

Community Preservation Committee
Police Station Conference Room
8/28/18
7pm

Present: Michael Dissette, Mark Rosen, Jane Healey, Don Little, and Dan Koen

Also present: Erin LaRosa from the Open Space Committee, Don Walters, Planning Board representative (pending appointment), and Andy Port, Planning Director

An application for Colby Farm protection was submitted to the CPC out of sequence. Mr. Port explained that the City had purchased Lot 8 of the Colby Farm subdivision for \$275K and previously set aside another \$100K of CPC funds for the rear lot. The goal was to preserve the Low Street viewscape and agricultural land. There was also a possibility of field space on Lot 1 and though it may not be realistic they didn't want to preclude it from being a possibility. He said he has spoken w/ Planning Board, Con. Com, etc. about the possibility of preserving land in the least costly way to the City. This particular request was to spend an additional \$200K of CPC funds to preserve the remaining open space (notated as lots 6&7) that would be left after the developer creates an Open Space Residential Subdivision (OSRD). The existing farm house has already been sold off separately. The developer did not include lots 6 & 7 in the development plan, so the viewshed would not be preserved under their proposal. The developer would build 14 homes and preserve the surrounding open space. The City would be able to then spend a little money to preserve open space but not the magnitude of having to spend money on all the lots. Mr. Port said he felt this was the best case scenario for Colby Farm. Mr. Port said he was working with legal counsel on a development agreement (zoning change, CPC funds) to memorialize the agreement. At the end of the day, the result will be what was originally planned for the land.

Mr. Dissette asked what exactly the \$200K would be paying for and how the land would be acquired. Mr. Port said that legal counsel said that the transfer of funds could be done at time of closing. The \$200K would likely go to the developer, they would purchase lots 6&7, and they would protect those two lots as part of the Land Development Agreement (LDA). Mr. Dissette asked about the OSRD land and who it would be owned by. Mr. Port said the intention would be that the City would own the land and the restriction holder would be determined at a later time. Mr. Dissette felt a recorded Conservation Restriction would be preferable to an Agricultural Preservation Restriction.

Mr. Koen said for \$200K they would get five times the land than what it was worth. He noted that the City has already spent money to protect part of this land. He felt it would be financially beneficial to the City and said he preferred to have developers work with the City.

Mr. Rosen asked why the City wasn't working with the seller to purchase the lots. Mr. Port explained the ANR process, 61A, and the City's right of first refusal. He said that the City has the right to purchase the lots at market value. The developers were trying to maximize their profit. There was discussion about potential buildability of the lots, wetlands, and drainage. Mr. Rosen asked about requiring affordable housing. Mr. Port said that two units were being

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proposed as required by the inclusionary housing ordinance. Mr. Rosen suggested \$20K tax income would be lost if the lots were not developed. He said he was not impressed with the idea of protecting the view and would be more interested in seeing development on those lots.

Mr. Dissette said he has had people in the past mention the importance of the historical view. He noted that the Little River runs through the edge of lot 1, it was adjacent to the Common Pasture, and it was an important habitat. He thought it was a sure thing by spending \$200K. He felt there would be community outcry if they didn't. The developer is also considering other public benefits such as building a storage shed for the Parks Department and installing upgraded sidewalks. Mr. Koen noted the huge discount if done on a price per s.f. basis.

Mr. Little said he was in favor of using CPC funds for the land. If the CPC or Council did not approve, he asked Mr. Port what he felt would happen. Mr. Port said the seller would again offer the remaining land for sale, the City would get the right of first refusal again, and it has been indicated that the developer wouldn't buy 6&7 as they weren't necessary for their proposal. 6&7 could be purchased and developed by someone else. Lot 6 does not require a right of first refusal at all.

Mr. Little asked why the application is from the Planning Department, not the Open Space Committee. Mr. Port said he took it on himself while he was working with the developer. It was the intention that there would be enough Open Space Committee members at the meeting to recommend the application. Mr. Dissette has spoken with Mr. Port about it on behalf of the Committee but hasn't seen where the negotiations were at yet. Mr. Dissette added that the Open Space Committee preferred to join in on the application but they were unable to get a quorum. Ms. LaRosa said she was in support as was Mr. Dissette as members of the Open Space Committee acting in an advisory capacity to the Mayor's Office.

Mr. Little asked if the funds would come from Open Space Reserves or regular reserves. The Committee discussed their available funds. It was believed that the original \$100K that was set aside for the rear lot has reverted back to the general fund. There was approximately \$529K plus this year's allocation of \$200K in the Open Space Reserve fund. There was hesitancy in previous years to use Open Space reserves because there wasn't a large balance in the account.

Mr. Koen asked about proposed maintenance. Mr. Port said the requirements would end up in the final agreement. Monitoring funds would likely be required. The details would need to be worked out. Mr. Port said the open space would not be part of a homeowners association. He added that there was nothing of concern to their knowledge in regards to spills, etc. Given the prior use of the property there was a low probability of contamination.

Mr. Walters asked if they've received the net APR taxes. Mr. Port said they would not be recouping loss as the City has the right to purchase at market value. Mr. Walters preferred that the funding come out of Open Space Reserves though he wasn't an official member yet.

Mr. Koen motioned to recommend approval of spending \$200K from Open Space Reserve account for acquisition and preservation of lots 6&7 at Colby Farm. Mr. Rosen seconded. Mr. Little suggested recommending funding from general surplus to keep the Open Space Reserves

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balance high. Ms. Healey said she preferred using the Open Space Reserve funds because they were taking the application out of cycle. Mr. Little agreed. All voted in favor.

Update re: Custom House roof application - Mr. Dissette said that for the first time ever a project recommended by the CPC was turned down by the City Council. There was extensive City Council debate. It appeared there was a dispute between the NRA, the Museum, and the City about a potential plan for land under and adjacent to the Custom House. There has been a long debate over the remaining land and what will happen to it. Some councilors felt the land should go to the City and the museum would keep the long term lease. The museum wants the land and they want to be able to do more functions to increase their revenue. Mr. Port said it would make more sense for NRA to give land to the City for several reasons, for one, if the museum ever has financial problems, they would be more susceptible to the land being taken by a bank. Either way, money is needed to preserve building. The fee of land and the maintenance of the building are two distinct issues. The Council will reconsider it at their next meeting. Mr. Koen suggested attending the next Council meeting to show support. There appeared to be no fundamental objection to the roof work proposed.

All other FY 19 recommendations that were made to Council were approved.

The next meeting is scheduled for 9/25. The annual meeting is scheduled for 10/23.

The minutes of 6/26/18 were approved. Mr. Dissette motioned to approve, Ms. Healey seconded, and all voted in favor.

The meeting adjourned at 8:08 pm.