

**Community Preservation Act Committee (CPAC)
Public Hearing and Meeting Minutes
Thursday, February 28, 2013**

The meeting was called to order at 7:00pm by Peter Jessop, Chair, in the Town Room at the Amherst Town Hall

Committee Members in Attendance: Sandra Anderson, Marilyn Blaustein, Paris Boice, Lynda Faye, Peter Jessop, Jim Oldham, Mary Streeter, Stan Ziomek

Committee Members Absent: Ellen Kosmer

Staff/ others in attendance: Sonia Aldrich, Dave Ziomek, Nate Malloy, Diana Stein (SB liason), Approximately 40 members of the public

Agenda items to be discussed:

Discuss proposals and vote recommendations that are ready

Set agenda for next meeting

Policy discussion on timeline of project completion

Approval of any minutes

Topics the Chair did not reasonably anticipate 48 hours before the meeting

PUBLIC HEARING

The public hearing was opened at 7:01 pm and CPAC members were asked to identify themselves.

Public comments on purchase of Rock Farm, on South East Street

Carol Gray, on behalf of the South Amherst Conservation Association (SACA), presented a packet of new and updated information (see documents distributed) related to the SACA proposal. The packet included a letter from Greenfield Bank to Kestrel Trust, DCR, and SACA, accepting an offer to purchase for \$501,000 together with a breakdown of sources for those funds and documentation of the portion of those funds currently committed.

William Levine, Chair of the Agricultural Commission reported that the Commission took a vote in 2008 support of avoiding development on this parcel. Peter commented that the Commission should take another vote on this topic.

Dave Ziomek reported that he had a memo (see documents distributed) from Kestrel Trust offering to take the lead in the acquisition partnership but also requesting CPAC to delay a vote on the amount of proposed CPA funding until after March 15 to allow them time to finalize a budget. Dave explained that the Kestrel budget numbers may slightly different from those provided by SACA

Kevin Eddings, of SACA, spoke in favor of CPA funding for the Rock Farm purchase and emphasized the high level of community support. Upon his request that supporters stand up, about 2/3 of the members of the public attending stood.

Jeff Lee of South East St. spoke in favor off CPA funding and questioned why the Conservation Commission recommendation for CPA funding for the Brunelle property was so much higher on a per acre basis than amount recommended for the Rock Farm.

Heather Colson, owner of the adjacent farm that is protected with an APR, expressed concern about hydrological impact of potential development on this property and pointed out that any such development would put that abutting land, and the state investment in its preservation, at risk.

Dave Ziomek drew CPAC's attention to the memo from the Conservation Commission and indicated that both he and the Commission do support protecting this piece of property, but suggested that the challenge is to determine what is the appropriate expenditure for this purpose.

Alegra Haupt of Station Road spoke in favor of funding for the Rock Farm and of how the availability of a "long view to nature" is something unique to Amherst. Although it is hard to put numbers on it, she emphasized that land that provides this is very valuable.

Brenda Davies described herself as an avid biker and spoke in favor of funding for the Rock Farm. She is concerned about safety issues if this property is allowed to be developed. She also pointed out that lack of bus in this area makes the property car dependent.

Bart Bouricious spoke in favor of funding for the Rock Farm. He argued that that preservation is important because development of this land would be a great anomaly in a rural area on long route of bike trail, would be only area with dense development. Like other speakers, he also had concerns for safety.

Sharon Carty, who lives on South East St, on the Common, spoke in favor of funding for the Rock Farm, saying her concern is conservation and preservation of the rural character of the location.

Ellie Manire Gatti, spoke in favor of funding for the Rock Farm, comparing the value of this property with conservation land in South Amherst she and her husband were able to donate to the town for conservation. She feels that protection of that other land added a lot to the town and the South East St land is equally important.

Joanne Jones spoke in favor of funding for the Rock Farm and emphasized that it is located on a dangerous stretch of road where she has viewed and photographed many accidents. If land is developed, property will be dependent on cars, adding greatly to the risk of even more accidents.

John Boyd spoke in favor of funding for the Rock Farm and echoed the concerns about safety of the previous speaker.

Ann Bergholz of Harkness Road, identified herself as a biker in favor of funding for the Rock Farm. She emphasized that she saw the purchase of the Rock Farm as a great opportunity for adding a final piece to a continuous line of beautiful protected conserved land.

Rob Kusner, Chair of Norwottuck Rail Trail Advisory Committee, which advises DCR on issues related to the trail spoke in favor of funding for the Rock Farm and called attention to the fact that with the property appraised between \$800K & \$1M the bank is making a significant bargain sale. With private donations, the DCR, and other partners contributing to the purchase price, the portion the Town will pay is just a fraction of the value of what will be preserved. He stressed

that the neighbors have come together in coalition to make this work and the CPAC is in a position to make this project succeed.

Kevin Eddings pointed out that there are 2 state parks in Amherst: the Rail Trail and the Holyoke Range. This property has a 1050 foot border with the former and provides excellent views of the latter. He went on to describe the slope of the property, with its highest elevation of 220 feet and a vernal pool at 170 feet, to other significant conservation land below, including Lawrence Swamp, our water supply, and downstream from it. He warned that the previous developer's plan, which included 72 parking places, may be transferable and he pointed out that such a development could have significant potential environmental impacts on that neighboring protected land.

Sonia Sofield spoke in favor of funding for the Rock Farm and invited the CPAC to think back to purchase of Mt. Polluck, which at the time seemed expensive but was well spent.

Nancy Campbell, of Middle St., spoke in favor of funding for the Rock Farm, arguing that it is a great bargain.

Public comments on the Unitarian Universalist Society Tiffany Window Restoration

Carolyn Cave, President of the Board of the Unitarian Universalist Society acknowledged and thanked the Historical Commission for their support for this project and quoted a Commission member who described the Tiffany window as one of the most beautiful things we have in Amherst. She asked supporters of the proposal to raise hands and eight members of the public did. She explained that the UU Society has come to agreement with the Historical Commission on general principles for a 99 year deed restriction that will require the window remain visible to North Pleasant St. but allow for changes in the building. However, any changes in the building exterior will need to go before both the Commission and the Design Review Board.

Nate Malloy concurred that there is agreement regarding the preservation restriction, which will be on the window only, not the building. The restriction will require arts & craft style of the building. A separate public access easement will allow public internal access to view the window from inside the building.

Linda Faye commented that the Commission is very positive about this project.

John Barbaro, speaking in favor of funding for the window restoration, shared the story behind the window: It was commissioned by a man who had lost his wife just after their marriage. After making his fortune, he hired Tiffany to make this window and had his wife's portrait as model for the angel.

Carolyn Holstein, speaking in favor of funding for the window restoration, warned of the fragile state of the window and the urgent need for the restoration. She informed CPAC that in a recent storm some of the glass in the window was displaced, in spite of the protective cover, by wind coming straight at the window.

Mary Streeter asked if the project could be managed with funding split over 2 years. Carolyn Holstein responded that with full funding, the window could go straight to repairs with no need to wait in storage. Betsy Lochran of the UU Society said that the project could be done in two parts. The Society has money to take it down and put it in storage until full funding is available.

Stan Ziomek asked about the schedule for the construction of the addition at the rear of the building and Carolyn Cave responded that construction will start this spring.

Public Comments on other funding requests

Jim Brissette, member of LSSE Commission speaking personally, thanked the CPAC for considering the LSSE proposals and advocate for continued support for projects supporting recreation. He expressed concern that the active recreation areas that children in the community are using are at a tipping point and need urgent attention.

Jim Lescault, Executive Director of Amherst Media, reported that he has met with Historical Commission and discussed the request for hardware. The commission is satisfied that the hardware is needed and there is a clear understanding that anything purchased with CPA funds will be Town property. He emphasized the urgent need for preserving the town's media recordings, saying the need was apparent 5 years ago when he first joined Amherst Media.

Additional public comments in favor of purchase of Rock Farm, on South East St.

Mitch Pine, of Valley View Circle, said preserving the Rock Farm is an important project. A lot of community energy has been invested to preserve it and we are close but not quite there. He argued that if the land isn't preserved, if it is left open to development, it is at serious risk of loss.

Molly Turner, offered her support for this project as a bird watcher, saying that the property is an incredible resource for wildlife, with Baltimore Orioles and a huge variety of birds. It is a fragile area and she supports funding the full amount requested.

Jeff Lee pointed out that one feature of the land is the dirt road giving access to the Old Brickyard conservation area, which is important for caring for the area. The easement for this road lapsed 5 years ago, so the purchase of the land will be a way to get that access back.

Public hearing closed at 7:47

COMMITTEE DELIBERATION

Peter reviewed funds available and debt obligations: After paying debt obligations of \$164,087, \$442,983 remains for funding current requests. Request totals for consideration are \$1,132,482.

Carolyn Cave corrected the Unitarian Societies request to \$106,000, thereby lowering the total by \$4,000.

A motion was made by Marilyn and seconded by Sandy to recommend all four of the debt payments. The motion passed unanimously.

Discussion of Rock Farm

Peter asked Carol Gray and Dave Ziomek to clarify questions of funds & timing related to the proposed Rock Farm purchase. Carol Gray explained that Kestrel Trust is not committing funds to the purchase, just expertise. Dave referenced the memo saying that Kestrel has asked the Committee to wait, and said there may be new information in the coming weeks.

Lynda asked what changes with Kestrel Trust's involvement? Dave responded that Amherst has a 50-year relationship w/ Kestrel Trust, an organization very experienced in land acquisition and conservation. He believes it is important to both accept their leadership and respect their request for time.

Peter asked about perceived competition for open space funding between the proposal for the Brunelle and that for Rock Farm. Paris explained that the Conservation Commission voted against a proposal to increase the recommended funding for Rock Farm for a number of reasons. She pointed out that the overall cost per acre for the Brunelle property is much less than for Rock Farm. She also pointed to the fact that the Brunelle property is part of a wildlife corridor.

Dave said that he wants to avoid arguing between the merits of the two properties. He recognizes a lot of emotion in support of Rock Farm. On the other hand, he doesn't want to set unreasonable comps for conservation lands. Cost per acre of Rock Farm is high and Dave can provide cost per acre for 14 other CPA projects if needed. Also, Dave said the Brunelle property is richer ecologically and it has been in the pipeline and through vetting process. The family will develop it if we don't buy it. Dave also said he hopes CPAC will support both projects and suggested bonding is possible.

In response to Dave's point that the Brunelle project was previously recommended by CPAC and supported by Town Meeting, Mary clarified that last year the proposal involved an expenditure of only half the total cost, with the other half to be funded by a grant, so this year's request is different.

The Committee discussed timeline and agreed to postpone discussion of open space proposals until March 14.

A motion was made by Stan, and seconded by Paris, to recommend \$2,000 for CPA administration. The motion passed unanimously.

Habitat: Peter requested an update on the Habitat request. Nate explained it is still premature because the Town still needs to seek a developer. Peter then suggested that the committee set that request aside. There were no objections.

North Common: Peter requested an update on the request for North Common. Nate reported that town counsel thinks that the Town Common is eligible for historic preservation funds. The guidelines are that design has to be historically appropriate or honor the historic use, which is not too hard. Mary suggested that CPA law appears stricter based on conversation with staff at the Community Preservation Coalition. Nate responded that town counsel says that is not correct at all and that counsel says CPA historic funds can be used for a variety of purposes such as additions on historic buildings.

Peter pointed that out for these larger projects, bonding is an option, although he also acknowledged that the more we commit future funds the more limited our ability to respond positively to new projects in the future.

A motion was made by Jim, and seconded by Mary, to exclude the North Common request from the list of projects to be recommended to Town Meeting.

Lynda spoke in support of the motion, suggesting that with no plan yet in place, postponing provides time to think about what comes out of the public process. She noted that there are a lot of interesting ideas that need to be sorted through; this is not something to be done quickly. Peter spoke against the motion, preferring to postpone a decision until next week. He agreed that it seems the project could wait, but wanted to give staff a heads up prior to taking a decision.

Marilyn asked, if we don't vote to recommend this project, what will happen to the public process? Nate said that the public process would still move forward with the Historic Commission. He agreed with Lynda that there are lots of ideas and a lot of work to do.

Stan pointed out that given state and federal politics, opportunities to get a grant are going to get harder, but Nate said that government funding is always insecure in such times, even after grants have been awarded.

Vote was taken: 4 YES (Sandy, Mary, Lynda, Jim), 4 NO (Paris, Stan, Marilyn, Peter), resulting in a tie, so the motion failed.

Amherst Housing Authority proposal: Mary, suggested that, with CDBG money coming in, maybe CPAC could recommend a lesser amount. Lynda disagreed, saying that AHA has worked really hard to raise funds from everywhere and the funds are really needed. Mary clarified that she was proposing a small reduction from \$110K to \$80K. Lynda continued to disagree and Paris suggested that housing's current share (25%) of available funds is fair.

Historic preservation:

Regarding the Amherst Historical Society request the committee discussed the possibility of partial funding.

Tiffany Window: Jim asked whether the Unitarian Universalist Society should be expected to contribute a larger portion of the cost since the window belongs to them and resides in their building. Lynda acknowledged that it is true that the window is private property, but it is also a wonderful work of art available to all.

Jones Library Roof: Marilyn noted that we are anticipating some returns of funds from the Library from past projects but that will be later in the spring. Diana informed the Committee that the Library is also asking for some roof repairs from JCPC. She also shared that the roof problems are serious, with staff is having to collect leaks in buckets. Marilyn noted that the Library roof was ranked lowest of the historic preservation proposals by the Historic Commission.

Open space requests

Open space surveys, appraisals and studies: Peter asked if \$12,000 represents the real need. Dave explained that with a number of projects in the pipeline, the \$25,000 currently in hand would only cover about 5. An additional \$10,000 would be the minimum needed. Half of current \$25,000 is committed.

A motion is made by Mary, and seconded by Stan, to recommend \$10,000 for open space surveys, appraisals, and studies. The motion passed unanimously.

Mill River Recreation Area: Stan noted that the request includes several elements including water line, fence, chairs, all of which are urgent, but the shade structure is less so. Diana reported that some of these are also requested through JCPC. Lynda argued that a shade structure is critical for health and safety. Jim Brisette compared the importance of fixing up this pool to the restoration of War Memorial Pool and pointed out that the requested items aren't for prettifying, they are functional repairs. Peter suggested that recommending partial funding is possible.

A motion is made by Mary, and seconded by Stan, to recommend \$30,000 for Mill River Recreation area.

Jim requested clarification about potential JCPC funding for these same needs. Diana responded that JCPC has more money than CPAC does. If CPAC funds half, JCPC might possibly fund the other half. JCPC will begin meeting on March 21. Sandy said she would prefer to wait before recommending a level of funding for this request.

Stan informed CPAC that the community field request will be reduced from \$40K to \$25. Peter asked Dave to explain this shift. Dave responded that the scope of the plan had been narrowed a little. The purpose is to really look at the area around War Memorial field, the football field, baseball field, high school & middle school fields, including uses, conditions, age of structures, all of which will be studied by a committee with help of consultant. Nate added that project deliverables will include schematic site plans and designs, programmatic elements, estimates, all of which will help prepare the town to seek more funding for making improvements.

Jim suggested prioritizing the material repairs at Mill River to the planning and consultant fees requested in relation to Community Field. Marilyn argued against pitting one field against the other. Jim Brisette spoke of the value in having a plan for multiple fields that are widely used by children, youth and adults. There are serious safety concerns that need to be addressed before someone gets hurt. He went on to say that these fields, right in the center of town, are the worst of any town in Western Massachusetts.

Dave said that Amherst is years behind in our field maintenance and compared our situation with Northampton, which just created 7 new athletic fields and South Hadley, which has 2 spray parks that are popular, less costly to maintain than wading pools, don't require lifeguards.

Stan noted that the High School does nothing to take care of fields. Sandy responded that the schools should carry their share of the costs. Mary suggested that it would be better for town and school staff to form a committee and see what staff can do on their own, saying that we shouldn't have to hire a consultant to get different elements of government to sit down together.

Vote on the motion to recommend \$30,000 for Mill River Recreation area: 5 YES (Peter, Lynda, Mary, Marilyn, Paris), 2 NO (Jim, Sandy), 1 ABSTAIN (Stan). Approved

Other business

Peter requested that Sonia provide CPAC with information on the cost of bonding projects for our next meeting.

Review of minutes postponed until next meeting

Policy discussion on timeline of project completion postponed until next meeting

Next Meeting will be held March 14, 2013

A motion was made by Paris, and seconded by Sandy to adjourn at 9:24. Approved.

Documents distributed:

- Agenda, February 28, 2013, 1 page
- Financial status for CPAC funds, 1 page
- Draft CPAC FY2014 recommendations to Town Meeting
- Memo from Nate Malloy dated Feb 26, 2013 describing Historical Commission discussions with Amherst Media and the UU Society regarding their CPA requests, 1 page.
- Memo from Nate Malloy dated Feb 22, 2013 about Historical Commission agreement with the UU Society on a preservation restriction as a requirement of CPA funding, 1 page.
- Memo from the Housing and Sheltering Committee dated Jan 3, 2013, providing recommendations on housing requests to CPAC, 1 page.
- Memo from David Ziomek, dated Feb 15, 2013, presenting the Conservation Commission recommendations to CPAC for open space funding, 1 page.
- Memo from the Historical Commission, dated Jan 3, 2013, providing recommendation on historic preservation requests to CPAC, 1 page
- Draft Minutes for the CPAC meeting of January 31, 2013, 1 page
- Information packet from South Amherst Conservation Association (SACA), including a letter from Greenfield Bank to Kestrel Trust, DCR, and SACA, accepting an offer to purchase Rock Farm, a letter from SACA to CPAC providing a breakdown of sources of funds for the purchase, and related documentation, 5 pages.
- A memo from Kristin DeBoer, of Kestrel Trust, to Dave Ziomek, dated Feb 28, 2013, confirming Greenfield Savings Bank's willingness to sign a purchase and sale agreement and requesting that CPAC delay a vote on the amount of funding to recommend to Town Meeting, 1 page.

Summary of funding recommendations for Town Meeting voted in this meeting

- \$ 2,000 Administrative appropriation
- \$ 10,000 Open Space surveys, appraisals and related studies
- \$ 30,000 LSSE - Mill River Recreation Area
- \$164,087 Debt service

Minutes submitted by Jim Oldham
Approved April 4, 2013