

Community Preservation Members Present: Bill Byron (Vice Chair), Dot Spaulding, Ernie Dodd, Vin Antil, Rick Connelly, Mike Busch

Members Not Present: Bob Larkin, Paul McLaughlin, Cortni Frecha

Temporary Admin: Deb Seith

Residents present: Joseph Mangiafico, John Colonna-Romano, Patrick Holmes, Carole Sureau, Jean-Claude Sureau

Stow Independent Writer: Nancy Arsenault

The meeting began at 7:35pm with a quorum.

WARRANT ARTICLES FOR SPECIAL TOWN MEETING AUGUST 8TH

Deb gave a brief explanation for the reason for the meeting. Article #3 & Article #4 in the Special Town Meeting warrant changed from what was originally voted on by the CPC. The meeting tonight is to clarify what the intentions of the committee are and to decide what votes/actions (if any) are necessary.

Article #3: Boxboro Road Land Acquisition: Assessor's Map R-19 Parcel 10-3 and Portion of Assessor's Map R-18 Parcel 25, 241 Boxboro Road

The warrant article as printed includes funding of CPA funds up to \$220,000. Options for the CPC are to leave as is, vote for "an amount not to exceed " of CPA funds, or strike the wording of all mention of CPA funding from the warrant article.

The members were in agreement that at past CPC meetings they decided that funding for this project should come from sources other than CPA funds. Members discussed the fact that when any project is funded with CPA funds restrictions are imposed as consistent with MGL Chapter 44B – meaning the property would have to be used for open space, recreation, or affordable housing in perpetuity. The Stow Municipal Affordable Housing Trust (SMAHT) has more flexibility with their funds and buying/selling property without having to include any deed restrictions.

Article #4: Use of Community Preservation Unreserved Fund for purchase of portion of Assessor's Map R-18 Parcel 25, 241 Boxboro Road

CPC members discussed the fact that the article as printed in the warrant does not have as much detail as they originally discussed. Although the amount, parcel, and funding source are all correct, the committee would like to clarify that \$40,000 is for a 4.17-acre portion of Assessor's Map R-18 Parcel 25 and \$40,000 for costs related to due diligence (ex. legal, title, appraisal, etc).

The Committee does not want CPA funds mentioned at all in Article #3 because they want voters to have the opportunity to approve the purchase of the entire project without any CPA funding – hence the entire project can be approved without any deed restrictions being imposed.

The Committee explained that if Town Meeting voters approve Article #3 they will have the opportunity to subsidize a portion of the Article #3 project with CPA funds when Town Meeting addresses Article #4.

Patrick Holmes, currently living at 241 Boxboro Road and the potential “buyer” of the 4.17-acre portion of a parcel as referenced in Article #4, asked to bring to the Committee’s attention a letter that he delivered earlier that day along with an evaluation of some soil tests performed on the 4.17-acre parcel. He explained that the results were not favorable for plan that SMAHT has proposed. He asked that the CPC withdraw their endorsement of all CPA funds toward the 4.17-acre parcel. Committee members explained that the results of the testing and discussions regarding the viability of the project were for SMAHT to interpret, not the CPC.

Nancy Arsenault asked if the Town had decided to assign their Right of First Refusal (ROFR) to SMAHT. There was some discussion about what this would/would not mean in regards to DOR rules. Nancy mentioned that if a municipality buys the property, it is not required to keep the property in Chapter use. However, there was some confusion about if the Town assigns its ROFR to a Housing Trust what changes there may be. CPC members were not sure what the DOR rules and regulations were on this topic but agreed that those questions wouldn’t impact the votes they would take tonight on Article #3 and Article #4.

Patrick Holmes made reference to a lawsuit that had been filed. CPC members had not been made aware of any lawsuit by Town Counsel or the Selectmen so again they agreed that the mentioned lawsuit wouldn’t impact the votes they would take tonight on Article #3 and Article #4.

Patrick explained that the 4.17-acre parcel referred to in Article #4 is essentially what he was purchasing as his back yard in the original Purchase and Sale. Although the Committee members understood his concern they explained that SMAHT came to them with a legitimate project and as a committee they agreed that it made sense to bring the project to Town Meeting and give the voters a chance to exercise the Town’s Right of First Refusal. At this point it is too late to take away that opportunity from the voters.

ARTICLE #3 VOTE: Ernie moved that the Motion read at Special Town Meeting on August 8, 2016 for Article #3 should strike the words “and/or the Community Preservation Unreserved Fund Balance,” as it is printed in the warrant (see below for full text of warrant article and to see portion to be removed); Ernie further recommend to SMAHT to clarify in their presentation to Special Town Meeting the dollar amounts for each parcel and what each amount is paying for as related to the different parcels and due diligence. Mike seconded and approval was unanimous.

CHANGES FOR ARTICLE 3: FOR THE MOTION

To see if the Town will vote to authorize the acquisition by purchase, gift, eminent domain or otherwise, pursuant to G.L. c. 61A and the Town's rights there under, for the purpose of providing affordable housing and/or open space, or for any other purposes:

a) a parcel of land on Boxboro Road, regarding which the Town received a Notice of Intent to Sell from the owners of the parcel Susan Winkler and Fred Messinger; said parcel of land, currently classified and taxed pursuant to Chapter 61A, containing 4.13 acres, is shown on the Town of Stow’s Assessor’s Map R-19 as Parcel 10-3, and is more particularly described in a deed recorded with the Middlesex South Registry of Deeds in Book 55650 Page 574 AND

b) a 4.17-acre portion of a 5.67-acre parcel of land on Boxboro Road, regarding which the Town received a Notice of Intent to Sell from the owners of the parcel Susan Winkler and Fred Messinger; said parcel is a 4.17-acre portion of the 5.67-acre parcel, currently classified and taxed pursuant to Chapter 61A; the 5.67-acre parcel is shown on Town of Stow's Assessor's Map R-18 as Parcel 25 and is more particularly described in a deed recorded with the Middlesex South Registry of Deeds in Book 50254 Page 246 AND

further, to appropriate and transfer from available funds, including but not limited to funds available from the Stow Municipal Affordable Housing Trust, ~~and/or the Community Preservation Unreserved Fund Balance~~, the sum of Two Hundred Twenty Thousand Dollars (\$220,000), or any lesser amount, for the purchase of the property described in a) and b) above, including legal, title, appraisal, engineering fees and other costs or fees incidental to such purchase; and authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose pursuant to the provisions of Massachusetts General Laws c. 44 section 7, or any other enabling authority AND

further to authorize the Board of Selectmen to enter into all agreements, apply for and accept any gifts, and execute on behalf of the Town any and all instruments as may be necessary or convenient in the best interests of the Town of Stow to effectuate the purpose of this Article, or do or take any other action in this matter.

ARTICLE #4 VOTE: Ernie moved that Article #4 clarify that \$40,000 of the \$80,000 is for the purchase of the land mentioned in the article and \$40,000 is for due diligence and fees as mentioned in the warrant article. Rick seconded, and approval was unanimous.

A resident asked if these changes would be made clear to the voters at Town Meeting. The CPC assured the resident that they would be.

CHANGES FOR ARTICLE 4: FOR MOTION

To see if the Town will vote to appropriate and transfer the Community Preservation Unreserved Fund Balance, the sum of \$40,000, or any lesser amount, for the purchase of the following property, and \$40,000 for legal, title, appraisal, engineering fees and other costs or fees incidental for a total amount of \$80,000 to such purchase:

a 4.17-acre portion of a 5.67-acre parcel of land on Boxboro Road, regarding which the Town received a Notice of Intent to Sell from the owners of the parcel Susan Winkler and Fred Messinger; said parcel is a 4.17-acre portion of the 5.67-acre parcel, currently classified and taxed pursuant to Chapter 61A; the 5.67-acre parcel is shown on Town of Stow's Assessor's Map R-18 as Parcel 25 and is more particularly described in a deed recorded with the Middlesex South Registry of Deeds in Book 50254 Page 246.

VOTE TO ENDORSE ARTICLE #4: Ernie made a motion to endorse to Special Town Meeting Warrant Article #4 as clarified tonight, Dot seconded, and approval was unanimous.

VOTE JULY 18, 2016 MINUTES

Rick made a motion to accept the Minutes as written (just to fix the typo with regards to the abstentions in the of the votes), Ernie seconded,

Discussion: Rick suggested clarifying one of the News and Views items in tonight's minutes.

Approval was unanimous

INVOICES

Ernie made a motion to approve payment to the Stow Conservation Trust in the amount of \$23,250 for a Conservation Restriction on the Dunn property. Mike seconded the motion and approval was unanimous

Rick made a motion to approve payment to Wass-Arthur Signs Inc. in the amount of \$727.30 for Pine Bluff traffic and parking signs. Vin seconded the motion and approval was unanimous

NEWS and VIEWS

- In the July 18th meeting minutes it was stated in News & Views that SMAHT will be receiving additional funds from projects on Walcott Street and Gates Lane. Ernie clarified that neither of these are approved projects. The only project that has an approved Planning Board decision is Ridgewood.

9:53pm Mike made a motion to adjourn, Rick seconded, and approval was unanimous.