

## **Town of Great Barrington Community Preservation Committee (CPC)**

Minutes of January 5, 2016

Great Barrington Fire Station

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The meeting was called to order at 5:30 PM by Chair Karen W. Smith.

Members present: Ed Abrahams, Thomas Blauvelt, Jessica Dezieck, Suzanne Fowle, Kathleen Jackson, Deborah Salem, and Karen W. Smith.

Also present: Town Planner/CPA Administrator Chris Rembold

Members absent: Martha Fick, Bill Nappo

### **Administrative Business**

Jackson clarified that she had previously told the Committee she could not attend the November 19, 2015 meeting. She further stated that if somebody did not show up to a meeting they should be given the benefit of the doubt as they would have a good reason.

On the minutes of November 19 meeting, Smith noted that it was her, not Salem, who voted against the CHP project. Fick has sent some typo corrections to Rembold. Dezieck moved to approve the minutes of November 19, 2015 as amended, Fowle seconded. All were in favor.

### **Review funding conditions**

Smith indicated Rembold had emailed draft funding conditions for each project. She said each project that is approved by Town Meeting will also have to comply with general conditions that apply to all projects. These include:

- Signing a CPA grant agreement
- Submitting a project budget
- Erecting temporary and permanent CPA signage
- Submitted quarterly reports and a final report

Fowle asked if all grants are three years. Rembold said yes, that is the basic term. They can be shorter, or extended, if there is a need.

Smith reviewed the proposed conditions for the recommended FY'17 projects. These would be in addition to the general conditions.

#### Construct: housing at 316 State Road (\$220,000)

1. The initial \$110,000 may be requested after the execution of a grant agreement with the Town.
2. The balance of the grant, \$110,000, may be requested only after other state and federal funding commitments for construction of the housing are received.

Dezieck moved to approve the proposed funding conditions as written. Salem seconded, all were in favor.

#### CDC: housing at 100 Bridge St. (\$250,000)

1. Funds may be requested only upon or after Grantee's closing of the construction loans.

Fowle asked how many construction loans there were, and whether we needed some control to make sure all construction funding was in place. If necessary the language should say "all loans" or "all pertinent construction loans." Smith said we should not micro manage it; we just want to make sure

they are ready to build. It was decided that Rembold would clarify this with the applicant, and the conditions could be changed later if needed. Dezieck moved to approve the proposed condition as written. Blauvelt seconded. All were in favor.

CHP trails (\$10,000)

No special conditions are proposed. There was a question of how long it would take. Based on the Conservation Commission order of conditions it needs to be done by 9/2/17, which is three years from the permit date. Dezieck moved to accept as presented, Blauvelt seconded. All were in favor.

GBLC for River Walk (\$26,412)

1. No disbursement of funds may occur until the project has received necessary municipal approvals.

Dezieck moved to accept as presented, Jackson seconded. All were in favor.

BNRC for Windy Hill APR (\$170,000)

1. Prior to release of any funds, an Agricultural Preservation Restriction must be final voted by the Commonwealth's Agricultural Land Preservation Committee (ALPC), and the Town of Great Barrington must be a co-holder of the restriction.
2. Funds shall be released only for the scheduled closing of the APR sale with the Commonwealth.
3. If for any reason the APR does not close, funds shall be returned to the Town of Great Barrington.

Fowle recused herself. Jackson asked if that the restriction was required. Rembold said yes. Blauvelt said item 3 is confusing and he asked who is getting the funds. Jackson said she assumed it goes in an escrow, and at closing the funds are exchanged. Rembold said this language has been checked with the State APR program representative and the Applicant. Dezieck moved to accept as presented, Blauvelt seconded. All were in favor.

UUMSB (Unitarian Universalist Meeting of South Berkshire) for 1089 Main Street (\$60,000)

1. No disbursement of funds may occur until the project has received necessary building permits.
2. No disbursement of funds may occur until the Recipient records an encumbrance on the property such that the Town shall be repaid the full \$60,000 of this CPA award if either of the following occurs within 10 or 20 years from the date of this Agreement:
  - a. The Grantee sells the property; or
  - b. The property is demolished.
3. The final 10% (\$6,000) shall be withheld until the contractor or a licensed architect has certified in writing that the U.S. Secretary of the Interior's Standards for Rehabilitation have been met.

Smith said we need to discuss how long of a restriction should be. Jackson asked why we care if they sell it. Peter Bluhm of UUMSB said they would accept any reasonable condition. He said there are circumstances where we might fail in what we do. Perhaps we would have to sell some day. We think the possibility of selling should not trigger pay back of the funds, especially if we happen to sell to a church or there are other kinds of organizations who would keep the building and make it available. Bluhm asked to narrow the repayment circumstances.

Rembold said a permanent restriction is the gold standard in terms of meeting the public purpose of the CPA law. Bluhm said they do not plan any major changes to the exterior features. Abrahams said if you did you would just have to do so within the Secretary of Interior guidelines.

Dezieck said a permanent restriction would be good. She does not necessarily care who owns the building. There was a question of what would happen if there is a disaster and the building falls or

burns down? Would they owe the Town money? There must be some provision for disasters? Jackson suggested we become more educated on this issue. There are pros and cons.

Rembold will send the Historic designation paperwork to the Committee and Applicant. It will show what is significant about the building's architecture. He will also send an example of a permanent Historic Preservation Restriction.

Dezieck moved to table this discussion until the next meeting. Blauvelt seconded. All were in favor.

#### GB Historical Society (\$24,250)

1. No disbursement of funds may occur until the project has received necessary building permits.
2. No disbursement of funds may occur until the Recipient records an encumbrance on the property such that the Town shall be repaid the full \$24,250 of this CPA award if either of the following occurs within 10 or 20 ?? years from the date of this Agreement:
  - a. The Grantee sells the property; or
  - b. The farmhouse is demolished.
3. The final 10% (\$2,425) shall be withheld until the contractor or a licensed architect has certified in writing that the U.S. Secretary of the Interior's Standards for Rehabilitation have been met.

Abrahams said this is slightly different debate because the Owner is relevant here. Debbie Oppermann of the Historical Society said they are a group that, at this stage in their development, they would not agree to a perpetual restriction. There is always that unfortunate circumstance that they might have to sell the property. The value on of the property is in the land, as a commercial lot. They would not have applied for the money if they thought it would be a perpetual restriction.

Salem said since we did a 10 year restriction on the other building last year we should be consistent this time. Jackson said if necessary they could pay the Town back from the proceeds of the sale.

Peter Bluhm from UUMSB said this has implications for them too. Does the Committee care about the use or the owner? Fowle said we grant CPA money to organizations we think have their ducks in a row, but it seems we are into a whole new level of negotiation. Getting into a discussion of when we want our money back is new. Dezieck said the state makes CPA funds different. They have to meet standards. Smith said we have to be careful and not overreach. Dezieck said they have to follow the law, and that is good enough. Blauvelt said this is a grant but we are making it cumbersome. We should just do what the law requires. Abrahams thought it was ok to ask for some amount of time. Smith said it is a guarantee for the grant.

Smith asked if Committee would be ok with a 10 year restriction for the Historical Society. All said yes. Fowle asked if there should be a right of first refusal for the town in case they have to sell. Rembold said this is the language we used last year. Our Counsel agreed and the Applicant agreed. He said it worked last year.

Oppermann suggested that applicants need to be made aware that there are expenses to be paid out in order to get this done. Jackson asked if CPA administrative funds could cover it. Rembold will check.

Dezieck moved to accept the conditions as proposed, with a 10-year restriction. Blauvelt seconded. All were in favor.

#### Town Historical Commission (\$15,000)

1. No disbursement of funds may occur until a qualified consulting architectural historian is procured and under contract with the Town / Historical Commission.

2. The final 10% (\$1,500) shall be withheld until all deliverables outlined in the "Outcomes and Deliverables" portion of the Grantee's application (such as inventory forms, survey reports, images, and inventory listings for each property) are met.

Dezieck moved to table this discussion until the next meeting. Blauvelt seconded. All were in favor.

There was a return to the discussion regarding the UUMSB conditions. Abrahams said the difference with 1089 Main Street is that the owner is less important. While Historical Society is integral to their property, here we don't care if it is a church. We care about the building. Selling is less important. We can lose condition "2, a." There was general agreement with this.

There was discussion about historic restrictions and what they included. Rembold said they specify what is significant about the building and that those things cannot be altered. Rembold said he would find the historic designation and forward it to the group. It would list the items that are important to keep. Bluhm said if we violate the restriction in any way then we could pay it all back. He said whether the length of time is shorter or longer you would still get the money. He said it should read that it should prohibit demolition and any changes to exterior materials.

### **Bylaw discussion**

Smith said the Selectboard has recently discussed general bylaw changes and wondered if the composition of the CPC could be changed. Abrahams said one member of the Selectboard asked about putting an Agricultural Commission representative on the CPC. He said he asked the Selectboard to wait until the CPC talked about it.

Rembold said there can be only a maximum of nine CPC members, which is what we have. Five members are by State law. Our other four members are by local option. They are: Finance Committee, Selectboard, and two citizens-at-large. One of those four would have to be replaced if an Ag Comm representative would be added.

Salem said we are on three year terms and shouldn't it be done when terms are up? Smith said she is not convinced there is any expertise an Ag Comm member would add. Salem said we have all had to learn a lot and get up to speed. It might not be in the interest of the community to see one of us leave. Smith said it is a steep learning curve. Rembold said we don't know if Ag Comm even wants it. Dezieck said if the state thought an Ag Comm rep was important they would have put it in the CPA law. Fowle said having two citizens is important because it can be tough to be on two or more boards at once. Smith thought the Finance and Selectboard were also important representatives to have. She said if we need other guidance then we can ask for them to come and help.

### **Administrative update**

Rembold gave a review of the status of last year's grants. He said only one has billed so far and that is St. James Place for the roof.

### **Committee Member Reports:**

Fowle said the CDC's permit applications for 100 Bridge Street are now in process with Planning and Zoning Board. Dezieck said they will also be coming to the Conservation Commission soon.

Smith said the Parks Commission might start planning for the bathroom facilities.

### **Citizen's Speak Time:**

Michelle Loubert asked Rembold to also email her the listing for the UUMSB property. She also asked for a copy of the CPA score sheet the Committee uses to review applications.

Sharon Gregory asked the Committee if they would fund fewer projects but with organizations that have greater strength. She also asked if the Committee could have back up projects at Town Meeting in case something did not get approved. She also asked under what circumstances there could be an application for Housatonic School. Smith said it would there be an application that falls within the CPA criteria. It could be the Town or a private party.

John MacGruer asked about the Monument Mountain trails project. He asked the Committee if they knew there would be paid parking kiosks there. Fowle said yes we did. He said the rock on the mountain said the areas if for the free enjoyment of all. Yet they make you pay for parking. He said they ask for CPA funds and also ask townspeople to pay for parking. Residents should be able to park for free.

**Next Meeting:**

January 19, at 5:30. Fowle cannot be there.

**Adjourn:**

Dezieck moved to adjourn, Salem seconded, all in favor. Meeting adjourned at 7:45 PM.

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Materials presented or distributed for this meeting:

- Draft minutes of November 19 meeting
- Draft funding conditions for FY 17 projects

Respectfully submitted: \_\_\_\_\_



