

**COMMUNITY PRESERVATION COMMITTEE
TOWN OF WEST NEWBURY
MINUTES OF MEETING
December 16, 2021 at 7:30 PM**

This meeting was recorded for the purpose of preparing Minutes.

A public meeting of the West Newbury Community Preservation Committee (CPC) was held in person and remotely on December 16, 2021.

Members in attendance, Wendy Reed, Ann Bardeen (remote), Wendy Willis (remote), Judith Mizner, Patricia Reeser, Gary Bill, Bob Janes, Angus Jennings, CPC Administrator Barbara Gard.

Wendy Reed, Chair called the meeting to order at 7:30 p.m.

The first item on the Agenda was to discuss the Select Board's application for CPA Administrative Funds for the Spencer Preservation Group proposal to assess alternative uses of the Soldiers & Sailors Memorial Building.

Town Manager Jennings went over the purpose of the proposal – to have the Spencer Preservation Group analyze what it would take to transfer the property to a third party for an alternate use, including analysis of the septic system needs of that "other" use, and a review of the possible changes to the zoning law. This process would assist in preparing a proposal for the Spring Town Meeting.

Mizner had two questions:

1. Is it appropriate to use Administrative/Operating Expense Funds for the purpose of developing a proposal for historic preservation; and
2. Is it historic preservation if you're talking about selling it or leasing it for commercial, residential or any other kind of use?

Reed commented - the building itself would be preserved, regardless of how it was being used.

Mizner reiterated: Is it an appropriate use of administrative funds to develop a proposal; she checked the CP Coalition's website to see if something similar had been done in other communities and didn't see anything.

Jennings replied that it was the same thing that was done in 2019 in order to bring the current proposed use of the building. At that time the CP Coalition gave its opinion in support of this kind of use of creating a proposal. Reed agreed (having just attended a training from the CP Coalition) this kind of use of administrative funds was brought up and it was agreed that funds could be used in this way.

Gard thought the purpose of this proposal was to see how a preservation restriction would be developed to preserve the historic quality of the building, while allowing an

alternative use. Reed agreed. Reeser disagreed, that this proposal was for more than that, not just to create a preservation restriction.

Bill asked about Town Counsel's involvement in this process. Reed stated that the purpose of this proposed evaluation is to take into consideration all the various aspects of a complex process, including how to prepare an historic preservation restriction with assistance from Town Counsel. Mizner noticed that this proposal did not include the drafting of the preservation restriction. Reed's response was that it is intended to look at what will be involved in creating a preservation restriction on the building, while establishing a different use.

Bardeen noticed parts of the proposal will be to establish whether an alternate use is feasible, and then asked, "Can the proposal be broken down?" If it is deemed infeasible, can we then end the proposal? Can that be the end of funding? Jennings responded to Reed's query, can we do it that way? Jennings said the invoicing would be based on hours spent, as the hourly rates were included, so yes. Mizner asked what is currently available in the Administrative budget. Jennings reported \$3,200 had been expended so far, leaving approximately \$25,000. Mizner: What is the current health of the Administrative budget? Reed: Double the \$3,200 to \$7,500 we still have enough money in the Administrative allotment to cover the cost of this proposal.

-Janes is concerned that the Committee not go against the wishes of the Town.

Reeser asked Jennings if part of this proposal couldn't be handled in-house using existing Town staff. His response was that a number of those bulleted items are underway between him, Health Agent, Town Planner, and the Building Inspector, however someone has to tie all that information and effort together, reminding the Committee that this project has already taken hundreds of hours of staff time over the past several years.

Reed thought it would be good to have a Not-to-Exceed for each section within the proposal and that if the septic issue is a show stopper, then we should not go further. Bill explained that a tight-tank is not going to be allowable with a change of use. Jennings agreed.

Mizner pointed out that a number of the bulleted items mention consultation with KP Law. Where do those funds come from? And, if there is additional need for further consultation with KP Law, that wouldn't be part of this proposal, right? Nor would it require additional funds?

Jennings answered, correct. The town has a separate special counsel operating budget line.

Reeser and Bill both asked if you can't get past the septic issue and change of use issue, why go further.

Jennings has had communication with the Health Department, the Building Inspector and the neighbor, who by the way, would not be happy with any change of use of the building.

The Select Board asked Jennings to put the proposal to CPC, even though a lot of the questions about the septic system still have not been answered. However, if there is going to be a proposal for the Spring Town Meeting, time is of the essence. The previous detailed analysis of the zoning question has already been done by Spencer and Vogt in 2019. Again both Bill and Mizner wondered if the neighbor would not accept a leaching field on their property for a different septic system, then the project is moot.

Reed said the Select Board went forward with this proposed application; if we have someone who is willing to purchase this building, with the preservation restriction, why not try and make that work, as the only other option was to demolish the building and put in a Memorial Park.

Janes stated that “we already have a memorial park, why do we need another one?” Reed said that the folks who wrote in said they wanted any part of the remaining building be connected to a Memorial Park at that site, to be connected to that history.

Janes then said, the Town has voted 4 times to preserve this building, so why go against what the Town wanted. The original vote to spend the 1.5 million was 2:1; 63% of the votes were to save that building. Not giving the Town the opportunity to vote again. ? Something about spending some of the \$850,000 doing some of the restoration.

Reed then suggested and asked Jennings for his response. He stated we could have multiple (even competing) proposals for Town Meeting, in fact one the Select Board members had been suggesting that.

Bardeen states, to try and move this meeting along, two points:

This proposal makes sense in a narrow way in that this 3rd party could get all of this diffuse information, do the interviewing with all parties, and come to a professional opinion/conclusion. This question obviously needs to be answered, and we’re not going to answer it. So going forward, I would be in favor of this in order to get closer to a resolution-this might be a good use of CPA funds. Reed: Is that a Motion?

Bardeen: I move to approve this proposal as one that fits the criteria for expenditure of administrative funds. No seconds. Further discussion –

Mizner said the proposal and or motion should be structured so that if the owner of the adjoining property is not willing to allow the changed septic system and therefore the change in use, then that should be the end. The rest of the proposal is to look at leasing or selling, which cannot go any further if the septic change won’t work.

Jennings commented that the owner of the adjoining property is open to discussion about the change of septic system.

Reed asked Jennings if we could structure the proposal so that they look at the viability of the septic system first... Jennings said, our board of health could answer this question; and that we may not need to pay a 3rd party to get that answer. There is a question of whether the Board of Health could even approve a change from a tight-tank, even if they wanted to. Gard asked if the limitations of a tight-tank are clear. The answer was yes, the current proposed use is the only thing allowed. Mizner said residential use would surely cause a failure of the system. Janes said, with a tight-tank, you just have to have it pumped, the more you use it, the more you have to have it pumped.

Mizner: I move to amend the Motion to require that the review of the sanitary system options be removed from the proposal and the viability of the septic be resolved before any funds are expended for the other parts of the project. Janes seconded the amendment.

Further discussion came from Jennings, that if Board of Health and Building Inspection would come up with an answer we have to give them one or two scenarios to work with, i.e., current applicable zoning, or if the zoning would change to allow something like an office.

Bardeen suggested since there has been no-use on the parcel, it's a clean slate; why not propose the question to the Board of Health, what uses would be allowed on this parcel, using a tight-tank only.

Another question came up from Mizner, regarding the ownership of documents, why do the documents remain with the consultants? So we don't get them? Bardeen stated it's a normal Architectural Contract; the Town does get copies, but since they have all the liability, they retain original documents.

Vote to accept the motion as amended was unanimous.

Next on the Agenda is to go over the current draft of the CPC Plan. Reed explained the that this document is supposed to be updated annually - for CPC to get input from the public and from all of the Town Committees, which we did at the hearing, so now we are to determine what the short term priorities are.

Reed asked and it was agreed to go page-by-page with input from each member.

Bardeen thought the statement Reed just made about the purpose of this document should be at the very beginning or in the Overview, or on a separate page. It is in their on Page 3, the CPA calls for the establishment...and that it reflects the input primarily from the Boards and Committees.

The Committee then went page-by-page through the entire CPC Plan draft. Reed said she will send this updated Plan to the Committee before the next meeting in January, and we will vote for approval at that time.

Minutes of the previous meeting were then approved with one change, from the Town of West Newbury to the Town of Topsfield. All voted to approve the minutes.

Having completed the business before it, the Committee adjourned the meeting by unanimous consent at approximately 9:55 p.m. Next meeting will be January 20, 2022 at 7:30 p.m.

Respectfully submitted,

Barbara Gard, CPC Administrator

Question for the committee – do we want quoted comments from individual members in the minutes – essentially a transcript - or a summary of the major discussion and the outcome?