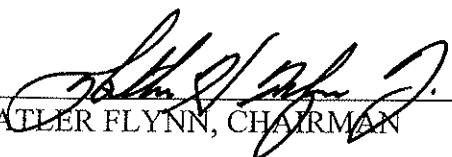


ATTACHED ARE MINUTES FROM EXECUTIVE SESSION MEETINGS FOR
THE KIBBY PROPERTY, NECK STREET THAT WERE VOTED FOR
RELEASE TO THE PUBLIC ON 10 OCTOBER 2012.


WALTER FLYNN, CHAIRMAN

10/10/12
DATE

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WEYMOUTH, MASS

KIBBY ESTATE

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
JANUARY 25, 2007**

Present:

Walter Flynn, Chairman
Arthur Mathews, Vice-Chairman
Adrienne Gowen, Clerk
Brian O'Halloran
Christopher Hannan
Stephen Ford
James Cunningham

Also Present:

James Clarke, Director of Planning & Community
Development

Recording Secretary:

George Lane, Solicitor, Town of Weymouth
Christine Callbeck

Chairman Flynn called the meeting to order at 8:00PM. Chairman Flynn stated that the first order on the agenda is to go into Executive Session.

Mr. Mathews made a MOTION to go into EXECUTIVE SESSION for the purpose to consider the purchase, exchange, lease or value of real property, and to reconvene in OPEN SESSION. Ms. Gowen SECONDED the motion and on a roll call vote it was UNANIMOUSLY VOTED.

Mr. Clarke has received letters at his office regarding CPC purchasing parcels of land in various areas in Weymouth.

Kibby Estate, request to look at the possible purchase of land next to Saltwater Creek Condominium complex.

Mr. Clarke told Mr. Lane that the Conservation Commission has also received this letter and request to purchase land. Mr. Clarke asked Mr. Lane should the CPC ask the Conservation Commission to also keep their discussions regarding this parcel of land in Executive Sessions. Mr. Lane stated that it will fall under interagency policy.

Mr. Clarke stated that the parcel of land measures approximately one acre and a half. Mr. Clarke further stated that the information regarding a sale of this property should be kept in Executive Session so that other abutters don't find out about the possible sale of the parcel. Mr. Clarke has spoke with the women who wrote the letter inquiring about CPC purchasing the land, and he told her that CPC is looking into the possible purchase of the parcel and he will keep in touch with her.

Mr. Mathews asked what is this parcel zoned? Mr. Clarke stated it is zoned Business B1. Discussion ensued regarding the current Toyota Lot next to the parcel, who owns the Toyota lot. Mr. Mathews suggested that Mr. Clarke approach the family and see if they are interested in selling this parcel.

Chairman Flynn stated that this is an interesting part of our learning process. Chairman Flynn stated that the parcel's value is as an extension of Abigail Adams Park. Further discussion ensued regarding parcel and Toyota land.

Mr. Ford asked Mr. Clarke, if the CPC approached the owner of the parcel and suggested that should the CPC obtain the parcel, we could rename the cove Kibby Cove. Mr. Clarke replied that there are ways to being innovative, it's an option. Mr. Lane stated that if we acquire the parcel through the Town of Weymouth then the Mayor would have the say of if it could be renamed.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
FEBRUARY 22, 2007**

Present:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Adrienne Gowen, Clerk
Christopher Hannan
Stephen Ford
James Cunningham
Lawrence Lambros
Tom Curtis

Not Present:

Brian O'Halloran

Also Present:

James Clarke, Director of Planning & Community
Development
James Wilson, Chief Financial Officer
Scott Bois, Coordinator of Financial Services,
Municipal Finance Department

Recording Secretary:

Christine Callbeck

Chairman Flynn called the meeting to order at 10:00PM. Chairman Flynn stated that the first order on the agenda is to go into Executive Session.

Ms. Gowen 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 adjournment. Mr. Mathews SECONDED the motion and on a roll call vote it was UNANIMOUSLY VOTED.

Chairman Flynn stated that there are five items regarding the purchase of land.

North Weymouth, Bridge Street piece

Mr. Clarke stated he has no further information on the North Weymouth piece of property at this time.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
MARCH 1, 2007**

Present:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Adrienne Gowen, Clerk
Tom Curtis
Christopher Hannan
Stephen Ford
James Cunningham
Lawrence Lambros

Not Present:

Also Present:

Brian O'Halloran
James Clarke, Director of Planning & Community
Development
James Wilson, Chief Financial Officer
Scott Bois, Coordinator of Financial Services,
Municipal Finance Department
Christine Callbeck

Recording Secretary:

Property on Bridge Street behind Toyota Building

Mr. Clarke stated that he will make contact with the owner of the property and report back to the committee.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
JUNE 14, 2007**

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Adrienne Gowen, Clerk
Tom Curtis
Brian O'Halloran
Stephen Ford
James Cunningham
Lawrence Lambros

NOT PRESENT:

ALSO PRESENT:

Christopher Hannan
James Clarke, Director of Planning and Community
Development
Robert Luongo, Economic Development Planner
James Wilson, Chief Financial Officer
Christine Callbeck

RECORDING SECRETARY:

BRIDGE STREET PARCEL

Mr. Clarke reported that he has contacted the executor of the parcel and told them that the CPC has some interest in the parcel. The executor was willing to discuss the matter with Mr. Clarke.

Mr. Clarke further stated that he should have more information for the committee on July 12, 2007.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
OCTOBER 11, 2007**

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Tom Curtis
Brian O'Halloran
Christopher Hannan

NOT PRESENT:

Adrienne Gowen, Clerk
James Cunningham
Lawrence Lambros
Stephen Ford

ALSO PRESENT:

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

RECORDING SECRETARY:

PROPERTY BEHIND TOYOTA ON BRIDGE STREET

Mr. Mathews asked if the administration can have an update on the property behind Toyota Dealership available for members at the next CPC meeting. Mr. Clarke stated that the matter is still in probate; he will call and express the CPC's interest.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
DECEMBER 6, 2007**

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Adrienne Gowen, Clerk
Thomas Curtis
Stephen Ford
Christopher Hannan
Brian O'Halloran
James Cunningham
Lawrence Lambros

ALSO PRESENT:

Robert Luongo, Economic Development Planner

RECORDING SECRETARY:

Christine Callbeck

Kibby Parcel (Route 3A behind Weymouth Toyota)

Mr. Luongo stated that Mr. Clarke contacted Dick Kibby during the past week. He is behind on cleaning up estate issues as he broke his leg during the summer. Mr. Kibby will meet with Mr.

Clarke in the next few weeks. He is interested in discussing purchase with the Town. At this time, the CPC has only expressed interest; no appraisal has been requested by the CPC. There are several approaches to this parcel that could be undertaken. Certainly a discussion with the State DCR is in order in that Abigail Adams Park is next door; maybe CPC could get them to help out and purchase this parcel of land. Mr. Clarke can present further options on this parcel after meeting with Dick Kibby. Some of the land is being leased to the Toyota Dealership. Not sure how long that lease is for.

Chairman Flynn reminded Committee members that it does not have a proposal outstanding for this parcel; it is just a parcel that interested the Committee.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
May 15, 2008**

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Adrienne Gowen, Clerk
Stephen Ford
James Cunningham
Thomas Curtis

NOT PRESENT:

Christopher Hannan

ALSO PRESENT:

James Clarke, Director of Planning and Community
Development

Robert Luongo, Economic Development Planner

RECORDING SECRETARY:

Christine Callbeck

Kibby Parcel – Appraisal

Mr. Phil Waterman, Registered Appraiser

Mr. Waterman reported that he has submitted a 45 page appraisal report and he will not read the entire report but will talk about some key items/factors. Three parcels owned by the Kibby family off Neck Street. The first is located behind the Salt Water Creek Condominium development. The parcel is a developed piece of residential land with a house on it, 5,000 sq.ft. of land and a small 975 sq.ft. of land is adjacent to it and also zoned residential. Also contained is a parcel of land commercially zoned 65,000 sq.ft. The house was built in 1920. The house burned down and was rebuilt in 1944. It is a small four-room house with an unfinished upstairs. The average home in Weymouth sells for \$450,000-500,000. Five sales that are similar in structure to this home averaged \$310,000-335,000. Mr. Waterman stated he used a price per sq. ft. of \$240.

975 sq. ft. = \$230,000-\$235,000

The problems with the property are:

No frontage on Neck Street. There is a right of way that leads to the site. Tenant drives through the condo property to reach the house.

Due to all these factors, Mr. Waterman changed the appraisal amount to \$200,000 and states the home/property is in fair to poor condition. Another access to the property is a 20' strip of land that abuts the Toyota property. The frontage on Bridge Street is almost landlocked with the roadway. Parcel abuts residential property. If someone wanted to develop the land, the Salt Water Creek Condominium would probably object strongly. Average assessment seller price \$8.70 per sq. ft, increased 25% to \$11.00 per sq. ft. which makes the assessment value \$650,000. However, the property is landlocked with narrow access and it abuts residential zoned land, not much potential to develop, backed off 50%; assessed at \$300,000. With regard to the overall site, and for the Committee's information, there is an abandoned oil tank on the property with possible land contamination. The highest and best use for the land is open space. Mr. Waterman would deter any one from moving in with the possibility of toxic land.

Mr. Cunningham asked if the Committee should consider only the larger parcel. Mr. Waterman stated that he doesn't know how extensive the damage to the land is due to the oil tanks.

Mr. Clarke stated that he has contacted the State and spoke with the Division of Conservation and Recreation and they are interested in looking at the property after July 2008. Mr. Ford asked if the CPC needs to take any responsibility/action on the oil tanks on the property. Mr. Curtis asked if this parcel is part and parcel of the Abigail Adams Park; then would it become their responsibility? Mr. Clarke stated that there is potential that this parcel has commercial value if the Scion Dealership wants to use the parcel.

Mr. Mathews asked Mr. Clarke to contact the Health or Conservation Commission to check the seepage or leakage into the ground. Mr. Mathew further stated that he has no interest in the house. Mr. Mathews would not want to make any offer until the Town investigates all the issues on the land. Mr. Mathews stated that he appreciated the appraisal and the details.

Mr. Waterman advised the Committee that there are a lot of other "dumped items" on the parcel such as boats, landscaping debris, home heating oil tanks and leaves. Mr. Waterman's final comment was contaminated land is not valuable and very expensive to clean up.

Mr. Mathews stated that if the Committee makes a proposal, make it subject to the owner cleaning up the property. Mr. Curtis stated that with tanks the probability of leakage is great. Chairman Flynn stated that the CPC could look into testing the area around the tanks and the land behind the Toyota property, the leakage could be seepage from the Toyota Dealership.

Mr. Clarke stated that he will speak with the Health Department. Mr. Clarke cautioned the Committee to proceed cautiously and discretely. Mr. Clarke stated that he hopes to have an answer from the Health Department at the next CPC meeting.

Chairman Flynn asked if Committee members can visit the property. Mr. Clarke answered no. Chairman Flynn asked if there are any zoning issues if the Committee plans to use the parcels as open space. Mr. Clarke answered only minor issues. Mr. Luongo stated that in order to do the

investigation for contamination, a site professional would have to be hired. The site professional will do a 1A on the site. The tests will cost a lot of money.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
July 17, 2008**

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Adrienne Gowen, Clerk
Stephen Ford
James Cunningham
Christopher Hannan

NOT PRESENT:

Thomas Curtis

ALSO PRESENT:

James Clarke, Director of Planning and Community
Development

Robert Luongo, Economic Development Planner

RECORDING SECRETARY:

Christine Callbeck

Kibby Parcel on Route 3A

Mr. Clarke reported that he has had to wait on this parcel because the Division of Conservation and Recreation is interested in partnering with CPC. Mr. Clarke stated that he has spoken with the owner and taken pictures, and he should be hearing back from DCR tomorrow and then he will set up a meeting to tour the site. Mr. Clarke stated that the CPC asked him to have the Health Department look at the property due to the appraisal. The composted material i.e. trees, leaves; the oil tanks... the Health Department felt that the oil tanks were not a major issue. Mr. Clarke asked the Committee if they would like him to bring someone else in to evaluate more. Mr. Clarke stated that DCR might want to bring in a civil engineer and have them take a more detailed look at the site. Mr. Clarke stated that at the August meeting he will have more information and then the Committee can speak about an offer to move forward. Mr. Ford asked if it was okay to ask Mr. Kibby what he is thinking about for a price. Mr. Clarke stated that he would like to find out where DCR stands first. Mr. Clarke stated that he feels the appraisal number is low and that it is still waterfront property. Mr. Ford stated that this is a great possibility for a park. Mr. Clarke stated that it is a great acquisition piece for the Town or State. Chairman Flynn asked what happens in terms of Chapter 184. Do we still have annual reviews. Mr. Mathews asked about the oil spill, and is oil seeping from the tanks currently. Mr. Clarke answered yes; maybe a faucet is dripping. When the discussion was finished Mr. Clarke suggested the Committee be prepared to take action on this project at the next meeting. Mr. Mathews asked if Mr. Clarke could ask the DCR if they would help demolish the house at the site. Mr. Clarke will ask and report back at the next meeting.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
August 21, 2008**

PRESENT:

Walter Flynn, Chairman

Arthur Mathews, Vice Chairman
Steven Ford
Thomas Curtis
James Cunningham
Christopher Hannan
Scott Coven

ALSO PRESENT:

Robert Luongo, Economic Development Planner
James Clarke, Director of Planning and Development
James Wilson, Chief Financial Officer
Joanne Lamothe, Fogg Library
Christine Callbeck

Kibby Property

Mr. Clarke stated that the DCR is very interested in working with the CPC to acquire the property. Their next step is to get an appraisal. The district manager is working to set up a site visit, probably will be in September. Mr. Clarke feels that it will be appropriate to get the sense of where DCR is and what they would like to do on this parcel and then he will report back to this committee. Mr. Mathews asked if the owner is ambitious to sell the property. Mr. Clarke assured Mr. Mathews that the owner has never expressed an issue of urgency to sell.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
SEPTEMBER 11, 2008**

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Thomas Curtis
James Cunningham
Christopher Hannan
Scott Coven

NOT PRESENT:

Stephen Ford

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 8:00PM and noted that Stephen Ford would not be present.

KIBBY PARCEL

Mr. Clarke stated that he has met with DCR, they have toured the site, and Mr. Clarke provided DCR with deeds and old plans of the properties. They are very interested and excited. Today

they went before the State committee that would give them the green light on acquisitions. They will have their own appraisal done of the property. Next they will want to talk about their value of the property and what the conservation restriction value is. Next, if DCR comes on board officially and wants to join in acquiring the property, they will meet with Mr. Kibby and DCR and Mr. Clarke and get approval from CPC.

Mr. Clarke stated that he ran into some of the neighbors from the Saltwater Creek Condominium Association and they are aware of this interest in the property and Mr. Clark asked them to keep the information quiet. Mr. Clarke stated that he feels that the State is going to want to partner with the CPC and that will be a big help.

Mr. Hannan asked if the interest is a 50/50 deal. Mr. Clarke stated that the DCR is interested in acquiring a conservation restriction. Mr. Clarke thinks this means they will look at the value of the property and what it is worth for open space. If the Town buys the land; the State can buy the development rights. Mr. Clarke stated that all this information is hearsay at this point.

Mr. Curtis asked if Mary Ellen Schloss has looked at the new regulations on destruction/construction. Mr. Clarke stated that Weymouth would probably demo the building and keep it a park. The owner would argue that the land has certain value. Mr. Mathews asked if the CPC purchases the parcel, is there a deed restriction? Mr. Clarke stated yes.

Mr. Mathews asked if the State does a good job of maintaining the Abigail Adams Park. Mr. Clark stated that during the first year, the maintenance was poor. Since then, they have done a better job; with the same issues at the Webb State Park.

Mr. Coven asked if anyone is living in the house now. Mr. Clarke answered yes. Mr. Coven stated that there is the possibility of a grandfather clause if someone is already living there.

Chairman Flynn asked if the right of way to Route 3A is necessary and can CPC purchase the property minus the headache (right of way).

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
OCTOBER 2, 2008**

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Thomas Curtis
James Cunningham
Christopher Hannan
Stephen Ford
Scott Coven
Laura Harbottle
Dan Condin

ALSO PRESENT:

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

RECORDING SECRETARY: Christine Callbeck

Chairman Flynn called the meeting to order and stated that the first order on the agenda is to go into Executive Session.

BRIDGE STREET – KIBBY PARCEL

Mr. Clarke reported that the DCR Land Committee approved the purchase with the Town of Weymouth to be completed this fiscal year. DCR has authorized the expenditure of funds for an appraisal and title search information. DCR is interested in participating in a conservation restriction process and have authorized \$300,000 or 50% of the purchase price. Mr. Clarke met yesterday with the appraiser; they walked the property, looked at the house and spoke with the tenant. By contract the tenant has until the middle of December to get an appraisal. Mr. Komo, from DCR, (who is handling the negotiations for the state) and Mr. Clarke are going to meet with the owner of the property next week. The meeting is to advise owner where the town is and to get a sense of what the owner thinks the property is worth.

Mr. Clarke reported that when DCR and the state are looking to acquire a piece of property they have to give official notice to the town. This means that DCR must make a public notice of their intent to purchase this parcel. Mr. Clarke stated that Councilor Smart, President of the Town Council has been given notice of the intent to purchase. Councilor Smart suggested that the easiest thing to do is to make the announcement at the next Town Council meeting during announcement time. Mr. Clarke advised the committee that it will still keep its information in Executive Session because of the negotiating and price factors.

Mr. Curtis asked what the total acreage is. Mr. Clarke stated 1.5 acres. Mr. Curtis asked if the appraisal is going to look at the best use of the land or several different uses. Mr. Clarke stated that the appraiser will examine several alternatives and they will know the conservation restrictions for the parcel.

Mr. Ford stated that in the minutes of the September 11, 2008 Executive Session the committee discussed the land on the right of way. Mr. Ford stated that he envisions that to be a great access to the parcel and possibly it could beautify 3A even in the small section.

Chairman Flynn reviewed information about this parcel for the committee's new members. Mr. Clarke stated that CPC approached the state and suggested they would be interested in purchasing the parcel.

Mr. Mathews stated that the appraisal is \$300,000 and that is under priced. Mr. Curtis stated that it depends on what the parcel is used for. Mr. Clarke stated that he will have copies of the appraisal made for the new members. Mr. Clarke stated that the appraisal lists the parcels separately and totally they equal \$500,000. Mr. Coven stated that the house that is there is

relatively close to the water and asked if the owner could grandfather. Mr. Clarke stated yes, they would need conservation's approval.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
DECEMBER 4, 2008
MINUTES**

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Scott Coven, Clerk
Thomas Curtis
Stephen Ford
Christopher Hannan
James Cunningham
Dan Condon

NOT PRESENT:

Laura Harbottle

ALSO PRESENT:

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

RECORDING SECRETARY:

Christine Callbeck

Chairman Flynn called the meeting to order.

BRIDGE STREET PARCEL

Mr. Clarke stated that he has received DCR's appraisal and he is hoping to meeting on next Tuesday to discuss strategy with Mr. Kibby and to put forth an offer. The appraisal from DCR was about the same as the one that CPC received. \$200 for one parcel and \$300 for the other; \$500 total. Mr. Clarke suggested starting at a lower price and talking about some of the constraints on the property.

Mr. Mathews made a MOTION to AUTHORIZE Mr. Clarke to spend up to \$300,000 to match the State for the purchase of the parcel. Mr. Ford SECONDED the MOTION. Discussion. Mr. Curtis stated that he sees no reason to go above \$250,000. Chairman Flynn asked Solicitor Lane if the CPC could expend more than the appraised value for a piece of property. Solicitor Lane stated in section 16, chapter 30b, it states: "shall not apply to the acquisition by a city or town of real property or interest therein as authorized by this chapter for the purpose of community preservation etc." Chapter 40, section 16, "no such real property or interest therein shall be acquired by any city or town for a price exceeding the value of property as determined by such city or town through procedures customarily accepted by the appraising profession.

Mr. Mathews stated that if that is the law, then this CPC has already violated the law. Chairman Flynn stated that the Committee has three options: (1) Mr. Mathews can withdraw his motion, (2) Mr. Mathews can authorize Mr. Clarke to start negotiations with Mr. Kibby, and (3) the Committee can seek a new appraisal of the parcel.

Mr. Mathews AMENDED his MOTION to AUTHORIZE Mr. Clarke to spend up to \$250,000 or one half (1/2) of the state's appraisal if higher, for the purchase of the parcel. Mr. Cunningham SECONDED the AMENDED MOTION. MOTION PASSED on a 6-1 vote. Mr. Curtis voted no.

Mr. Ford stated that in his opinion, if the entranceway were improved, it would be more noticeable and it would be a big improvement.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
JANUARY 8, 2009
MINUTES**

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Thomas Curtis
Stephen Ford
Christopher Hannan
James Cunningham

NOT PRESENT:

Laura Harbottle
Scott Coven
Dan Condon

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.

BRIDGE STREET PARCEL

Mr. Clarke stated that at the previous meeting the Committee voted to make an offer to Mr. Kibby in conjunction with DCR. Mr. Clarke met with Mr. Kibby on December 10, 2008 and reviewed the proposal. They reviewed what they felt the land was like and what the values were in the area. An offer of \$445,000 was made for the whole property. Some of the concerns on the land were the removal of a car, boat, yard waste and other things. The Town also would plan to take the building down. Mr. Kibby called Mr. Clarke back and stated that he is interested in the

offer and he wants additional monies for the cleanup of the site. Mr. Clarke stated that he and DCS tried to talk about a long-term maintenance plan for the fuel clean up. Mr. Clarke will talk with DCR and their appraiser to discuss this issue tomorrow. Mr. Clarke stated that he is looking at a Purchase and Sale Agreement with Solicitor Lane. Mr. Clarke handed out a map of the properties involved. Mr. Clarke discussed what is needed is to sell or extinguish the right-of-way; it becomes part of Abigail Adams Park. It does not make sense to have the little piece of land. Mr. Clarke suggested giving the parcel a monetary value and putting that into a long-term maintenance plan for the property. The lot has a value to the Tafankian automobile dealership. Mr. Clarke suggested selling the right-of-way ownership to Salt Water Creek Condominium Association. Mr. Clarke stated that the complication of the sale is, the Town cannot acquire the parcel as a conservation piece or open space piece and then sell a portion of it. Some other suggestions were:

- 1) Get a passage easement along the edge of the property
- 2) Or, just assume that the Town will be able to access the parcel via the Abigail Adams Park

Mr. Clarke's suggestion is to work with Mr. Kibby and ask him to work it out with his neighbor before the Town makes the sale. Project is still in flux.

Chairman Flynn asked what if Mr. Kibby sells that piece to pay for his cleanup of the parcel. Mr. Clarke stated that he feels that the CPC would probably want to put more money in the offer for the cleanup and in some way use the money for maintenance. Mr. Clarke stated that he wanted to inform the Committee of the meeting with Mr. Kibby and the positive response to the offer made by the Town of Weymouth and DCR and with the way that funds are Mr. Clarke feels that it is a good idea to move quickly.

Mr. Cunningham asked if the State is interested in the access parcels. Mr. Clarke stated no. Mr. Ford stated that there is value in keeping the strip of land. The view of North Weymouth would be changed if the area was cleaned up. Mr. Ford stated that the Town of Weymouth should do what is best for the Town of Weymouth with the strip of land. Mr. Ford stated that Abigail Adams Park is not utilized by Weymouth residents. Mr. Ford stated that the current right-of-way easement would be a great bike trail to the Lane Beach area. This would be an enormous resource for the residents of Weymouth. Chairman Flynn stated that it could be a legal issue trying to propose usage for the easement as a continuation as a bike path. Mr. Clarke stated that maybe the area could be renegotiated as a bike/pedestrian right-of-way only. Mr. Clarke suggested that Committee members go to the site and walk the path because it is pretty narrow. Mr. Ford agreed that he needs to go and look at the site.

Mr. Mathews asked if Mr. Clarke needs further authorization from the Committee to go forward with discussions on the parcel. Mr. Clarke stated that at this point he is okay and does not need any further approval to conclude the discussions with DCR. Mr. Mathews stated that he likes the idea to sell the access strip to the Tafankian automobile dealership. Mr. Mathews stated that he would love to see CPC get funding from the State for the maintenance of the parcel.

Mr. Curtis stated that initially he was not in favor of retaining the 20-25 foot strip of land but he feels that Mr. Ford's suggestion has a lot of value. Mr. Curtis stated that a beautification project

should include that 300 ft. strip and if it was to be fenced, that would negate the use of the strip for vehicles. Mr. Curtis asked about the oil tanks and if the responsibilities of oil clean up always stays with the original owner of the land. Mr. Clarke stated that the Town of Weymouth has looked at what has spilled and it appears that the clean up would be minimal.

Mr. Clarke recommended that the Committee get out and see the property. Mr. Clarke stated that members could walk down Bridge Street and walk down the open access next to property #6. Mr. Clarke suggested that members knock on the door at the house and advise that they are with the Town of Weymouth and would like to walk the property.

Mr. Mathews stated that the Town of Weymouth is going to need funding to demolish the house. Mr. Clarke stated that the Town of Weymouth would probably ask for CPC funding to demolish the house and secure the well and septic system.

Mr. Ford asked if the Town of Weymouth can apply for a grant to purchase lot #6. Mr. Clarke stated that he can have his office look into it.

Mr. Cunningham suggested the Town of Weymouth engage the car dealership in the conversations and talk about the easement.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
APRIL 16, 2009
MINUTES**

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Stephen Ford
Dan Condon
James Cunningham
Scott Coven, Clerk
Christopher Hannan

NOT PRESENT:

Laura Harbottle

ALSO PRESENT:

Robert Luongo, Economic Development Planner
James Clarke, Director of Planning & Development

RECORDING SECRETARY:

Christine Callbeck

Chairman Flynn called the meeting to order and stated that the first order of business was to go into Executive Session.

Mr. Mathews made a MOTION to go into EXECUTIVE SESSION for the purpose to consider the purchase, exchange, lease of value of real property, and to reconvene in OPEN SESSION.

Mr. Condon SECONDED the MOTION and on a roll call vote it was UNANIMOUSLY VOTED.

KIBBY PARCEL

Mr. Clarke stated that he hopes to move ahead on this acquisition soon. Mr. Clarke met with Mr. Kibby and the people from DCR, together they made Mr. Kibby an offer of \$445,000. Mr. Kibby accepted the offer. The CPC appraisal was \$500,000, and the DCR appraisal was \$560,000. Because of the 50/50 deal with the state, Mr. Clarke was able to secure DCR to agree to 50/50 for the cleanup costs as well. There is a lot of debris to be cleaned up, garbage, exterior oil tanks, house demo, fill in foundation, etc.

DCR will acquire a conservation restriction. They will not require a conservation restriction on the sliver of land that goes out to Bridge Street. Mr. Clarke stated that he and DCR still need to discuss the finalizations of the draft Purchase and Sale and the Memo of Understanding. Mr. Clarke hopes to get to DCR by next week. Mr. Clarke stated that Mr. Kibby is anxious about the trash and the tenant. This is a very good deal for the town because of the price.

Mr. Clarke prepared an outline of the purchase of the Kibby Parcel as follows:

1. Purchase all of Kibby property
 - a. Cost \$445,000 for property
2. Total cost to include cleanup of site and administrative and recording fees
 - a. Yard waste and debris
 - b. Oil tank removal and cleanup
 - c. House demolition and well and cesspool closure
 - d. Estimated costs \$45,000
3. Town will acquire fee interest in property
4. State DCR will acquire Conservation Restriction on the majority of property and will pay 50% of acquisition and site cleanup

Mr. Ford made a MOTION to APPROVE the above outline of the purchase. Mr. Coven SECONDED the MOTION. Discussion.

Mr. Mathews stated that this is a great purchase and will be nice for the community. Mr. Mathews would like to make sure the parcel does not turn into dumping grounds. Mr. Clarke stated that he has spoke to the person that has been dumping things on the land. Mr. Mathews suggested a protective fence on the land to protect against dumping trash going forward.

Mr. Cunningham asked what the town will do with the small piece of land on Bridge Street.

Mr. Clarke stated that he feels this conversation allows him to tell Mr. Kibby and DCR that it is okay to move forward with the appropriate documents. Chairman Flynn stated that at a later date the CPC will need to make and approve the exact amounts for the property and cleanup costs.

Mr. Mathews gave a brief review of the parcel for the new members of the committee.

MOTION: UNANIMOUSLY PASSED.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
MAY 28, 2009
MINUTES**

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Stephen Ford
James Cunningham
Scott Coven, Clerk
Laura Harbottle

ALSO PRESENT:

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

RECORDING SECRETARY:

Christine Callbeck

Chairman Flynn called the meeting to order at 6:30PM and stated that the first order of business was to go into Executive Session. Mr. Mathews made a MOTION to go into EXECUTIVE SESSION for the purpose to consider the purchase, exchange, lease of value of real property, and to reconvene in OPEN SESSION for the purpose of adjournment. Mr. Cunningham SECONDED the MOTION and on a roll call vote it was UNANIMOUSLY VOTED.

KIBBY PROPERTY

A. Proposed Agreement

- a. Town and DCR purchase land from Richard Kibby for \$445,000.
- b. Purchase price split 50-50 between town and DCR.
- c. DCR acquires a Conservation Restriction over the majority of the property
- d. Town will acquire fee title to entire property
- e. Town and DCR will pay for and manage the cleanup of the site

B. Site Cleanup

- a. Scattered yard waste, debris, building materials will be removed
- b. Several domestic oil tanks and stained soil will be removed and cleaned
- c. House will be demolished and removed
- d. Well and cesspool will be filled and closed

C. Additional Project Costs

- a. Site cleanup, and appraisal and recording fees
- b. These costs estimated at \$49,000.

D. Town Financial Obligation

- a. \$247,000.

E. Next Steps – Town

- a. CPC meeting, Thursday, May 28 to vote proposed source of funds for project
- b. Mayor submits measure to Town Council for June 1, 2009 agenda
- c. June 15 – potential date for hearing and action on measure
- d. Closing date for purchase prior to June 30, 2009

F. ISSUE

- a. During the search for the title Solicitor Lane and the attorney for the state came across an old lease from Hollis Kibby who originally owned the property and then in turn gave to Richard Kibby. During the time of the life estate around the time of 1984, he gave a 10 year lease to Mr. Tafankian. The lease has expired but in the terms of the lease there is also language that says that Mr. Tafankian would have the right of first refusal for the purchase of the property.
- b. Solicitor Lane and the attorney for the state both feel that it is best to alert Mr. Tafankian. Several weeks ago, on May 14, 2009, solicitor Lane sent a letter to Mr. Tafankian to advise that CPC is moving forward to purchase this property and that CPC is aware that there is a Subject of Modification of a Confirmatory Lease going back to 1984. Solicitor Lane asked Mr. Tafankian to sign off on this since Mr. Hollis Kibby has passed away.
- c. Mr. Tafankian has not contacted Solicitor Lane since receipt of the letter.
- d. Mr. Tafankian has contacted Richard Kibby and made an offer for the property in the amount of \$650,000.
- e. Mr. Clarke reported that Mr. Kibby contacted him again this morning to tell him that he has received a 5% deposit check from Mr. Tafankian for the property.

Mr. Clarke reported that both he and Jim Como have been on the phone all day trying to get further on this matter. Mr. Clarke suggested a meeting between Mr. Kibby and Jim Como and himself to discuss the honor of the verbal agreement. Mr. Clarke stated that he has nothing in writing of an agreement with Mr. Kibby and is awaiting his call for a meeting to discuss. Mr. Clarke stated that he feels that the committee should move forward tonight on a decision to

purchase the property and get the ball rolling for an early closing before the Town Council goes on summer recess. If Mr. Kibby says that he wants the deal to close by July 1, 2009 then the committee will need to have voted tonight and get the proposal before the Town Council.

The committee needs to decide if the parcel is worth increasing the funding up to 100% of the additional costs to ½ million. Other possibilities are:

- Make this happen by June 30, 2009
- Talk with Mr. Tafankian and see what portion of the parcel that he is interested in
- The problem is that the issue will go public tomorrow via the Town Council's involvement via the decision made at this meeting tonight.

Chairman Flynn reviewed the possibilities for the committee:

- Make motion to provide a funding source for \$250,000
- Could increase funding source to \$293,000, which is ½ of appraisal of \$586,000.
- Could forget about the cleanup costs right now and if CPC considers it appropriate, CPC could fund cleanup costs out of Fiscal Year 2010
- CPC could simply give up.

Mr. Clarke stated that he put together language for a possible motion.

Mr. Clarke stated that the state is very interested in this property and they would possibly pay the cleanup costs in the next fiscal year.

Mr. Ford suggested that the Town of Weymouth could pay 70% and DCR could pay 30%.

Mr. Coven suggested that the committee advise Mr. Kibby that CPC is able to close on the property with 30 days but are unable to bring the price up.

Mr. Cunningham is concerned with the lease, does the committee know what portion of the parcel that Mr. Tafankian wants to purchase. Mr. Clarke stated it is 80-100 feet and includes the access road.

Mr. Clarke stated that his suggestion would be to talk with Mr. Kibby and stated that this agreement was made in good faith along with the state and that he should honor the town and state's commitment to the parcel. After that Mr. Clarke can try and bargain and then go up on the price, however, he can only go as high as the appraisal.

Mr. Mathews made a MOTION that the Town of Weymouth RAISE and appropriate the sum of \$339,000 from the Community Preservation Committee – Unreserved Fund Balance (4906.3210001) for the purpose of purchasing the following parcels at 279 Neck Street; Sheet 5, Block 13, Lots 6, 8, and 14. That the Town Council direct the Mayor to grant a perpetual conservation restriction in said parcels of land meeting the requirements of M.G.L. Chapter 44B, Sec. 12 and M.G.L. Chapter 184, Sec., 31-33 as may be deemed appropriate. Mr. Ford SECONDED the MOTION. Discussion. Mr. Mathews stated that if Mr. Kibby wants to close on this fast, the motion needs to be approved tonight and go to council on June 1, 2009. Mr.

Mathews further stated that this is the biggest match that CPC has received on a purchase and it is a great open space purchase. MOTION PASSED: UNANIMOUSLY VOTED.

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS – EXECUTIVE SESSION
JUNE 22, 2009
MINUTES**

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Stephen Ford
James Cunningham
Scott Coven, Clerk
Dan Condon
Laura Harbottle

NOT PRESENT:

Christopher Hannan

ALSO PRESENT:

James Clarke, Director of Planning and Development
James Comeau, DCR

RECORDING SECRETARY:

Christine Callbeck

Chairman Flynn called the meeting to order at 6:30PM.

Mr. Mathews made a MOTION to go into EXECUTIVE SESSION for the purpose to consider the purchase, exchange, lease of value of real property, and to reconvene in OPEN SESSION. Mr. Condon SECONDED the MOTION and on a roll call vote it was UNANIMOUSLY VOTED.

Kibby Property

Condition of Sale and procedures that CPC will follow; those activities and uses will become part of a more open discussion when the committee talks about the conservation restrictions.

The Town of Weymouth will have a fee interest on the property. The Department of Conservation and Recreation will have a conservation restriction on the property. Once Town of Weymouth has cleared and demolished the house lot then DCR will acquire a restriction on the whole property.

The purchase schedule will go in two phases.

- a. Phase One – Town of Weymouth purchases house lot and 975 square foot lot by July 8, 2009
 - Purchase price \$200,000

- b. Phase Two – Town of Weymouth purchases large lot, lot 6, and DCR purchases conservation restriction for \$307,250. Phase Two will occur within thirty (30) days of good and clear record and marketable title. Currently there is a title issue on the lot, the Planning Board thinks it is curable, without getting into the details; suffice to say there is an issue with the title.

Mr. Clarke stated that Mr. Kibby was perturbed that this deal didn't close in March 2009. Mr. Kibby wanted \$250,000 and he is willing to settle for \$200,000.

Mr. Clarke stated that the plan is to acquire the house first and take the oil tanks out first thing. Have the oil tanks tested and see what the town is dealing with regarding clean up. The State DCR will reimburse CPC for the cleanup costs.

Mr. Comeau stated that this is a good deal. The State has been working on the Kibby property for the past 15 years. The State purchased all of the land at Abigail Adams Park for the Town of Weymouth. Mr. Comeau stated that he hopes that the CPC will support this project tonight.

Mr. Mathews thanked Mr. Clarke and Mr. Comeau for all of their work on this project. Mr. Mathews asked if Mr. Comeau feels that there could be an issue with the State due to the economy committing 100% of their share to this project. Mr. Comeau said that he cannot obligate for the State, but he feels that this is DCR's highest priority statewide at this time. The State will be using FY10 funding on this purchase.

Mr. Coven asked if the soil was tested. Mr. Comeau said no. Mr. Clarke stated that the Health Department looked at the oil spill and they are domestic tanks.

Ms. Harbottle asked why by both pieces, the small piece costs more than the larger piece. Mr. Clarke stated that the plan is to take the fence down and develop a walkway to the Abigail Adams State Park.

Chairman Flynn reminded the committee that the owner of the property is walking away from an offer from the abutter in the amount of \$650,000.

Mr. Clarke stated that there will be a plaque at the site that will announce that the parcel was donated by the Kibby family.

Mr. Ford made a MOTION to APPROVE the sum of \$300,000 from the Unrestricted Fund Balance for the Purchase of a Parcel of land called the Kibby Parcel, Sheet 5, Block 13, Lot 6, 8, 14. Mr. Mathews SECONDED the MOTION. UNANIMOUSLY VOTED.

Approved by: _____

Dated: _____