

CPC Meeting Minutes
Monday, September 13, 2021

ATTENDEES: Suzanne Brennan, Ann Burbine, Jill Caffrey, Skyler Chick, Mike Connor, Dan Fennelly, Penny Scott Pipes, Meg Stillman (*absent: Doug Smith*)

Additional Attendees: Jean Shildneck, Andrew Gallagher, Jody McDonough, Robert Chessia, Gigi Mirarchi, George McGoldrick, Marla Minier, Darryn Campbell, John Danehey, Tony Vegnani, Andrew Goodrich, and other interested parties

Meeting was opened at 7:00 pm

Acceptance of Agenda – Mr. Fennelly made a motion to accept the agenda for September 13, 2021; Seconded by Ms. Burbine; unanimous vote (8/0).

Roll Call Vote: Suzanne Brennan – yes, Ann Burbine - yes, Jill Caffrey - yes, Skyler Chick - yes, Mike Connor - yes, Dan Fennelly - yes, Penny Scott Pipes - yes, Meg Stillman - yes

Acceptance of August 9, 2021 Minutes – A MOTION was made by Mr. Fennelly to accept the minutes from August 9, 2021 as presented; seconded by Ms. Brennan; unanimous vote (8/0)

Roll Call Vote: Suzanne Brennan – yes, Ann Burbine - yes, Jill Caffrey - yes, Skyler Chick - yes, Mike Connor - yes, Dan Fennelly - yes, Penny Scott Pipes - yes, Meg Stillman - yes

APPLICATION DISCUSSIONS:

Discussion/Vote – Teak Sherman Community Garden - \$52,649 – Jean Shildneck – *follow-up discussion; additional project details can be found in the June 14, 2021 and August 9, 2021 minutes.*

Ms. Shildneck said that the changes made to the application funding request include: the additional cost of putting in a single accessible parking space, and the removal of the trimmer. She is waiting for paperwork from the Conservation Commission regarding the removal of the trees.

Mr. Fennelly asked if there is money for a handicapped sign. Ms. Shildneck did not add those funds; Ms. Scott Pipes said she will get the sign from the DPW.

VOTE: A MOTION was made by Ms. Burbine to approve funds in the amount of \$52,649 to the Teak Sherman Community Garden project; seconded by Ms. Brennan; All in Favor (8/0)

Roll Call Vote: Suzanne Brennan – yes, Ann Burbine - yes, Jill Caffrey - yes, Skyler Chick - yes, Mike Connor - yes, Dan Fennelly - yes, Penny Scott Pipes - yes, Meg Stillman - yes

Discussion/Vote – The Appleton Community Garden Application - \$46,754 - Andrew Gallagher – *follow-up discussion; additional project details can be found in the July 12, 2021 minutes.*

Mr. Gallagher said the funding request includes the fencing, pathways and garden plots and the ADA compliant raised beds. They removed the well installation from the funding request due to challenges securing quotes; they may come back at a later date for the well. Mr. Gallagher confirmed that 15% is included in the request.

Mr. Fennelly suggested that Mr. Gallagher add any donations that have been raised to the application. It is important to show involvement from the community.

VOTE: A MOTION was made by Ms. Burbine to approve funds in the amount of \$46,754 to the Appleton Community Garden project; seconded by Ms. Scott Pipes; All in Favor (8/0)

Roll Call Vote: Suzanne Brennan – yes, Ann Burbine - yes, Jill Caffrey - yes, Skyler Chick - yes, Mike Connor - yes, Dan Fennelly - yes, Penny Scott Pipes - yes, Meg Stillman - yes

Discussion/Vote – Scituate Town Archives - \$10,000 - Jody McDonough, Town Archivist – *Application for funding to digitize and preserve historic Scituate documents.*

Ms. McDonough said that Town documents, which are located in the basement of Town Hall, are not stored in a secure environment. They are requesting funds to digitize 11,000 death certificates and 9,000 marriage certificates from the 1800s to today, which are currently stored in boxes under pipes.

VOTE: A MOTION was made by Ms. Burbine to approve funds in the amount of \$10,000 to the Town Archives Preservation project; seconded by Ms. Brennan; All in Favor (8/0)

Roll Call Vote: Suzanne Brennan – yes, Ann Burbine - yes, Jill Caffrey - yes, Skyler Chick - yes, Mike Connor - yes, Dan Fennelly - yes, Penny Scott Pipes - yes, Meg Stillman - yes

Discussion/Vote – Historical Society Gaelic-English Journal - \$2,100 – Robert Chessia, Gigi Mirarchi – *follow-up discussion; additional project details can be found in the August 9, 2021 minutes.*

As follow-up to the August 9th presentation, Ms. Mirarchi explained the historical significance of this journal to the Scituate Historical Society, scholars from Harvard University and Universities in Ireland, and the Town of Scituate with its deep Irish heritage. Mr. Chessia noted the Town's relationship with the Irish Heritage Trail members and the Counsel General of Ireland, who has visited twice.

VOTE: A MOTION was made by Ms. Burbine to approve funds in the amount of \$2,100 for the preservation and digitization of the Gaelic-English Journal; seconded by Ms. Stillman; All in Favor (8/0)

Roll Call Vote: Suzanne Brennan – yes, Ann Burbine - yes, Jill Caffrey - yes, Skyler Chick - yes, Mike Connor - yes, Dan Fennelly - yes, Penny Scott Pipes - yes, Meg Stillman - yes

Discussion/Vote – 90 Foot Baseball Field Application (\$600,000*) – Darryn Campbell, Scituate Little League – **Contingent on the Select Board's decision on the use of the Toll Bros \$400,000 gift to the Town; follow-up discussion; additional project details can be found in the July 12, 2021 minutes.*

Mr. Campbell said that in meetings with the High School and the Recreation Commission, the decision was made to move the location from the Central South Field to behind the old Gates school. It will be a better location for a multi-use field, while maintaining the Little League diamond. Central Field had too many limitations. They have received a rough estimate for the work. They cannot finalize the funding amount until the Select Board votes on how to use the Toll Bros money.

Mr. Vagnani said that the Select Board has not voted on the use of the \$400,000 yet but they have had discussions on using it for a "field initiative".

Ms. Burbine voiced concerns about putting the field behind Gates School when they already have a monumental issue with parking due to the Food Pantry, the Recreation Department and the Senior Center. This would have to be vetted by the Planning Board. She asked if the project could wait until the April ATM.

Mr. Fennelly cautioned that, if they wait until April, the fields would not be able to be used until 2023 or 2024.

There were additional discussions on the readiness of the application, parking issues and the location of the field, and whether the location should be specified in the application. The Board generally agreed that the CPC is not in a position to weigh in on where the field should go.

Mr. Chick said that he agrees it is the applicant's job to decide on the location of the field and part of making that decision requires holding a public information meeting to solicit input. Since this has not happened in the last two years, it appears that the project is not a priority for those who make these decisions. He expressed concerns about approving \$600,000 for this project knowing that the Select Board could decide not to allocate any funds.

Mr. Chick expressed concerns about funding a project for this much money without a concrete plan. He noted several issues with the design, primarily that there is no universal accessibility. Overall, he said the design should consider a full view of all the potential users of that area and not just the recreational purposes, i.e. walkways to connect the buildings at that location. He also noted that a good portion of the Gates School is still unused and how it is utilized may have an impact on future parking needs.

After further discussion, Mr. Fennelly agreed to table the application until the September 27th meeting.

Bill Collins asked about a Select Board meeting in late 2019 where they discussed using the Toll Bros money to fund a second field behind Gates School. Mr. Vegnani recalled the discussion but not a Board vote. He agreed the no one has taken ownership of the project that went from the Select Board, to Recreation to the Little League.

Mr. Vegnani asked Mr. Chick to would provide a list of his concerns to Mr. Campbell.

Discussion - Application for Land Acquisition on Border Street, Gulf River Assn (\$1M) - George McGoldrick, Marla Minier – *This is a follow-up discussion. Please refer to the July and August 2021 minutes for more information on this project.*

Ms. Minier said they are actively fundraising through Go Fund Me and the Gulf River Association, and have created a website. She noted the many emails that have been received in support of the project.

Mr. McGoldrick said they have an agreement from one of the abutters (54 Border St) for an easement that will allow them to connect the East Field to the 40-acre Hubble Preserve. They are in talks with the owner of the larger abutting property.

Attorney John Danehey discussed a letter that was submitted to the Board on behalf of the developer Gerry Rankin, regarding his intentions for the property. His plan is to build six farmhouses on 10.5 acres and to donate to the Town 7.5 acres for conservation. Mr. Rankin would build a trail head and a parking area as part of the donation.

Mr. Fennelly said the open space appraisal the CPC funded came in at \$1.6M. CPC is required to use open space appraisals for conservation land. In discussions with the State office of the CPA, it was concluded that the CPC can only fund the \$1.6M and cannot combine the \$1.6M with other funds to reach the \$2.35M amount. They discussed several scenarios and all were problematic. He read the following excerpt to the applicants:

Community Preservation Act Section 5

(f) Section 16 of chapter 30B shall not apply to the acquisition by a city or town, of real property or an interest therein, as authorized by this chapter for the purposes of community preservation and upon recommendation of the community preservation committee and, notwithstanding section 14 of chapter 40, for purposes of this chapter, no such real property, or interest therein, shall be acquired by any city or town for a price exceeding the value of the property as determined by such city or town through procedures customarily accepted by the appraising profession as valid.

Mr. McGoldrick responded that it is not the CPC that is buying the land; the Select Board and the Town of Scituate is buying the land with their right of first refusal. CPC is the vehicle which most towns use to preserve open space, often supplemented with Town and private donations. CPC cannot make the decision on the right of first refusal. He asked the Board to table the vote until they can get legal counsel.

Mr. Fennelly said that, while they are not the purchasing agent, they are funding the purchase of open space which has historically been under the appraised amount. The issue is that they cannot offer more than \$1.6M and cannot fund part of the \$2.35M.

Mr. Vegnani said that the Select Board has asked Town Counsel to give legal advice regarding the funding amount. He believes that, due to the chapter land issue, CPC does not have to abide by the open space appraisal for \$1.6M; they can go by the other (highest and best use) appraisal in this case. He will get a ruling in writing.

Mr. Chick commented on the value of the property and said the CPA law does not specify open space vs highest and best use appraisals or that they can't fund a portion of the total.

Mr. Fennelly agreed to table the vote until they get additional legal advice.

New/Old Business – There was no new or old business

Adjournment - The meeting was adjourned at 8:40 p.m. by unanimous vote (9/0).

Roll Call Vote: Suzanne Brennan – yes, Ann Burbine - yes, Jill Caffrey - yes, Skyler Chick - yes, Mike Connor - yes, Dan Fennelly - yes, Penny Scott Pipes - yes, Doug Smith - yes, Meg Stillman - yes

Submitted by - Mary Sprague

Documents submitted

- Teak Sherman Community Garden Amended Application*
- Appleton Community Garden Amended Application*
- Scituate Town Archives Application*
- 90-foot Baseball Field Amended Application*