

Community Preservation Committee

Monday, March 12, 2012, 7:00 pm at the WPA Building, Scituate, Massachusetts

MEMBERS PRESENT: Chairman John Bulman, Mrs. Lisa Fenton, Mr. Harvey Gates, Mr. Paul Scott, Mr. Michael Collins, Mr. Bill Limbacher, Mr. Frank Snow,

OTHERS PRESENT: Carolyn Shanley, Tom Whalen, Stuart Saginor

I. CALL TO ORDER at 7:00 pm. Mrs. Fenton called the meeting to Order and resided as chairperson as Mr. Bulman was not yet present and had informed the Committee he would be arriving late.

II. ACCEPTANCE OF AGENDA

MOTION by Mr. Limbacher, SECOND by Mr. Gates, and UNANIMOUSLY VOTED 5-0 to accept the agenda as submitted. Mr. Snow and Mr. Bulman were not yet present for the vote.

III. ACCEPTANCE OF MINUTES

Acceptance of Minutes: MOTION by Mr. Bulman, SECOND by Mr. Trafton, and VOTED 5-1 to accept the minutes as submitted. Mr. Scott abstaining and Mr. Snow arriving after Motion.

IV. GENERAL BUSINESS: DISCUSSION ON APPLICATIONS

Mrs. Fenton norm the Committee that there was a 2-2 vote from the Selectmen on our Open Space Application for the Higgins MacAllister parcel. This is basically a negative vote. Mr. Danehey did not want to purchase any more open space near the gun club and apparently Mr. Harris followed suit. Mr. Vegnani and Mr. Murray voted for the acquisition and Mr. Norton was not present. The Higgins and the others, who own property near the proposed space, discussed the signage approaching the Rod and Gun Club. The local Boys Scouts have volunteered to help with the project. The Litchfield property was also questioned. Mr. Bulman and Mrs Fenton subsequently attended a meeting of the Advisory Committee regarding all of the proposed CPC projects. All of the projects were presented to the Advisory Committee. Mr. Bulman and Mrs. Fenton were asked about the attraction of the other inland properties. No vote was conducted that evening. Subsequently, the Committee received information that the Advisory Committee unanimously voted down the Higgins MacAllister property, the Sieminski property and the Bonomi property. The Advisory Committee is going to hold another meeting this week and has asked Mr. Bulman to attend and provide additional information of the Nicholas Wade Preserve (Litchfield) and the Lind property, which it had withheld its vote on pending further information. Mrs.

Fenton and Mr. Bulman will be attending the Advisory committee meeting this Thursday to provide that information and to ask that the Advisory Committee reconsider its vote on the Higgins MacAllister parcel. Mrs. Fenton stated that there was much discussion about abutting the Rod and Gun Club and the legality of hunting nearby. The hunting regulations in town state that hunting is allowed unless posted otherwise, subject to state hunting laws. Mr. Limbacher and Mr. Scott stated that there is a map stating where hunting is allowed in Scituate. The Advisory Committee vote was believed to be based on the idea that they would not support open space for trail use, bicycling, hiking, etc.... if there is hunting allowed on the premises. Hunting and trapping is allowed in the area per town by-laws. Mrs Fenton stated that the dilemma is that the Advisory Committee made this decision that will effect our cause, without any discussion with our Committee. Mrs. Fenton stated that they will discuss this further with the Advisory Board on Thursday, March 15, 2012 and ask them to consider information we will provide. Tom Whalen, CPC Committee Chairman for Marshfield, who was present at the meeting stated that in Marshfield, the conservation restriction prohibits hunting on Conservation Land purchased with CPA funds. Any land owned by the Town of Marshfield, is fair game but any Conservation Property which has been acquired with CPA funds, cannot be hunted upon. This is a policy decision within the Town's discretion. Mrs. Fenton states that it is going to be an issue at Town Meeting. All of the Open Space we purchase with CPS funds has Conservation Restrictions, and the Selectmen, Town counsel and EEA control what is in those restrictions. Mr. Scott and Mr. Trafton mentioned bow hunting. Mr. Scott stated that gun season is one week. Mr. Trafton stated that those properties should be restricted to not having walking or hiking trails and that there should be no passive recreation.

Mr. Limbacher asked about the Litchfield (Nicholas Wade Preserve) property. He asked about the vote by the Advisory Committee that said it was for a higher price than the appraisal. The Water Resource Committee rated the Litchfield property higher than any other property for water resource value. Mr. Limbacher stated that at no point would the Town be paying more than the appraised value, since the CPC vote is limited to a maximum of fair market value. There was a disparity between the application and the assessed value, which is not an appraisal. Mrs. Fenton asked that all available members come the Advisory Committee meeting on Thursday to support the projects. Mr. Limbacher asked if the Selectmen would reconsider their votes. Tom Whalen mentioned that in Marshfield they bring an Advisory Committee member to the Selectmen's meetings. Stuart Saginor stated that there are a large amount of the states communities that have this issue. In most cases, the discussion goes back to the Conservation Restriction. Fish and game money may dictate this decision in Scituate. Mr. Snow stated that prior Conservation Commission purchases were an issue with the hunting. As a commission, they have discussed the pros and cons of hunting and the uses of recreation. Mr. Snow said that over the years the

deer have overcome the areas. Bow season starts in October and then gun season starts the first week in December. Bow can hunt all season. Mr. Scott asked about the by-law. Mr. Snow said that the only place you can discharge a firearm is on the west side of 3A. Mr. Snow said that maybe we should lean toward just bow hunting in Scituate. Conservation has made up the rules and regulations for the land that it oversees. Mrs Fenton asked if that included the marshes. Mr. Snow was unsure about marshes because of Massachusetts fish and wildlife regulations.

Mr. Bulman spoke about the Advisory Committee decision, and feels that it is an issue that is not necessarily within their role to regulate. Mr. Bulman stated that if people are hunting legally, than there shouldn't be an issue. He felt that the idea that the Higgins MacAllister piece is an issue because hunting may be allowed on the property is wrong. The Selectmen and the Conservation Commission will be able to decide on the rules for the management of that property, and that should not affect the decision to protect that open space. Whether or not hunting is allowed is for the Selectmen and the Conservation Commission to decide. Mr. Bulman isn't too happy about the project being voted down on that basis. There are existing rules on the property about hunting. The fact that the Advisory Board may not understand or agree with the rule that allows hunting is not their role, and is more properly for the Selectmen and the Conservation Commission who makes the rules and manages the properties. The Selectmen and Conservation Commission can make whatever rules and restrictions they want, subject to state requirements of the conservation restrictions for CPA funded property purchases. Hunting can be prohibited if they decide to do so. Mrs. Fenton agrees with Mr. Bulman. Mr. Snow feels it is an educational issue. Signage would help. Hunting in wider areas is more common so it isn't an issue. This is more about the neighborhood that doesn't want the gun club to continue and now it is becoming an issue of hunting. Advisory starts at 7pm at the library, Thursday night, March 15, 2012. Mr. Bulman is very concerned about the MacAllister property going away as a potential seller. If the gun club ever sells or leaves Scituate, than the property would be worth more and would be worth developing, and would be beyond the reach of CPA to preserve as open space.

The Chair of the Marshfield CPC informed the members that Marshfield doesn't allow hunting on Conservation land. The Marshfield Chair stated that he doesn't have the budget for signage to post it, so he believes that hunting in fact occurs anyway, since it is not posted. There are existing rules that say where ND when it is permitted in Scituate. There are certain restrictions. Mr. Saginor stated that there are so many decisions about the land. Cutting trees, harvesting, trails. There are many decisions to be made for open space acquisition. Mr. Snow asked about the gun club in Marshfield. Tom mentioned that Duxbury doesn't allow hunting, but just recently allowed bow hunting because there is an overpopulation of deer. There was some discussion of having a representative of

fish and game brought in to discuss the Science of hunting and why it is necessary.

V. PRESENTATION BY STUART SAGINOR: COMMUNITY PRESERVATION COALITION

Asked all to participate and discuss questions as he spoke.

Mr. Sagunto is a representative of the Community Preservation Coalition, which is a coalition of member towns that have Community Preservation Committees. There is a 15-member committee that steers the Coalition program.

Community Preservation Coalition:

Provides: Technical Assistance, Website and CPA newsletter, CPA legislative advocacy, Advocacy for future CPA amendments, Regional CPA conferences and training, CPA public relations and promotion

The Community Preservation Coalition is continually updating their website. There are so many facets to it that it is worth a visit.

CPA is now a decade old. There are now 148 communities – 42% of the state of Massachusetts participates.

Achievements: Open Space – up over 15,000 acres acquired.

Historic: over 2500 appropriations.

Housing: over 5,000 units have been created or supported.

Recreation: over 700 recreational projects.

Over 1 billion dollars have been raised so far for CPA projects.

ICONIC Projects: Windrush Farms, therapeutic riding trails;

Declaration of Independence, Mendon;

Needham Town Hall;

Oxbow Lane, in Wayland – Housing.

Allard Farm, Northampton.

When using CPA funds for Land Acquisition the property must be permanently protected. Open Space or recreation land that means a Conservation Restriction must be recorded. Conservation Restrictions must be approved by EOEEA and filed at Registry of deeds. A third party must hold Conservation Restrictions on municipal land (such as a private land trust, non-profit recreational group, state agency, etc..)

CPA Challenges: - Trust fund is matching a lot less dollars than previously; and the need for flexibility in the expenditure of recreation money.

CPA Trust Fund: Funded by a fee that was added to the filing of registry of deeds. A mortgage, a deed, a lien - there is a fee for these transactions and a \$20.00 of that money goes into the trust.

VI. Adjournment: A decision was made by both Mrs. Fenton and Mr. Bulman to postpone any other further discussions until next meeting.

At 8:35 pm there was a MOTION by Mr. Scott to adjourn, SECOND by Mr. Bulman and UNANIMOUSLY VOTED 6-0 to adjourn. Mr. Limbacher left the meeting prior to adjournment due to another planning board commitment.

Respectfully Submitted,

Lisa J. Potts