

**COMMUNITY PRESERVATION COMMITTEE
TOWN OF WEST NEWBURY
MINUTES OF MEETING
April 20, 2017**

A Meeting of the West Newbury Community Preservation Committee (CPC) was held on April 20, 2017, in the First Floor Hearing Room. Members Joe Anderson, Ann Bardeen, Tom Flaherty, Mary Harada, Bob Janes (arrived late) and Judy Mizner were present.

Administrator Jean Nelson was also present.

The meeting was called to order at 7:30 PM.

Bardeen said that she had received a message from Patricia Reeser of the Open Space Committee regarding the use of CPA funds for 31 Dole Place. The message was distributed and read. It was decided to hold discussion until Bob Janes arrived.

Minutes, February 27, 2017 and March 23, 2017

The Minutes of February 27, 2017, were reviewed and minor edits made.

Motion made by Anderson, seconded by Bardeen, to approve the Minutes as edited. The vote in favor was 3-0-2 (Harada and Mizner abstained.)

The Minutes of March 23, 2017, were reviewed.

Motion made by Anderson, seconded by Harada, to approve the Minutes. The vote in favor was 3-0-1 (Mizner abstained, and Flaherty had briefly left the room.)

Vouchers

Vouchers were signed. Nelson explained that the Page School HVAC has been completed and the retainage is being reduced with these payments to 2.5% from 5% until all sign-offs have been finalized.

Town Meeting Preparation

Janes arrived. The message from Reeser was discussed. Anderson read a line from the message which stated that the OSC is not sure the statute contemplates acquiring property for a wellfield. Anderson read from Section 2. of the statute, M.G.L. Chapter 44B, which lists purchasing land for existing and future well fields in the Definition of Open Space. Mizner said she felt there was a distinction being made between purchasing land for and protection of a well field.

The OSC made requests if the Article is approved, which they asked to be written into the Town Meeting motion: (Excerpt from message)

Nonetheless, we support the use of not more than \$500,000 of CPA funds to acquire the Dole Place property for the purposes of 1) preserving public access to scenic river views, 2) to create public trails along the river, 3) to have public car top boat access to the river 4) a small parking area for users of trails and boat access, and 5) to the extent purchasing land for future development of a wellfield is permitted by the CPA statute, for water protection. If the property cannot be used for items 1-3, then the Committee feels that the acquisition of this parcel is more properly a water and municipal project and not an appropriate use of CPA funds designated for open space projects.

Nelson said that she had asked Stuart Saginor for his opinion as to how to split wellfield, house lot, and Conservation Restriction (CR) land, which would be purchased by CPA funds.

Anderson said one scenario would be for a wellfield lot and a house lot, which would then be sold. That house lot piece would be purchased using free cash, and the money from the sale of the lot deposited to free cash.

Janes said the whole parcel is 8.7 acres. He said the Water Department only needs 6 acres+/- . A plan from the Water Department was reviewed, with circles around the Zone I area. There was a question as to what land could be purchased with CPA funds. Nelson read the message from Saginor. He had indicated that there should be three separate parcels, shown on a plan with funding sources being defined at Town Meeting. He also wrote there should be an appraisal performed for each separate parcel. Bardeen said she felt that the entire Zone I is the “wellfield area”. Nelson had a different interpretation. Mizner questioned what can be purchased using CPA funds, and the answer was not known.

Bardeen asked if the CR for the wellfield would work with the CR for the CPA funded land. Mizner listed some of the Open Space Committee criteria. Nelson had a Zone I CR which Mike Gootee had sent her. It is quite restrictive. It allows for hiking, fishing, maintenance of existing trails, and passive uses. She pointed out a footnote which stated that permitted uses require approval from Mass DEP. She said she did not think that parking and boat access would be allowed in Zone I. Zone II is less restrictive.

Bardeen asked why we not just keep the whole parcel? Anderson said the Board of Selectmen and the Water Department have discussed this for a long time. Janes said that splitting off and selling the lot was his idea, in order to make it more acceptable at Town Meeting.

The various circles of the Zone I were discussed. Access to the water frontage and the lot were also discussed. The OSC has previously noted that parking could be on the street, and now was asking for parking spaces. The fact that the driveway is shared, and it is not known which property owns the driveway, was noted. Bardeen thought that the existing driveway could be used for the water access, and Nelson felt that would be overburdening the easement. Consensus was that the lot should not be created from the parcel and sold if it is used as access for the

public to the river. It should be owned by the Town. There would not be enough room for a house and the other uses.

Regarding Reeser's request at the last meeting to use Undesignated Reserve instead of Open Space/Recreation Funds: Nelson said that she had checked the statute and with Andrew Gould and you can in fact leave a designated fund in place, and spend funds from the Undesignated Reserve.

Flaherty said this is highly prized land by the Water Department, and he feels that the Town needs it. He asked what takes priority: the Open Space desires versus the purchase of the water land. He said he feels the Town should purchase all of the acreage.

Nelson read from Section 12.b of the statute, which states that "...or, in the case of interests to acquire sites for future wellhead development by a water district, a water supply district..." which she feels reinforces what the statute allows. Mizner said the question is buying property to protect the wellfields or buying property to develop the wellfields. Bardeen asked if there has been an opinion from Town Counsel as to using CPA funds, and using Town funds to pay for a well project. Anderson said that Town Counsel has been involved in all of the discussions.

Discussion of who benefits from the public water supply, and why those not on public water supply should vote to approve this purchase, took place again. Janes said that town buildings, the school, and fire protection depend on the public water supply.

Anderson explained Article 6, for the purchase of the land, and Article 7, for the expenditure of the CPA funds. He said that the motions will contain the dollars and the split from Town and Water Enterprise sources. Nelson noted that Article 7 must have the split of funds from Open Space/Recreation and Undesignated funds. She asked if the CPC would act leave \$200,000 in the Open Space/Recreation line, as requested by the OSC. It was decided that this is not necessary.

Bardeen asked about grants. Janes said that historically water grants have never been given to wealthy towns. Anderson said that this has been investigated, and that he and Archie attended a seminar on grants.

The Recommendations to Town Meeting were reviewed. It was decided that the Recommendation will be the expenditure of the funds, up to \$500,000, for the purchase of land at 31 Dole Place. That **motion** was made by Mizner, seconded by Anderson. The vote in favor was 5-0-1 (Bardeen abstained.)

Motion made by Mizner, seconded by Janes, to recommend that the Town approve the expenditure of \$25,000 for the Restoration and Rehabilitation of Action Cove. The vote in favor was unanimous.

Motion made to recommend that the Town approve from 2018 Estimated Revenues the following allocations/reserves:

From FY 2018, estimated revenues for Community Housing Reserve:	\$36,218.00
From FY 2018, estimated revenues for Historic Resources Reserve:	\$36,218.00
From FY 2018, estimated revenues for Open Space & Recreation Reserve:	\$36,218.00
From FY 2018, estimated revenues for Committee Administrative Expenses:	\$18,109.00
From FY 2018, estimated revenues for Budgeted Reserve:	<u>\$235,421.41</u>
TOTAL	\$362,184.41

The motion was made by Mizner and seconded by Anderson. The vote in favor was unanimous.

The Town Meeting motions were reviewed. For the Action Cove project, Nelson noted that last year the CPC had decided to add “to be used in conformity with the application approved” to motions. The draft motion was amended.

For Article 7., there is no draft motion provided yet. Nelson will provide Mary Winglass with the funds available, and will talk to her regarding the split.

For Article 19, the proposed motion was acceptable.

Carr Post Committee

A signed request has been submitted to close out the article for Critical Stabilization of the Carr Post Account. The work has been completed.

Motion made to close out the Carr Post Critical Stabilization Account, Article 17 of Spring 2015 Special Town Meeting, based on the request of the Carr Post Committee. The vote in favor was unanimous.

Update of CP Plan

Nelson will send out a revised CP Plan which will need further input and work.

Administrative Details

Flaherty had sent Nelson a message dated April 7, 2017, requesting that additional items be covered by CPA funds. The Maintenance Plan for the Action Cove playground will not take effect until 2018-2019. The Committee read the message. These are defined as unanticipated repairs, and are being requested from Phase II funds. Mizner said that the Application should be revised to include these repairs. The list was read, and Bardeen said that this sounds like prep work to her. Flaherty read that the minimum is \$2000, and the maximum is \$4500.

Motion made by Mizner to amend the Town Meeting motion to include these unanticipated repairs, which was seconded by Bardeen. The vote in favor was 6-0.

Nelson asked if the motion includes basically everything until the \$25,000 is spent, and the response was “yes”.

Motion to adjourn, 8:55 PM.

Submitted by,

Jean Nelson

CPC Administrator

These Minutes were approved by the CPC on May 18, 2017.