

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS
FEBRUARY 26, 2009
MINUTES**

Present: Walter Flynn, Chairperson
Arthur Mathews, Vice-Chairperson
Daniel Condon, Clerk
Scott Coven
James Cunningham
Stephen Ford
Christopher Hannan

Not Present: Laura Harbottle
Tom Curtis

Also Present: Jim Clarke, Director of Planning and Community Development
Bob Luongo, Economic Development Planner

Recording Secretary: Mary Briggs

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

Minutes

On motion by Arthur Mathews, seconded by Christopher Hannan, the open session minutes of the December 4, 2008 meeting were unanimously approved.

On motion by Arthur Mathews, seconded by Christopher Hannan, the executive session minutes of the December 4, 2008 meeting were unanimously approved.

On motion by Arthur Mathews, seconded by Christopher Hannan, the open session minutes of the January 8, 2009 meeting were unanimously approved.

On motion by Christopher Hannan, seconded by Arthur Mathews, the executive session minutes of the January 8, 2009 meeting were unanimously approved.

On motion by Arthur Mathews, seconded by Scott Coven, the open session minutes of the January 29, 2009 meeting were unanimously approved.

Conservation Restrictions for Woodbine Road

Bob Luongo noted that the conservation restrictions were reviewed at the last meeting and are still pending comments by the Committee. A letter has been received from the residents abutting the property on Woodbine Road concerning the conservation restrictions.

Arthur Mathews requested that the Chairman review the conservation restriction process for the benefit of the Woodbine Road residents present and for the viewing public, specifically the Committee's and the Town's responsibilities.

Chairman Flynn explained that when a Community Preservation Committee purchases property, MGL Ch. 184 provides that the land itself must have a conservation restriction placed on it, and that conservation restriction must be handled by a third party, not the Town or the CPC, which will monitor how the property is used in conjunction with the restrictions. The Committee is discussing what restrictions should be placed in order to make a recommendation to the Mayor, which ultimately will be presented to the Town Council. The Committee's intent is not to finitely define the restrictions, but to keep them as broad as possible within the context of the purpose for which the land was purchased. The parcel is the last piece of open space available in the area around Whitman's Pond.

Arthur Mathews requested opening the public comment period out of order to allow those residents present who might wish to speak to the restrictions. Chairman Flynn waived the normal rules of order, but asked that speakers confine their comments to the subject. He noted that the Committee had received a letter from six families addressing their views for the property.

Christine Williams of 21 Woodbine Road requested that a parking area or boat launch not be among the considerations for the parcel. She noted that where Woodbine and Island View Roads intersect, a canoe launch already exists and there is another boat launch on the Middle Street side of the pond.

Doug Marsden of 26-32 Woodbine Road noted that he purchased his land within the last year and until he received a draft of the project in his mailbox a day earlier, he was unaware of any of the developments. He has concerns with unsupervised teens, drinking and fires. He has concerns with a parking area being created. He asked who would be overseeing and maintaining the property and noted that the public areas presently around Whitman's Pond are a disgrace with litter and shopping carts.

Chairman Flynn again noted that the restrictions are not meant to be finite but broad, generalized instructions such as those already in use in other areas of the Commonwealth. This is to avoid later the lengthy process necessary to change any restrictions put in place by the Town.

Henry Williams of 21 Woodbine Road noted that the end of the road as it joins the parcel drops off by 35 feet. He noted that the residents are being proactive after their progress in keeping the parcel from development as a subdivision by Mr. Ryder. The residents do not want it developed; there is a public launch area already in place down the road; another isn't needed. He also noted that the road is only 20 feet wide and if a car is parked on both sides, it is impassable to fire vehicles.

Mr. Mathews commented that there is some benefit to the restriction language: prohibiting it for use for cell towers, satellite dishes, windmills, a swimming pool, underground utility conduit or septic systems, and notes that some restrictions need to be included. Recreation walking trails will be impossible without allowing for brush removal. He has spoken with the neighbors about the boat launch and understands the concerns. The intent is for simplified open space with passive recreational use.

Chairman Flynn noted that the Committee is specifically concerned only with sections B and C of the restrictions which will be submitted to the Mayor and the Town Council. There will be additional public hearings as the process continues.

James Clarke recommended that the Committee take back with them the comments from tonight and submit a redraft, with comments from the Town Solicitor, with the intent to put it to a vote at the next meeting.

Mr. Mathews reminded the residents that published notice of the Committee's next meeting will be on the Town's website. It will be held at the McCulloch building. Residents can be heard during the public comment period provided in each meeting of the Committee.

Other Business

A motion was made by Arthur Mathews, and seconded by James Cunningham, to pay the 2009 membership dues of \$2,500 to the Community Preservation Coalition, under the administrative line item of the budget. Mr. Mathews asked what formula is used to determine a municipality's dues; is it based on the size of the municipality or the amount of the State grant match? Mr. Luongo noted that the dues are tier-based, and Weymouth is within the second tier and that the match is based on State contributions.

Scott Coven asked what benefit is provided as members of the coalition. Chairman Flynn provided background for benefit of the newer members. Very early on in the beginning of the Committee, member Larry Lambros spent much of the time in contact with the Coalition. They were also instrumental in providing information on the application process, and within the last year, have worked on changes to the CPA, particularly within the recreation portion of the legislation, and for guaranteed and stable reimbursement to communities. They are a valuable resource to the Committee, with an excellent website. Jim Clarke noted that when the Town receives an application that it has not previously dealt with, they can search it through the Coalition's website and it has been helpful for both the Committee and the administrative staff. Voted unanimously. .

Next Meeting

Meetings are generally scheduled for the first Thursday of the month.

Jim Clarke reminded that the Committee is scheduled to take up the conservation restrictions and the Cemetery Commission's proposal at the next meeting, and delaying

until April will hamper the budget process. By consensus, the Committee will meet next on March 12, 2009 at 7PM at the McCulloch Building.

Public Hearing

On motion by Christopher Hannan, seconded by Scott Coven, that the Public Hearing be opened and the reading of the public notice be waived. Unanimously approved'

Chairman Flynn publicly acknowledged the service of three former members of the Committee who were involved since its inception - Lawrence Lambros, Adrienne Gowen and Brian O'Halloran.

Bob Luongo reviewed the makeup of the Committee membership and its Mission Statement. Established by law under MGL, Ch. 44B, the Committee consists of several appointees from specific town organizations; Walter Flynn from the Planning Board, Arthur Mathews from the Town Council, James Cunningham from the Housing Authority, Stephen Ford from the Recreation Commission, Tom Curtis from the Historic Commission, and Scott Coven from the Conservation Commission. The remaining three positions are mayoral appointments; Chris Hannan, Laura Harbottle and Daniel Condon.

Revenue is derived from a 1-% tax surcharge on residential property, with two exceptions. Low income households and low or moderate income senior citizen households, and the first \$100,000 of assessed value are exempt from the surcharge.

The mission statement of the Committee is to recommend the expenditure of Community Preservation funds to acquire, create and preserve open space; to acquire and preserve historic resources; to create, preserve and support community housing; and to acquire and preserve land for recreational use.

The agenda for the public hearing was outlined by Bob Luongo. Scott Bois from Municipal Finance will review the FY10 proposed budget. The Chairman, Bob Luongo and Jim Clarke will review the projects that have had funding appropriated under the Community Preservation Act and the application procedure. The Committee has a rolling application process. Applications can be received anytime during the year. Lastly, the Committee, at every meeting, will take public comment or input regarding any Community Preservation needs, possibilities and resources within the Town of Weymouth.

Financial Update

Scott Bois from Municipal Finance presented the proposed budget. Revenue from the surcharge is estimated at \$536,724, which is a 2.5% increase from the current fiscal year. The state match this year is only estimated at \$157,097, or 30%. Last year's match was 67%. There has been a steady decline since the first year.

Interest income is estimated at \$5,000, based on current spending patterns and interest rate fluctuations. Funds from penalties, interest and late payments is estimated at \$1,000. Total revenue for FY10 is estimated to be \$699,814. On the expense side, the proposed amounts are consistent with past budgets; administrative costs, open space, historic resources, community housing, recreation, debt service and a general reserve. Administrative costs are capped at 5% of the total estimated revenue or \$34,991. It is allocated similarly as in the past; \$3,750 for recording secretary (40 meetings), miscellaneous expenses of \$1,241, and salary line item of \$30,000 (transferred to the general fund to support staff from Municipal Finance, Board of Assessors, and the Planning Department.)

As required by the CPA, the Committee must set aside 10% of its estimated revenues for open space, historic resources and community housing. It can be either expended in FY10 or set aside for future use.

Open Space budget mandatory 10% set aside is \$69,981.

Historical Resources, however, already has a previously committed liability for \$220,000 for the restoration of the Fogg Library. Although the budget does not show a set aside in the Historic Resources, the Committee can vote to set aside an additional 10% but is not required to do so.

Community housing also only reflects the mandatory 10% set aside of \$69,981.

Although not mandated, the Committee has consistently set aside 10% to recreation each year as well. Since there has been no borrowing, the budget does not reflect any amount in the debt service line item. The general reserve expense budget, what remains of the total budgeted amount less those amounts allocated in the areas outlined earlier, is unspecified, and is currently at \$234,880 and with Town Council approval can be appropriated for any project.

In summary, the FY10 expense budget, in line with the revenue, is balanced, and is broken down as \$34,991 to administrative costs; open space, community housing, recreation, each at the 10% set aside amount of \$69,981; \$220,000 to historic resources for the Fogg Library project; and \$234,880 in the general reserve.

He then reviewed what happens to the funds at the end of each year. Any of the mandated 10% unspent automatically rolls into the fund balance for the designated area and all other unexpended funds go into an undesignated fund balance.

Budget is due on April 1.

Project Review

Bob Luongo reviewed the current projects.

\$12,000 was appropriated and expended for the Cemetery Commission to conduct a needs assessment of the Elmwood and Reed Cemeteries. This has been completed and closed out.

\$1,482,000 has been appropriated to the Fogg Library exterior renovations. Note, this amount does not include the \$220,000 committed from the FY10 budget. \$55,630 has been expended, so the balance is \$1,026,370.

Jim Clarke noted that next Tuesday there is a meeting of the Fogg Library Re-use Committee and Historical Commission at Tufts Library to review preliminary architectural plans. This is expected to go out to bid in the spring, with award of a contract in June. With Town Council action on the FY10 budget, the \$220,000 would then be shown as available funds and the work can begin in the summer.

Chairman Flynn noted that the Committee has voted two separate measures totaling \$1.7M for the renovation of the Fogg Library. To be sure that there would be sufficient funds to complete the project, \$220,000 was committed from FY10 to make up the amount needed.

\$246,946 was appropriated to the Herring Run Project, a part of the larger Back River Trail Project. \$9,868 has been expended and the balance is \$237,078. Jim Clarke noted that preliminary plans for the project are currently under review internally and hopefully will be put out to bid within 30-45 days.

\$141,000 was appropriated to the Wessagusset Field Project. \$133,401.52 has been expended and the balance is \$7,598.48, once it is verified that all bills are in and paid. Scott Bois noted there is an outstanding \$4,000 - \$5,000 retainage invoice on the project to be processed.

\$24,999 was appropriated to the Abigail Adams Property Assessment Project. \$8,000 expended and the balance is \$16,999.

\$12,401.25 was appropriated to the Bike Rack Project and expended. There is a reimbursement for this in the amount of \$11,450.

\$300,000 was appropriated to the Woodbine Road Land Purchase and expended. No balance remaining.

\$10,000 was appropriated to the 43 Bicknell Street Archaeology Study. \$4,985 has been expended, with a balance of \$5,015. A final report on the study is due in late March or early April and it is expected that the balance will be expended by then.

\$125,000 was appropriated to the 712 Main Street Affordable Housing project with no spending yet.

\$26,000 was appropriated to the Whitmans Pond Weed Harvesting Project. \$24,765 has been expended, leaving a balance of \$1,235 which will be closed out.

Scott Bois noted that \$66,000 was set aside for the Pavilion Project. The Committee is not going forward with the project and there needs to be action taken to unencumber those funds.

Chairman Flynn noted that due to the legal action taken by the City of Newton regarding the use of recreation funds, a vote had been taken in Committee to rescind the Pavilion and Riley Field Projects. Scott Bois noted that Municipal Finance was not aware that a vote had taken place and if it is in the minutes, it will be a simple procedural correction to transfer the remaining monies to the unreserved fund. Bob Luongo noted that a vote had been taken to rescind both projects and had been submitted to the Mayor.

Chairman Flynn reviewed the legal action by the City of Newton for the public. The CPC in Newton voted to fund a project in the recreation category; the Supreme Judicial Court later ruled against the Committee, stating that the CPC cannot fund projects on property previously owned by the city or town, or owned by the city or town prior to the adoption of the CPA. Part of the agenda for the Community Preservation Coalition will be legislation to change the language in MGL Ch. 44B. It may happen within the next two years, during the current legislative session.

Bob Luongo reviewed the application procedure. The application is available at the Town's website with a link to the Planning and Community Development Department, then Community Preservation Committee. The application requires contact information, project name, description, fiscal year needed, amount of funding and leveraging for complementary funding from other sources. The completed application can be submitted anytime to either the Committee or to the Planning Department at Town Hall, and assistance is available to complete the form.

Christopher Hannan asked if there is a minimum grant match by the State. Scott Bois noted that it was initially matched at 100% but has declined rapidly since. As far as he knows it can decline totally, with no match offered next year.

Dan Condon asked why the total balances are more than the budget for FY10 and Scott Bois reported that there is an operating budget based on collection and state match and then there is a fund balance which includes unexpended balances from prior years which accounts for the difference. The state match is based on the revenue collected the prior year. Chairman Flynn noted that the match is distributed from the Trust Fund (established by funds collected from recording fees by the Registry of Deeds). Revenue collection rate at present is at 75%, which means the citizens of Weymouth are paying their taxes and paying them on time.

Arthur Mathews read from MGL, Ch.44B and clarified that the minimum state match will not be less than 5%. For first round match of distributions, 80% of the balance after administrative costs will be split among the eligible cities and towns. "Each community

will receive 5% but not more than 100% of the total surcharge assessed". The minimum requirement for matching funds is 5%.

Chairman Flynn reported there were three projects voted by the CPC for funding; two were later rescinded - the Pavilion at Sullivan Park (\$66,000) and the Riley Field Utilization Study (\$18,125). The affordable housing Zero Pond Street (\$440,000) project was voted for funding and withdrawn after reconsideration by the Committee.

Chairman Flynn indicated that public comment would now be accepted. Jim Clarke reported he invited Cathy Torrey from the Abigail Adams Society to present an update on the Property Assessment Study. Cathy Torrey gave a brief presentation on the status. The Abigail Adams Historic Home is a seasonal museum and closes by October of each year as the building has no heat. Most of the work is done during the summer. A Boston architectural firm, Torrey & Spencer completed the study. The museum was fortunate to have one of the partners from the firm, Lynne Spencer, whose knowledge of 18th century American history is profound, and her ability to work with groups and organizations and her understanding of what the Society's role is has been very helpful. Plans were drawn for both inside and outside. The basic assessment of the house and structure were completed. The firm was pleased with the shape the home is in. The Society still needs to work with the historical assessment to determine the best way to present the house, as well as landscaping in line with the historical purposes.

Christopher Hannan asked what needs to be done to the house to shore it up, or meet historical accuracy. Cathy responded that the house itself is in good shape. There is some woodpecker damage to be addressed and wet rot in the back of the house. The Society is looking at historical window work. They are looking to fundraise to support their efforts. The society is not looking to the CPC as a source of total funding, although they are greatly appreciative of the funding for the assessment which will help in fundraising efforts.

Arthur Mathews asked for the timeframe for completion of the study. Cathy noted it should be completed this year, and the hope is to have Lynne Spencer come in and help with a presentation of the findings to the Committee.

Christopher Hannan asked if the question of the house being listed at some point in the future on the National Register of Historic Places. Cathy has spoken with Tim Orwick, who did the research for the Meetinghouse District. Now that the house has been in its location for more than fifty years, it makes it eligible to apply for historic standing. The Society is waiting for the Meetinghouse District decision before applying. The Meetinghouse District was reviewed by Jim Clarke. The Historic Commission allocated funds over the last year that were set aside by Greenbush Mitigation to prepare National Register District nominations; one was for Meetinghouse District which comprises the First Church area and up North Street including the cemeteries and the Abigail Adams House. The other district is the Front Street area of the Landing. The applications are in at Mass. Historical and review is a lengthy process. Sea Street, which was done about four years ago, has not been acted on yet. It is on their June agenda. Once Mass. Historical

receives and reviews the data and a public meeting is held, residents whose property is in a nomination district have a chance to hear what the listing means for the property and can voice concerns or issues. It then goes to the Mass. Historical Commission for a vote and then to Washington for the federal government to take action.

Jim Clarke noted that one of the benefits to the Town of creating a National Register historic district is a key educational opportunity. It highlights the tremendous history of an area. Structures within a historic district are eligible for tax credits for renovations. He used the Fulton School as an example which has been identified as National Register eligible. It has now been sold and will be developed as elderly housing and will be using Historic Preservation tax credits to restore the building. Federal funding for designated structures comes with a higher level of scrutiny. Structures along the Greenbush Line from Braintree to Scituate had several structures identified as eligible for designation by the Army Corps of Engineers. The MBTA had to raise the level of design in those areas. The lights by Church and North streets are an example.

Cathy Torrey noted that the home is open July 1st and runs through August. It will be open Saturdays and Sundays, 1-4 PM, and is staffed totally by volunteers. Last year the home hosted 800 schoolchildren, mostly from Weymouth, and over 400 other visitors.

Patricia Coughlin of 224 Lakeshore Drive asked how to address an area of land adjacent to her property in the Whitman's Pond district. It is being considered for purchase for development and she would like to find out how to have it purchased by the CPC and preserved. She was directed to contact the Planning Department and Historical Commission in Town Hall and offered assistance with the application procedure. Jim Clarke also advised her to contact the Weymouth Historical Society at the Holbrook House and they may be able to assist with historic details for her home.

Tom Daru, President of the Whitmans Pond Association, spoke to the Weed Harvesting Project. They are planning on applying to continue work this year; possibly \$35,000. He will submit an application. Jim Clarke asked how the process went last year, notwithstanding the fact that the money was less than what was actually needed for the scope of the work. James Cunningham commented that more attention needs to be paid to the West Cove section of the pond. Jim Clarke reported that the issue will be revisited when the application comes in for review. Arthur Mathews noted that \$26,000 was allocated last year and this covered only a 2-week window in order to accomplish a portion of the project. Stephen Ford asked about the possible purchase of a harvester for the Town. There is money in a bequest by Lorraine Larrabee, as well as possible money from the Host Community Agreement with LNR, however it isn't anything imminent. It costs about \$200,000 and there are liability and labor relation issues.

Other Business

At the request of Patricia Coughlin, James Cunningham gave a very brief review of the Whitman's Pond neighborhood; its roots and founder. He also let her know that there is material on file at Tufts Library to continue her search.

Adjournment

A motion was made by Arthur Mathews to close the public hearing and was seconded by Scott Coven. Voted unanimously.

At 8:30 PM, there being no further business, a motion was made by Arthur Mathews to adjourn and was seconded by Scott Coven. Voted unanimously.

Approved _____
Walter H. Flynn, Jr., Chairman

Dated _____