

COMMUNITY PRESERVATION COMMITTEE

Draft: January 8, 2014

January 2, 2014

Approved: January 9, 2014

14 JAN 16 3:53PM

C. May

1. The meeting was called to order at 4:30 pm in the Nauset Room at Town Hall. In attendance; Judy Brainerd, Julia Enroth (Chair), Bill Garner, Catherine Hertz (Clerk), Jon Holt, Alan McClennen (Vice-Chair), Paul McNulty, Ron Petersen, Meff Runyon
2. There was no public comment.
3. The minutes of the December 5, 2013 meeting were approved as amended. 7-0-2 Catherine Hertz and Meff Runyon abstaining.

4. FY 2015 CP Applications – Review with Town Counsel Comments, Discuss Questions, Concerns and Additional Information Needed at Interviews (Listed in order of Town Counsel's Comments for discussion purposes)

- a. **Sixth Habitat House - Town Counsel Comments:** *"This project would be eligible for CPA funding because it is for the creation of community housing."*
 - i. Jon Holt said more specifics are needed on the dollar amounts and other funding sources.
 - ii. Jon explained the lottery system for the houses.
- b. **Elementary School Basketball Court – Town Counsel Comments:** *"The replacement of the basketball court at the Orleans Elementary School is eligible for CPA funding because it is the rehabilitation of land for recreational use."*
 - i. Any funding from other sources? Which elementary school application is a priority?
 - ii. How long have they been looking at this plan? If an assessment is going to be made on all recreational facilities, the basketball court may be part of that assessment.
 - iii. Contact person should be asked to come to the interview.
 - iv. Because it is Town land, the Selectmen should be part of this process.
 - v. Does the school specifically use this court as part of their recreation program or is it just a community basketball court?
- c. **OHS Archival Preservation (Phase 4) – Town Counsel Comments:** *"If the CPC decides to fund this project, I would recommend that the CPC place condition on the funding, whereby the OHS agrees that if it ever intends to dispose of the items, then the OHS will first offer the items to the Town."*
 - i. Have funded \$50,500 over the years. Most of the funds go to a professional archivist.
 - ii. Did they find that many more items that needed to be archived?
 - iii. Will this be the last request? Need to know specifically what the items are. This is the fourth funding request in the past five years.

All applicants should be aware that the CPC has 15 applicants this year for a record amount of money. Need to know how urgent the application is.

- d. **Affordable Housing Reserve Funds –Town Counsel Comments:** *"The request to have money set aside for later expenditure for an affordable housing project is permissible use of CPA funds."*
 - i. This will be held until decisions are made on the other applications.
- e. **Outer Beach Recreation Facilities Management Plan – Town Counsel Comments:** *"This project would be permissible use of CPA funds because the management plan will provide for*

the preservation, rehabilitation and restoration of land for recreational use and for the preservation of open space."

- i. Monies have been set aside for a recreational facility already under the current CPC budget inventory and assessment.
 - f. **Orleans Community Playground Expansion and Enhancement – Town Counsel Comments:** *"The enhancement of the play opportunities behind the Orleans Elementary School would be permissible use of CPA funds as the creation, preservation, rehabilitation and restoration of land for recreational use. Recreational use under the CPA does not include the use of land for a stadium, gymnasium or similar structure; however, the proposed amphitheater and gazebo are not similar to such structures. The proposed improvements would be subject to the approval by Town of Orleans, as the owner of the land."*
 - i. They have \$20,000 in private funding.
 - ii. Will some CPA funding be an incentive to raise more funds?
 - iii. Would be subject to approval by Board of Selectmen.
 - iv. Which elementary school project is a priority?
 - g. **Federated Church Roof Shingles – Town Counsel Comments:** *"What you propose would be fine. The CPA has a prohibition against reimbursing previously appropriated funds, but that is an entirely different issue, as a private expenditure does not represent a municipal appropriation. If the Town has previously appropriated funds for the project and you then wanted to reimburse those expenses, that would run afoul of the prohibition, but a private expenditure would be fine. In order to make this more acceptable to people (they could complain that if the private owner could afford the expense initially why should they receive a reimbursement) you may want to think about explaining it as a timing issue and that the homeowners went forward with the knowledge that you'd recommend some assistance for the CPA funds."*
 - i. We are reluctant to fund projects that are already completed even though, by law, it is legal to do it for non-municipal projects.
- Alan McClennen recused himself when the group discussed OPC Waterway Study and OTC Town-wide Trail Guide.
- h. **OPC Uncle Harvey's Pond/Meetinghouse Pond Waterway Connection Study – Town Counsel Comments:** *"It does not appear that this project, as currently described, without the finding by the Historical Commission as to the existence of the stream and its historical significance, would fit within the historic preservation funding purposes of the CPA. I would recommend obtaining additional information from the applicant regarding this project."*
 - i. Need to have Historical Commission determine if this is of historic value.
 - ii. Urgency of project?
 - iii. Helpful for applicant to have copy of Town Counsel's comments.
 - i. **OCT Town-wide Trail Guide – Town Counsel Comments:** *"It would appear that the trail maps could be funded with CPA funds as the creation of recreational uses."*
 - i. Could be funded as recreational use.
 - ii. In kind service / other funds involved?
 - j. **Canal House Funding – Town Counsel Comments:** *"This project would be eligible for CPC funding because it is for the preservation and support of housing. I would recommend, however, that the CPC review the proposed funding requests to ensure that the goals of the project are obtainable. For example, Canal House proposes to use the funds in the first year to pay off the \$40,000 mortgage, however, the budget does not set forth what the monthly mortgage payment is now. If the mortgage is paid off, but Canal House is unable to secure additional funding, will the property be sold, with the loss of the affordable housing? (The*

application does not state whether the property is currently subject to an affordable housing restriction.)"

- i. Ron Petersen will give them a copy of Town Counsel's comments.
 - ii. Jon Holt said the Affordable Housing Committee spent a lot of time on this project.
 - iii. Is this going to be sustainable in the future? How easy is it to get vouchers from the State?
 - iv. Have they made a good effort to revitalize their church funding?
 - v. Have tried to sell it.
 - vi. The Canal House serves the Lower Cape community. Need to see the last two fiscal year budgets.
 - vii. Is this a halfway house or affordable housing?
 - viii. Other funding sources?
- k. **Cape Cod Village Community Housing Town Counsel Comments:** *"This project could be funded with CPA funds because it is for the creation of community housing. I note that where the location of the project has yet to be determined that any CPA award of funds should be conditioned on the applicant designating a site for the proposed project."*
- i. They should know by mid-January or shortly thereafter where the site would be.
 - ii. Affordable Housing Committee is impressed with this project.
- l. **OCP Old Firehouse Restoration (Phase 2) – Town Counsel Comments:** *"Assuming that the Old Firehouse is an historic resource, then this project would be eligible for CPA funds provided that the funds are for the preservation, restoration and rehabilitation of an historic Town building. CPA funds may not be used to created a new addition."*
- i. Need Board of Selectmen approval.
 - ii. Most of the construction will be privately financed.
 - iii. Need more information.
 - iv. Town Counsel's comments should be passed along to all three OCP projects.
- m. **OCP "Orleans Wayfinding" – Town Counsel Comments:** *"CPA funds could be used to research historical resources in Town. Possibly, this project could be deemed the creation of recreational uses, by expanding access to recreational areas. However, it is not clear that this project comes within the allowable spending purposes of the CPA."*
- i. Need an explanation of the project and breakdown of funds requested.
 - ii. Any other funding?
- n. **OCP Historic Structures Preservation/Relocation Plan and Fund – Town Counsel Comments:** *"Therefore, a project that seeks to facilitate the preservation of historic structures threatened with demolition would be eligible for CPA funding. However, it would appear that the organization and implementation of this project needs to be reviewed in more detail. Has the project been reviewed with the Planning Board and the Board of Selectmen? Who would own the buildings – the Town? I would recommend that additional information, including answers to the above questions, be obtained from the applicant before the CPC acts on this request for funding."*
- i. Need more information.
- o. **Northwest Schoolhouse Inc./Odd Fellows Hall Arch./Engineer. Services – Town Counsel Comments:** *"It would appear that additional information must be obtained from the applicant before the CPA could consider the funding of this proposed project. Also, any funding request should come from or be joined in by the owners of the property (or those in control or possession of the property such as pursuant to a lease)."*
- i. It has been indicated in the past that the CPC would not fund the kitchen or landscape.
 - ii. Why were additional architectural and survey/engineer services not included in the previous architectural services?

iii. Need further information on Odd Fellows (Northwest Schoolhouse). Which is the applicant?

5. Project Monitoring – Updates and Invoices will be held for discussion at a future meeting.
6. Old Business – Finance Dept. Signature Authorization Form; Follow Up to Requests for Use of Current CP Funds – Board of Selectmen/Park Commissioners, Habitat for Humanity, OHS
 - a. Signature authorization form passed around to be signed.
 - b. Financials passed out
7. Key Dates Timeline
 - a. CPC meetings 1/9, 1/16, 1/23, 1/30, 2/6, 2/13, 2/20, 2/27
 - b. Annual Town Meeting Warrant Article deadline 2/28
8. There being no further business, the meeting was adjourned at 6:20 pm.

Respectfully submitted,


Sandra A. Marai, Secretary
Community Preservation Committee

**Supporting documents on file at Town Hall