

ATTACHED ARE MINUTES FROM EXECUTIVE SESSION MEETINGS FOR THE
EMERY ESTATE PROPERTY, 790 COMMERCIAL STREET THAT WERE VOTED FOR
RELEASE TO THE PUBLIC ON October 13, 2011


WALTER H. FLYNN, JR., CHAIRMAN

12/1/11
DATE

EMERY ESTATE

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS - EXECUTIVE SESSION
MAY 5, 2011**

PRESENT:

Walter Flynn, Chairman
Stephen Ford, Vice Chairman
Christopher Hannan
Ed Harrington
Laura Harbottle
Donna O'Sullivan
Dan Condon, Clerk
Donald Sheehan

NOT PRESENT:

Donald Mathewson

ALSO PRESENT:

Robert Luongo, Economic Planning Director

RECORDING SECRETARY:

Christine Callbeck

Chairman Flynn called the meeting to order at 8:00PM.

EMERY ESTATE - 790 Commercial Street

Chairman Flynn stated that Mr. Clarke was contacted by the Estate of Alan Emery and its agent LandVest. The Emery Family has indicated they would like to sell the parcel to the Town for as much as they can get. This is a challenging and exciting opportunity for CPC for many reasons:

- The town cannot afford to purchase the parcel unless it bonds the property
- CPC can bond
- Question arise of what if the CPC dissolves before the bond is paid? Answer cannot dissolve CPC until bond debt is paid.
- Land is stunning, problem is the house is not in such great shape
- Mayor Kay wants this parcel purchased by the Town so as not to be developed
- CPC purchase property without use for structure; suspense date of June 16, 2011
- A developer could put in 28 lots on the parcel

Ms. O'Sullivan stated there is issue with the house; CPC is limited on what to do with the house. Chairman Flynn stated the family wants the property sold and if it is decided to level the house the family is okay with that decision.

Chairman Flynn stated that CPC is the only entity that can act quickly and purchase the parcel. The house has a large great room, one large kitchen, large dining room, butler's pantry, 8 upstairs bedrooms, three garage bays and a copula with a stunning view of Boston.

Mr. Ford asked if CPC purchased the parcel could the Town of Weymouth lease the property. Mr. Ford stated that his further thoughts were to make the house into a tavern of sorts so that tourist visiting the Abigail Adams area could visit for dinner and stay over. The Town of Weymouth could hire a company to run the building for historic purposes. Mr. Luongo stated it needs a stream of income; this would need to be thought through.

Ms. Harbottle asked what the appraisal of this land and house is. Chairman Flynn suggested that if appraised it could come in at a lot more than the asking price of 2.1 million.

Chairman Flynn stated that he will ask for two motions; one to hire a consultant versed in historical/land acquisitions and a second motion for an appraiser.

Ms. O'Sullivan asked what the assessed value by the Town of Weymouth is. Chairman Flynn stated that the value is assessed at \$982,200. Mr. Harrington stated that CPC could buy the parcel and CPC could parcel it out to whoever it likes after. Chairman Flynn stated Mayor Kay decides what to do with the parcel after the CPC purchase.

Mr. Ford made a MOTION to AUTHORIZE up to \$4,000 for the purpose of conducting an APPRAISAL. Ms. O'Sullivan SECONDED the MOTION on the parcel at 790 Commercial Street. Mr. Harrington made a SUBSTITUTE MOTION to AUTHORIZE up to \$5,000 for the purpose of conducting an APPRAISAL. Ms. Harbottle SECONDED the SUBSTITUTE MOTION. It was UNANIMOUSLY VOTED.

Mr. Luongo stated that he will try and get the appraisal done within the next three weeks or sooner.

Mr. Hannan made a MOTION to AUTHORIZE \$7,500 to HIRE a CONSULTANT conversant in properties of this nature. Mr. Condon SECONDED the MOTION. It was UNANIMOUSLY VOTED.

If the consultant is under \$5,000, can go directly to work. Over \$5,000, have to get three quotes. The consultant will help to frame ideas for use of the parcel.

Chairman Flynn stated that this Committee is constrained by both time and Mayor Kay. Chairman Flynn asked the Committee members to visit the site on Monday or Tuesday (date to be finalized), but for them to be extremely concerned that others do not know about the meeting and to enter the parcel via 790 Commercial Street. Date decided on is Tuesday, May 10, 2010, 6pm.

Mr. Ford asked if Chairman Flynn is aware of the Mayor's thoughts on potential use for the parcel.

Mr. Luongo stated that he is trying to land bank the parcel and figure out what to do with the parcel so it does not end up as 28 new homes.

Mr. Harrington stated that it will really be open space.

Mr. Hannan stated its value is its location; it could be used for events. Mr. Hannan asked if CPC will need to pay for the parcel by June 16, 2011. Mr. Luongo stated that the Town will need to show great faith on its part with an offer or letter of intent that will be accepted by the family by June 16, 2011. Mr. Luongo stated that worst case scenario is that the CPC can sell the parcel back to the Town and get its money back. Chairman Flynn stated that he would like to double check on that fact.

Mr. Ford asked can the CPC buy the parcel without a conservation restriction and can the CPC get its money back for the parcel?

Mr. Luongo stated that he will find a Coalition member that can find out the answers to the Committees questions.

Chairman Flynn stated that Mayor Kay said the purchase of this parcel of land is very important to the Town of Weymouth.

Mr. Ford made a MOTION to exit EXECUTIVE SESSION and reconvene in OPEN SESSION for the purpose of selecting the next meeting date and adjournment. The MOTION was SECONDED by Mr. Harrington, and on a roll call vote it was UNANIMOUSLY VOTED.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS - EXECUTIVE SESSION
MAY 20, 2011**

PRESENT:

Walter Flynn, Chairman
Stephen Ford, Vice Chairman
Christopher Hannan
Ed Harrington
Laura Harbottle
Donna O'Sullivan
Dan Condon, Clerk
Donald Sheehan

NOT PRESENT:

Donald Mathewson

ALSO PRESENT:

James Clarke, Director of Planning and Community
Development
Robert Luongo, Economic Planning Director

Mayor Sue Kay
Larissa V. Brown, Goody Clancy, PhD, AICP

RECORDING SECRETARY: Christine Callbeck

Chairman Flynn called the meeting to order at 7:00PM.

Mr. Ford made a MOTION to go into EXECUTIVE SESSION for the purpose of considering the purchase, exchange, lease or value of real property, and to reconvene in OPEN SESSION for the purpose of selecting the next meeting date and adjournment. Mr. Sheehan SECONDED the MOTION and on a roll call vote it was UNANIMOUSLY VOTED.

EMERY ESTATE

Mayor Kay stated that she appreciated the Committee members taking time out of their Friday evening to come to a meeting. Mayor Kay stated that although there is no firm plan on what to do with the land, it is probably the last parcel of open space in Weymouth, and she is afraid to let it go and be developed.

Chairman Flynn stated that also present this evening is Larissa Brown from Goody Clancy. Chairman Flynn stated that Ms. Brown is the consultant that was hired to review the parcel. Chairman Flynn stated that Ms. Brown was able to look at the parcel today but has not had time to make a formal comment as yet.

Mr. Clarke stated that yesterday there was a meeting with himself, Jeff Richards, Scott Boise, Bill McKinney, Mike Gallagher, Dan McCormack, Walter Flynn, Bob Luongo, and Jeff Bina to brainstorm and bring-up-to-speed different people with the overview of the property and to discuss the options for use and the options for financing. Today, Mike Gallagher and Bill McKinney toured the building and grounds.

Mr. Luongo stated that Mr. Richards reports that the building is in solid shape. Mr. Richards indicated that it would cost about \$20,000-\$40,000 for humidifiers and mowing to keep the building and grounds maintained. Chairman Flynn stated that Mr. Richards has a pretty good handle on what CPC funds can be used for and the restrictions on CPC. Chairman Flynn stated that Mr. Richards stated that the structure of the building is weight bearing on the sides of the building, so the interior could change.

Mr. Luongo stated that he contacted the Trustees of The Reservation and they would like to see the property next Friday. The Trustees of The Reservation stated that they do not have any interest in the property. The soil is considered prime agricultural land. Chairman Flynn suggested discretion on allowing others to view the parcel.

Mr. Clarke stated that the next interesting part of this project that came up was the financial aspect. Both Scott Bois and Bill McKinney said as long as CPC is not under any requirement to close on the property before the end of this fiscal year, they both do not see any problem with

both CPC funds and/or Town funds being used together to purchase the parcel. Mr. McKinney suggested a Bond Anticipation Note. The CPC monies do bring restrictions which might be good or the Town may want to co-mingle the purchase with other monies in order to be able to be less restricted with what can happen with the parcel. Mr. Clarke stated that the Town has bonding capacity.

Mayor Kay stated there are a lot of options; we want the best option for the citizens. CPC is Community Preservation. The price seems reasonable. The plot would be developed by a developer. We agree we want to hold onto the property. Mayor Kay's major question was does this bind the taxpayers of Weymouth? Mayor Kay asked the finance people and the response was no; the Town of Weymouth can pick up the bond remainder at any time. Mr. Harrington stated that he would like to see CPC bond this parcel.

Mr. Ford stated that his recollection is if CPC bonds and next year CPC is voted out; the Town will continue to raise funds to pay the remainder of the bond. Chairman Flynn stated Mayor Kay has indicated that she appreciates the citizens views and will want to know what they are when the time comes.

Chairman Flynn questioned, should CPC make a lowball offer? Mr. Ford asked if the parcel is purchased in a phased fashion, wouldn't it also need to be appraised in that same fashion? Chairman Flynn stated yes, it would have to go out and be reappraised with a letter of intent.

Mayor Kay asked the Committee to focus on the one beautiful piece of open space. Mr. Clarke stated that they are trying to develop a program of what will happen to this parcel. If the CPC agrees to purchase the parcel, keep as is for now as open space, and then later move forward with different phases. Engage the community in what citizens would like. Mr. Sheehan asked how CPC can change the use of the parcel after the purchase. Chairman Flynn stated land purchased with CPC funds can be sold. Mr. Luongo stated CPC funds used to pay back the bonds have to be funds raised by the Town's tax levy. Cannot use the State match to pay back the bond.

Mayor Kay stated that the Town is starting to receive mitigation money from the base. Mayor Kay stated she is holding the money aside per the Department of Revenue until the Town checks out its certified free cash to make sure it will balance. As soon as it is certified it is the Town's intent to use those monies for Open Space, Recreation and Capital. So that those items that this Committee was planning CPC monies for the Town could put monies to it instead, such as Fogg Library.

Chairman Flynn stated that if the house is torn down there is extensive costs including in doing so. The shingles have asbestos and the paint has lead in it. Chairman Flynn stated that the Mayor wants to gather townspeople together to discuss this issue. Chairman Flynn asked Mayor Kay to consider forming a portion of a committee now to discuss this parcel/and house.

Ms. O'Sullivan asked if the CPC purchases the house doesn't it put another level of restriction regarding renovation or restoring to original 1903 home. Ms. O'Sullivan suggests if CPC buys with CPC monies it cannot divorce the restrictions of use. It might be best to purchase the house

separately with other monies. Mr. Clarke and Mr. Luongo both agreed that what Ms. O'Sullivan had to say was interesting and they will look into the answer. Ms. Brown stated that what she remembers is the Secretary of Interiors' focus is on the exterior requirements.

Mr. Clarke stated that he can get into negotiation phase immediately if the Town wants to purchase the land and house. Mayor Kay suggested that an art group might want to come and redo the house and ask to use the house for one year as a payback. There are a lot of options down the road. Mr. Harrington asked if CPC can bond beyond the purchase price. Mr. Clarke stated yes.

Mr. Luongo stated that the appraiser called with an unofficial, but fairly certain amount of \$1,950,000 to \$1,975,000.

Mr. Clarke stated that he spoke with Jim Como from the Massachusetts Department of Conservation and Recreation; Mr. Como stated that this parcel does not fit their programs and they cannot partner or assist on the parcel. However, Mr. Como suggested it would be appropriate to get a second appraisal or a review appraisal on the parcel.

Chairman Flynn stated that in the past this Committee has authorized Mr. Clarke to discuss the purchase of property. Chairman Flynn would like to give Mr. Clarke the authority to do the same for this parcel now with LandVest. Chairman Flynn stated that Mr. Clarke will know what to do if LandVest wants to hold for the full 2 million.

Mayor Kay asked Mr. Clarke can the Town commit to LandVest without a Public Hearing. Mr. Clarke stated he will talk with Solicitor Lane, but he thinks Town only needs Mayor Kay's approval then goes to Town Council. Mr. Luongo stated a "good faith" offer will be accepted, which is a letter of intent. Chairman Flynn reminded the Committee that Town Council will meet for the last time before summer hiatus on June 20, 2011. Mr. Clarke stated that a title search still needs to be done; there is due diligence that needs to be done on the parcel.

Mr. Clarke stated that it sounds like the CPC would like to move forward, and if the Committee would like to give Mr. Clarke instructions he can report back to the Committee in two weeks with more information. Mr. Clarke stated that he would like to make an offer lower than or equal to 1.9 million and see where it goes, that is within 10% of the price.

Ms. O'Sullivan made a MOTION to AUTHORIZE Mr. Clarke to enter into negotiations with LandVest on the purchase price of the Emery Estate for the amount not to exceed \$1,950,000. Mr. Harrington SECONDED the MOTION. Discussion.

Mr. Ford should it be included these are CPC funds and if the Town of Weymouth would like to include its own money it can do so? Mr. Clarke state the way he sees this play out is he will present the offer and LandVest will have to report it to the family. When Mr. Clarke hears back from LandVest he will then tell LandVest he needs to report this answer to CPC and the Mayor.

Vote - MOTION PASSED - it was UNANIMOUSLY VOTED.

Mr. Harrington stated that he has no interest with showing the property to the Trustees of the Reservation or any other outside agency. Mr. Luongo stated that he will cancel the appointment with the Trustees.

Mr. Hannan asked if now is the time to discuss possible uses for the parcel; is it time to discuss ideas with Ms. Brown? Ms. Brown said yes.

Mr. Ford stated that in past conversations with the Abigail Adams Society they have been told by experts that the real value is in welcoming visitors to tour the historic houses and land with a possible dinner and stay over at a tavern. Mr. Ford was interested in finding out if this is possible even on a seasonal scale.

Mr. Hannan gave an idea of an arboretum with open gardens.

Mr. Condon stated that whatever the uses of this space are, it needs access and parking.

Ms. O'Sullivan stated that the parcel's zoning is R1; it would need to be re-zoned if this Committee is looking at a tavern.

Mr. Clarke stated that the parcel has deeded access rights to Eden Road.

Ms. Brown stated she will pull together a list of things to think about for uses. Ms. Brown did suggest CPC do a market study. The building will cost a lot to maintain and heat.

Mayor Kay cautioned the Committee, please don't go public with what you think of for possible uses for the house.

Mr. Ford made a MOTION to exit EXECUTIVE SESSION and to adjourn. The MOTION was SECONDED by Mr. Condon, and on a roll call vote it was UNANIMOUSLY VOTED.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS - EXECUTIVE SESSION**

June 2, 2011

MINUTES

PRESENT:

Walter Flynn, Chairman
Ed Harrington
Laura Harbottle
Donna O'Sullivan
Dan Condon, Clerk
Donald Sheehan
Donald Mathewson

NOT PRESENT:

Stephen Ford, Vice Chairman

Christopher Hannan

ALSO PRESENT:

James Clarke, Director of Planning and Community
Development
Robert Luongo, Economic Planning Director
Scott Bois
Larissa V. Brown, Goody Clancy, PhD, AICP
Mark Tyburski, Tyburski Appraisal Corporation
Phyllis Contestabile, Tyburski Appraisal Corporation

RECORDING SECRETARY: Christine Callbeck

Chairman Flynn declared the Committee to be in Executive Session at 7:30PM.

EMERY PROPERTY

Mr. Clarke stated that he met with LandVest, as he was authorized to do by the Committee, with a letter of intent in the amount of \$1.85 million. The Emery's have accepted with modifications to the letter of intent. Mr. Clarke stated that things will move quickly from here on out. Mayor Kay is planning to prepare a measure tomorrow morning to send the matter to the Town Council.

Mr. Clarke handed out to committee members a timeline of what is to occur over the next several of weeks: (timeline follows and is attached)

Timeline

Town Actions:

- | | |
|------------|--|
| • June 2 | <i>CPC meeting</i> |
| • June 3 | <i>Letter of Intent signing, Measure from Mayor to Council</i> |
| • June 6 | <i>Introduction of Measure to Town Council</i> |
| • June 20 | <i>Town Council hearing, Measure effective 22 days from vote</i> |
| • June 23 | <i>Town Council vote</i> |
| • June 24 | <i>Purchase and Sale required</i> |
| • July 12 | <i>P & S signing and deposit allowed by Town Ordinance and Charter</i> |
| • July 18 | <i>Due diligence period ends</i> |
| • August 5 | <i>Closing date</i> |

Mr. Clarke introduced the appraisers:

Mark Tyburski, President/Owner
Phyllis Contestabile, Sr. Appraiser
Tyburski Appraisal Corporation
89 Summer Street

Hingham, MA 02043
(Appraisal attached)

Mr. Tyburski stated that he has been a real estate appraiser for 30 years. Generally, when appraising vacant land there are three approaches; cost approach, sales comparison approach and income approach. In this case there is a fourth approach, development approach. In this appraisal they employed both the sales comparison approach and the developer approach, which involves looking for other similar land acquisitions, who the typical purchaser is, and if developed what they sold units for and how long on the market.

Chairman Flynn thanked both the appraisers for getting the job done in a timely fashion which enabled CPC to get its job done in a timely fashion. Chairman Flynn stated that the Committee appreciates Mr. Tyburski and Ms. Contestabile's quick work.

Mr. Condon asked is the parcel more valuable with the house? Mr. Tyburski stated no, the house is a deterrent. This parcel is maximized with a subdivision, 28 lots and roads, etc.

Mr. Condon stated the appraisal sites the highest and best use conclusion would be to develop into 28 lots from what standpoint? Mr. Tyburski stated the highest return to the land is provided by maximizing 28 lots versus far fewer with the existing house.

Mr. Condon asked Mr. Tyburski did you have a difficult time trying to find comparable sales recently for a project of this size (28 lots). The one that was used is 21 lots, Meredith Woods, East Weymouth. Mr. Tyburski stated that it is always difficult; they did find more sales the further south they looked but they wanted to stay as local as they could.

Mr. Condon asked Mr. Tyburski does he have any idea of what percent of the land is developable. Mr. Tyburski stated that he does not. Mr. Condon stated that his reasons for these questions are to feel better about presenting this parcel for open space with the knowledge that it is undevelopable. Mr. Tyburski stated that one of the first things they look at is it physically developable. This parcel is not completely developable because of the slope; if it was completely developable then the number of lots would have been higher and the price for the parcel would be higher also.

Mr. Condon asked about the absorption period in the appraisal. The days on the market period seems to be going down while prices are going down. How does this contribute to the final evaluation? Mr. Tyburski stated that days on the market could have been days on the market when parcel was priced too high. The reflection of prices is realistic because people have to move.

Mr. Condon asked is there a market for a house like this with land like this? Mr. Tyburski stated that this parcel would appeal to a developer.

Ms. O'Sullivan asked Mr. Tyburski if in the appraisal are you under the assumption that this is not a site that is loaded with ledge, it is a hill and there is probably an esker. Certainly that

would add a significant cost to the development. Mr. Tyburski stated that he does not like to make any assumptions; however, he can only appraise what he can see. In his appraisal he made sure that the 28 lots were reasonably probable. Ms. O'Sullivan asked Mr. Luongo if LandVest looked into the issue of ledge or esker. Mr. Luongo stated no, they only looked at the size. Additionally, Mr. Luongo stated that the Massachusetts Soil Survey has classified the land as "prime agricultural land".

Larissa V. Brown, Senior Associate
Goody Clancy Architecture Planning Preservation
420 Boylston Street
Boston, MA 02116

Larissa Brown, hired by Town of Weymouth as a Consultant on this parcel. (Memorandum attached)

Ms. Brown stated that it is important to set a deadline and steps for decision points so that too much time does not go by without anything getting done with the parcel.

Ms. Brown stated as an open space parcel, Weymouth does not have a Town Center. Ms. Brown stated she could conceptualize this parcel and Legion Field as "Weymouth Town Center". Very similar to World's End.

Ms. Brown stated "make sure parcel gets used." Items to help move this idea along are:

- Access
- Signage
- Parking
- Programming
- Maintenance
- Activities
- Events make a big draw to the site
- Create a "friends of" group

Ms. Brown stated potential uses for the building could include:

- Tavern
- Bed and breakfast
- Town offices
- Historical ties
- Open to public, needs to be accessible
- Historic houses are generally subsidized by the Town
- Need a market study on the suggested uses for the building and/or parcel
- Need to create space between house and open space if house is made into a B&B or tavern or town offices, etc.

Ms. Brown stated possible recommendations for use:

- Overall suggestion is to purchase the property
- Create "Friends of" group to come up with best use ideas
- Include neighbors of the site
- Open space
- Make signs to keep people out
- Recreation Department could host an event with kite flying to introduce the parcel to the Town

Ms. Brown suggested developing a programming plan:

- Make someone at town government responsible for creating and implementing this plan, work with the "Friends of" group
- Hire a landscaper
- Create a Design competition for viewing the City of Boston
- Create a plan, implement and finance it
- Seek maintenance endowment for the site

Mr. Harrington stated that he is skeptical about proposing these to Town Council.

Ms. O'Sullivan stated if the CPC is purchasing this property with CPC monies, it will need to be real careful on what CPC says they are going to do in the deed restriction. Chairman Flynn stated a deed restriction has to go on the land. Mr. Clarke stated that the Committee asked Ms. Brown to give them a "think piece." She has given the Committee three pages to think and talk about.

Mr. Harrington stated that he is not ready to push another vague project, having already brought Fogg Library and Woodbine Road before Town Council. Chairman Flynn stated that all the CPC can do is recommend a use of the property. Mr. Condon stated that each member has his/her own unique perspective on the parcel and each member has to arrive at their yes or no individually. Chairman Flynn stated that he does not mean to do a disservice to members; however, he wants to remind members that they are in Executive Session to discuss the purchase, exchange, lease of value of real property but not to discuss our personal views on what to do with the property later. That is something that we can all do as individuals in Town Council Chambers at the public hearing.

Mr. Clarke stated that the intent is to submit the Measure to Town Council on Monday night. Mayor Kay will speak to the measure and make clear the importance of acquiring the property now and the fact of it being open space, but that the use of the structure is unknown at this point.

Chairman Flynn stated that he does not want anyone to think he is trying to persuade a particular point of view or to stifle conversation. There is nobody on this Committee that is more frustrated

at the fact that Conservation Restrictions on the properties that we have purchased have not gone forward.

Mr. Clarke recapped; he submitted the Letter of Intent to LandVest, the Emery's accepted with items they would like to see changed. Some dates on timeline are still being negotiated, some dates will be changed.

Mr. Harrington made a MOTION to exit EXECUTIVE SESSION and reconvene in OPEN SESSION to conduct other business. The MOTION was SECONDED by Ms. Harbottle, and on a roll call vote it was UNANIMOUSLY VOTED.