

**Town of Hamilton  
Community Preservation Committee  
May 2, 2012 Minutes**

**Attendees**

The meeting was held on the second floor of Town Hall with the following Committee members in attendance: Tom Catalano, Ed Howard, Jeff Hubbard, Jay Butler, Ray Whipple, Keith Glidden, Nepo Trapanier, and Peter Britton. Christine Berry as CPC Coordinator was also present. With a quorum of CPC members present the meeting was called to order at 7:35pm

**Patton Estate Land Donation CPA Recommendation**

Selectman Marc Johnson provided a brief synopsis on where the projects stands. Marc briefly discussed the Patton Family Gift Advisory Committee Report and noted that parts of it would probably change before it is finalized. Tom Catalano noted that the request from the Patton Committee could be as much as \$743,000 for the closing costs, engineering and development of the fields. It would allow the Town to move forward it one-step. The alternative would be a two-step approach whereby the funding for the field and open space development would be approved in the Fall for Special Town Meeting.

Marc estimated the closing costs to be \$28,000, which includes the home and septic inspections. Keith Glidden asked what other costs were included. Marc responded that it includes Town Counsel time, recording fees, title, survey, etc. Peter Britton noted that there is a very short time frame assuming a closing in August. If Town Meeting approves the CPA appropriation, then legal work would begin right away. Christine reminded the CPC that CPA Administrative funds were approved at the April meeting for legal work needing to happen prior to Town Meeting. Tom noted that \$4,000 in CPA Administrative funds could be used for the septic and home inspections. Peter suggested we have two levels of approval, one for the closing costs and legal work; and one for the field and open space development.

Tom noted that the plan was to use part of the abutting Town-owned property to access the land along the river, and that the Groundwater Protection District would be revised. Peter asked what implications that would have on our DEP permit. Marc stated that DEP has indicated that they would rather see the Town cap that well and that it would be viewed favorably. The DPW staff and Town Manager do not see the Town needing to use the well any time in the future. Marc stated that the Town land would be used for a road for field and river access. Tom noted that all development would happen on the south side of the tree line. The lower field and viewshed from the house and Asbury Street would not be impacted.

Ed Howard stated that advice he's heard from DEP and from the Ipswich River Watershed Association do not concur with what he has heard from Marc regarding the well abandonment. He said that during an Open Space Meeting, both DEP staff and Kerry Mackin stated that it would be foolish for the Town to cap that well. He stated that there hasn't been a comprehensive study on water in Hamilton in over 28 years. He said we've had a lawsuit pending to protect our registration for years and we could lose that. Marc said that DEP is going to ask us to lower our water registration anyway. Ed said he's been recommending a water study for years. Marc said the Town is planning to spend \$5 million on new water infrastructure. Ray noted that they remember 60 years ago when we had severe droughts and we were buying water from Ipswich. Ray said the well was put in at that time. He noted that it was Patton well that kept the Town's reservoir going that summer. Tom noted that the Town owned land is the preferred access to the fields, but it's not the only access.

Peter asked what other funding is anticipated for this project. Marc noted that no other funding is anticipated at this time. Peter said that the Donovan project was contemplated and successful based on other funding being secured. Peter said he felt it was a large number for the CPA to take on entirely. Marc said the timing has been very difficult.

Ray noted that the Clark Family gave land to the Town, including the house and that the Town could not find a use and had to give it back. He asked how that happened and wondered whether we could run into the same situation. Marc said that in the case of the Clark property, there were abutters who were not supportive of using it in any other way than residential. He said in this case, we have abutter who are very supportive of using the property in the ways we've explored. And, he said, the gift agreement allows us to give back all or a portion of the property in the future.

Ray asked who was going to run the operation if the acquisition is successful. Marc said likely some combination of the Town Manager, Board of Selectmen, or we hire someone.

Peter noted that in his opinion the Clark gift failed because the Town wasn't in the property management business. Marc said that the Town will be spending some money on the carrying costs of the property until the future use is established. Keith asked whether the open space portion of the property would be available right away. Marc said yes.

Marc summarized by the saying they are asking for CPA funding for closing costs, engineering of development of fields, parking and river access. Keith noted that it seems like the only numbers that are firm are the \$28,000 for closing costs. Tom noted that they quasi-firm numbers from the consultant for the fields, parking and river access area for \$650,000. But, he noted that there has been no engineering done. Keith asked whether the CPC had to approve it all. Tom replied, no. He said the CPC can break it into pieces.

Nepo Trapanier asked whether we can recommend funding before Town Meeting votes to accept the land. Tom said that we have to accept the land first, then the CPA budget will be voted on. Tom said that if the Town cannot retain the property then the CPA funds would need to be returned.

Keith said that he would prefer a cautious approach by approving only the smaller amount at this time, and that it seems to be in keeping with what the CPC has done before. Peter suggested that given the timetable, approving everything in steps wouldn't slow anything down. Marc noted that he was sure the citizens would appreciate the CPC's due diligence in careful use of CPA funds. He said it would be helpful if the CPC could recommend funding for the closing costs as well as the permitting, engineering and planning for the fields. Tom said he expects the planning to cost approximately \$75,000. Ed noted that he is supportive of the recreation component of the project but concerned about the Town getting involved in business. Tom noted that the Town would only be acting as a landlord. He said we don't want to lose sight of the fact that this is a generous and valuable gift and we don't want to lose this opportunity.

Tom suggested that we can vote the appropriation pending the acceptance of the land. Christine noted that the warrant could be taken out of order and will not be with other financial actions. Marc noted that will be up to the Town Moderator. Tom asked Marc he if was comfortable with breaking up the application into two pieces. Marc said, yes. He said it was up

to the applicant to make the CPC comfortable with the additional funds leading up to Special Town Meeting.

Marc summarized the current request by saying they \$24,000 in legal costs and \$75,000 for the planning, engineering, and permitting for the open space and recreation. Christine inquired whether the applicant would like the funding immediately following Town Meeting. Marc said, yes. Christine suggested that the funds be appropriated from FY12 undedicated reserves so that they can be used right immediately.

Tom made a motion to recommend funding \$24,000 out of FY12 CPA undedicated reserves for the closing and legal costs associated with the Patton land acquisition; and for \$75,000 out of the FY12 CPA undedicated reserves for the engineering, permitting, and planning for the development of the recreation fields and open space. Ed seconded. There was no further discussion. The vote was unanimous.

Tom made a motion to set-aside the required 10% of FY13 CPA revenues for the Historic Preservation set aside. The motion was seconded. The vote was unanimous.

Christine included a draft copy of PowerPoint presentation for Town Meeting. Christine will make some changes based on tonight's votes. And, people can email comments. Jay suggested we add a slide with providing an update on the pending CPA legislation.

#### **Pleasant Pond Update**

Christine provided an update on a request from Ed who heard about the Town's plans to sell a parcel of land on Pleasant Pond. Christine reported that the Town did request bids for the property, but received none. The Board of Selectmen included a warrant article to remove the parcel from the list of land they have surplused and are authorized to sell.

#### **May CPC Meeting**

The Committee decided to cancel their May 10<sup>th</sup> meeting. The next CPC meeting will be held on June 14<sup>th</sup>.