stated he had two concerns; one being the church records and the second was what direction the archivists would take if they were to come back for further CPA funding. Mr. Scott reported that Doug Smith, of the Scituate Historical Commission, recommended that the archivists re-engage the preservation consultant they had used previously to evaluate the documents of the Baptist Church to determine their value and to make sure that things were going in the right direction using the right methods. Mr. Smith's concerns were that Brown's River was restoring everything and not necessarily all documents were worthy. Additionally, he suggested the conservator do an evaluation of current preservation done to date and the next steps going forward. Ms. Foster said she would be happy to do that but she was unaware of that recommendation until now. Mr. Scott said that the Historical Commission did recommend the project. There was discussion between Mr. Bulman and Ms. Brown on how much money was left from previous appropriations and how the archivists intended to spend that remaining money. Mr. Trafton asked if Ms. Brown felt that the money still left was pretty much already spent and the answer was all but \$10,000-\$12,000.

MOTION by Mr. Scott, SECOND by Mr. Lane and that the CPC recommend to the Town Meeting the expenditure of \$25,000 for the Archives Records Preservation Project, with the provision that the Archivist report back to the CPC on the report by the conservator on their evaluation of the remaining documents.

FURTHER DISCUSSION; Mr. Bulman stated that he is in favor of the project, however, given the context of trying to stay within the historical reserve and given the remaining balance of \$47,000 he would be more inclined to defer the additional \$25,000 until next year's Town Meeting. He felt with the remaining balance the work could still go forward. At this time the CPC knows of no other historical application for fiscal 2012. As it stands currently the CPC will expend all of the fiscal 2011 historical monies on the Bates House along with an additional \$230,000 from the general fund. Mr. McKain voiced his opinion that the archivists are almost being punished for their frugality. \$25,000 isn't a whole lot of money and the original intent was of a multi-year project. Mr. Limbacher agrees with Mr. McKain. Mr. Snow's thought was if something were to happen perhaps the funds wouldn't be there next year. Mr. Bulman cantered that he would then vote the monies out of the general fund. He re-stated his position that he is not trying to punish, and that the \$40,000 voted last year hasn't been spent yet and he doesn't feel deferring the funding would impede the project. Being no further discussion, the motion was APPROVED 7-1-1 (Mr. Bulman opposed; Mr. Leavitt arrived late and abstained).

5. First Baptist Church for National Register Nomination; Mr. Limbacher was the CPC liaison for this application and he stated given the history of the building and the Baptist Society that the CPC find in favor of this application.

MOTION by Mr. Scott, SECOND BY Mr. Bulman that the CPC recommend to the Town Meeting the expenditure of up to \$5,000 to seek nomination of the First Baptist Church to be listed on the National Register of Historic Places. Being no further discussion the MOTION WAS UNANIMOUSLY VOTED 9-0.

Preservation of First Baptist Church Records; Mr. Scott said there was a recommendation received from Mr. Doug Smith of the Scituate Historical Commission not to recommend this application. As stated earlier he felt a conservator should evaluate the documents to determine which ones are appropriate for preservation.

MOTION by Mr. Scott, SECOND by Mr. Leavitt that the CPC recommend to Town Meeting the expenditure of \$8,000 for the First Baptist Church Historic Records Preservation project, with the provision that the CPC receive a report from a conservator, prior to spending \$7,000, on an evaluation of the records to be preserved. FURTHER DISCUSSION; Mr. Limbacher's concern is that once the records are preserved who is going to maintain them. Ms. Robbins stated that Ms. Foster, the Town Archivist, agreed to take them under her care. MOTION by Mr. Limbacher, SECOND by Mr. Trafton to AMEND THE MOTION; that once the records are preserved they would then be placed in the care and custody of the Town Archivist, subject to access rights of the First Baptist Church as required. Being no further discussion the MOTION AS AMENDED WAS UNANIMOUSLY VOTED 9-0.

6. Wheelwright Property - Mr. Snow and Mr. Wood were the CPC liaisons for this application. Mr. Snow reported that they had walked the property and it ties in nicely with the current trail system and the other properties already in conservation. Mr. Wood echoed Mr. Snow's thoughts adding that the Town is being offered beautiful land at a reasonable price and no one knows what the real estate market is going to look like in the future. Mr. Scott reported that the CPC had received favorable recommendations from the Conservation Commission and the Planning Board. Mr. Bulman asked Mr. Wheelwright the same question he asked Mr. Bjorklund, would he be willing to wait until November to close and Mr. Wheelwright answered yes. Mr. Leavitt voiced his reluctance to purchasing more land in the west end. He feels in the future the Town is going to be presented with land that has more use for aquifers and water value. Both Mr. Limbacher and Mr. Lane feel that the real estate market could change dramatically in the next two or three years and the opportunity is here and now. The Town may not have the opportunity to buy this type of property for such a reasonable price again.

MOTION by Mr. Scott, SECOND by Mr. Bulman that the CPC recommend to the Town Meeting the expenditure of \$814,200 for purchase of the Wheelwright Property, with the provision that an appraisal be completed and an actual field survey be done to determine the accurate acreage and that the CPC pay no more than \$17,000 an acre.

AMENDMENT by Mr. Bulman; that the Town pay the lesser of fair market value or \$17,000 an acre as determined by survey and appraisal. FURTHER DISCUSSION, Mr. Bjorklund noted that some of the Wheelwright property falls within the borders of Cohasset and asked for clarification as to whether the offer being made is for acreage in the Town of Scituate or the total property. The Board was unanimous that it was on the whole parcel. Being no further discussion the motion was APPROVED 8-1 (with Mr. Leavitt opposed).

7. Harborwalk – Mr. Scott reported that the CPC had received favorable recommendations from the Historical Society, the Waterways Committee, the Conservation Commission, the Planning Board and the Recreation Commission. Mr. Patterson stated that in addition to the five committee recommendations the Harborwalk project also meets the Town's Master Plan. Mr. Limbacher is the CPC liaison for this application and added that from a Planning Board perspective this is a tremendous project and although seems expensive, he urged its approval. He also suggested that a contingency amount be included in the funding recommendation. Mr. Patterson acknowledged that it is an expensive project but it doesn't impact any parking, which is a real concern of the businesses. Mr. Trafton, being a new member to the CPC, asked how often the Committee has spent money from the general fund. He commented that if all the recommended items were approved then \$1.4 million would be spent out of the general fund. Mr. Bulman replied that last year there were expenditures from the general fund because the transfers to the Affordable Housing Trust, but most of those monies were from Housing Reserve; only \$300,000 of the transfer was from the general fund. Mr. Bulman then stated if the grants turned into reality then there would be \$900,000 to \$1,000,000 that could be leveraged.

MOTION by Mr. Leavitt, SECOND by Mr. Limbacher that the CPC recommend to Town Meeting the expenditure of \$220,000 for Harborwalk Project and being no further discussion the motion was UNANIMOUSLY VOTED 9-0.

V - MOTION by Mr. Lane, SECOND by Mr. Bulman and UNANIMOUSLY VOTED 9-0 to adjourn the meeting at 8:50

Respectfully Submitted,

Karen S. Crowell