

Present: Bob Beagan, Jim Hill, Christopher Morely (Chairman),
Thomas Friedlander, Sherrill Cline, Lynne Remington, Pat Brown,
Bill Kneeland (left meeting at 8:11 p.m.), Director of Planning and
Community Development Jody Kablack and Assistant Planner Jim
Kupfer

Absent: Seamus O'Kelly

At 7:30 p.m., Chairman Morely called the meeting to order.

**COMMUNITY PRESERVATION COMMITTEE – PROJECT SUBMISSION FORM - JOHNSON
FARM**

At 7:30 p.m., Chairman Morely opened a discussion regarding the Johnson Farm proposal. Copies of an email from Conservation Coordinator Debbie Dineen dated November 5, 2014 and a map of a proposed Conservation Restriction for the Johnson Farm property as per a proposed Department of Environmental Protection (DEP) settlement agreement were distributed to the Committee tonight. The committee was previously in possession of the CPC Project Request Form submitted by the Town Manager.

Mr. Friedlander referenced Ms. Dineen's email and accompanying map. He explained the Conservation Commission has spent the last year in litigation over the proposed development, and a settlement has been reached with the property owner which proposes a 68 unit development, and the placement of a Conservation Restriction (CR) on approximately 22 acres of the 35-acre property virtually for free. He further stated the CR would protect the wetland and upland areas associated with the most vulnerable vernal pool habitat, provide public access to the CR area on the existing or modified trail system, provide a deeded small parking area and trail connector and it would upgrade an existing stream crossing. Mr. Friedlander believes it is important for the CPC to have this information to deliberate on the project request.

Ms. Remington asked if the deed restriction states there would be no further development on the property. Ms. Kablack stated that if a development is eventually approved on the property under MGL c. 40B, there could be no further development without a new permit. Mr. Friedlander explained the CR was agreed to by the Conservation Commission and DEP as a potential scenario should the plan be approved.

In response to a question from Ms. Cline, Ms. Kablack stated the proposal to purchase the property would put an end to litigation related to the property, noting three abutters have appealed the issuance of the Comprehensive Permit.

Mr. Beagan asked if the Selectmen had reviewed the plan presented tonight in its deliberations regarding whether to purchase the property for \$2.9 million. Ms. Cline similarly asked if the Board of Selectmen had been aware of the CR agreement obtaining 22 acres for free, when it had its discussions regarding purchasing the property.

Ms. Kablack took a few minutes to review relevant Board of Selectmen Executive Session Meeting Minutes. She later stated the Board had been made aware of the settlement agreement reached by the Conservation Commission in an Executive Session meeting held on April 13, 2014, and the settlement agreement was referenced in a letter the Board sent to DEP.

Ms. Brown stated the Board has made an offer for a parcel, which is listed on the Town's Open Space Plan and which it has always wanted to preserve. She stated there have also been concerns expressed whether this property is the best location for an affordable housing development. Ms. Brown stated she would share the new information presented tonight with the Board of Selectmen.

Mr. Friedlander noted the CPA is at a low point in its history for being able to meet funding requests, and he cautioned that this request for \$1 million should be reviewed in relation to other requests. He also stated the Conservation Commission was satisfied with the settlement agreement reached for the Johnson Farm development proposal, including the proposed Conservation Restriction.

Ms. Remington noted the plan presented tonight was not signed by a professional engineer.

Chairman Morely stated this new information could alter one's perception of the proposed purchase as an expensive purchase of open space, when 22 acres could be obtained for free.

In response to a question from Ms. Remington, Ms. Kablack stated the property provides good access to conservation land to the west where currently there is none.

Ms. Cline asked if the suggested vote tonight by the Committee is intended to facilitate its consideration at the December Special Town Meeting (STM), and whether there are other intended articles for the December STM.

Ms. Kablack stated the Selectmen will be submitting an article for the STM for funding from any source. They are aware that the \$1million of CPA funding needs an affirmative recommendation from the Committee. Thus, the Selectmen need to know the Committee's position. She also stated the December STM will also address the proposed Nixon School Roof Repair Project.

Chairman Morely noted there will be a lot of other debt exemption articles presented to the residents in the future. Ms. Cline asked if these other requests will be known at the December STM, so residents can consider all the needs and vote accordingly.

Ms. Kablack stated there are always capital needs for the Town, and the other requests would probably not all be identified by the December STM.

Mr. Kneeland stated the Committee has been presented with a \$1 million request for 33 acres. He stated that, even considering the proposed CR, he does not consider this an excessive use of CPA funds to preserve this property, and he would support the purchase.

Chairman Morely stated the proposal could be perceived as spending \$2.9 million to purchase 11 acres. He further stated that the proposal is not really a conservation purchase, but rather it seems to be driven by other issues.

Mr. Beagan stated there seem to have been a lot of STMs of late. He expressed feeling unsettled regarding the proposal, and he too thinks it is being driven by other concerns rather than preserving open space.

Ms. Brown asked if the Conservation Commission settlement agreement is legally binding. Mr. Friedlander opined he believes the 22-acre CR is "iron-clad" should the development be approved.

Ms. Kablack explained the Selectmen have signed a Purchase and Sale Agreement for the property. She further explained the DEP settlement agreement is subject to appeals and further acceptance by DEP, and thus it is not a certainty.

Chairman Morely stated that decisions for many of the issues relating to this property are not within the Committee's jurisdiction and they will need to be addressed by the Selectmen.

Mr. Hill asked what happens if the proposed article does not pass at the STM.

Ms. Kablack stated the Purchase and Sale Agreement is subject to approval at the STM. If the article fails to pass, she stated the owner would need to decide whether to re-negotiate with the Town or whether to continue with the development plan.

Mr. Friedlander asked what happens if the CPC does not recommend the \$1 million in CPA funds. It was noted the Selectmen would likely then ask for the entire \$2.9 million as a debt exclusion.

In response to a question from the Board, Ms. Cline stated she was not aware of the 22-acre CR settlement agreement until tonight, and thus, she is not able to share a housing-related perspective with the Committee at this time. However, she highlighted that this request needs to be considered within a larger context of other needs.

Mr. Friedlander noted the Conservation Commission will discuss the proposal and vote its position at its November 17, 2014 meeting.

Ms. Kablack stated many other Town boards and committees will also discuss the proposal before the CPC's next meeting on November 19, 2014, and she will provide the Committee with feedback as it becomes available.

Ms. Remington suggested it might be better for the Selectmen to ask the Town to approve the entire \$2.9 purchase price on a property which has been as controversial as this one has been.

Mr. Hill stated he does not think it matters whether the CPC recommends the \$1million funding proposal, because ultimately the Town voters decide according to either option whether they want to buy it or not. He

considers the CPC role as deciding to recommend whether the proposal is eligible or not, and then it is up to the voters.

Ms. Kablack asked the Committee to keep in mind that the Town wanted to buy this property as far back as 2007 and it wanted it as an open space project, noting it is possible this has gotten lost in recent years amidst the controversy from neighbors and litigation.

On motion duly made and seconded, it was unanimously:

VOTED: To delay a vote on the Community Preservation Committee Project Submission Form for Johnson Farm until the next CPC meeting on November 19, 2014.

FY16 Project Requests and FY16 CPC Financials – Overview

Ms. Kablack circulated copies of information regarding revised FY16 CPC Financials dated November 5, 2014. She briefly summarized the information, noting \$75,000 has been added to the FY16 Debt Service figures for Johnson Farm. Ms. Kablack also briefly reviewed the 10 CPC Project Submission Form funding requests received by the October 31, 2014 deadline.

Ms. Kablack stated the actual State CPA match of funds should be known before the Committee's next meeting.

Ms. Kablack noted the North Gate Farm Development Rights Project Submission came together late, and it will need more time for review by the Town. She stated the property is currently held under Chapter 61A, which she briefly explained, and it could be offered to the Town at a later date according to a Right of First Refusal. Ms. Kablack stated the property owner is trying to work with the Town during its traditional funding cycle. Ms. Kablack stated the project needs much more review, but it could be vetted in preparation for the May 2015 Annual Town Meeting. She described the property as approximately 42 acres, noting it has just been confirmed today that the entire front is developable and not within a flood zone. Ms. Kablack also stated the property owner would retain a three-acre lot and a permanent Conservation Restriction would be placed on approximately 39 acres.

Mr. Friedlander asked if this property is on the Town's Open Space Plan. Ms. Kablack stated it is not a listed parcel because in the past it was thought the front area was in a flood zone. Today this was confirmed to not be accurate. However the property is in C. 61A, which all such parcels are thought viable for Town preservation.

Ms. Kablack stated she would like the Land Acquisition Review Committee (LARC) to discuss the property again as well as the Selectmen and the Conservation Commission. As a member of LARC, Chairman Morely stated he recalls Conservation Coordinator Debbie Dineen had a lot of knowledge regarding the property, and the LARC Committee did not consider it a priority in the past.

Mr. Friedlander asked if it abuts other conservation land. Ms. Cline and Ms. Kablack responded affirmatively.

Mr. Friedlander asked what the assessed value is. Ms. Kablack stated she would obtain this information.

Chairman Morely opined the CPC will need more information to consider the project. He also reminded the Committee of the discussion at its October 29, 2014 meeting regarding properties like this one popping up unexpectedly as opportunities for the Town to consider.

Ms. Cline asked for a brief summary of the Conservation Fund Project Submission request, which Ms. Kablack and Mr. Hill provided.

Mr. Friedlander stated the Conservation Commission will also vote on this proposal at its November 17, 2014 meeting. He opined that he believes it will be unlikely the Commission would not support the proposal. Mr. Friedlander stated the Commission would still be inclined to submit its recommendations to Town Meeting for approval.

Chairman Morely opined that he believes the CPC is already set up better than the Conservation Commission to do what the proposal suggests.

Mr. Hill and Ms. Brown expressed believing that the proposal has value because it would enable moving quickly on a property, if there were a time-sensitive need to do so.

Ms. Kablack and Ms. Brown provided further clarification regarding a Conservation Fund being authorized by statute.

Mr. Beagan asked if other towns have a Conservation Fund. Ms. Remington stated, as a former member of the Sudbury Conservation Commission, this approach became an option in the 1980s when no other options for saving were available. However, she emphasized the Conservation Commission always intended requests to go before Town Meeting for approval. Ms. Remington asked if CPA funds could be put into a Conservation Fund, and it was noted they can.

Mr. Friedlander asked if anything has happened on the Sudbury History Center and Museum Project Submission proposal. Chairman Morely stated a preliminary design has been prepared, but the project does not have funding. Ms. Kablack stated the project request is premature, in that it needs to be part of the Town Hall Renovations project discussions. However, she further noted CPA funds have been requested as seed money for matching funds, and she has requested additional information from the proponent regarding grants that they are pursuing. Mr. Hill questioned how much of the proposed museum project will be CPA-eligible. Ms. Kablack stated this will need to be assessed.

In response to a question from the Board, Ms. Kablack provided a brief summary regarding the Hop Brook Watershed Invasive Weed Harvesting Project Submission request. She clarified the request for \$36,000 is for three ponds each year for three years. She also noted Grist Mill Pond will be added to the work sites. Mr. Beagan asked if this method is effective because he has noticed along Dutton Road that the clearings do not seem to last long. Ms. Kablack explained it is a temporary measure and that the group's annual report provides a lot of information. Mr. Hill stated much of the work is done by volunteers, and a tremendous amount of material is removed.

In response to a question from the Board, Ms. Kablack explained the Town Center Landscape Restoration – Phase 2 Project Submission Request for \$100,000 is for pricing out new lighting and in case the funds allocated for Phase 1 are insufficient. She stated the actual figure needed will be available before the Annual 2015 Town Meeting.

Ms. Cline asked for clarification regarding the location of the 1.8 mile segment proposed for the Mass. Central Rail Trail Design/Build – Phase 1 Project Submission proposal, which was provided.

Mr. Beagan provided the Committee with a brief update regarding a group which has been organized to oppose the Davis Field Re-Development Project Submission proposal.

Miscellaneous

Ms. Kablack updated the Board on how the emails opposing the relocation of Buddy Dog to Wayside Inn Road are now being handled by the Town.

Mr. Hill highlighted there has been no formal proposal submitted to the Town by Buddy Dog, and thus, there is nothing yet upon which to take a position.

CPC Future Meeting Schedule

Ms. Kablack stated the Committee's next meetings are scheduled for November 19 and December 17, 2014, when public hearings will be held to hear the Project Submission presentations. The following projects are tentatively scheduled for presentations on November 19, 2014: Johnson Farm, Hop Brook Watershed Harvesting, Town-wide Walkways, the Sudbury Housing Trust 10% Affordable Housing Allocation, the Town Center Landscape Restoration – Phase 2, and the Sudbury Historic Commission Historic projects. The remaining projects will be schedule for December 17.

On motion duly made and seconded, it was unanimously:

VOTED: To adjourn the meeting at 9:00 p.m.