

TOWN OF SCITUATE
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Advisory Committee Meeting Minutes
Thursday, October 7, 2021
Zoom Video/Audio Conference – 7:00 pm

Pursuant to Chapter 20 of the Acts of 2021, Scituate Advisory Committee Members held the October 7, 2021 meeting via Zoom Video and/or Audio (Dial-in for those with only phone access). All participants participated remotely.

Committee Members Present: Jamie Gilmore; Chair, Missy Seidel, Elise Russo, Lynda Ferguson, Patrice Metro, Lincoln Heineman, Dan McGuiggin, Michael Westort and Jerry Kelly

Committee Members Not in Attendance: None

Also in Attendance: Nancy Holt, Finance Director/Town Accountant; Dan Fennelly, Community Preservation Committee Chair; Karen Canfield, Select Board Member; Keith Saunders, Petitioner

Mr. Gilmore called the meeting to order at 7:00 p.m. Ms. Seidel made a motion to accept the agenda which was seconded by Mr. Westort and voted unanimously in favor (8-0) by roll call vote; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes, Ms. Metro-yes, Mr. Westort-yes and Mr. Kelly-yes.

Mr. Kelly called for a motion to accept the minutes of the September 23, 2021 meeting seconded by Ms. Russo. The minutes were voted in favor (6-0-2) by roll call vote for September 23, 2021; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Mr. McGuiggin-abstain, Ms. Ferguson-yes, Ms. Metro-yes, Mr. Westort-abstain and Mr. Kelly-yes.

Discuss/Vote Special Town Meeting Articles

Article #6 - Community Preservation Act Projects.

Mr. Gilmore invited Community Preservation Committee chair, Mr. Fennelly to present the updates from the recent Community Preservation Committee meeting. Mr. Fennelly stated that the CPC approved \$2,015,000 for the Border Street property and the private fundraising group would contribute \$350,000 and to obtain an easement for a connection to the Hubbell property. Mr. Gilmore asked if the trail would be a future request and Mr. Fennelly agreed. Ms. Ferguson asked if the private group was no longer willing to provide parking. Mr. Fennelly said the

fundraising group said they would do that but he did not have it in writing. Mr. Gilmore noted that at the last meeting the Advisory Committee had voted in favor of the article as it was written. Mr. Gilmore invited Mr. John Danehey to present on behalf of the buyer. Ms. Russo asked if this was different from the letter that was received. Mr. Gilmore stated it was relevant to the letter.

Mr. Danehey identified himself as the attorney for Jerry Rankin who is the individual proposing to buy the property at 0 Border Street for \$2.35M. Mr. Danehey noted this parcel was a piece of a much larger parcel of property and other portions had already been sold. He noted that this parcel is under Chapter 61A for agricultural purposes and therefore has a lower tax liability but it also allows. Mr. Rankin is willing to donate back 8 acres to the Town and put a conservation restriction on it. Mr. Danehey displayed the map below.





He further stated that his client was willing to donate \$50,000 for a field if he was successful in building six homes. He provided an estimate of \$120,000 in tax revenue of \$20,000 for each of the six homes. He further commented that there would be a roll back tax collected. Mr. Danehey commented that there was some uncertainty if the private fundraising group would have sufficient funds to build the parking lot. Mr. Danehey said he would put these terms into an agreement with Town Counsel prior to town meeting. Mr. Danehey commented that what people wanted to preserve was the field which was only about five acres and not necessarily the woodland. He further noted that the appraisal was approximately \$1.6M which is less than the purchase price of \$2.35M. Mr. Danehey informed the members that the Select Board voted 4-1 against purchasing the property and that Conservation Commission had also not been in favor of the purchase.

Mr. Gilmore invited the dissenting Select Board member, Karen Canfield to explain why she voted in favor of the purchase. Ms. Canfield noted that two years ago Mrs. Bleakie passed away and that it became apparent that her heirs would dispose of the property and representatives from the Town reached out to the executor. After that discussion, representatives from the Town reached out to the Gulf Association and the Trustees of Reservations to help preserve the property. She noted that the three lots on the west side of the property were all sold and the properties were remaining in Chapter 61A. The remaining property is the 18 acres on the east side. Ms. Canfield asked if Conservation Commission actually voted on the purchase or not. Ms. Canfield noted that Border Street is a scenic agricultural drive and is beloved by many people. She noted that there is only one shot to protect that vista and the Town's heritage as that is the purpose of CPA is to preserve open space.

Mr. Gilmore recognized Scituate resident Conor Doherty of the Gulf Association. He identified himself as a volunteer with the Association and noted that he is working with the fund raising and he stated they will have the \$350,000 in escrow in time and they are working on the parking

lot funding as well. Mr. Doherty noted that an easement to the Hubbell property will only provide an easement if no houses are built. He noted that this would create an almost 60 acre recreational area. He noted that 90% of the donors are Scituate residents and others that are not but have ties to Scituate or feel otherwise connected to the community. He noted that the septic load and the cost of the school children for six four bedroom house offset the tax revenue.

Mr. Danehey stated there was more than one access to Hubbell property. Mr. Doherty stated that the other abutter was willing to sell an easement. Mr. Gilmore recognized Mark Toomey. Mr. Toomey of Riverview Rd identified himself as a recent Scituate resident and a prior 25 year resident of Cohasset and that this was a one time opportunity to preserve this property.

Ms. Deb Linehan of 39 Oakhurst Road noted that she spoke at the CPC meeting that the fields are a unique and iconic view in the town. She noted that the Route 3A development occurring now was such an eyesore and that this development would likely be close to the street and quite visible. She asked people to consider what the field looks like now and what it would look like if developed.

Patti Caswell of 23 Alden Ave noted that she is familiar with that area and loves it. She noted that wildlife was being displaced from the development occurring in the town.

Mr. Jack Whittaker of 594 Country Way commented that we only have one shot to save the property and if we don't buy it the opportunity will be lost forever. He noted the tax revenue is not important it is rather if we want to preserve the open space. He stated that Scituate is becoming less desirable because of the loss of open space. He further stated that the continued growth would be a strain on the budget. He urged the Advisory Committee to purchase the property.

Mr. Westort asked about the properties across the street and if there is going to be a conservation restriction on them. Mr. Danehey said no but it is currently under Chapter 61A. Mr. Westort asked if someone put an offer in on one of those properties would the Town has the right to buy it. Mr. Danehey said yes if someone offers to buy it and take it out of chapter land or if the owner decides to convert the use. Ms. Ferguson stated that the property is beautiful but the role of the Advisory Committee is to look at other issues. She said she felt this was an insanely high amount of money and that the purchase would deplete the CPA funds. She commented that there was still trails and connections to be built on existing properties and there was not funding for that to be done. She further noted that there hadn't been a recent expenditure on affordable housing and that is why there was that 40B by Kennedy's (Route 3A) because the town had not met its minimum.

Mr. Fennelly responded that CPC did not have the opportunity to buy the other properties mentioned. He clarified that CPC evaluates properties brought before them for purchase and does not go out and look for property to purchase. He noted that there would be funds remaining in other funds if the purchase were to move forward. Mr. Westort asked of there was still debt and Mr. Fennelly confirmed and Ms. Holt supplied the outstanding balance remaining of \$1.9M.

Ms. Ferguson asked about the further development of property that is acquired. She asked if it

required an additional application by an entity and it was not automatic. Mr. Fennelly stated that it was usually a town committee that would bring another application forward. Mr. Gilmore clarified that the \$2M would provide 18 acres and a free easement to another parcel of 40 acres. Ms. Ferguson responded that then the CPC would not have the funds to develop the use of the property. Mr. Gilmore asked Mr. Fennelly how long it would take to settle the purchase and Mr. Fennelly said it was not possible to answer as it varies each time depending on the number of persons involved. He also noted that this purchase might set a precedent for future purchases but it was also an opportunity to save a piece of property and let town meeting decide the issue.

Mr. Heineman joined the meeting.

Mr. Westort asked if the other abutter would sell an easement if the Town did not purchase it. Mr. Danehey said they had not reached out to her as they had not yet purchased the property. Mr. Westort asked if the other abutter was landlocked and Mr. Danehey said no. Mr. Westort asked if the value of the property and perhaps that could be purchased. Ms. Russo noted that this parcel was not even available. Mr. Kelly asked whether the Committee would re-vote it. Ms. Ferguson noted the dollar value was more than what was voted at the last meeting. Mr. Gilmore asked Ms. Holt who responded that if they did not re-vote they should clarify their comment for being taken at the different dollar value.

Mr. Westort made a motion to recommend the seconded by Ms. Ferguson. Mr. Kelly clarified that the vote was for \$2,015,000 by roll call vote (6-3). Ms. Ferguson-no, Mr. Westort, Mr. Heineman-no.

Mr. Westort made a motion to recommend Article 6, Item 6 for the land acquisition on Border Street in the amount of \$2,015,000 which was seconded by Ms. Ferguson; voted in favor (6-2) by roll call vote; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Ms. Ferguson-no, Ms. Metro-yes, Mr. Heineman-no, Mr. Westort-no, Mr. McGuiggin-yes and Mr. Kelly-yes.

Mr. Gilmore asked Mr. Fennelly for an update on the 90 foot baseball field application. Mr. Fennelly noted the CPC asked the applicant to withdraw their application and submit a new application as there had been questions raised about public hearings, placement and design. The CPC felt it was more prudent to have a feasibility study to discuss these items. A new application was accepted for \$75,000 for the study, design, pricing and public hearings. Mr. Gilmore noted it would be advisable to reconsider their prior vote for the current application. Mr. Fennelly concurred as this application was completely different from the prior one that was presented.

Mr. Heineman commented that \$75,000 seemed excessive for a design and Mr. Fennelly responded that it did seem high but they had asked Mark Novak for a conservative estimate on the cost. He noted that Mr. Novak had designed the athletic fields and Mr. Fennelly felt it was a reasonable estimate. Mr. Westort asked if the study would include lights and Mr. Fennelly stated that it was not being considered.

Ms. Metro made a motion to approve Seconded by Elise Russo 9-0 in favor.

Ms. Metro made a motion to approve Article 6, Item 6 for the new application for the design

baseball field in the amount of \$75,000 which was seconded by Ms. Russo; voted in favor (9-0) by roll call vote; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Ms. Ferguson-yes, Ms. Metro-yes, Mr. McGuiggin-yes, Mr. Westort-yes, Mr. Heineman-yes and Mr. Kelly-yes.

Article #10 – Petition to the Legislature for special legislation for up to 3 marijuana establishments.

Mr. Gilmore welcomed Mr. Saunders to provide an update on both articles 10 and 11 including his plans not to move forward with article 11. Mr. Saunders stated that he sent a proposed amendment to the Town Moderator which was rejected. He commented that he had worked with two attorneys on another amendment which had been submitted to the Town Moderator and he was still waiting on a response. Mr. Saunders said that his further actions would depend on the Moderator's response. Mr. Gilmore said that the Advisory Committee could consider any developments at their meeting on the night of town meeting.

Mr. Kelly asked about Article 4 and the funding source information. Ms. Holt noted that she had sent out the funding sources for that article to the members now that the Select Board had confirmed them. Mr. Gilmore requested Ms. Holt to correct the booklet to include that information.

Mrs. Metro asked for clarification on the comments to be prepared for Article 10 and 11. Mr. Gilmore commented that there was not any confirmed new information. Ms. Metro disagreed and noted that Mr. Saunders did provide new information in that he had submitted an amendment to the Moderator and it was rejected but a second one had been submitted. Ms. Metro asked about Article 11 and Ms. Holt noted several different possible motions including indefinitely postponing and referring to the Planning Board for study. Mr. Gilmore summed up the actions taken to date and the options open to the petitioner and that the Committee would be available to hear any new information at their October 26th meeting.

Ms. Ferguson asked for clarification as to why Article 10 had been written in the manner that it was and what would happen if it was voted in its original format. She noted that the petitioner stated that these always pass at the Legislature. Mr. Heineman commented that some local initiatives do fail at the Legislature. Mr. Heineman said that it was not reasonable for the Legislature to act on it prior to annual town meeting. Ms. Metro asked for the Select Board's votes on the articles. Ms. Holt reported the Select Board had voted 3-2 against Article 10 and no action on Article 11 as the petitioner indicated he was not going to move forward with the article.

Mr. Gilmore and Ms. Holt reviewed the agenda as currently posted for the October 26, 2021 meeting to commence at 6:30 PM. Mr. Gilmore moved onto a review of the Consent Agenda. Ms. Holt noted it included Article 1 – Unpaid Bills, Article 2 – Budget Reconciliations, Article 3 – Transfers to Reserves, Article 7 – Local Option Acceptance for Deferral of Water Charges and Article 8 – Local Option Acceptance for Deferral of Sewer Charges. Ms. Holt reviewed the layout of the booklet and asked for permission to place the consent agenda within it which was not objected to by members. She noted that it would be available the following day in order to meet the posting guidelines.

Ms. Metro made a motion to adjourn the meeting which was seconded by Mr. Kelly at 8:40

p.m.; the Committee voted unanimously in favor (9-0) by roll call vote; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Ms. Ferguson-yes, Ms. Metro-yes, Mr. Heineman-yes, Mr. McGuiggin-yes, Mr. Westort-yes and Mr. Kelly-yes.

Respectfully Submitted,

Nancy Holt
Recorder