

**COMMUNITY PRESERVATION COMMITTEE
TOWN OF WEST NEWBURY
MINUTES OF PUBLIC HEARING AND MEETING
February 17, 2022 at 7:30 PM**

This meeting was recorded for the purpose of preparing Minutes.

A meeting of the West Newbury Community Preservation Committee (CPC) was held in person and remotely on February 17, 2022 - Wendy Reed, Chair called the meeting to order at 7:30 p.m.

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

Brad Buschur continued the presentation of the Funding Application for the Bachelor Fields/Action Cove project submitted by the Parks and Recreation Commission. Not everyone had been able to review the latest submittals as they came in about an hour before the meeting.

Reed asked for a vote on the Eligibility Application. Mizner moved to find the project eligible, Janes seconded, vote in favor, unanimous. Reed stated that no maintenance items could be included in this proposal.

An aerial photo shows that the 1910 building and associated senior housing, the snack shack, and trails created on Drakes Landing do not connect to the amenities on the Action Cove site. It also shows the large wetland that borders Drakes Landing and Action Cove on land owned by the Town. Another parcel appears to have a leach field for the senior housing. Buschur said a survey would be needed to find the limits of the leach field.

Buschur suggested that the Drakes Landing paths should be made to join the Action Cove paths and all should be made ADA compliant.

Buschur pointed out that even though there is one handicap accessible parking space on site, a chair cannot access all areas. There is no sidewalk from the senior housing to the site. The committee discussed whether wetland crossings would be needed to make the proposed path changes. Reed noted an existing, but failing, bridge at Boynton Court.

Buschur explained that the outer dashed line on the aerial plan shows the outer border of the site. The wetlands shown, taken from a DEP map need to be surveyed and delineated. The pink area shows where the "uplift" will occur, with Buschur suggesting it could contain a pickleball court, a fenced in dog park, better connections between trails, etc. Buschur said the proposal is to delineate all the wetlands, using the same person who delineated Drakes Landing. The cost of wetlands flagging, \$850, was included in the budget. Surveying the flags and putting them on the plan is a larger expense.

A 2022 aerial illustrates how this project coincides with the Open Space and Recreation Plan. It shows the "burned out" soccer fields which Buschur said resulted from drought and insufficient irrigation. Buschur stated the soils need to be nourished or replaced and new seed needs to be planted. Without an irrigation system "burn-out" will return with the next drought. Epping Well or another contractor would evaluate what would be needed to keep the fields, grass, and playing areas viable. The clay infields would also need some irrigation they become unusable if

they dry out and get too hard. There are differing opinions on the proper proportions of clay, silt and sand for the infield.

Buschur said two funding sources, in addition to CPA funding, would be targeted

- Land & Water Conservation from the State, would be the better source for funding for the upgrades. It reimburses 50% of the project cost.
- Parkland Acquisition and Renovations for Communities (PARC) is less likely as West Newbury would be competing with large cities like Boston, Pittsfield, Haverhill, Lawrence. It reimburses 56% of the project cost.

Funds would be sought after the initial planning phase currently before the CPC.

Buschur described the project deliverables.

- Existing Conditions Survey & Resource Delineations
- Community Engagement & Public Meetings
Listening Sessions with residents, boards & commissions
Two public meetings
- Concept Design - renderings
- Schematic Design – black and white drawings
- Cost Estimate
Soft Costs: Landscape Architecture, Civil Engineering, Permitting
Construction Costs

Buschur said there would be meetings after the initial concept design with leagues who use the space, the housing authority, and any other boards who would actually be involved in the project. Reed reviewed the actual proposal from Lemon Brooke which sets out the number and timing of meetings. The proposal does not include the wetland delineation although it does include the locating of the flags. That figure needs to be added.

The budget needs to be revised. It is unclear whether any existing plans in Town show delineation of the area and whether any such plans would be helpful.

The Warrant has a placeholder for this project. The proposal needs to be finalized by the end of March to be ready for Town Meeting. Buschur agreed to revise this proposal and to submit it as soon as possible. Reed said he should also include who will manage this project. Buschur offered to provide management with Town assistance. Reed asked him to identify which Town staff would be needed. Procurement is a time-intensive process and the Town's chief procurement officer, Mr. Amaral, is already extensively involved in existing projects. Reed asked Jennings if the parcel that is under the Select Board's control requires different treatment. He answered that it is up to CPC to decide about management. The current proposal is only for conceptual planning. Mizner asked that the Select Board let the CPC know if it has any concerns regarding the control of the site. Parks & Rec minutes have been provided. Buschur needs to submit the revised budget/funding request with a more complete explanation and a description of the ownership of the parcels on the site.

Reed informed the Committee that the Affordable Trust Draft Bylaw has gone out for comment, including frequently asked common questions people have about the Bylaw.

Jennings provided an update on the Soldiers & Sailors project. The warrant was closed with 3 placeholder articles. One would provide for lease or sale to a third party subject to procurement and historic preservation; one would repurpose the site as a park, taking down the building (this alternative needs further development); one would rescind the \$1.25 million borrowing authorization, since the project as previously voted on, is no longer viable. That authorization shows up as debt until the Town rescinds it.

Reed asked if each of these warrant articles require a majority vote. Jennings said the disposition of property might require a 2/3rds majority vote. Rescinding borrowing authorization would probably need a majority. Janes added that disposal of Town property needs a 2/3 majority vote.

Reed said the application forms are difficult to work with and not fillable. They all need, and are under, revision. She then asked whether letters of support rather than minutes of votes from committees or boards submitting the proposal would be sufficient. Mizner suggested a letter from the Chair of those committees/boards would suffice. If the proposal is not submitted by a committee or board letters of support should be on file. Reed said the application form currently requires letters of support.

Reed raised the need for a deadline for submission of documents to support applications. One week before the scheduled meeting was proposed. If the information is not timely submitted the project is moved to the following meeting. Reed also discussed the need for management for these projects, and the need for the application to fully explain who will manage the project, and how that management will be done.

Jennings said he and Amaral are the signatories on all contracts and, therefore would be legally and professionally liable. However, if they refuse to sign a contract, they may be viewed as being obstructionists of the project. Jennings said there doesn't seem to be a comprehensive procurement process for this town.

The Committee discussed whether instructions concerning soliciting estimates for work, should make clear that those instructions were only for obtaining an estimate, and that procurement must follow the State's C.30B rules. Estimates should be addressed to the Town. Reed suggested language such as: Estimate(s) used in your application are for budgeting purposes only. All contracts shall be subject to M.G.L. c.30B, and must be signed by the Town. Bardeen said estimates may not stand up to the bid process. Jennings and Reed added the application should contain a written articulated scope and estimates should be based on that scope, which would be provided to bidders for the project.

The Committee discussed signs for CPA projects. Past CPA projects had signs describing the origin of the projects. Bardeen suggested we use a Town sign, saying this project was funded by the Town of West Newbury through the Community Preservation Committee. Reed said they should be placed at projects where work was being done. Willis added that temporary signs should be placed on Open Space parcels were purchased by the CPC funds.

Discussion of the Open Space Committee's proposal to add an Open Space Committee member to the CPC:

Reed noted that the Select Board member and the At-large member are not required by the State. She asked for input or suggestions - have an At-large member and Open Space Committee member?

Replace Select Board member? The Select Board thought it was important to keep the At-large member.

Why not just add the Open Space member? Bardeen

Then we would have 8 and that would be a voting problem-a split vote

Could the Ex Officio break the tie? No.

We have difficulty now getting volunteers, Bardeen disliked the idea of a 9-person committee, then asked, "is 8 a bad policy?"

Reed said it is sometimes good to get someone from the community (at-large) since most of our (CPC) members are already on other committees Thoughts about maintaining the At-large member, no opinion from Mizner or Janes. Mizner said it is more beneficial to have an Open Space member. Somewhat inaudible, Bill said something about that member having undue influence on open space projects that come before the committee.

Reed asked if we should vote on it or just make a suggestion to the Select Board - that they replace the At-large person with an Open Space Committee member. No vote taken. Jennings then said why not wait until the language comes from the Select Board and then the CPC could comment or vote on it.

The Committee reviewed the CPC Plan. Minor edits were made. Bardeen proposed adding an explanation of why this Plan is required and the following language:

All proposals that meet the eligibility requirement for CPA funding shall be given full and complete consideration by the CPC. The goals and needs set forth in this plan are not in any way intended to exclude any other project considerations.

Mizner moved to approve the CPC plan as amended; Janes seconded; vote in favor was unanimous.

With minor changes the meeting minutes of 12/16/2021 and 1/20/2022 were approved.

Having completed the business before it, the Committee adjourned the meeting by unanimous consent at approximately 9:00 p.m. Next meeting will be March 24, 2022 at 6:30 p.m.

Respectfully submitted,

Barbara Gard, CPC Administrator