

**COMMUNITY PRESERVATION COMMITTEE  
TOWN OF WEST NEWBURY  
MINUTES OF MEETING  
November 15, 2018**

A meeting of the West Newbury Community Preservation Committee (CPC) was held on November 15, 2018, in the First Floor Hearing Room. Members Joseph Anderson, Bill Bachrach, Chair, Ray Cook, Mary Harada, Bob Janes, and Judy Mizner were present. Sherry Pruyn was absent. Angus Jennings, Town Manager and Ex Officio Member, and Administrator Jean Nelson, were also present. John Dodge, Patricia Reeser, and Marlene Switzer, Open Space Committee members, were present in the audience.

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

**Discussion of Special Town Meeting, Article 5, for funding for a Conceptual Plan at Pipestave/Dunn properties**

Bachrach said that as Parks and Rec Commissioner he had spent approximately 8 hours handing out flyers to parents at Pipestave. Some of the residents wanted to wait for the school vote. They did not understand CPA and the 3% and how it could be spent. He said the article for the Spring should mention that it is a surcharge and not a revenue. He feels that it is a 3% charge above and beyond their property tax is an important point. He said when you get into Tom Atwood's meeting with the Board of Selectmen, there have not been many projects filed with CPC.

Nelson said that the day of town meeting she had a call from a man who was new in town. He asked how much CPA funds we have for affordable housing. She had referred him to the back page of the Warrant Booklet, with the funds available table. He asked about CPA, 40B, and she had discussed and referred him to various resources. He had asked why West Newbury is not spending more money on affordable housing. She noted that was the first question at Town Meeting for Article 5 also.

**Discussion of Open Space Committee (OSC) request to amend the CPC Bylaw**

Nelson had researched bylaws from various towns to see the composition of CPC in other communities. Some did have an OSC members, but most do not. She repeated her supposition that in the beginning the OSCs were an offshoot of the Conservation Commission, and appointed by the Con Comm. That is most likely why the legislation did not include the OSC in the statute. Most towns have gone more heavily with At-Large members. She said that when the CPC had previously proposed amendments to the Bylaw, Glenn Kemper had said that it took many discussions and meetings to decide on the details and membership of the CPC bylaw.

She said that she had talked with one person who had said that a nine person committee is unwieldy. The employee in Newburyport, on the other hand, had said that nine members are no problem, but there is a volume of paperwork that must be submitted. She said that you can't have an even number, so there would need to be two new seats created.

She continued that it was her hope that an affordable housing task force or committee would be formed, and that would be a logical seat on the CPC.

She suggested that an OSC member could be created as Ex Officio until there was a meaningful second appointment.

Anderson said he feels that nine members are a lot of people, and it does need to be an uneven number. Cook said it makes sense to have an OSC member on the committee, since open space projects would be voted on. He suggested if most votes have not been close, then an even number of members would rarely be awkward. Mizner said that is not possible. A decision must be made on an application.

Nelson said that the statute includes by definition more than what an OSC represents. The OSC had questioned whether or not the wellfield proposal at Dole Place was Open Space, and Nelson said the language in the statute includes wellfield protection. Anderson agreed.

Bachrach asked what the process is to amend the bylaw. Nelson said that it must be amended by a vote at Town Meeting. She had checked with Michael McCarron, who had said there is no statute which dictates who proposed a bylaw amendment, as there is for Zoning Bylaw amendments. Mizner said that the CPC would not need to propose a bylaw, but to support a bylaw amendment. She said it could be a petition article, and asked Anderson how a bylaw is otherwise amended. He said that it could be proposed by a petition, or by the Board of Selectmen.

Cook suggested having an OSC member instead of an At-Large member. Nelson said that the current appointment for the At-Large member expires in 2019, so it could be a viable option. She said that Pruyn has been a very valuable and diligent member, and would not want to see her leave. Cook said she could be appointed to the OSC, if she wishes.

Nelson related that when Pruyn applied for the At-Large position, Nelson had asked if she would be interested in serving on an affordable housing committee, based on her background and experience, and Pruyn had said she would be. At that time, the CPC had been more interested in affordable housing.

Bachrach asked if the CPC was supposed to propose an amendment? Mizner said that this committee would make a recommendation to the Board of Selectmen. Cook said the CPC should discuss and form an opinion.

Anderson asked the OSC members what they have in mind. Reeser said they came to the CPC because if they decide to go forward with a petition, they wanted to know what the CPC thinks. They want to see CPC on board with such a change. Reeser said that the At-Large members could be appointed by any standing body, according to the CP Coalition website. So to Cook's point, she suggested an At-Large member could be appointed by the OSC.

Mizner summarized 1. An OSC member, or 2. One appointed by the OSC. Cook said that on Option 2. it would need to be clear this was a "nomination" which would have to be approved.

Anderson said again that he feels nine members are too many. Bachrach said that the fact that P&R are on this Committee, and OSC is not, should be addressed, because they are closely connected by the statute. Anderson asked the OSC to discuss this at their next meeting, and Bachrach asked them to return to the next CPC meeting.

Switzer said that the OSRP Plan shows that the OSC is clearly aligned with the Planning Board, Con Comm, etc. There is strong emphasis on making things more accessible for older populations, and providing more trails.

**Discuss Request by Tom Atwood, Assessor, to the Board of Selectmen to discuss discontinuing the Town's CPA tax at the Selectmen's Meeting of November 13, 2018**

Bachrach said it is not discontinuing, it is reducing from 3% to ½%. Bachrach and Janes were at the Board of Selectmen's meeting where this was discussed. Anderson said that there have been two such votes, which were very close. He feels that this Spring the Town Meeting will be well attended because of the Pentucket vote. There will be a lot of parents there. He said thinks that if the Board of Selectmen do not propose an article, that Tom Atwood will.

Bachrach handed out copies of Tom Atwood's presentation. Bachrach summarized that in 2010, a proposal to reduce the surcharge lost by one vote. Bachrach pointed out that \$1.6 million expended from CPA funds was for Page School, then Historical pieces. He pointed out the shoe shop, digital records, etc. He asked if the money is being spent wisely. He said we do not have a plan. We all work in silos. They when the school comes up, CPA is used as a piggy bank. He asked if there is a better way to promote these projects.

Mizner said the town votes on every expenditure, so it is not hit or miss. Perhaps we need more outreach, but it is not the job of the committee to write proposals. Bachrach said we don't have a bigger picture of how to use that money. He said he had asked Nelson about Georgetown. They have at least 8 articles per Town Meeting for CPA funds. Cook said he thinks it would be good to have a plan, but he does not think that is a good reason to go from 3% to ½%. He disagreed with other statements from Atwood's paper.

Bachrach said that individual groups all have plans, but there is not a plan to pull all of those plans together. Cook suggested that a plan could designate how much money each group gets. Mizner disagreed. She felt the CPC job is to review proposals that come in. Cook said that they would be encouraged that the money be spent in these areas. Bachrach said the committees need to get together to discuss projects that they can all get together on. He said that in 2005, OSC approved the Mullen property being used for affordable housing, then all of a sudden there was a switch in focus.

John Dodge asked on what grounds would the CPC reject a project? Mizner said it depends on planning that has gone into it, whether it is a well-designed project, and if it meets the interests of the Town. Dodge asked how many projects the CPC has rejected. Mizner said not too many, but people have gone back to revise, get more information. Nelson said that last year, based on a request from Marlene Switzer, she had gone through the files to see what projects had not gone forward. She has prepared a table. In the beginning, the CPC asked for details, and the

Applicants had not returned. Because so many applications have been filed without any backup, the CPC wrote a Time and Cost Estimates requirement, which established the details required for submittals. She gave the example of the filing for Phase II of the Carr Post. Mizner said there are also statutory requirements.

Reeser addressed the affordable housing at the Mullen property. She was on that committee. It was a valiant effort, and people were exhausted by it. She said clearly the OSC will do its best to oppose a proposal for reduction of the surcharge. Reeser said that in the OSRP there are many eligible projects, including making trails more accessible.

Jennings noted that the formation of an Affordable Housing Trust is one of the first recommendations of the Housing Production Plan. Bachrach asked if thought has been given to converting the Carr Post to housing. Jennings noted that a lot of the CPA projects seem to have taken the burden from the taxpayer, and asked if that is noteworthy or not. Mizner said you are reducing the amount of money that people have had to spend.

### **Review of draft sections of the Community Preservation Plan:**

- **Community Housing**
- **Historic Preservation**
- **Recreation**

### **COMMUNITY HOUSING SECTION**

Jennings had comments on the draft, which he reviewed. The merits, requirements, and implications of a Housing Production Plan were discussed. Cook noted that there is a list of Action Items at the back of the Plan, which the Town should attempt to implement. Jennings suggested that with a Housing Trust we could purchase existing units at a low cost, put in a deed restriction, and resell them as affordable. But we would need, staffing, expertise, legal support, etc.

Other corrections were noted.

### **HISTORIC PRESERVATION SECTION**

Janes listed projects which he would like to propose to preserve documents. He said that the Historical Commission has applied for another grant to continue the Historical Sites Survey. Nelson asked him to discuss the list with the Historical Commission, and send a revised draft with those goals he listed included.

Cook suggested that the CP Plan draft could include the fact that parking has now been provided in connection with an OSRP Special Permit granted by the Planning Board at the Carr Post. Potential uses of the Carr Post were discussed, including additional meeting space and display of historical documents relative to veterans. Housing does not seem to be an option.

### **RECREATION SECTION**

Parks and Recreation Commissioners have worked with Nelson to draft a final section for the CP Plan, which has been circulated. Mizner questioned the usage figures in the table, and suggested an explanatory footnote. Bachrach said that lacrosse is two seasons, and we now have flag football, which has caused a shift in the numbers.

Other edits were discussed, and will be addressed.

Nelson summarized that we have Housing, Recreation, and Historical section of the CP Plan well underway in the works. That leaves the Open Space section to be drafted. She is constantly updating the beginning sections. Jennings said there is a draft available of the OSRP and she can request it to review.

### **Discuss getting the word out regarding the Community Preservation Act**

Has been previously discussed.

### **Discussion of next meeting scheduled for December 20, 2018**

Members said that they are available for a December 20<sup>th</sup>. Anderson said that articles were due last year the first week in February.

### **Minutes October 18, 2018**

Edits were made.

**Motion** made by Bachrach, seconded by Mizner, to approve the Minutes as edited. The vote in favor was unanimous.

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

North of Boston Media \$276.76

### **Discussion of potential Open Space, Recreation, Historic Preservation, and Community Housing projects for future discussions**

Jennings said that he has talked with Janes and suggested linking the Historic Survey Forms to the Town's Parcels database. He has asked MVPC for a proposal to perform this work which has come in today for a fee of \$2500. If the Historical Commission recommends the proposal and approves it, it could be submitted to the CPC for funding. Cook said this is wicked cool.

Motion to adjourn, 9:10 PM

Submitted by,

Jean Nelson  
CPC Administrator

These Minutes were approved by the CPC on December 20, 2018.

Community Preservation Committee, Town of West Newbury, Minutes of Meeting, November 15, 2018