

**COMMUNITY PRESERVATION COMMITTEE
TOWN OF WEST NEWBURY
MINUTES OF MEETING
March 23, 2017**

A Meeting of the West Newbury Community Preservation Committee (CPC) was held on March 23, 2017, in the First Floor Hearing Room. Members Joe Anderson, Ann Bardeen, Mary Harada, Bob Janes, and Sherry Pruyn were present. Administrator Jean Nelson was also present.

The meeting was called to order at 7:36 PM.

Summary of Articles submitted for the Town Meeting Warrants

Members reviewed the draft Articles. Nelson explained that the amendments to the CPC Bylaw have not been approved by the Attorney General yet, so the amendments to the Bylaw have not taken effect yet. The CPC has voted to approve the Applications, and under the Bylaw, must consult with the Finance Committee prior to voting recommendations (Section 2.f. of the Bylaw.) The meeting with the Finance Committee is scheduled for March 27, 2017. The CPC must therefore vote their recommendations to Town Meeting at the April 20th meeting.

The Dole Place purchase article was discussed. Patricia Reeser of the Open Space Committee attended this portion of the meeting. Anderson said that the Town can either purchase the whole parcel, or the parcel less the house lot portion. If we purchase the whole parcel, the Town will add \$300,000 from Free Cash. If not, the Water Enterprise Fund and CPA funds will be split toward the purchase price. The Town would then sell the house lot and the money would go back into the General Fund, so it would be a wash.

A purchase price has not been established yet, but there will be amounts for Town Meeting vote. Nelson asked Anderson how the Board of Selectmen are handling the land where the CR applies. She asked if there will be a plan separating the two parcels; the water parcel, and the CR portion as a separate parcel. Anderson said yes, that will be done ahead of time.

Bardeen asked if the house is habitable. There were various opinions as to whether or not it is lived in now. Janes said that part of the Zone I goes through the middle of the house, so it cannot be occupied if purchased for wellfield use. The house can stay, unoccupied, in which case Bardeen said is just a liability. She questioned selling the lot just for the land and removing or moving the house, and said that will lower the price.

Bardeen expressed concern about the meeting with the Finance Committee. She predicted a question as to the wisdom of purchasing the land at all, and did not feel she should take part in the discussion. Nelson related that the Finance Committee used to call in the Applicants and the CPC separately, and she had suggested that they all meet together to discuss CPA funding articles. The Applicants were responsible for handling all questions regarding their projects, and

the CPC was there to answer any CPA related questions. Anderson agreed that the Applicants should be present. Nelson said she will have a handout with funds available, which she can give to the Finance Committee, and the Article Request Form now indicates the vote of the CPC, which has always been asked.

Bardeen asked if there will be a town-wide discussion of the purchase. Janes said that if we purchase the land, it will be pursued as a wellfield. Bardeen said that Town Meeting may become bogged down in a discussion of need. If we purchase this land, will all of the equipment at the other well sites be abandoned? Janes said no—there will eventually be two water sites. Bardeen asked how much more that will cost. Janes said no more than it costs now and in fact, may cost us less because if this field is purchased and put on line, the existing field will take care of everything from Page School east. Anderson asked what if the well goes dry? Janes said there are other sites. Bardeen asked how you separate what belongs to Newburyport and what belongs to us? Janes said it is controlled by a valve. Newburyport has a meter on the other side of the Artichoke, from which they get the reading. That gives us the reading of what we buy from them, and the Water Department has a meter also, which gives us a double check.

Bardeen asked for all of costs of the infrastructure. Janes said there is an existing 8” main which comes down by the property. It ties into Rivercrest Drive, to Farm Lane, etc., and eventually goes to the tank on Brake Hill. Bardeen asked if there is a hydrological model which has been blessed by Tata and Howard. Janes said yes, there is. Bardeen suggested they be prepared to tell this story at Town Meeting. Janes said the main goal now is to purchase the land. If the land is sold, they will not be able to use it for water ever again. He said it is probably the best well site between Newburyport, West Newbury, and Groveland.

Bardeen asked about other land purchases, such as Andreas. Anderson said this has been discussed for the past two years with the Board of Selectmen and the Water Commissioners, and Nelson said it will probably all be discussed at Town Meeting. Janes said the Water Commissioners were charged with finding water, and they found water. It would be a huge cost to run the water from some of the other locations. It is not a huge cost from the Dole Place site, and the biggest cost may be running three phase electricity to the site.

Bardeen asked about treating, and Janes said that is up to DEP. Janes said that Groveland has a site similar to this one, and all they add is minimal chlorine. We still do not have 100% approval from DEP, and he hopes to have that before Town Meeting. Anderson added that we cannot make this purchase until DEP approval is granted.

Nelson asked Janes if they plan to have a professional at Town Meeting, such as someone from Tata and Howard. Janes said we can, and he will talk to Paul Howard and to Mike. Anderson said that Mike is well versed also.

Bardeen said that looking at the zones, there is not a lot of space for other uses. Janes said that there is room for walking, but we probably do not want to see horses there. Nelson said the language in the CRs is passive recreation.

Reeser said that Steve Greason was told by Mike Gootee that the ability to use the property for anything other than passive recreation was dependent on DEP allowing it, pursuant to an application. Janes said there are existing trails on other wellfield land, and Reeser said apparently that was by application. Janes said that he felt it was via a CR and as long as there is nothing there to contaminate the wells, he does not see it as an issue. He does not know if DEP might have one. Nelson said that passive uses are usually allowed in a CR.

Nelson referred to Mike Gootee's response to her questions, which stated a CR would have to comply with DEP regulations also. She suggested that we need to know if these two items are compatible, and not at counterpoints with each other. Janes said we would get the DEP requirements with the approval. Nelson asked if the Water Department can check with their consultants for CRs on wellfield land, and she said she will check with the CP Coalition for information also.

Reeser asked if the CR will be in addition to DEP regulations. Bardeen replied that if CPA funds are used, a CR must be imposed on the land. Nelson said there will be a separate parcel for the CR land from the wellfield land. Reeser asked to whose benefit will the CR be? Bardeen replied reading from the statute that it can be a Town organization or other organization. Reeser asked if we are free to make up our own CR? Nelson said that in her observation the state has a model, and you use that as the basis to draft a CR for a certain property. You show all tracking and revisions, an entity has to hold the CR, and when the CR is finally approved it must be signed by the Conservation Commission, the Board of Selectmen, and the Secretary of EOEEA. Reeser summarized that there are two layers of control here: The CR, and DEP Regulations.

Reeser said that she thinks from Mike Gootee that the development of the wellfield is in the \$5,000,000 to \$6,000,000 range after the purchase. She asked if there are grants available for the wellfield? Anderson said that he feels that dollar amount is very high. Janes said that he never said it would be cheap, and the Town will not foot the bill for those costs. He said money for those expenses comes from the rate payers. He said they will go out for a 30 year bond, and an additional \$2.50 per water bill would be needed. Anderson said the Water Department has spent months costing this out. Anderson said water infrastructure in the Commonwealth is woefully underfunded. It is on the local municipalities. Janes said they were hoping eventually that they might come up with Federal funds, but it looks like they are going in the other direction.

Reeser asked if the parcel they are talking about splitting has been eyeballed for the size it must be, etc. Anderson said that Leah has looked at it. Reeser said that the Open Space Committee had been asked for a letter of support for this expenditure from someone. Anderson said that he had asked for it. Reeser said the response is "maybe". Reeser said this goes beyond water protection, and is development of a new wellfield. Although the property is in the current draft of the Priority Parcel list, that is only because it was designated as a prized water site as protected waterfront. They are supportive of the proposed use if it has some other characteristics other than presence of the well. The Open Space Committee was hoping that they could have pedestrian access to get to the river, whether for walking, fishing, or swimming, and if the house

lot could be kept strictly as an open space lot, for direct access to the river. Access for cartop watercraft has been talked about for years. The opportunity to have this access for that purpose is great. Anderson said the purpose of the house lot was to lower the overall cost. Reeser said you could sell the lot with a walkway or easement to get to the river. He asked Bardeen for her opinion. She said the plan is not to scale. Nelson referred to a lot plan and aerial photos she had printed, which measure approximately 590' of frontage on Dole Place. Bardeen said the parcel could be sold with an easement with listed uses, depending on what is allowed in the zone. Reeser said access for both pedestrians and cartop vehicles with a couple of parking spaces on the road would be key. She asked if the lot could be kept by the Town, instead of selling it.

Reese continued that the vote of the CPC was to fund using all of the designated Open Space cash, which the OSC respectfully disagrees with. She said this is not an Open Space advocated project, and they have a number of interesting things coming up which would be advocated by Open Space.

Nelson said she had seen Steve Greason before this meeting, who had brought this question up. Nelson said it does not matter if the Open Space line is used up because there is the Undesignated Reserve of CPA funds, which is the biggest pot of money. She gave the example of the Historical Reserve, which has been wiped out just about every year, and funds have been voted from the Undesignated for eligible projects. Reeser said that if the Open Space Committee were to come on its own, they would recommend that at least \$200,000 be held for Open Space projects. She said this project is really a municipal and water project, and those funds should be from a truly undesignated fund. Anderson asked the split, which Nelson read was on the Article Request Form as \$286,676 from Open Space/Recreation Reserve (which was the balance after deduction of \$25,000 for Park and Rec Action Cove article) and \$513,324 from Undesignated Retained. Nelson said usually you expend what you have from any line, then go into the Undesignated. It has not mattered before to the CPC or the voters where the funding is coming from within CPA. Anderson said it does fit the Open Space criteria—to which Reeser replied “barely”—but it does fit. Nelson said it is listed in the statute under the definition of Open Space. Reeser said the OSC recommends a project if it has more than one Open Space virtue. Anderson said they will look at the house lot but do not want to diminish its value. They do not want to take Town Free Cash and not have it replaced, if that is what is presented to the voters. Reeser said we do not know if the house lot is worth \$300,000 as a standalone lot, and Anderson said they are not valuing it at \$300,000. Reeser pointed to the lots at the Estate Homes project, which has some expensive lots and trails to the river.

Janes said there is a common driveway and both #29 and #31 use it for access. Bardeen said that the driveway would need to be used. Reeser asked if there is a rush to address this at this Town Meeting. Janes said they would like to buy the property sooner rather than later. Reeser said she is wary of coming to Town Meeting with no agreed purchase price. Anderson said we have an appraisal, and it will not exceed the purchase price. Pruyn suggested using that as a not to exceed price. Eminent domain was discussed.

Nelson reminded all present that there is an article to fund the CPA reserves for 2018, and on July 1st there will be \$38,000 available in the Open Space/Recreation Reserves again.

Nelson asked if the CPC wants to make a report to Town Meeting. If so, she will update the dollar amounts. Anderson said that this is a long Warrant—he does not think a report is necessary. Bardeen suggested that we check with Mizner.

Meeting with Finance Committee, March 27, 2017, 8:30 PM

Nelson, Bardeen and Flaherty will attend the meeting.

Update on Applications for Eligibility and Funding for Carr Post Restoration, filed by Carr Post Committee, Bob Janes

Janes said the Applications for Funding from CPA funds have been withdrawn, and that the Carr Post Committee will make a report at Town Meeting. They are seeking input from residents on the use of the building. Janes was asked to formally notify the CPC that the project is now complete as to Critical Stabilization.

Update on Grant Application for Inventory of Historic Properties

Janes said that a grant has been awarded in the amount of \$12,500, and they are waiting for instructions from MHC as to next steps. The Historical Commission was congratulated for receiving the grant.

Update on amendments to CPC Bylaw

Noted above.

Report of Vouchers Signed under Municipal Modernization Bill, 57-58

Voucher Signed by Bob Janes: Ricoh, USA, Inc. \$4269.46 for Digital Imaging

Minutes, February 16, 2017

Motion made by Anderson, seconded by Janes, to approve the Minutes of February 16, 2017. The vote in favor was unanimous.

Motion to adjourn, 8:35 PM.

Submitted by,

Jean Nelson, CPC Administrator

These Minutes were approved by the CPC on April 20, 2017.