

## Community Preservation Committee

August 29, 2006 - Meeting Minutes

*Committee members present:* George Bailey, Corey Snow, Arnold Cohen, Robert Young, Arnold Kublin, Peg Arguimbau, Janet Sargent-Tracy. *See Attachment 1 for a list of people attending the public hearing.*

The meeting started at 7:05 p.m. The minutes of July 27, 2006, were approved unanimously as amended. Ms. Arguimbau requested those minutes to record that the “evaluation criteria,” prepared by Mr. Bailey and accepted by the Committee at the 7/27/06 meeting, were to be considered “flexible, not set in stone.”

The Treasurer, Mr. Snow, said ~\$311,000 had been collected for the town portion of CPA fund, ~\$3,000 less than assessed. Mr. Bailey pointed out that this year the state will match 100% of what is collected by the town. The Committee then heard the Chair's report [see Attachment 2] and voted unanimously to accept it.

The public hearing was opened.

Ms. Jane Desberg summarized **projects #002 and #003**, submitted by the Sharon Housing Authority, for the repair of floors at South Pleasant St. building (\$12,000) and roofs at Hixson housing complex(\$136,600). She reiterated that the state has not provided funds for such repairs, and Mr. Kublin read an August 29 letter from Rep. Kafka recommending that the Committee fund the proposal. Ms. Roth pointed out that if CPC did fund the proposal, the state would in effect be paying for half of the project (through CPA). Per the Historical Commission's offer, half of the \$12,000 would come from the Historical set-aside, and half from the Housing set-aside.

Mr. Steve Savrann briefly summarized **project #006**, two drinking fountains at the playground and Deborah Sampson field (\$4,800), and said that while both were ADA-compliant, the playground fountain would have an additional “arm” lower down for children to reach it.

Ms. Lois Miller summarized **project #004**, a request by Massapoag Brook Neighborhood Association (MBNA) for a CPA \$1 million bond borrowing to assist in purchasing an 11.2-acre open space parcel north of Billings St. Total price is \$1.15 million, or \$1.38 million for the parcel plus a half-acre lot/house at 9 Glenview, which could be made into an “affordable” dwelling. MBNA would seek to fund any amount above \$1 million through grants and solicitations.

MBNA spokespeople felt that Mr. Bailey had misinformed the Selectmen and Finance Committee that, e.g., a 20-year bonding would preclude the Town's (hypothetical) opting out of CPA for 20 years, and that the Billings St. parcel had no legal public access. Mr. Bailey acknowledged that “public access [through a recorded 20-ft walking easement from Billings St., as stated by MBNA] is now documented.” MBNA also felt that questions #8 and #9 on the CPC's “evaluation criteria” were inappropriate because they required evaluation of open space land-purchase proposals vis-à-vis the potential use of that land for housing, and vice versa. Each proposal, they said, should be evaluated in the CPA category(ies) in which it is proposed [i.e., MBNA's proposal should be evaluated with regard to its open space and recreation values].

Mr. Bailey said that Recreation Committee would not say this land had use for “recreation”; that it was not in the

Recreation Plan; and that the Recreation Committee, with whom he had met, is not in favor of this project. Other speakers pointed out that CPC's posted recreation criteria called for "promoting passive recreation, such as hiking . . . on Town-owned properties" and promoting "the creative use of footpaths, rights-of-way, and other corridors to create safe and healthful nonmotorized transportation opportunities." MBNA felt that its proposal met all the appropriate criteria and had been received dismissively by the chairman and some members of the Committee. Ms. Miller said many residents had voted for CPA for open space purposes, and she requested the Committee to recommend the proposal so that it could be considered by voters at Town Meeting.

Mr. Bailey stated that he had asked his appointing board, the Selectmen, for "guidance," and Messrs. Heitin and Roach did not favor this proposal (Mr. Powell was advised by Town Counsel to recuse himself from the matter). Mr. Cohen said that after viewing the site, he felt the land was attractive and he was "inclined favorably" to acquiring. There was discussion about how a purchase (and possible sale as an "affordable") of separate house/lot might be accomplished. Mr. Cohen said "money begets money" and if CPC funded this, other benefactors like land trusts would "jump in." (Mr. Dickens said he would be one of them.)

Mr. Kublin said that every open space proposal would always have "abutters coming to meetings," and "we can't do it all; the Town should prioritize. We have spent lots of money on open space and nothing on public housing." He expressed his concern that enough money remain available for housing "now that the Housing Partnership has new life blood." Ms. Tobin questioned why this land was listed in the Housing Production Plan when its status has not been resolved at ZBA.

Mr. Bailey said that the trail on the land would be "available whether we buy it or not"; Mr. Skolnik said, "yes, with an 18-ft retaining wall next to it." Mr. Buermann said trails on the entire parcel could be made accessible with the help of the Boy Scouts. Mr. Bailey said other open space projects like Horizons for Youth and Camp Gannett lay in the future.

Ms. Roth and Ms. Arguimbau emphasized that land purchase opportunities don't come up often, they are unpredictable, and they should not be "put off to the future" and thus lost. Ms. Roth urged the Committee to consider on their own merits proposals that are on the table at present. Mr. Cohen said that access to this parcel is "somewhat limited," and some other parcel might have better open space qualifications in the future, but he agreed that "in the nature of the CPA process," present proposals should be the focus, and CPC should rank each proposal on a 1-10 scale to see if it seems worthy of funding. Ms. Roth said she is "comfortable" that "there is a high threshold" at Town Meeting because of the required two-thirds vote for bonding, and suggested the Committee approve this project. Mr. Bailey said that Town Meeting is not capable of long-range planning, and that the Committee has a financial responsibility to make good judgments, not "rubber-stamp" by sending everything to Town Meeting.

Regarding **project #005**, Open Space and Recreation Plan update, Ms. Arguimbau said that the Conservation Commission has been in contact with Conway School of Landscape Design to do the update. The plan will comprise both the Open Space and the Recreation plans, and there will be a planning committee as described in the *DCS Open Space Planner's Workbook*. Who will form the committee is not yet determined (it would likely be Conway), she said, but CPC does not need to be involved with that.

The \$6,000 appropriated for CPC administrative use at last May's Town Meeting has not been exhausted, but

additional administrative funds will be sought at November TM. After the chairman closed the public hearing, the Committee discussed and voted on the following motions, prepared by Mr. Bailey for sending to the warrant.

1. To see if the Town will appropriate \$6,000 from the Community Preservation Fund Affordable Housing Reserve and \$6,000 from the Community Preservation Fund Historic Preservation Reserve to fund the repair of floors at family housing, South Pleasant St., by the Sharon Housing Authority.

*Discussion:* Mr. Snow advocated using up the entire amounts of relevant 10% set-asides, in order to minimize “encumbered funds,” before using any amounts from the 65% general fund; he moved to amend the motion to draw the entire \$12,000 from the Historical set-aside. Mr. Young objected that the Historical Commission had voted to offer only half (\$6,000). Ms. Arguimbau seconded Mr. Snow’s motion but said Mr. Young should “talk to his committee first because it wouldn’t be fair for CPC to change the amount.” Mr. Bailey said some Historical funds should be retained to fund the Water Department’s pump station. *Vote on Mr. Snow’s amended motion:* 3 for, 4 against. *Vote on original motion:* 7 for, 0 against.

2. To see if the Town will appropriate \$136,600 from the Community Preservation Fund Affordable Housing Reserve to fund the repair of roofs at Hixson Farm Road by the Sharon Housing Authority. *Vote:* 7 for, 0 against.

3. To see if the Town will appropriate \$1,000,000 by borrowing to assist the Massapoag Brook Neighborhood Association in the acquisition of an 11.2 acre open space parcel between Glenview/Glendale Roads and Billings Street for open space purposes and to authorize the Treasurer, with the approval of the Selectmen, to issue bonds or notes that may be necessary for the purpose.

*Discussion:* Ms. Arguimbau objected to the phrase, “with the approval of the Selectmen.” Mr. Bailey reiterated Selectmen Heitin’s and Roach’s opposition to funding this proposal [see above]. Ms. Tobin said she had spoken to Selectmen this evening, and Mr. Roach (after hearing “true and proper” information about the proposal) expressed interest in pursuing further negotiations with the developer now that the house and lot are included. Mr. Kublin suggested getting “new views” from the Selectmen. Mr. Young said CPC members should take into account the “consensus of our own committees.” Mr. Cohen said that Planning Board had twice denied development on that land; that he had walked the property, and it was “a really nice piece of property” and “worthwhile protecting”; that his personal bias is to preserve land undeveloped; and that one major component of CPA is to preserve open space. Mr. Snow estimated that this proposed borrowing would consume one-sixth of total CPA funds and one-third of borrowing capacity. Mr. Bailey said the trail would remain, “though with structures instead of trees”; that this project would be a “bad investment for the Town” and funds could be expended in other ways “of far more benefit”; that there are “different views” as to how CPA funds should be allocated and many large calls down the road for CPA funds, such as \$1.7 million to convert the landfill to athletic fields and \$800,000 for restoring the Water Department’s historic pump station. Ms. Arguimbau pointed out that land is a tangible asset . . . “the most solid investment” . . . “other things will require repair and maintenance, but open space will be there in the year 2080 not requiring any.” Mr. Young said conserving land takes it off the tax rolls; Ms. Arguimbau pointed out that land does not require Town services (except possibly for fire). *Vote:* 3 for, 4 against (Messrs. Bailey, Young, Kublin, Snow).

Ms. Arguimbau asked whether this vote would be reconsidered at the next meeting with the other votes, “as called

for by Committee bylaw,” and said she assumed that all the proposals that had been found *eligible* for CPA would go to Town Meeting; the answer was that the bylaw called for reconsidering only votes approving expenditures, not those rejecting them, and that only proposals voted for recommendation by CPC would go to Town Meeting. Ms. Hyman asked for a written response from the Committee, “as with other grant applications.” Mr. Kublin said there was no requirement for a written response. Mr. Bailey said he would commit to sending the requested written response, and that MBNA could ask Town Meeting (directly) for funding, look for other funds, or reapply to CPC in the next round.

4. To see if the Town will appropriate \$10,000 to fund the update of the Town's Open Space and Recreation Plan under the direction of a Committee of nine members consisting of three appointees each of the Conservation Committee, the Recreation Advisory Committee, and persons representing the public to be appointed by the Board of Selectmen.

*Discussion:* Ms. Arguimbau moved to amend the motion to add the words “up to” before “\$10,000” and to remove the text after “Open Space and Recreation Plan.” Ms. Arguimbau (Ms. Roth agreeing) reiterated that it was not up to CPC to specify how the planning committee for the update would be formed, but rather it would be done within EOEIA guidelines by the Conway School or by the Conservation Commission, the proponent of the proposal, working with the Conway School. Mr. Bailey called for “a different process” and for putting more “specificity” into the warrant article “to describe how it’s going to be managed.” The EOEIA guidelines on the Web will be consulted, and the motion will be reconsidered, together with the others, at the next meeting. *Vote on amended motion: 7 for, 0 against.*

5. To see if the Town will appropriate \$4,800 toward the purchase of ADA-compliant drinking water fountains for Ames Street Playground and Deborah Sampson Park as proposed by the New Friends of the Playground. Motion was amended to include the words “up to” before \$4,800. *Vote on amended motion: 7 for, 0 against.*

6. To see if the Town will vote to appropriate the sum of \$4,000 for administrative expenses as permitted by Section 6 of Chapter 44B.

*Discussion:* Ms. Roth advised requesting the whole permitted 5% (~\$30,000) (“if you don’t use it, it goes back into general fund”). Mr. Kublin agreed, citing possible need for outside consultants, and moved to amend the number in the motion to \$14,000. Mr. Snow was concerned not to give a profligate impression at TM. Mr. Cohen agreed TM might be critical but said CPC should not “cater to appearances.” *Vote to amend the original motion to \$14,000: 5 for, 2 against. Vote on amended motion: 6 for, 1 against (Mr. Snow).*

A “CPC Draft Interim Plan,” supplied for members’ reference this evening, has been posted by Mr. Bailey on the CPC Web page. A “search committee” (Messrs. Kublin, Cohen, and Bailey) was formed to review resumes for a paid secretarial position.

The next meeting is scheduled for Tuesday, September 12, 7 p.m. The meeting was adjourned at 11:05 p.m.

*Submitted by Alice Cheyer  
Interim Secretary*

**ATTACHMENT 1 - LIST OF PEOPLE ATTENDING CPC PUBLIC HEARING, AUGUST 29, 2006**

Katherine Roth, CP Coalition; Jane Desberg and Ed Little, Housing Authority; Steve Savrann and Nancy Hall, New Friends of Playground; MBNA officers Paul Skolnik, president, 174 Billings St., Lois Miller, secretary, 112 Glendale Rd, Jessie Kravette, treasurer, 30 Glendale Rd; Irene Carpenter 19 Grapeshot Rd; Charles Goodman 42 Glendale Rd; Patricia DaFonte 115 Glendale Rd; Lydia Wiener 68 Oakhill Dr; William, Linda Brulé 481 Old Post Rd; Ron Langlois 112 Glendale Rd; Mary Tobin 120 Glendale Rd; Richard, Arlyne Mandell 580 Mountain St.; Mike Dickens 111 Glendale Rd; Rita Corey 282 Mountain St.; Jane, Steve Hyman 3 Robs Lane; Michele Spiewak 8 Glenview Rd; Ed Abrahamson 119 Glendale Rd; Michele Botaish 12 Glenview Rd; Deborah Piltch 140 Billings St.; Nancy Allison 152 Billings St.; Beth Hoke 92 Glendale Rd; Eric Hooper DPW; Kurt Buermann 45 Furnace St.

**ATTACHMENT 2 - CHAIR'S REPORT FOR MEETING OF AUGUST 29, 2006**

*Meetings*

Your chairman met with the Board of Selectmen on August 15, 2006, to publicly request and receive the Selectmen's guidance on the projects before the CPC. I also met with the Recreation Advisory Committee on Thursday, August 24, 2006. I will report on their comments at the appropriate time in the hearing discussion. I hope the other members of the committee will also report on discussions with their appointing authorities and/or other groups with information bearing on our decisions.

*MBNA Project #004*

On Wednesday, August 23, 2006, at 4:00 p.m., Arnold Cohen, Peg Arguimbau, and I made a visit to the site, beginning at the rear of 115 Glendale Road (Patricia and Silvestre Dafonte) and ending at the foot of Robs Lane. We were accompanied by Ms. Dafonte, Ms. Miller, and Ms. Tobin of MBNA; Ms. Cheyer, an abutter, and Kurt Buermann of Friends of Conservation. We used a plan of the development from the ConCom and a GIS-generated plan I brought. Our peregrinations included a trek along the path from Robs Lane to Billings St via land n/f Glenn E. Scott #162 Billings and #158 Billings St. and a short way along the driveway easement shared by #158 and #154 Billings. Attached is MBNA's letter of 1 August and my response of 21 August.

*Housing Authority Projects #002-3*

Attached are pages 1 and 2 of the letter of explanation sent to the Finance Committee in response to questions raised during my July meeting with them regarding the SHA request.

*Agenda*

On the forthcoming meeting on Tuesday the CPC must act on the items before it if we are to be assured of a fully described item on the November Town Meeting warrant. Our article will be similar to the omnibus articles appearing under the enterprise funds that now regularly appear on the annual warrants. Please note that I have inserted a motion for follow-up request for funding administrative funds to cover the second half of FY07.

I remind the committee that any recommendations for action at the Town Meeting must be ratified at a subsequent meeting of the committee "held at least 7 days following" (section 3, paragraph 4, of the bylaws as approved 2/9/06). This clause in our bylaws is to provide a "second look" at expenditures which might appear, in retrospect, to be less meritorious than at first glance. We have looked fairly rigorously at the projects before us, and I have attached the subsequent correspondence that I have received and responded to.

Respectfully submitted, George Bailey

*Letter, 8/9/06, from Sharon Housing Authority to Finance Committee*

Dear Mr. Miller and members of the Finance Committee,

The Sharon Housing Authority was created in 1970 in accordance with Massachusetts General Law, Chapter 121B. The housing authority is managed, controlled and governed by a five member Board of Commissioners. Four members are elected locally for a five year term each and one commissioner is appointed by the Governor. The Authority is audited regularly by the State Auditor and uses an independent accountant for financial reporting. Additionally the Authority is subject to audit and oversight by the Massachusetts Department of Housing and Community Development (DHCD) through which we receive the bulk of our funding.

The Sharon Housing Authority public housing accounts for 45% of Sharon's affordable housing inventory and, in fact, our units are considered as subsidized housing. The Authority is dedicated to providing low-income housing to the public with preference for residents of Sharon. The Authority provides eighty-eight apartments for elderly and disabled citizens at the Hixson Farm Road complex, six apartments for families at the former Pleasant Street School and a residential facility on Bay Road which is leased on a long term basis to the May Center. The Authority also administers several Alternative Housing Vouchers. The Authority provides community housing for the most vulnerable residents in Sharon.

The DHCD Division of Public Housing and Rental Assistance has the responsibility for oversight of all state-aided public and private housing programs which address the housing needs of low- and moderate-income families, the elderly and persons with disabilities. One specific regulation provides for tenants to pay no more than 30% of their gross income as rent. Though this regulation is intended to allow individuals with low income an affordable rent and dignity, it impacts the Housing Authority's source of revenue.

At present, the Authority is operating at a five year old expense cap and has not seen an increase, with the exception of utilities, since 2001. The Authority has worked closely with State Senator and Senate Chair of Housing Brain Joyce, State Senator Jim Timilty and State Representative Lou Kafka, lobbying them to increase funding subsidies for public housing. We asked for higher amounts of subsidy to fund long overdue non-utility allowable expenses which have remained level on housing authority budgets.

Representative Kafka and Senator Timilty attended a Board of Commissioners meeting last fall at which time the Board of Commissioners and Executive Director expressed the dire financial constraints the Authority confronts and the need to have sufficient funds for routine maintenance and capital improvements. There is support for public housing funding in the legislature and hopefully the FY 2007 funding will ease some of the financial pressures housing authority's are experiencing on running the day to day operations. It will not however, relieve the need for capital improvements, such as the replacement of 32 year old roofs at Hixson Farm Road.

The last time the Housing Authority was able to apply for state funding for capital improvements was in 2001. At that time, the Authority submitted a *Capital Improvement Funding Application* requesting funds to replace the roofs. This request was not approved and there have been no further funding opportunities for which to apply. The Authority has always applied for all funding opportunities and will continue to do so.

To better understand the Housing Authority's request, I am enclosing a copy of the narrative that accompanied the

Sharon Housing Authority's Community Preservation Grant Request.

The Community Preservation Act provides that community preservation funds be expended *for the purpose of creation, preservation and support of community housing and for the rehabilitation or restoration of existing housing.*

The Community Preservation Coalition ([www.communitypreservation.org](http://www.communitypreservation.org)) Potential Uses of CPA Funds states *"assist local housing authorities to support its low income rental properties"*.

Furthermore, the Sharon Community Preservation Committee Guidelines for Project Submission with regard to community housing proposals list several criteria that allows for submission and funding of the Housing Authority's request. The following six of the nine criteria address the Housing Authority grant application.

*"Contribute to the goal of 10% affordability"*

*"Conform to the Town's Housing Production Plan"*

*"Promote a socio- economic environment that encourages a diversity of income"*

*"Provide housing that is harmonious in design and scale with the surrounding community"*

*"Ensure long-term affordability"*

*"Promote, use, rehabilitation, or capital improvement of existing buildings or construction on previously developed or town-owned site"*

*"Give priority to local residents, Town employees, participants in the Sharon Metco program, and employees of local business."*

Public housing creates a unique sense of community and is a precious resource that must be preserved. For this paramount reason, the Sharon Housing Authority has submitted an application for CPA funds to replace 32 year old roofs at our Hixson Farm Development. The Authority has submitted all required documentation and the Department of Revenue has confirmed that it is a valid use of CPA funds.

It is our sincere hope that both the Community Preservation Committee and Finance Committee support this request and allow town meeting attendees to vote on this request.

Very truly yours,

Peter Melvin

Chairman

Jane Desberg

Executive Director

Cc: Board of Selectmen, Community Preservation Committee

***Massapoag Brook Neighborhood Association Letter, 8/1/06, to Selectmen***

We are concerned as to recent goings on related to Town Boards and misrepresentation of the facts regarding the proposed Glendale Village 40B development. Misinformation has been presented to decision makers, particularly at the FinCom meeting Monday night (July 24) by George Bailey who presented himself as representing the CPA committee. The CPA committee has been petitioned by a neighborhood group to consider purchase of the property in question due to its open space, environmental, recreational, historical, and flood control qualities. The petition clearly meets many of the goals outlined in the Community Preservation Act.

At the FinCom meeting it was stated that there is no public access to this property, and that only the abutters would have access to this property if it was to be purchased. This is demonstrably untrue. Part of the Massapoag Trail runs through this property and easements exist for public access. People use this trail. Formally recognized by the ConCom in 1966 this trail is, in fact, documented to have been used from Colonial times connecting Lake Massapoag at its NE corner to Knife's Pond, Mann's Pond, and Carworks Pond. At one time there were six dams or "privileges" as they were called in Colonial Times supporting early Colonial industry on the brook. Native American

artifacts have also been documented, particularly at Devil's Rock. Devil's Rock, in fact, is considered to be a Native American encampment site due to the quantity of arrowheads and artifacts found there.

False and inaccurate statements made by the CPA chair to the FinCom without the knowledge or support of other members of the CPA committee are contrary to good government, and serve nobody well.

At the Wednesday night (July 26) CPA committee meeting reference was made to the fact that the Glendale Village proposal was included in the Town's Housing Production Plan (HPP) submitted to the state and approved. It was also stated that projects listed in the HPP were approved by the Selectmen and/or the Planning Board. Including this project, and the eight affordable units it proposed, creates the impression and prejudiced climate where Town boards and others perceive any discussion about this project and its merits in regard to its environmental, public safety, and historical preservation concerns, as going against the Town's mandated need for affordable housing. The chairman of the CPA Committee in fact stated that "the major thrust of CPA is to increase affordable housing stock". This again is not true. The Community Preservation Act (CPA) is "a tool to help communities preserve open space and historic sites, and create affordable housing and recreational facilities".

This situation certainly does not provide a "level playing field" for an objective discussion of the merits of this project. In fact, two much smaller development proposals for this site have twice been rejected by the Planning Board and the ConCom due to many serious environmental and public safety concerns. The "Glendale Village" 40B proposal is at present only under consideration by the Zoning Board of Appeals. No decision has been made and public hearings are still ongoing.

We are greatly concerned by what we have witnessed and intend to come before the Board of Selectmen, The Finance Committee, and the Community Preservation Committee to go on record with our concerns.

Respectfully,

Mary Tobin, 120 Glendale Road, Lois Miller, 112 Glendale Road, Paul Skolnik, 174 Billings Street

cc: The Town of Sharon Historical Society, Conservation Commission, Housing Authority, Community Preservation Committee, Finance Committee, and Friends of Conservation

***Bailey response to MBNA letter to Selectmen, 8/21/06***

To: Members of the Massapoag Brook Neighborhood Association

Subject: Your letter to the Sharon Board of Selectmen, 1 Aug 2006

At the 14 Aug meeting of the Finance Committee members of your Association (MBNA) expressed concern about my description of your proposal for acquisition of the 11.2 acre Glendale Village parcel using Community Preservation Funds. Your proposal evidences careful research and a very serious case for CP Committee consideration. On the other hand, I hope you will understand that the role of a member of a town agency responsible for dispensing funds is that of a trustee. The CPC funds are limited but predictable, encouraging a long range view. Since I believe the points raised before the Finance Committee were basically those contained in the subject letter which I received on the 14th, I will address them as best I can.

1. Regarding public access to the Glendale Village parcel:

The MBNA states in the application under 1. Narrative, first sentence, third paragraph, the land "became landlocked . . . in 1983". This seems to me to be an accurate characterization. The property is a slender rectangle approximately 1725 x 273 feet, running parallel to both Billings St and Glenview Rd. It is bounded on the North by 12 lots on Glenview and Glendale, one on Robs lane and 9 lots on Billings St. on the South. The easternmost end lies



within and abuts the flood plain of Massapoag Brook wetlands. The sole legal access is the 40' stub on Robs Lane which leads directly into both the state and town-defined wetlands. What has been assumed to be public access is currently a narrow foot path which runs from a driveway off Billings St. to a point near Robs Lane. It is the approximate boundary of the Sharon eruv of Young Israel at that point (see <http://www.yisharon.org/eruv.htm>).

2. Regarding proximity to the Massapoag Trail:

Maps generated by early Conservation Commissions show a trail leading along the aforementioned foot path labeled "other trails" on the 1966 map shown in your proposal and "connecting trail" on the 1978 version. The actual Massapoag trail lies several hundred feet east (beyond the intersection of Deborah Sampson St and Billings), well off-site.

3. Relative importance of the housing element and my phrase: "A major thrust of the CPA."

My comment to the FinCom stems from association with the effort to gain a source of funds for Open Space and Preservation beginning in the early 90's when I was Chairman of the Board at the Environmental League of Mass (E.L.M.) and joined Marsha Molay, former Assistant Sec of State, in the coalition seeking state legislation for a Real Estate transfer tax to fund open space purchase. That effort went nowhere as legislators recognized that subsidizing suburban needs for open space and curbs on growth would exacerbate the statewide housing shortage. Finally, a coalition with the housing advocates, preservationists and open space interests provided the legislative impetus to pass Chapter 44B (the CPA) by incorporating the housing element in the final legislation. Accordingly, in my view, to use CPA funds to acquire open space while reducing potential housing stock within a mile of the town center, schools, and other community facilities requires a very strong set of countervailing benefits.

4. A factor which was not mentioned in your letter was the relationship of benefit to cost. While environmental benefits are not easily quantified, some comparisons must be made by those responsible for spending public funds. Those were my views of the factors to be weighed, not the committees. I believe the Finance Committee understood that to be the case.

We all appreciate the thoroughness of your support of this proposal and commend you for your interest in the community which we all share.

Sincerely,

George Bailey

CC: (via email) Selectmen; Finance Committee; Housing Authority, CPC, Historical Commission, SFOC, Mary Tobin, Lois Miller, Paul Skolnik

***E-mail, 8/18/06, Alice Cheyer to CPC***

I'm commenting as an independent resident, to clarify again a couple of issues, so that the Committee does not retain or get misimpressions.

\* The ability of CPA funds to cover a \$1 million bond borrowing (at the same time leaving all three set-asides and most of the general fund to share with the other purposes) is, I believe, well settled. It has been shown that the funds could even cover a second \$1 million bond for a second purpose. In case of opt-out, CPA funds (not general borrowing funds) are used to repay the bond within ~3.5 years and then the surcharge stops. There is no mystery about this, nor should it be publicized as one.

The MBNA land purchase proposal asked for \$1 million over 20 years precisely in order to leave funds free for the

other purposes. (One FinCom member suggested the proponent should have asked for the entire price and sketched a short-term payoff using total CPA funds.)

\* The Billings Street parcel is mature forest, wildlife corridor, contiguous to 4 acres of wetlands and to town conservation land, and accessible for passive recreation use to all 6,000 households of Sharon should they wish to come. The connecting trail is at present used via a documented-easement and a use-easement; and in case of a town purchase, the whole parcel (incl. trails) would be under deed ownership. These are facts.

All other speculation that has been voiced on "adverse possession," "prescriptive rights," "building only under state wetlands laws," and other quasi-legal matters is at worst erroneous and at best irrelevant. It is a red herring, obfuscating and taking attention away from the real questions:

--Accepting that this proposal is consistent with one of the three main purposes of CPA, does it provide a worthwhile community benefit under that purpose?

--Does CPC wish to bond-borrow now and take the opportunity to preserve this land; the price is reasonable (in context of land prices) and will not be repeated. Or should CPA funds "be saved" for "important things" that might come up in the future, as Mr. Roach said. Well... who will decide... how will we know what is "important" in the future? In general, saving is good, but land will only become more valuable and expensive (they are not making any more of it), so acquiring it for public stewardship **\*when the opportunity arises\*** is even better.

These are the questions I hope CPC members will ask themselves. I hope the site visit will open their eyes to the land's beauties and value.

I'm sure that CPC members will agree that every group and board in town(excepting housing advocates, understandably), including the Selectmen, have stated their chagrin at the state's nullification of the work of local boards under the abusive administration of the 40B statute. It is odd that G.B. looks favorably at obtaining affordable housing in this way (haphazardly, without plan, on any land regardless of town plans, scenic roads rules, etc.) rather than via a statewide inclusionary housing measure, which the state has refused to institute to avoid displeasing its development supporters.

At the very least, I sincerely hope that each CPC member will give this land purchase proposal its due relevant, respectful, and sympathetic attention. Thank you for listening.

*E-mail, 8/10/06, Boy Scout Matt Russell, Troop 95, to Corey Snow*

Hello Members of the Community Preservation Committee,

My name is Matt Russell and I was wondering if I could give a presentation to the Committee for the purpose of acquiring funds from the Community Preservation Act. My Project is to replace the lifeguard stands at the Sharon Memorial Beach, along with safety equipment such as ring buoys and megaphones. Then, I will dedicate the new stands in honor of Dave Clifton, the Retiring Sharon Recreation Director. So far, I have raised a little over \$3,000, enough for two stands and their safety equipment. I need about \$1,500 to reach the goal of my project. I believe my project should be considered for the Community Preservation Act because it is necessary for the continuing safe usage of Sharon Memorial Beach.

*E-mail, 8/11/06, Corey Snow to Boy Scout Matt Russell, Troop 95*

Matt,

I admire your initiative in taking on these projects. There are a number of restrictions on how CPA funds can be used for recreational purposes. Generally, the law allows for "creation" of new recreational facilities and "preservation" of existing recreational facilities. Adding new equipment to an existing recreational facility and maintenance uses are generally not allowed, though it is clear that many towns have used a lot of latitude in interpreting this criterion.

In this case, to make the argument for a "preservation" classification, the equipment in question would have to be deteriorated to the point that it "can no longer serve its intended purpose". That was the criteria I was given by the CP Coalition that would allow for the replacement of drinking fountains. Even this is still subject to interpretation by Town Counsel, however.

Your best course of action would be to run your list by Kathy Roth at the Community Preservation Coalition for preliminary approval prior to making an application for CP funds. Kathy is both the Assistant Director and a Sharon resident. Note that Nov 30th is the deadline for consideration for submission to May 2007 Town Meeting.

**ATTACHMENT 4 – TRANSCRIPT OF THE DISCUSSION CONCERNING MOTION 4 (OPEN SPACE AND RECREATION PLAN)**

*Mr. Young:* The motion is

To see if the Town will appropriate \$10,000 to fund the update of the Town's Open Space and Recreation Plan under the direction of a Committee of nine members consisting of three appointees each of the Conservation Committee, the Recreation Advisory Committee, and persons representing the public to be appointed by the Board of Selectmen.

*Mr. Bailey:* Discussion?

*Ms. Arguimbau:* I want to amend the motion to read "To see if the Town will appropriate up to \$10,000 to fund the update of the Town's Open Space and Recreation Plan." [*her motion is seconded*] It is not up to this committee [CPC] who or what the membership will be or should be of that [planning] committee. It's done within the [EOEA] guidelines.

*Mr. B:* What do the guidelines say?

*Ms. A:* The guidelines of EOEA on the Web suggest, talk about how to set up the committee.

*Mr. Young:* Are they different from this?

*Ms. A:* Yes—there's a variety of people, interested people, and a variety of activities in the town.

*Mr. Young:* Does this committee have a name?

*Ms. A:* Yes. The Open Space Planning Committee.

*Mr. B:* The Open Space and Recreation Planning Committee. Who appoints, creates the committee?

*Ms. A:* When we did it last time, Conservation Commission put out a notice—if you want to be on the committee, let us know, we had people come in, Recreation people, townspeople, a variety. You go through the process of doing the update, so either the Conway School is going to be in charge of setting up the committee under the guidelines, or the Commission in charge of the plan will be in charge of setting up the committee under the guidelines. Either way, it has to meet the guidelines.

*Mr. Kublin:* If there is an Open Space Planning Committee already established . . .

Ms. A: It doesn't exist right now. It's created as part of the update.

Mr. Kublin: Who appoints the committee?

Ms. A: Whoever does the plan . . . it will be the Conway School or the Commission . . .

Mr. B: Conway set up the committee? A bunch of graduate students coming into Sharon . . .

Ms. A: They will set up the mechanism, put ads in . . . It's doesn't belong in the purview of this [CPC] committee.

Mr. B: We're funding this. We can keep our fingers in this one.

Ms. A: I'm not saying we can't . . . we're funding it . . . but it's our application, and we did the first update, it's something we oversee, so I think it's a stretch to have [CPC] be the one that sets the parameters for who is on the [planning] committee.

Mr. Kublin: Does the Open Space Planning Committee administer the money?

Ms. A: No. CPC pays. . . .

Ms. A: What is the problem?

Mr. Kublin: I'd just like to know what language would be appropriate, in your mind . . .

Ms. A: Just "appropriate \$10,000 to fund the update of the town's Open Space and Recreation Plan."

Ms. Roth: That's what the Conservation Commission submitted in its proposal.

Mr. Snow: There's not much information in the [amended] motion for Town Meeting to know exactly what they're voting on.

Ms. A: That can be explained at Town Meeting. My point is, the purpose is the *update of the plan*, the finished document. The focus is not who's on the committee. Who's on the committee gets set up within the guidelines of how you come up with a finished plan. The town is paying to have a finished plan. If you want the focus to be who's on the committee, that's a different issue than coming up with an update of the Open Space Plan, because, as George mentioned, once you have that, your ability to get funding is improved. So there are benefits to having a plan, period. My point is, it's up to the group that gets paid to do the update or the Commission working with them. Who's on the committee that gets the plan done, is, it's not *this* [CPC] committee who that is.

Mr. B: You keep saying Conservation Commission. You forget the Recreation Committee, they're equal players in this.

Ms. A: Exactly. And there'll be recreation people . . .

Ms. Roth: The way the Conservation Commission envisioned this happening, and the way it generally does happen, is that you sign a contract with someone who does open space plans . . .

Mr. B: I'm totally familiar with that process.

Ms. Roth: . . . and they come into the town and *convene* a group . . . the guidelines suggest whom they should tap for this committee, and they call . . . to convene them.

Mr. B: We want to be able to have that detailed so we present to Town Meeting a complete picture of how this is going to be managed. We want to make it a *different process*.

. . .

*Ms. A:* What is the problem? What is this untrust about who's going to do this?

*Mr. B:* Because it's not specified. You're just saying it's the *Conway School* coming in!

*Ms. A:* If you want to add "within the parameters of the guidelines established by the EOE" --do you want to add that into the motion?

*Mr. Cohen:* What do the guidelines say?

*Ms. A:* There's a page of suggestions, this is what you do, this is what you look for, the type of good base to be giving information into this update. It doesn't say, *one* person from DPW, *one* person from Recreation Department, it doesn't go into that kind of detail.

*Mr. Cohen:* You think [the original motion] is too restrictive . . .

*Ms. A:* I'm just saying that [in the original motion] we're establishing the committee, and that's not our purview, and I don't think that's appropriate for us to do.

*Mr. B:* It might not be, but as the funding agency, we have certain responsibilities. Why don't we do this? Why don't we get the guidelines. We have to act on this again. We can modify it slightly by qualifying it, by incorporating whatever is necessary to make it specific to the Town because part of the process is getting awareness to occur, and if we have a complete description of who's going to be involved . . .

*Ms. A:* I'm assuming there will be a presentation at Town Meeting, right?

*Mr. B:* Well, not necessarily in great detail. This is going out in the warrant. Most people don't come to Town Meeting, but they might read the warrant.

*Ms. A:* Right.

*Mr. B:* Let's do this. You get the guidelines from the Web, and I'll check if necessary, and we'll amend it to the degree necessary to describe how it's going to be managed.

*Mr. Young:* When the Community Preservation Committee was set up, there was a guideline as to who was going to serve on the committee.

*Ms. Roth:* We want to buy a package service.

*Mr. B:* No, we're not . . . I've gone through this. I funded the last one that was done.

*Ms. A:* That was not the last one that was done. That was the first one that was done, and you had a lot to do with it, I'll give you that. That was not the last one that was done.

*Mr. B:* Well, okay. I don't have a copy of the last one that was done.

*Ms. A:* The Open Space and Recreation Plan is the amendment I want to vote on right now. I'm willing at the next meeting if you want to lengthen it, or whatever.

*Mr. Young:* Peg has an amendment to the motion to change the language to "appropriate up to \$10,000 to fund the update of the Town's Open Space and Recreation Plan." [voted 7 for, 0 against]

*Mr. B:* And we now agree that we'll add some specificity to this if possible.