

## Community Preservation Committee (CPC) Meeting Minutes September 15, 2016, Shutesbury Town Hall, Technology Room.

**Members Present:** Chairman and Community-at-large member Donald Fletcher, Conservation Commission representative Linda Avis Scott, Professional Representative for the Municipal Housing Authority perspective, in the absence of such a Shutesbury Department: Rita Farrell, Open Space Committee representative Sue Essig, and Historical Commission representative Leslie Bracebridge.

**Members Absent:** Planning Board representative James Aaron, Selectman (for the non-existent Board of Parks) representative Mike Vinskey, and Finance Committee Representative Allen Hanson.

**Current CPC Vacancy:** Representative for the Recreation Committee (also non-existent).

**Guests:** Temenos Council Representative Mark Johnson, Massachusetts Audubon Director of Land Conservation Robert “Bob” Wilber, Wendell Road Resident Ronald Essig. Town Clerk Susan Mosher swore-in members D. Fletcher and S. Essig to their renewed 3-year terms of office, and shared with CPC members a 2-sided fact sheet: *Shutesbury Volunteers are “Special Municipal Employees”*.

The meeting was formally opened at 6:05 PM by Chairman Fletcher, and followed by introductions.

**I. Minutes of the May 19, 2016 meeting were approved with minor edits.** Chairman Fletcher stated that the CPC meeting schedule on page 2 of the minutes can and will be adjusted as necessary as the year progresses. For example, there was unanimous agreement that a final application due date will be January 13, 2017, rather than January 1. Rita will make final adjustments to the minutes and send them to Donald, who will in turn send them to Allen on his return, for website posting.

### II. Discussion Items:

**A. Eligibility Determination Applications:** Donald received a telephone call from Audubon representative Kate Buttolph concerning a possibly urgent request for consideration of use of CPA funds for open space preservation of the Ames Pond - Janowitz property. Donald explained Shutesbury’s two tiered application process for requesting CPA funds, and directed her to Shutesbury’s CPC website and the Appendix B Determination of Eligibility form which was submitted in time for this meeting.

#### 1. Ames Pond and Janowitz property – urgent (guest: Bob Wilber):

- a. Summarized origins and history of Mass Audubon organization.
- b. 2016 Audubon focus includes: Protecting nature of Massachusetts for nature and for people, with a growing realization of the mutual appreciations of artists and conservationists.
- c. Audubon is partnering with Mark Wamsley, Kestrel Land Trust’s Land Conservation Manager, to explore open space preservation/acquisition and increased public access of the J. Janowitz property including Ames Pond:
  - i. Process began over 4 years ago to encompass owner Julian Janowitz’ vision of a permanent art-in-nature location that might include children’s nature camps, ski-touring and hiking trails, and artwork.
  - ii. The site is one of the 10 most ecologically diverse sites in the state, including a bog mat, and pitcher plants.
- d. An existing boardwalk through the bog has a bench for writing in a journal. The boardwalk leads to a trail that leads to a look-out to Mt. Greylock. From the look-out another trail, not on Janowitz property, leads to Temenos, which is listed on the Historical Resources Profile Section of the CPC Plan.)
- e. Historical Commission representative Leslie Bracebridge noted that in addition to the Open Space and Recreation check-boxes, the Janowitz property also falls into the Historical CPA category, and the site appears in the Historical Resources Profile Section of Shutesbury’s CPC Plan.
- f. Challenges:

- i. A (2003) Massachusetts Department of Conservation and Recreation (DCR) Conservation Restriction already protects 80% of the property. This existing conservation restriction limits the interest of many funding sources.
- ii. Four years ago, combined efforts “cobbled together” \$200,000 to preserve the entire property with a life estate for Julian Janowitz. This 2012 offer was not accepted.
- iii. The diverse ecology of the site is related to the continuous existence of 2 dams. The structural integrity of these dams need further review by the DCR Office of Dam Safety and likely need to be repaired/rebuilt. Without the bog, the ecological diversity would be significantly diminished.
- iv. The Boardwalk is aging and would need extensive permitting for costly repairs for public use.
- v. Currently, owner Janowitz’ health is failing.
- vi. There is a reverse mortgage on the home/dam parcel.
- vii. The entire property also includes 2 potential building lots.
- g. Owner Janowitz’ goal is to see the entire property protected and stewarded in the future. A current draft proposal would involve the home (and dam) being bequeathed to the Janowitz children and the remaining property to Mass. Audubon and/or Kestrel Land Trust.
- h. Led by Chairman Fletcher’s statement that while CPA funds can be used to acquire and preserve, including dams and the boardwalk, the CPC prefers to see the entire picture for proposed projects that request CPA funds. CPC members identified questions and comments that would likely be raised, and would need to be addressed, if a full application for CPA funds is submitted. These included:
  - i. How would hiking and cross-country skiing be managed on a private driveway right of way over the property and that currently also serves as a trail on the property?
  - ii. How would beaver activity at the dams be managed? Bob Wilber: Audubon has much experience with “beaver deceivers”.
  - iii. Who would organize and oversee this project?
  - iv. The Shutesbury Conservation Commission (CC) could not be the applicant because the CC would have permitting responsibilities, which would create a conflict of interest.
  - v. How would CPA funds be allocated to such a project?
  - vi. Who would present the proposal to town meeting? Bob Wilber: Audubon and Kestrel could be involved in making a presentation.
  - vii. A project is more compelling to the CPC if there are multiple secure funding sources.
  - viii. A complete picture is needed.
  - ix. The request for CPA funds is for a privately owned property.
- i. Due to meeting time limitations, Chairman Fletcher stated:
  - i. The CPC needed to “wrap-up” the discussion.
  - ii. The proposal meets a many of Shutesbury’s stated criteria for use of CPA funds.
  - iii. Final member comments were requested on their impressions of whether there might be broad public support for the proposed project. The impressions of CPC members covered a broad range. This was

in part due to different understandings of the possible purposes of the property. There range of impressions was also very broad because there was no current total project cost specified or a specific amount of CPA funds requested. Note: there was no specific “expected results” of the project were listed, and the requested funding amount was left blank on the Determination of Eligibility application form.

- j. Donald speculated that it was not likely to have a clear proposal for Shutesbury’s CPA funds for six months given the project’s many complexities. Clarity would require defining the various roles of the potential project participants, determining an estimated total project cost, securing commitments from multiple funding sources, determining a specific request for Shutesbury’s CPA funds, and building public support.

**2. Poverty Mountain Farm:**

- a. The Poverty Mountain application submitted in May is not urgent.
- b. Chairman Fletcher reported that he had communicated with applicant Kevin Weir and explained that the application would be reviewed as a part of the annual application process.

**B. CPC Plan Revisions for 2017:**

At its May 2016 meeting, the CPC discussed the revisions that were needed to Shutesbury’s Community Preservation Plan. The CPC decided that revisions listed under #1 below will be made for the FY 2017 CPC Plan. The issues discussed under #2.a. will be addressed when the CPC recommends projects for Town Meeting approval. The CPC reached a shared understanding of the issues discussed under #2.b., and that the range of possible changes required by permitting authorities was part of the expected implementation process and not part of the application process that is described in the Plan.

**1. FY 2017 CPC Recommended Warrant Articles:** Updates reviewed at the May 19 meeting included:

- a. 2016 Annual Town Meeting warrant articles,
- b. specific money amounts,
- c. membership terms and dates, and
- d. a reference added to Appendix A: *CPC Application Process Simplified* using wording from the Massachusetts Community Preservation Coalition (MCPC) website guidance for eligibility of access for historical projects. Those MCPC guidelines can be found under the “Technical Assistance” tab on the MCPC site.
- e. Chairman Fletcher will make the described revisions to the 2017 Plan.

**2. Needed CPC protocols**

- a. **Project photos and annual project and budget update:** The September 15 meeting confirmed the May 19 discussion that before and after project photos is a desired component for completed projects.
- b. **Allowable modifications:** Using the Shutesbury Elementary School Track project as an example:
  - i. In the progressive order of permitting, the CPC does not require all permits be completed before a project application is approved by the CPC. There will be cases when outstanding permits from the Board of Health (BOH), Conservation Commission (CC), etc. may require modifications to the full application that was submitted and reviewed by the CPC.

- ii. In the case of the Shutesbury Elementary School application for CPA funds to construct the run-walk, both the BOH and CC have permitting authority. In this case, prior to the full application, the BOH set requirements that the school not use asphalt for surface material for the track. Packed crushed stone would be used instead. After Town Meeting approved CPA funds for the track project, the school would need to secure the required approvals from the Department of Environmental Protection (DEP), the BOH and the CC regarding the location of the track and other issues. Site inspections will be required by both BOH and CC. The School was responsible for gaining necessary these approvals prior to the construction of the track.
- iii. CPC members understand that the requirements of the permitting authorities may lead to changes in the projects. The specific details described in the proposed projects full application may need to be changed for the actual construction to comply with the requirements imposed by the permitting authorities. Leslie requested to see a copy of the DEP letter to the BOH concerning the track. It is not certain that the CPC received an actual copy of the letter, but Chairman Fletcher will check CPC files. Otherwise, the letter is housed with the BOH.

**Motion made, seconded and unanimously approved to accept the 2017 CPC Plan as revised.**

**III. Other Business:** None.

**IV. Confirm Assignments, next meeting date, and future agenda items:**

**V. Adjourn: 7:35 PM.**

Documents used at the meeting:

- Sept. 15, 2016, agenda.
- Draft May 19, 2016, meeting minutes.
- 2-sided fact sheet: *Shutesbury Volunteers are "Special Municipal Employees"*.
- Massachusetts Department of Revenue Division of Local Services (DORDLS) Form CP2: Detail of Community Preservation Fund Total Fund Equity – FY 2016, Town of Shutesbury.
- DORDLS Form CP3: Community Preservation Projects Report.
- Town of Shutesbury CP Plan Appendix B, Determination of Eligibility form submitted by Applicant Bob Wilber on behalf of the Mass. Audubon.
- Janowitz – Carroll Holmes Recreational Area Protected Lands Map created 9/24/2012 by Kestrel Land Trust.

**These minutes, as approved on October 20, 2016 are respectfully submitted by,**

**Leslie Bracebridge, CPC Secretary &  
CPC Historical Commission Representative**