CPC Meeting Minutes

March 7, 2016

Selectmen’s Hearing Room

**ATTENDEES**: Ann Burbine, Karen Connolly (Chair), Adam Conrad, Stephen Coulter, Dave Friedman, Marla Minier, Chris Roberts, Penny Scott Pipes, Doug Smith

Other Attendees: Applicant representatives, interested parties and walk in’s

**AGENDA**: A motion was made to accept the agenda; All in Favor

Meeting was opened at 7:01 pm

**DISCUSSION AND FY17 APPLICATION VOTES**

1. Town Archives Project ($42,820)

**No Discussion***. (For project details refer to minutes from 1/11/16)*

**Vote**: A motion was made by Ms. Burbine to move $42,820 from the Historic Reserves for the Town Archives Project; seconded by Mr. Friedman; **(9:0 / All in Favor)**

2. Bailey-Ellis House Roof, Drainage & Soffit Completion Project ($5,700)

**No Discussion**. *(For project details refer to minutes from 11/9/15)*

**Vote**: A motion was made by Ms. Burbine to move $5,700 from Historic Reserves for the Bailey-Ellis House Roof, Drainage & Soffit Completion Project; seconded by Mr. Coulter;

**(8:0/ in Favor)** *(Ms. Minier abstained)*

3. Widow’s Walk Parking Lot and Entrance Project ($215,000)

**Discussion**: *(For project details refer to minutes from 12/14/15)*

Ms. Burbine noted that in a recent discussion with the Town Administrator, it was clear that there are plans in the works for the golf course. Ms. Connolly noted that the Widow’s Walk Enterprise Fund will be paid off in FY 17, which will result in a surplus of $385,000 per year that will go directly to Widow’s Walk. The money that is made by the golf course can not be used for any other purpose. Ms. Scott Pipes said that CPC should be a last resort. Mr. Friedman voiced his opinion that CPC is not the appropriate funding source for this project.

**Vote**: A motion was made to move $215,000 from Open Space Reserves for the Restoration of Widow’s Walk Parking Lot and Entrance Project; seconded Ms. Scott Pipes; **(2:7/Opposed)**

*(****Yes Votes****: Ms. Burbine, Mr. Roberts;* ***No Votes****: Ms. Connolly, Mr. Conrad, Mr. Coulter, Mr. Friedman, Ms. Minier, Ms. Scott Pipes, Mr. Smith)*

4. Cushing Field Hockey Field/Youth Soccer ($231,250)

**Discussion**: *(For project details refer to minutes from 1/11/16)*

Mr. Smith said that his concern is that it was not included as part of the Middle School project and we are probably paying twice what we should be paying. Ms. Connolly said that this would not have been reimbursable; this is for the High School not the Middle School. It was noted that it was originally part of the budget but the School Building Committee had it removed. Ms. Burbine agreed that it should have been paid for with other funds but cited Title 9 as a reason to move this forward and supports this project.

**Vote**: A motion was made by Ms. Burbine to move $231,250 from Open Space Reserves for the Cushing Field Hockey Field/Youth Soccer; seconded by Mr. Roberts; **(8:1/in Favor)**

*(****No Vote****: Mr. Smith)*

5. Restoration of the Scituate Light Lantern Room & Gallery ($160,000)

**No Discussion**. *(For project details refer to minutes from 11/9/15)*

**Vote**: A motion was made by Ms. Burbine to move $160,000 from Historic Reserves for the Restoration of the Scituate Light Lantern Room & Gallery; seconded by Mr. Conrad;

**(9:0/All in Favor)**

6. Evaluation of Lawson Tower Water Tank for Museum Space ($10,000)

**Discussion**: *(For project details refer to minutes from 11/9/15)*

Ms. Burbine said that she does not support this project, primarily because it is not a great spot, there is only one way in and the same way out and the Tower is only open a 6 or 7 times a year. Mr. Roberts reminded the Board that this request was only to evaluate the space and they may find a way to alter the building to use the Tower for a museum. Mr. Friedman said that the likelihood that they can do this for low funding is a risk and he views this as a precursor to a significant amount of funding. That being said, he tends to agree with the $10,000 assessment to see what they come up with as far as funding needs. Ms. Scott Pipes voiced concerns about storing the Lawson artifacts there due to climate or fire hazard issues. Mr. Smith said that the assessment is a good first step that will answer a lot of these questions. Ms. Connolly said that the Historical Society has a lot on its plate and there have been issues related to their budget; she is concerned about the Society taking on the management of another space.

**Additional Discussion**: Steve Litchfield said that this project was originally his idea and said that $10,000 was a guess, adding that it is probably a high number. He discussed some initial ideas about where an additional door could go. He said he envisions also using the space for small weddings and parties that could generate considerable revenue. He noted that the artifacts that would be on display are not vulnerable items. Mr. Litchfield agreed that the Historical Society does have a lot on its plate, but is hoping to do this assessment so they know if this is possible down the road.

**Vote**: A motion was made by Ms. Burbine to move $10,000 from Historic Reserves for the Evaulation of Lawson Tower Water Tank for Museum Space; seconded by Mr. Friedman;

**(5:4/ in Favor)** *(****Yes Votes****: Mr. Conrad, Mr. Coulter, Mr. Friedman, Mr. Roberts, Mr. Smith;*

***No Votes****: Ms. Burbine, Ms. Connolly, Ms. Minier, Ms. Scott Pipes)*

7. Historical Society Archive Improvements – Little Red Schoolhouse ($108,000)

**Discussion**: *(For project details refer to minutes from 11/9/15 and 1/11/16)*

Ms. Connolly said that this project was to turn the first floor of the Little Red Schoolhouse into appropriate archival space. After their initial hearing, they came back with an amended application that requested a lot less funding, eliminated the apartment, and included additional matching funds from the Historical Society board. She complimented the applicants on their professional presentation. Ms. Minier said she went to the Little Red Schoolhouse and took a tour of the wet cellar where the materials are now stored. She said she was amazed at the types of artifacts that have been collected and supports this proposal.

**Additional Discussion**: Mr. Litchfield said that giving up the apartment was a sacrifice in terms of revenue, but preservation of the artifacts is their priority.

**Vote**: A motion was made by Ms. Burbine to move $108,000 from Historic Reserves for the Little Red Schoolhouse Archive Improvements; seconded by Mr. Smith; **(9:0/All in Favor)**

8. First Baptist Church Building Condition Assessment ($4,000)

**Discussion**: *(For project details refer to minutes from 1/11/16)*

Ms. Connolly said that this application is for the First Baptist Church to do a professional evaluation inside and outside of the church to determine a plan for renovation. Ms. Scott Pipes said she is nervous about “getting into churches” even though it is allowed by CPC. Ms. Minier said that we only have three historic churches and these meeting places also serve as community spaces. She voiced her support for the assessment but added that, when it comes to future renovation projects brought to CPC, she will view them very carefully. Mr. Roberts noted that if they did fund future renovation work, a deed restriction would be put on the church. Mr. Smith said that they are trying to protect the structure and the structure is not the religion. He pointed out that the GAR Hall was once a Baptist Church, and the current church is on the list of historic places. Mr. Friedman said that if they uncover a need for costly repairs, it looks like the CPC may be their only funding source and views that as a “slippery slope”. He said he is concerned about the deed restrictions and that the church may need anywhere from $400,000 to $5 million to restore it, and is concerned that they don’t even have the initial investment of $4,000. Ms. Connolly said that this is also one of her concerns. If the applicants cannot even afford the $4,000 assessment she is worried about the financial wherewithal of the applicant. Her recommendation would be to have the church finance the assessment and then come to CPC with specific renovation project requests. Ms. Connolly said that her view has nothing to do with religion; it has more to do with the historic structure. Now that it’s on the list of National Historic Places, she suspects that they would have to use historically accurate materials and have people who have a background in historic preservation and restoration do the work, adding to the scope of the project.

**Additional Discussion**: Pastor Christian of the First Baptist Church thanked the Committee for their consideration and said he appreciated this discussion more than their discussion at the hearing which was more related to issues of “separation of church and state”. He noted that it was originally an argument between Hamilton and Jefferson and that this is not in the Constitution. Ms. Connolly responded that, to be clear, it was never an issue of church and state because it is allowable. Her issue has been “just because you can do it, do you want to do it”.

**Vote**: A motion was made by Ms. Burbine to move $4,000 from Historic Reserves for the Baptist Church Building Condition Assessment; seconded by Mr. Smith; **(4:5/ Opposed)**

*(****Yes Votes****: Mr. Conrad, Ms. Minier, Mr. Roberts, Mr. Smith;* ***No Votes****: Ms. Burbine, Ms. Connolly, Mr. Coulter, Mr. Friedman, Ms. Scott Pipes*

9. Hennessey Trust .92 Acre Land Acquisition ($15,640)

**Discussion**: *(For project details refer to minutes from 12/14/15)*

Ms. Connolly explained that a number of years ago, the Town bought several acres of land from the Hennessey Trust, but asked them to carve out this particular parcel for a specific use. When the Town later asked for an unrestricted use, the Hennessey family decided to hold onto it. They are now offering it back to the town. Ms. Scott Pipes said that it is on the corner of other land they have purchased and is the gateway. She supports the purchase. Ms. Burbine cited the history and said that she supports purchasing what should have been purchased 12 years ago. Ms. Connolly reminded the Committee that any land that is approved for purchase will need an appraisal, and the results of the appraisal determine what the Town will pay.

**Additional Discussion**: There was an additional discussion on land appraisals and CPC rules and regulations regarding appraisals.

**Vote**: A motion was made by Ms. Scott Pipes to move $15,640 from Open Space Reserves - or the value as determined by the appraisal to be completed before the transaction is completed, whichever is less - for the purchase of .92 Acres of Land from the Hennessey Trust; seconded by Mr. Friedman; **(9:0/All in Favor)**

*Mr. Friedman suggested that they discuss and vote the cupola project first and made a motion to amend the agenda; seconded by Ms. Minier; All in Favor.*

10. Central Park Cupola Restoration Project - $315,000

**Discussion**: *(For project details refer to minutes from 1/11/16)*

Mr. Coulter offered a summary of the project. He noted that they have the engineering report and the project turned out to be more involved in terms of staging (1/3 of the cost), etc. Fortunately they requested an amount of funding to cover a “worst case scenario”.

**Additional Discussion**: Lisa Fenton asked whether they had gotten an estimate for repairing the roof without repairing the cupola, adding that for that amount of money the Town could buy two houses for affordable housing. Mr. Coulter responded that they did not. Ms. Burbine said that she respectively disagreed and that the building was an iconic structure and the Town needs to maintain the buildings it already has.

Mr. Constantinides(?) asked whether or not affordable housing was eligible under CPC rules. Former CPC board member, John Bulman, responded that it is allowable to maintain and preserve the integrity of a structure. Mr. Constantinides asked why SHA wasn’t going to the state for funding for this project. Mr. Coulter replied that the $50,000 they get from HUD is not sufficient to cover project costs and they cannot keep putting off these repairs. Mr. Constantinides voiced concern about setting a precedent for future SHA funding needs. Mr. Coulter said that CPC is also responsible for Affordable Housing and Central Park is a home for some of our most vulnerable citizens; we need to maintain and protect this building for the people living there.

**Vote**: A motion was made by Ms. Burbine to move $315,000 from Affordable Housing Reserves for the Central Park Cupola/Roof Renovation; seconded by Mr. Friedman; **(9:0/All in Favor)**

11. Central Park Window Replacement (First Floor) ($131,000)

**Discussion**: *(For project details refer to minutes from 1/11/16)*

Mr. Coulter offered a summary of the project. Ms. Connolly told Mr. Coulter that there have been some questions raised about who owns the building. He replied that the Scituate Housing Authority (SHA), an independent authority, owns all the properties that they manage. SHA is overseen by HUD for federally run properties (Central Park) and the DHCD for state run properties (Wheeler and Lincoln Park). DHCD does not provide operating support and HUD only provides $50,000 per year. Ms. Connolly asked why they were not going to fix the second floor windows first. Mr. Coulter replied that the first floor windows are in worse shape. They are prioritizing the various projects. Mr. Friedman asked where the funding came from when they replaced the windows 10 years ago. Mr. Coulter replied that the funding came from a grant from HUD and the windows were not new construction windows; they were replacement style and have not stood the test of time.

**Additional Discussion**: John Bulman suggested that the funding for these projects should come from the Affordable Housing Trust; it would be less complicated and would not need Town approval. Mr. Coulter said that they have other funding needs that are coming from the Trust; he is juggling a lot of projects and needs.

**Vote**: A motion was made by Ms. Burbine to move $131,000 from Affordable Housing Reserves for the Central Park Window Replacement-First Floor; seconded by Mr. Friedman;

**(9:0/All in Favor)**

12. Purchase of (6) Club 420 Boats for Town Sailing Program ($45,474)

**Discussion**: *(For project details refer to minutes from 12/14/15)*

Maddy Vachon, Recreation Department, gave a brief description of the project. These boats were built in 1999 and were not supposed to last past 2004; it’s time to get a new fleet for safety reasons. Ms. Connolly referred to last year’s CPC vote to renovate the Mercury boats for the sailing program, citing our maritime history. Mr. Friedman discussed the agreement between the Rec Department and the SHS Sailing Team and voiced his hope that this collaboration will continue.

**Additional Discussion**: John Bulman said that, in his view, there is “no way shape or form” that boats qualify under CPC, adding “it is black and white”. Ms. Connolly said that this Board views water recreation differently. Phyllis Karlberg said that these six boats were originally donated to the sailing program and asked if they have inquired whether someone else would donate boats privately. Jennifer Vitelli said that the entire program has been self-supporting and privately funded; last year was the first time they came to the CPC for funding. They have exhausted community fundraising opportunities. Mr. Roberts added that the donated boats were already 11 years old when the Rec Department got them.

**Vote**: A motion was made by Ms. Burbine to move $45,474 from Undesignated Funds to Purchase (6) Club 420 Boats for the Town Sailing Program; seconded by Mr. Coulter; **(8:1/in Favor)** (***No Vote****: Mr. Conrad)*

**12a. Additional Request: Purchase of 20 Lifejackets ($599)**

**Discussion:** Mr. Roberts voiced his support for the lifejackets to be added to the project funding, saying that they are as much a part of the boat as the sails are and the children are not allowed out on the water without one. Ms. Minier also voiced her support. Ms. Connolly said she viewed it as purchasing equipment like football helmets, and did not support this addition.

**Additional Discussion**: Phyllis Karlberg said that lifejackets are as individual as the kids, much like football helmets, and it would be difficult to find one style for all. Ms. Vachon responded that this is a learn-to-sail program and many kids show up without a lifejacket. Ms. Scott Pipes said that some children may not be able to afford them and would not like to see them penalized, adding that it is a right of all Scituate kids to be able to learn to sail.

**Vote**: A motion was made by Ms. Burbine to move $599 from Undesignated Funds to purchase 20 Lifejackets for the Sailing Program; seconded by Mr. Roberts; **(3:6/Opposed)**

*(****Yes Votes****: Ms. Minier, Mr. Roberts, Ms. Scott Pipes;* ***No Votes****: Ms. Burbine, Ms. Connolly, Mr. Conrad, Mr. Coulter, Mr. Friedman, Mr. Smith)*

13. Seaside Playground Budget Increase Request ($271,489)

**Discussion**: *(For project details refer to minutes from 2/22/16)*

Ms. Connolly reminded the Committee that the Seaside Playground project was approved in 2011, put on hold and then relocated due to the location of the Middle School. Michael Westort offered a brief description of the scope of the project and said that the new location in North Scituate has added additional costs, mostly related to site preparation. He told the Committee that he spoke to the Landscape Architect to get more hard numbers, as requested during the February 22nd hearing. He explained that towns can no longer put playgrounds together with volunteers and parental support. Mr. Westort said that they will also do fundraising. Ms. Scott Pipes said that she is in favor of this project and it will be in her backyard, adding that this is a really positive thing for North Scituate Village merchants. Mr. Smith thanked Mr. Westort for the additional dollar figures and said they were very helpful. Ms. Burbine said she supports this project as a merchant and a resident of North Scituate. She noted that residents need to know that their taxes will not go up as a result of this playground. Ms. Burbine added that Towns are choking on regulations. There was a discussion about parking needs, with Mr. Friedman expressing concern about the MBTA parking lot 10 years from now if ridership goes up. Ms. Connolly would like to see an endowment fund as part of the fundraising effort that would be set aside for maintenance. Al Kaslowski said he has been involved in the playground committee and agreed that the regulations do cost money.

**Vote**: A motion was made by Ms. Burbine to move $271,489 from the Undesignated Funds for the Seaside Playground Budget Increase Request; seconded by Mr. Roberts; **(9:0/All in Favor)**

14. Maxwell Land Trust 26.8 Acre Land Acquisition (2 parcels) ($389,415)

**Discussion**: *(For project details refer to minutes from 12/14/15 and 1/11/16)*

Ms. Minier offered a brief history of the Moncy properties and explained that this is land that dates way back to when the CPC was first set up. Charles Moncy had put a “whole bunch of properties together” and the Maxwell Land Trust (MLT) worked with the Town and Mr. Moncy to purchase the land; he was very firm that it all had to be purchased. Ms. Minier noted that, at the time, the CPC was so new that there wasn’t sufficient funding in the bank account to buy the all land. The Town bought what they could and the MLT paid for the rest with the intention that at some point in the future they would be reimbursed for it. The parcels would be Town property and it would have a conservation restriction (CR) on it. In the meantime there were many other parcels of land that were purchased to protect our water supply, with the side benefit of the trails available to the community. Ms. Minier added that “there is no more land to buy in the West End for water protection” so now is the time for the Town to take possession of this final piece.

Mr. Smith asked the discrepancy in the slides from the presentation on 12/14/15 that indicated there were 76 acres; the Town bought 44 acres and MLT purchased 26.8 acres. He explained that this only totals 71 acres and wondered where the other 5 acres went. Cynde Robbins explained sometimes deeds are not accurate. After the Town voted to purchase the land, a survey was done that showed 71 acres.

Ms. Connolly read the following statement to the Board:

In October 2002, Maxwell Trust submitted an application to CPC for the purchase of 76 acres of land from Charles Moncy. The application stated that “The Maxwell Trust has an executed Purchase and Sale Agreement for this property. The Trust has raised $750,000 toward the $1.3 million purchase price.” The application further states, “MCT is offering the community a unique opportunity in that it is bringing more than half the funding for the project to the CPC. The Trust is effectively saving the town $750,000, and is enabling our community to purchase this important property.”

The application mentions the $750,000 contribution twice more in the application.

In July 2004, after approval at a Special Town Meeting in the fall of 2003, the Town bought 44 acres of land from Mr. Moncy for $760,585. At the same time, Maxwell Trust bought 26.8 acres of land from Mr. Moncy for $389,415. Presumably, this was Maxwell Trust’s contribution to the Town as proposed in their 2002 application.

Thirteen years later, in October 2015 Maxwell Trust submitted application to CPC for the purchase of the Moncy land that Maxwell bought in 2004. The application states “They (CPC) verbally proposed that the Town buy 44 acres...and asked if the Maxwell Trust could possibly buy the remaining...26.8 acres.”

The 2015 application states that the Maxwell Trust Board of Directors and Executive Committee discussed this proposal and decided it was such a worthwhile project it would borrow money to finance the purchase. It further states that the loan is still outstanding and therefore, the land “must be sold.”

What is the truth? Did Maxwell raise $750,000 toward the purchase of the Moncy property, “effectively saving the Town $750,000” as their 2002 application stated, or did they borrow the money as their 2015 application states?

Why does this matter? Because applications filed with the CPC should be truthful.

The 2015 Maxwell application further says that “this land has yet to receive a formal conservation restriction status and thus could still be sold to anyone.” Why would a conservation land trust threaten to sell property they own to “**anyone**?” And why would the Town of Scituate need to buy land that is already owned by a conservation land trust whose mission is to preserve and protect open space?

Finally, although this committee voted against getting an independent, third party appraisal of this land prior to Town Meeting, I believe Town Meeting should have the benefit of an appraisal before voting on any land acquisition. More information and transparency is the hallmark of good government.

Ms. Connolly added that there was adequate money to purchase the properties, because this was voted at a Special Town Meeting in the fall of 2003. Mr. Friedman said he understands there is a lot of history related to this proposal and said it could have been a much simpler application. He said that he supports the Town owning this property, even though it is currently owned by the Trust, adding that ”if the Town owns it it is done”. He noted that the Central Park fixes will cost more money than this proposal. Ms. Scott Pipes said that she too wishes it had been a more straight forward application *(“We need to sell it, would you like to buy it”)* and it got muddled along the way. It is very unfortunate that this happened. She added that it finishes a huge piece of property and should be protected and in the care and custody of Conservation, and her view is that this is what is best for the Town. Mr. Roberts noted that the Recreation Department supports this proposal. Mr. Coulter, in response to Mr. Friedman’s comment about the Central Park renovation proposals, said that the Board should keep in mind that 10% of CPC is for Affordable Housing and 10% for Open Space, etc. He noted that CPC has spent an inordinate amount of money purchasing open space, but has done virtually nothing for affordable housing. In the past, CPC has been in situations “with a virtual gun to our head” to buy open space that was threatened by developers. His opinion is that this is not the case with land that is owned by a Trust set up to protect open space. Compared to the money CPC has spent over the last 12 years buying more than 480 acres of land, the Affordable Housing applications are a drop in the bucket.

**Additional Discussion**: There was additional discussion on the parking at Bates Lane and the lack of signage for all of the trails and paths that are now owned by the Town. Frank Snow, Conservation Commission, thanked the Committee for all of the time they have spent on this article, many of whom have come to walk the property. He discussed the importance of these parcels to the Town, and the benefits of MLT as an expeditor of these land purchases.

Mr. Westort asked why the CR’s were not placed on this property. Mr. Snow explained that CR’s are placed on a property after it is bought by the Town. Ms. Robbins said that they “always intended to be reimbursed by the Town and they knew it would have to be appraised and, once you put a restriction on it, it is doesn’t have any value”. It was noted that no one can hold their own CR’s; it has to be held by a third party.

Steve Bjorkland said that this [situation] is getting worse and wishes “someone would just come clean with the whole thing”. He agreed that the Town should own the property, but the issue for him is what the Town should pay for it. He also agreed that a CR should have been put on it. He added that his hope is that, by the time this makes it to Town meeting, “someone would actually stand up and tell the truth to everybody that is at Town meeting”.

Mark Fenton said that, as a former member of CPC, he understands how challenging this is. He suggested that there are four questions to answer: *1) Should this land be protected? 2) Would this purchase protect this land? 3) Is this the proper price? and 4) Is it a good use of CPC funds?* He went on to explain why he would answer “yes” to each question and stated “we would all agree that the last thing we would want at some point in the future is this land to fall into a developable condition with single family homes or God forbid something worse like a 40B out there“. He suggested that their reasons for selling it are not relevant, and added that if they need to liquidate it the Town should buy it.

Ms. Burbine said that, because the Planning Board voted unanimously, as their liaison she needs to vote in favor. She cited a discussion at the meeting where a member was not happy about the wording of the 2015 application that stated that the land can be sold to anyone.

There was additional discussion about the discrepancies between the 2002/03 and the 2015 applications; where the $750,000, that the Trust said they would pay towards the purchase price, went; how money raised became a loan; the definition of the “unique opportunity” for the Town in the original application; the confusion of the early years of the CPC.

**Vote**: A motion was made by Ms. Scott Pipes to move $389,415 - or the value as determined by the appraisal to be completed before the transaction is completed, whichever is less – from Open Space for the purchase of 26.8 Acres from Maxwell Land Trust; seconded by Ms. Minier;

**(6:3/in Favor)** ***(Yes Votes****: Ms. Burbine, Mr. Friedman, Ms. Minier, Mr. Roberts, Ms. Scott Pipes, Mr. Smith;* ***No Votes****: Ms. Connolly, Mr. Conrad, Mr. Coulter)*

**New Business**

* Ms. Connolly informed the Board that the North Scituate Beach Association submitted an application on Feb 24th. Karen explained the process to them and said they were too late for the April Annual Town Meeting, but the Committee would review it and, if approved, submit it for consideration at the Special Town Meeting in the fall.
* The Board discussed the project write ups for the Advisory Board Booklet.
* Ms. Vitelli discussed signage and said that the Recreation Department would like to be consistent with other signage; Ms. Burbine said that the Economic Development Committee also has signs.
* There was an additional discussion on the Historic Trails Website

A motion was made to adjourn the meeting at 9:30 pm; All in Favor.

*Submitted by*

*Mary Sprague*

*Administrative Assistant*