



Town of Duxbury Community Preservation Committee

Approved 11/10/2021

TOWN CLERK

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DUXBURY, MASS.

Minutes of October 14, 2021

The Duxbury Community Preservation Committee (CPC) met on Thursday, October 14, 2021 at 8:15am via remote Zoom video conferencing.

Members Present: Holly Morris, Chair; Tag Carpenter, Kathy Cross, Tony Kelso, Paul McCormack, Kathy Palmer and David Uitti

Members Absent: None

Staff Present: Joe Grady, Conservation Administrator; Nancy Rufo, Administrative Assistant

Chair, Holly Morris called the Community Preservation Committee meeting to order at 8:22am.

Ms. Morris read the following: Pursuant to Governor Baker's Chapter 20 of the Acts of 2021 dated June 16, 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency regarding suspending certain provisions of the Open Meeting Law, G.L. c. 30A, §18, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members. For this meeting, members of the public who wish to watch the meeting may do so by following the ZOOM meeting links.

Roll call vote of members present: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; Kathy Palmer, yes; David Uitti, yes and Holly Morris, yes.

PROJECT UPDATES

CPC/Duxbury Affordable Housing Trust Funding Agreement

The Committee discussed the agreement allowing DAHT to spend \$100k from the CPC. Dianne Bartlett, Chair of the DAHT, had questions regarding spending, reporting requirements, and length of the agreement for the monies. Holly Morris mentioned reporting can be on an annual or biannual basis. Ms. Bartlett thought annual. Kathy Palmer noted there is an overall difficulty finding workers right now. Ms. Bartlett suggested using the monies towards the purchase of 6 Kingstown Way. It is Joe Grady's understanding the P&S for this property is to be signed Monday night (10/18/2021) at the Board of Selectmen's meeting. It is likely the DAHT will not be held to the one-year requirement to spend the funds.

American Legion Update

Joe Grady stated there are three items outstanding. (1) An agreement as to how the money is spent, how progress will be reported, and requirements upon completion; (2) Right of first refusal on the property (for 20 years). [There is some indication the town may have already been granted this years ago, but it is not clear if this is still accurate]; and (3) Decision on putting a historical preservation restriction on the property. It was noted this may be excessive given the current project only includes painting the exterior. Holly Morris noted there is an agreement that the American Legion will pay money back if they sell the property before the painting longevity expires (10 years).

Delorenzo/0 Summer Street

Joe Grady provided a detailed history of the Delorenzo Farm property. In 2018, the Town purchased the property. The purpose of that purchase was for agriculture, and it granted the authority for the Town and Conservation Commission to enter into a 10-year farming agreement.

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The mission of the Town of Duxbury is to deliver excellent services to the community in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town.

A focus group was created to look at other municipal properties state-wide used for farming to learn from their successes and failures. The group visited Middleboro (Soule Homestead), Lincoln (this town has 18 farm agreements), and Norwell (Jacobs Farm). The focus group learned that to be successful, a town should prepare the land for farming with clearing and an irrigation system. Based on this finding, in 2020 Mr. Grady went to Town Meeting to gain funding for clearing, trash removal, and installation of an irrigation system. In August 2021, a Notice of Intent for the clearing was filed with Conservation Commission as activities would occur within 100ft of a wetland. At the Conservation Commission's public hearing on 9/7/2021, an abutter (Kate Reynolds) came forward with concerns over noise, pesticide and herbicide use. Mr. Grady did his best to answer her concerns. The Commission voted to issue Order of Conditions for the work. Members of the Conservation staff, Commission, and Board of Selectmen met with Ms. Reynolds onsite for an hour and a half on 9/15/2021 where she also voiced concerns for vernal pools. Mr. Grady measured distances with her at that time, and provided an additional 25-foot buffer to the vernal pool closest to her home. Following this onsite meeting, Ms. Reynolds continued to oppose the work, and has since added a citizen's article to the November 8th Special Town Meeting to stop the project. She did not gather enough signatures by the original 9/17/21 deadline and was granted an extension by the Town Manager after she indicated she would call her own special town meeting if necessary (this would be costly to the Town). She gained 106 signatures by 9/20/21, so now the article is included for the November 8th STM. Ms. Reynolds presented at the Finance Committee meeting on Tuesday night (10/12/21). Elizabeth Lewis has now joined Ms. Reynolds in this effort. Both women reside on Bravender Road, which abuts the Delorenzo Farm property. They raised a lot of questions which Mr. Grady and Holly Morris tried to answer. The petitioners will also be presenting at Monday night's Board of Selectmen's meeting. Their primary concerns are that residents were not informed that the property would be used for farming, and also didn't know that it would be cleared for this purpose; that wetlands and vernal pools will be destroyed; and that damage will be done to the aquifer. There were also claims that Conservation would be violating zoning laws if they proceed with the approved work.

Town Council and the Town Moderator are currently reviewing the matter to determine if there is a legal basis for the petition. It is clear the Conservation Commission has the right to manage and control their property.

Committee discussion followed Mr. Grady's summary. Kathy Palmer commented that a visual is what is missing as it may seem counterintuitive to the public for conservation to be cutting down trees. It would be helpful if the public is shown what will be created. It currently looks like a neighborhood dumping ground. What it will look like is something people can't envision. More public outreach needs to be done. Kathy Cross reached out to the Plymouth farmers market owner (Dave Purpura) who has walked the Delorenzo property in the past. He is ecstatic about the prospect of farming this property. Mr. Grady noted the site has prime (47%) agricultural soil. It was previously a farm, and has important soils for farming which is what led to the purchase. Mr. Grady also noted that 65% of the property will remain untouched while 35% will be used for farming. Mr. Grady participated in 13 public hearings/meeting and held 2 open houses to ensure the town was well informed about the purchase and plan to restore the agricultural fields. Every effort was made to get information out to the public regarding this project.

It was noted that Monday's Selectmen's meeting is hybrid, so can attendance can be in-person or virtual. Mr. Grady will post agendas for the Agricultural Commission, Community Preservation Committee, Conservation Commission, and Open Space Committee in the event there is a quorum in attendance at the Selectmen's meeting.

Mr. Grady noted there will be a site visit to the Delorenzo Farm on Tuesday (10/19/2021) at 4pm so that committee members can walk the property. Ms. Morris was disturbed by the petitioners' implication at the Finance Committee meeting that there was purposeful word play ("property" vs "farm") and lack of transparency on the part of Conservation. The intent has always been to revert the land back to its original state as a farm. Mr. Grady noted that Conservation does remove trees from existing farms (e.g., Berrybrook fields), as well as cranberry bogs. This is essential as the forest is always trying to take over and needs to be pushed back. In addition, there is a tremendous number of invasive species on the Delorenzo property. Mr. Grady and others will work 10, 20, even 25 years with a family in an attempt to purchase land for Conservation purposes. In this case, over that time, the fields grew in. One of the primary reasons Linda Delorenzo sold the property to Conservation was because she knew it would go back to farming. There was an implication by the petitioners that the Conservation office has been sneaky in some way. In actuality, there were 13 public meetings plus 2 open houses. Diane Bartlett feels the Right to Farm Bylaw should be emphasized. Mr. Grady noted that the town adopted Right to Farm, and the petitioners are portraying the current plan as an awful thing with herbicides and pesticides killing wildlife and poisoning drinking water. Farmers know soil is alive and the last thing they would do is kill soil and/or poison the aquifer. Mr. Grady indicated this petition has ramifications on all of our projects. David Uitti noted he has encountered these issues all the time with his work on the Planning Board. He has found outreach with people is helpful so that they know you are trying to hear what they have to say. Mr. Grady indicated Conservation has done exactly this, and spent time with Ms. Reynolds on-site. Mr. Grady even offered to have Ms. Reynolds involved in process of selecting farmers, and provided an additional 25-foot buffer around the vernal pool closest to her home.

Mr. Grady believes agriculture projects over 5 acres are exempt from Zoning. Ms. Palmer reinforced pictures of what this will look like once completed would be impactful. Ms. Palmer also recommend coverage in the *Duxbury Clipper*. Ms. Bartlett asked would grow on the farm. Mr. Grady said the intent was to have farmers propose what their specialty is. He wants the flexibility to allow them to provide numerous ideas. The ultimate hope is that we'd end up with a CSA which are extremely popular in Massachusetts, particularly since Covid. Given the visibility on Rt 53, it could also be a successful farm stand similar to Cretinons. Mr. Grady does not want to limit the possibilities. He envisions a network of farmers, similar to how the cranberry bogs have operated since 1975. Ms. Morris supported this and said they saw great farmer cooperation in Lincoln with sharing farm equipment. The ultimate goal is to develop something similar to this. Mr. Grady emphasized the value of the land and the importance of the soil study. Land of this importance is hard to find, and there will be no farming in Eastern Massachusetts unless it is municipal. Farmers will lose the skill and knowledge if we don't give farmers a place to farm. If we lose the prime soils and farming skills, they're not coming back.

Land Acquisition Update – Pink Property

Holly Morris led a discussion on funding options for purchasing the Pink property. The basis for the discussion was Excel spreadsheets John Adams (Duxbury Finance Director) provided. For FY2023, including all funding sources (CPA surcharge, state, undesignated fund balance of \$600k, and the fund balances within the three purposes), there is \$2.3 million. Ms. Morris and Joe Grady propose using one half of this for the purchase of the Pink property. In addition, there is debt service on the Harrington property of approximately \$63k/year for the borrowing of \$650,000. The goal is to wipe this debt out once the Harrington house is sold. In order to fund the purchase of the Pink property, which has a purchase and associated cost of \$2.1 million, the proposal is to use \$600k in undesignated funds and borrow \$1.5 million. A discussion followed as to how this borrowing will occur. Ms. Morris noted that Mr. Adams bundles town debt together and the best term in years and rate will be determined. Borrowing at 10-year, 15-year, and 20-

year increments were examined and discussed. Paul McCormack noted not to forget an approximate additional \$100k from the state would be added to monies available for appropriation, but this cannot be used for determining debt service. Ms. Morris stated any borrowing would need the approval of the CPC, and Mr. Adams would finalize the exact terms. Mr. Grady's recommendation was to borrow \$1.5 million to fund the Pink purchase at a 15 or 20 year note, to be determined by Mr. Adams. An open house on the Pink property is scheduled for this Sunday (10/16) at 1pm.

Paul McCormack made a motion, seconded by Tony Kelso, to recommend to Town Meeting that \$1.5 million be borrowed for the acquisition of the Pink property. Motion passed unanimously on a roll call vote. Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; Kathy Palmer, yes; David Uitti, yes; Holly Morris, yes. Motion carried 7-0.

Paul McCormack made an additional motion, seconded by Kathy Cross, to clarify that the \$1.5 million borrowed for the Pink property purchase will be with CPA funds. Motion passed unanimously on a roll call vote. Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; Kathy Palmer, yes; David Uitti, yes; Holly Morris, yes. Motion carried 7-0.

Reimbursement to the Affordable Housing Trust for 761 Temple Street (parcel #037-022-001)
Harrington update: Lot 1B was originally a housing lot that the DAHT purchased for \$250k. The DAHT wouldn't want to see anything built on it, and there is a desire to put historic district designation on it as well. Joe Grady suggested that Lot 1B sell with the house with a permanent Conservation Restriction so that it can never be subdivided or built on, possibly with a building envelope to allow for a future shed or barn. The sale money could then be used to reimburse the DAHT the \$250k spent on the property. Kathy Palmer agrees and feels packaging these two lots together greatly enhances the value of house. David Uitti asked how many acres this would total, and if there are any plans to improve house. Tag Carpenter noted the two lots together total approximately 3 acres, and this is will be historic district so the new owner would only be allowed to expand out back (not visible from street). Mr. Uitti asked if there is an anticipated purchase price. Mr. Carpenter cannot say at this point given the fluctuating real estate values at present. Mr. Grady noted the sale will be through a bidding process with a minimum amount set. The goal is to at least recoup \$800k with the two lots, with \$550k borrowed and \$250k owed to the DAHT. The hope would be for the house to sell shortly after the March 2022 Town Meeting, once the historical district is established. Diane Bartlett asked that care be taken to ensure the Conservation Restriction is not placed on the Laurel Street lots. Kathy Cross inquired if a portion of the house sale would be used towards a barn. Mr. Grady indicated that although there was discussion of a barn potentially being built in the future on the larger Conservation lot, the proceeds of the sale of the house would not fund its construction.

David Uitti made a motion, seconded by Kathy Palmer, to combine Lot 1A and 1B, subject to conservation restriction as discussed, and those proceeds will be used to pay off dept and repay the DAHT \$250k spent to purchase lot. Motion passed unanimously on a roll call vote. Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; Kathy Palmer, yes; David Uitti, yes; Holly Morris, yes. Motion carried 7-0.

Additional discussion: Kathy Cross asked if there would be a trail connecting this property to Whiton Woods. Joe Grady hoped to do this in the future, most likely with boardwalks. Tag Carpenter reminded the committee of the open house for the Harrington property on October 30th at 2pm (not the house itself). This will provide the public/abutters an opportunity to gain more information about the project. The back field will be utilized for parking. Kathy Palmer

anticipates a lot of interest given the amount of interest with the property previously. Holly Morris inquired about the status of the historic designation. Mr. Carpenter said the preliminary study report is in draft phase waiting for photographs to be added. The intention is to get the report wrapped up and to the state sometime in October. There was discussion around having neighbors involved in the design process for the Laurel Street lots. Ms. Palmer indicated there is already a design review committee and recommended consulting with them. Mr. Carpenter will be posting information about the property visit on the Facebook group "Saving the Isaac Simons Farm" as well.

ADMINISTRATIVE MATTERS

Minutes for approval:

May 27, 2021, Regular Session minutes: Paul McCormack made a motion, seconded by Kathy Cross, to approve the minutes of May 27, 2021. Motion passed with one abstention: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; Kathy Palmer, yes; David Uitti, abstain; Holly Morris, yes. Motion carried 6-0-1.

May 27, 2021, Executive Session minutes: Kathy Cross made a motion, seconded by Tony Kelso, to approve the Executive Session minutes of May 27, 2021. Motion passed with one abstention: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; Kathy Palmer, yes; David Uitti, abstain; Holly Morris, yes. Motion carried 6-0-1.

June 21, 2021, Executive Session with Selectboard: Kathy Cross made a motion, seconded by Tony Kelso, to approve the Executive Session with Selectboard minutes of June 21, 2021. Motion passed with one abstention: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; Kathy Palmer, yes; David Uitti, abstain; Holly Morris, yes. Motion carried 6-0-1.

June 21, 2021 Executive Session with Selectboard and DAHT: Kathy Cross made a motion, seconded by Tony Kelso, to approve the Executive Session with Selectboard and DAHT minutes of June 21, 2021. Motion passed with one abstention: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; Kathy Palmer, yes; David Uitti, abstain; Holly Morris, yes. Motion carried 6-0-1.

September 16, 2021, Regular Session minutes: Kathy Cross made a motion, seconded by Tony Kelso, to approve the Regular Session minutes of September 16, 2021. Motion passed unanimously on a roll call vote: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; Kathy Palmer, yes; David Uitti, yes; Holly Morris, yes. Motion carried 7-0.

Review of requisitions and invoices since last meeting – Holly Morris reported on the following requisitions and paid invoices since the last meeting. No approval vote was necessary.

Requisitions

- 9/27/2021 – Webster Printing - \$961.50
- 10/4/2021 - South Shore Survey Consultants - \$1558.75
- 10/12/2021 – Frank Westgate - \$5250.00

Invoices

- 9/23/2021 - Webster Printing – \$961.50

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- 10/4/2021 - South Shore Survey Consultants - \$1558.75

Approval of Joe Grady's stipend

Joe Grady has been working with the Community Preservation Committee since 2002 with a stipend as compensation. Mr. Grady requested an increase from \$10k to \$11k for said stipend. Holly Morris commended and thanked Mr. Grady for all of his incredibly hard work on all CPC projects. Other committee members thanked Mr. Grady as well. Mr. Grady noted that a minimum of four signatures would be needed if his stipend approved.

Kathy Cross made a motion, seconded by David Uitti, to approve Joe Grady's stipend of \$11,000. Motion passed unanimously on a roll call vote: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; Kathy Palmer, yes; David Uitti, yes; Holly Morris, yes. Motion carried 7-0.

Meeting Schedule for the remainder of 2021, and 2022 – A site visit is scheduled for October 19, 2021 at the Delorenzo Farm. The next remote meeting is scheduled for November 4, 2021. There are no other meetings or site visits currently scheduled for calendar year 2021.

ADJOURNMENT: David Uitti made a motion, seconded by Tony Kelso, to adjourn the meeting at 10:06am. Motion passed unanimously on a roll call vote: Tag Carpenter, yes; Kathy Cross, yes; Tony Kelso, yes; Paul McCormack, yes; Kathy Palmer, yes; David Uitti, yes; and Holly Morris, yes. Motion carried 7-0.

A site visit is scheduled for October 19, 2021 at the Delorenzo Farm. The next remote meeting is scheduled for November 4, 2021.