

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS
JANUARY 7, 2010
MINUTES**

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Stephen Ford
Donald Sheehan
Christopher Hannan
Dan Condon, Clerk
Donald Mathewson

NOT PRESENT:

Laura Harbottle

ALSO PRESENT:

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

RECORDING SECRETARY:

Christine Callbeck

Chairman Flynn called the meeting to order at 7:00PM and stated that the Committee would be taking items out of order to afford the Mayor an opportunity to speak to the Committee about an item that would come up under old business.

OLD BUSINESS

Memorial Wall/Gates at Legion Field Proposal

Mayor Kay thanked the Committee for allowing her to speak tonight and stated that this is a very important project to her and to the Town of Weymouth as well.

1. Legion Memorial Wall is a historic, critical landscape component of the Middle Street corridor from Commercial Street to the School Administration building.
2. The local American Legion Post contributed funds for the drainage and filling of this field. The Ladies Auxiliary funded the erection of the Memorial Gate and tablet.
3. The retaining wall is a structural part of the Middle Street roadway and the piers and fence are safety features for the elevation change.
4. Repair of the wall will not impact the future use of Legion Field within parameters currently envisioned. Mayor Kay wanted to address concerns on this item. Now is not

the time to get into plans for this field but the gates, walls, pillars all need to be fixed now. Currently, the Mayor's only goal for Legion Field is to bring it to a green state, get rid of the asbestos, and if she can scrape together some more funding, get more of the field green. The ultimate plan may be determined by what the drainage issue is. Mayor Kay stated that citizens talk about taxes, Fogg Library and Legion Field more than anything else in the Town. Mayor Kay stated that putting funds into renovation of the gate and wall won't hurt. Mayor Kay stated that she does not want to give false impressions on what will happen with Legion Field. Going forward with Phase One of this project will give the Mayor power to go to the State and say the Town has done their part, now how can the State help the Town of Weymouth. Mayor Kay's request is for \$271,000

5. Proceeding with the first phase masonry repairs will address an immediate safety issue and have the greatest visual impact.
6. Proceeding in phases reduces the annual fiscal impact on the CPC budget and could allow later phases to be rolled into an overall Legion Field renovation budget.
7. The masonry scope of work should include the replacement of the wirecut brick posts with waterstruck brick posts for an additional cost of \$50,000. This should be an add or deduct element.
8. Requested funding for Phase One – Masonry Brick Pier Repair and Replacement is \$271,000.

Mr. Clarke read the Legion Field Status Report dated, January 2010

A. Preloading

1. Soil from Greenbush excavation loaded onto field to compact peat under subsoil. (2007)
2. Compaction of peat completed and excess soil removed from site and other material stockpiled for future use.

B. Drainage

Surface drainage trenches dug to assist in stormwater management and address flooding on and off site. (2008)

C. Wetland Restoration

Re-creation and enhancement of wetland pond and wetland plants in northwest corner of the site as per state DEP mandate. (Summer, 2009)

D. Selective Demolition

Abatement and removal of press box from stands and concession stand east of stands. (Summer, 2009)

E. Preliminary Field Re-grading

1. Stockpiled soil and loam is used to re-grade western portion of field from former edge of football field to Middle Street. (Summer, 2009)
2. Deteriorated baseball bleachers along Middle Street are covered.
3. Portions of retaining wall are crack sealed and braced by soil sloped against wall.
4. Newly contoured areas are loamed and hydro-seeded. (Fall, 2009)

F. Legion Memorial Gate and Wall

1. Administration requests review for CPC eligibility. (Fall, 2009)
2. CPC contracts for peer review of previous cost estimates and possible phasing for wall.

Mr. Hannan asked if the fill helped the structural integrity of the wall and retaining by covering the bleachers with the fill. Mr. Clarke and Mayor Kay both stated yes.

Mr. Ford stated that he is aware that there are a lot of out of work and/or under worked iron workers and masons in the Town that could use this job. Could CPC make it part of their wording on the project to make it more of a community involved project because of the economy and the amount of people out of work. Mayor Kay stated that legally the project has to be placed in an REO and go out to bid. The local people that Mr. Ford speaks of could of course apply for the bids. Chairman Flynn stated that Mr. Ford could at the next meeting, which will be televised, announce his idea to all the local masons and iron works to apply for and/or bid for this job.

Mr. Condon stated that his concerns are the field repairs and the wall, and protecting the CPC name. Mr. Condon asked Mayor Kay if she is willing to defend the project to the nay-sayers. Mayor Kay stated that she agrees with Mr. Condon that the CPC is always doing things for the good of the Town. If this project waits another 10 years, the pillars will have crumbled down.

Mr. Mathews thanked Mayor Kay for coming and stated that it has been a long time since the Mayor and Mr. Mathews spoke about this project, but it is nice to see it coming to the table even in a phased approach. Mayor Kay stated that with Phase One started, she will go after other sources to get money and will leave CPC money for other projects that need funding.

Councilor Ed Harrington stated that he believes in this project and approves the use of the CPC funding of the project as well.

MINUTES

Mr. Mathews made a MOTION to APPROVE the Open Session Minutes of October 1, 2009 as amended. Mr. Ford SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Mr. Mathews made a MOTION to APPROVE the Open Session Minutes of November 3, 2009 as amended. Mr. Ford SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Mr. Mathews made a MOTION to APPROVE the Open Session Minutes of December 3, 2009. Mr. Hannan SECONDED the MOTION. It was UNANIMOUSLY VOTED. Mr. Condon abstained.

NEW BUSINESS

APPROVAL OF AGREEMENT BETWEEN WEY/BRA REGIONAL RECREATION CONSERVATION DISTRICT FOR ENFORCEMENT OF CONSERVATION RESTRICTION

RE: Woodbine Road

Mr. Luongo explained that under the Community Preservation Act this parcel needs to be put under a Conservation Restriction.

The **Grantor** (Weymouth CPC/Town of Weymouth) will pay to the Grantee a one-time fee of Four Thousand (\$4,000) solely for legal review, engineering consultation, inventory, site inspection and monitoring visits, reports and any required specialists and administration and enforcement expenses solely relating to the Conservation Restriction.

The **Grantee** (Wey/Bra Region Rec Conserv Dist) is responsible for costs of administering the CR after it has been accepted and registered in the Norfolk County Registry of Deeds. The Grantee's obligations shall include overhead for office/programs and personnel, inventory of the Woodbine Road properties, monitoring costs such as baseline surveys to record environmental features of the parcel, periodic visits and documentation archiving of all appropriate records, enforcement costs when needed, and liability insurance.

Mr. Luongo explained that if issues arise, legal action can be taken in the form of Attachment C:

Attachment C

The Enforcement Policy Components

- 1) Identify a clear plan for organizational response to reported violations that includes the following elements:

- Name and contact information for the organization's enforcement officer (Executive Director, Stewardship Director, or other person as directed in the Enforcement Policy, as well as an emergency contact if the primary contact is unavailable and swift action is needed).
 - Assess reported violations, including whether immediate action is required: Is there ongoing damage or irreparable harm? Is the source reporting the violation credible? What are the risks of inaction?
 - Initiate and document contacts with the landowner (and violator if different); verify details of the violation, determine the facts, review the CR and any applicable laws affected by the violation or potential remediation.
 - Contact any necessary public authority (e.g., Conservation Commission).
 - Document specific action steps taken (correspondence, site visit reports, phone calls, attempts to contact owner); include facts (sources, photos, reports) and opinions (interpretations, excuses, assessments) with attention to maintaining credibility and possible evidentiary needs.
- 2) Identify guidelines to assess reported violations: Is it a clear violation or is the CR ambiguous? Is it a willful violation or an accidental one? Are there minor or significant impacts? Is the violation precedent setting? Is it a repeat violation? If you are considering legal action, how strong is your case? What proof do you have? What are the violator's potential defenses?
 - 3) Consider whether "major" and "minor" violations will be handled differently in terms of procedures.
 - 4) Assess the organizations or agency's range of potential actions which best achieve the objectives of enforcement. Is affordable legal advice available? What resources are available to seek redress? What are the violator's resources and defenses? What are the precedential implications for a win or loss? Will the landowner benefit financially from the violation (private inurement)? What are the public relations implications? What other organizations or agencies might assist with enforcement? (Including EOEEA and the Attorney General).
 - 5) Consider alternatives for resolution, including written warning, written acknowledgement of violation by landowner, or formal interpretation ("Discretionary consent"), pre-litigation settlement (by agreement, mediation, or arbitration), and litigation. Any final resolutions must be in accordance with the organization's or agency's adopted Enforcement Policy and signed by an individual with delegated authority.
 - 6) Evaluate remediation goals, as feasible and achievable, including remediation of the violation, alternative improvements of parcel to offset damage, alternative conservation

benefits (land, program, finance), clarification or amendment of CR (with due consideration for accountability and future enforcement, avoiding negative precedents and publicity, and avoiding private inurement).

- 7) Implement the final action, including, as necessary, final documentation and archiving, legal approval of documentation, ratification by Board or their designee, public relations statement, etc.
- 8) Throughout enforcement process, strive to maintain positive relationships - assume good intentions (hope for the best), but document adequately (prepare for the worst).

Mr. Luongo reported that this is a simple document really, but nevertheless, it is a legal document that needs to be enforced.

Mr. Mathews made a MOTION to APPROVE the sum of \$4,000 to pay for the one-time only fees associated with the Wey/Bra Regional Recreational Conservation District Conservation Restriction for the Woodbine Road parcel, monies to come from the General Reserve Fund. Mr. Sheehan SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Mr. Clarke read the new CPC FY10 Status Report dated January 1, 2010:

Generalized:

| | |
|----------------------------|-----------|
| Unreserved Fund Balance is | \$539,847 |
| Historic | \$187,000 |
| Housing | \$57,000 |
| Open Space | \$ 0 |

Mr. Clarke stated that at the CPC Public Hearing in February he will provide a new listing of updated funding.

State Ethics Commission Update

Chairman Flynn stated that everyone should have received a document from the State. This document needs to be signed and returned saying that members have received the document. Each member will need to take an electronic test online after receiving this document.

Meeting on January 28, 2010

Mr. Clarke advised all members of a joint board meeting to be held at McCulloch Building, Whipple Center Conference Room, 182 Green Street, Weymouth, MA for all boards and all committees and commissions to review the ethics laws and tests.

Mr. Mathews Resigning

Mr. Mathews stated that tonight will be his last meeting with the CPC as he has now become the President of the Town Council and cannot afford so many evenings out of the house. Mr. Mathews has asked Councilor Ed Harrington to replace him on the Committee. Chairman Flynn stated that he always appreciated Mr. Mathew's commitment and enthusiasm as have all past and present Committee members. Chairman Flynn welcomed Councilor Harrington to the Committee.

Chairman Flynn announced that Mr. Ford is the proud father of Nathan John Ford born on December 20, 2009.

OLD BUSINESS

Memorial Wall/Gates at Legion Field Proposal

Chairman Flynn stated that he was thinking about the project and is wondering if the gate/entrance can be moved. Mr. Clarke stated that the gate was placed where it is because it was the closest spot to the old high school which was located behind the current Town Hall.

Mr. Mathews made a MOTION to APPROVE Phase One Restoration of Masonry Brick Pier Repair and Replacement of the Memorial Wall/Gates at Legion Field Proposal in the amount of \$271,000 from the General Reserve Fund which will include wire cut Brick Piers. Mr. Ford SECONDED the MOTION.

Discussion.

Chairman Flynn stated that the project has been phased into three phases, why is the Committee not looking at financing the entire project over the next few years to include the last two phases. Mr. Clarke stated that the Mayor already stated this evening that she will exhaust every other outlet for financing for the other two phases before she has to come back to CPC for additional funding. Mr. Clarke stated that doing the piers first is the biggest bang for the buck. It is going to make a big difference in how the gate looks. Then, after the piers are done, the Town can go back and do the iron work

MOTION: UNANIMOUSLY VOTED.

PROJECT UPDATES

Herring Run

The Herring Run project has been shut down for the winter.

Abigail Adams Society

Mr. Clarke stated that he will invite them to the hearing and talk to them about their project and a possible power point presentation.

Fogg Library

Working on Architects and T.A.C. review and pre-qualifications.

43 Bicknell

Mr. Clarke stated that the Historic Commission may come and talk with the CPC at a future meeting.

Whitman's Pond

This project is up before the Town Council.

Mutton Lane

Town Council approved. Mr. Clarke and Solicitor Lane will meet with the owner to finalize.

Kibby Parcel

This parcel is still in probate.

NEXT MEETING

Publis Hearing at Town Hall in Town Council Chambers

The next meeting of the Community Preservation Committee will be the Public Hearing held on February 4, 2010 at 7:00PM at Town Hall in the Town Council Chambers.

ADJOURNMENT

At 8:35P.M., there being no further business, a MOTION was made by Mr. Mathews to ADJOURN and SECONDED by Mr. Condon. It was UNANIMOUSLY VOTED.

Approved by: _____
Walter H. Flynn, Jr., Chairman

Dated: _____