

**Town of Kingston
Community Preservation Committee**

MINUTES
April 13, 2010

Chairman Dalton opened the meeting of the Community Preservation Committee held on April 13, 2010 at 7:03 pm in room 203 at the Town House, 26 Evergreen Street, Kingston, MA.

Present: Pine duBois, Don Ducharme, David Gavigan, Mathew Hamilton, Marilyn Kozodoy, John LaBrache, Ken Moalli and Paul Ricci

The Committee Members reviewed the Hall Property Application.

Ms. Kozodoy shared a wetland delineation map with the Committee and pointed out Conservation Commission meeting minutes regarding wetlands on the property. There was discussion about the wetland lines, their proximity to the easement and their impact on expansion of the ball fields.

7:15 pm Olavo Macedo appointment:

Mr. DeMacedo explained he supports the purchase of this property for expansion of the fields but the priority is to obtain a second access to the fields. He pointed out even a few more fields would be helpful to the town as well as additional open space and protection of Blackwater Swamp. He believes it is a good deal for \$150,000 as it is little money for long term value.

Questions:

Ms. Kozodoy pointed out the wetland map sheds light on possible problems. Mr. DeMacedo indicated it would still be possible to create some fields and to concentrate the towns' athletic areas.

Mr. Ricci questioned who would pay for maintenance of the additional fields. Mr. Moalli indicated that Recreation currently cares for the fields and would pick up the new fields as well.

Mr. Hamilton suggested Recreation could be creative with the layout of additional fields and stated he feels the second access is vital.

Mr. Moalli asked if a walking trail could pass through the wetlands. Ms. Kozodoy stated it would need to come before the Conservation Commission.

Mr. Dalton indicated the Committee needs to look at the worst case scenario. If you can't do anything with the property, do we still want it?

Ms. duBois questioned the Forestry rights on the property and how that impacts the property. This should be investigated. Mr. DeMacedo pointed out the Forestry Plan exists mostly on the land on the other side of the railroad bed where there is the tree farm.

Ms. duBois believes that with proper planning and mitigation, you could create walking trails. She also indicated that the road would be close to the MBTA bed and the site walk will need to walk straight down the track.

Mr. DeMacedo asked if there is an area that is 5-10 foot area of wetland, could you swap wetlands somewhere else on the property.

Ms. duBois indicated there are certain allowances in the act. Since it is a railroad bed and those alterations have already been made, chances are good that it would be allowed. It must be less than 1 acre to avoid Army Corp. permitting, can be expensive and time consuming. If the entire run next to the railroad bed is wetland, there may be a problem.

Mr. Ricci suggested if there was a problem getting a public access into the property, perhaps a one lane emergency road would suffice.

Mr. Dalton recognized Ms. Jill Myers, Town Administrator, on another subject. She informed the Committee the State is looking to sell surplus land at Camp Nekon back to the Town. Ms. duBois believes the project could wait until next year.

Mr. Gavigan stated that at \$3,000 per acre on the Hall Property, this parcel is a great deal. He suggested it would be a great resource for mountain biking and hiking.

Mr. Ducharme indicated it seems like great deal and believes the second access is necessary.

Ms. Kozodoy asked about the current arrangement with the paintball business and use of the property. The paintball business has been using the land for 21 years and he pays the property owner every weekend he uses it. Mr. DeMacedo has asked Recreation to allow this business to continue to use property and to eventually phase out that use. Mr. Hall has requested an honest conversation with the business and the Town. Mr. DeMacedo requests the Town recognize the paintball owner and work with him. It could provide a little income to Town.

Mr. Ducarme asked about liability. Mr. DeMacedo stated the business currently carries liability insurance and would continue.

Mr. Gallagher, Selectman, stated the Board of Selectmen could have a lease agreement with the paintball business and renew each year if they wanted.

Mr. Dalton questioned who would lead the charge on creation of the access road. Mr. Moalli would like to see a subcommittee with different representatives to deal with this property.

The site walk was established for May 1, 2010 at 10 am and meeting at the Pottle Street fields.

7:50 Rick Bornstein appointment-Kennedy Donovan Center

Mr. Bornstein introduced himself and explained the Kennedy Donovan Center (KDC) 40 year old non profit human resources provider to the developmentally disabled. They have acquired property on Crescent Street for a new facility and had intended to demolish the home that sat on the property. They have reconsidered the demolition and feel since they provide residential services, perhaps they could keep this house and manage it. It would become Affordable Housing for the Town. However, they need a place to locate it. He is inquiring whether the Town would donate a portion of the Calista Property to accommodate this house and provide Affordable Housing.

In mid May when they begin construction, this house will be moved to the rear of the current property until a new location can be found.

Mr. Ducharme asked if KDC would move, rehab, maintain and staff this Affordable Housing Unit. Mr. Bornstein stated their preference would be to use the house in their own program. They would cover all expenses. It would most likely provide 2 units of Affordable Housing but could be up to 4 with common spaces and congregate living arrangements. Mr. Bornstein also suggested that if they don't have an immediate use of the property, perhaps they could lease it out as Affordable Housing through Kingston Housing Authority.

Mr. Ducharme pointed out this building could be very expensive to rehab but there are sources of revenue out there if you know where to look.

Mr. Gavigan asked what happens if they can't find a new location. Mr. Bornstein indicated they have 6 months to find a location and then it can be torn down. That is between the Historical Commission and KDC. They have until mid September until the demo delay expires.

Mr. Gavigan asked if KDC was concerned with putting more children in that neighborhood with all of the truck traffic. Mr. Bornstein stated that all of their facilities are staffed 24/7 and it would most likely not be children in the home. He also pointed out that Mr. Bott, Town Planner, informed him there is nothing else available in the Town property inventory and that costs increase dramatically with distance.

Ms. duBois asked how many group homes KDC currently has in Massachusetts. There are 33 residents in 8 group homes and 400 people in other facilities/services. Ms. duBois asked what the new facility on Crescent Street will be. It will be an early intervention facility.

Mr. Ricci asked if the Committee could visit other group homes run by KDC. Mr. Bornstein explained that could be arranged. He also pointed out the group homes are basically 4 bedroom homes that from the outside are unrecognizable as a group home.

Ms. duBois is concerned about putting the house on this property because of neighborhood concern and view restriction. It is a tall house and would limit view to open space. She suggested pursuing the piece of Calista property on the other side of the road.

Mr. Bornstein pointed out KDC doesn't have to be on the Calista property. They are just looking for a location in near proximity. He suggested the Town could retain the title to the land and just lease it to them.

Mr. Moalli asked how a group home comes under CPA as Affordable Housing. Mr. Bornstein pointed out that all residents qualify under HUD guidelines and are low income. Mr. Moalli pointed out in theory CPA funds could be used to purchase 1-2 acres and then that portion of money could come from the Affordable Housing funds.

Ms. Kozodoy stated she is concerned about increased traffic from staffing and burdens on the site. Mr. Bornstein indicated there is no more traffic than from a residential home. Most residents are involved in some kind of day program and don't have therapists coming in.

8:21 pm Brain McWilliams appointment-Library Board of Trustees

Mr. McWilliams stated the Library Board of Trustees met last night to reopen their request of CPA funds to move the Powder House project forward, contingent on full cooperation with the Town and assistance from the Highway Department.

Questions;

Mr. Dalton asked if they had negotiated a price. Mr. McWilliams indicated they are no further along than they were before but they were requesting help from the Town Administrator in drafting a letter to Mr. Holmes. He stated the current owner of the property, Ken Brack, has an arrangement with Mr. Holmes. Mr. Brack takes ownership of the Powder House in Mid June if Mr. Holmes has not sold it. Mr. Brack is willing to donate the Powder House to the Town.

Mr. Gavigan stated negotiations with Mr. Holmes don't make sense since he seems to be uncooperative.

Mr. Hamilton believes it is still a good project.

Ms. duBois is in favor of buying it but is in favor of letting Mr. Holmes interest pass. She requested the Trustees act quickly to get a letter from Mr. Brack that he is willing to donate it.

Mr. Moalli stated he doesn't agree with the project but only discussion now is if we are submitting it to Town Meeting.

Mr. LaBrache asked if the amount of money requested should be \$35,000 or \$34,000. They are requesting original amount of \$35,000.

Mr. Ricci indicated he was never in favor of this project and can't understand why we insist on giving \$1,000 to someone who has been uncooperative. Mr. McWilliams stated it is a matter of principal since that was the original agreement.

Ms. Kozodoy asked if there was a legal document, or the P&S agreement, regarding the June deadline. She requested the Trustees try to get some documentation.

The Committee took a 5 minute break.

Upon motion by Mr. Moalli and seconded by Ms. Kozodoy, following discussion and a 8-0-0 vote, it was:

VOTED: to pay Shepherd Associates for a bill dated 2/23/10 for appraisals at Triphammer and Calista properties, from the CPA Administrative fund In the amount of \$5,000.

Mr. LaBrache was out of the room and returned at 9:03

Ms. duBois reported the Triphammer appraisal came in at \$77,000 and the Town agreed to pay \$60,000 for parcel. She also reported the two appraisals for Calista and Leigh/Larson will be complete in the next 3 weeks. The Calista appraisal will be the second one needed for self help grant. It is the decision of the Town Administrator to choose appraisers. Ms. duBois will follow up with Ms. Myers.

Calista Property Discussion:

Ms. duBois confirmed she is no longer the liaison to the Calista property because of potential for conflict and we need a new person to step forward. Mr. Ricci agreed to be new liaison and join the negotiation team. Mr. DeMacedo is also offering to help with negotiations.

Mr. LaBrache stated he needs to know intended use of the Calista property in order to write the motion for Town Meeting. If we are intending to put Affordable Housing there, he needs to know.

Mr. Ricci indicated KDC seemed uncertain of the actual use of the house they hope to move there.

Mr. LaBrache questioned that although it may be Affordable Housing, it wouldn't necessarily benefit Kingston residents. Ms. Kozodoy stated that often residents of group homes are not considered residents of the town they reside but the town they came from. Mr. Ducharme stated we could negotiate that only Kingston residents are selected to live in the home.

Mr. Dalton reported the Historical Commission is urging KDC to give the house away instead of tearing it down at the end of the 6 month period. They have an interested party to take it.

Mr. Dalton would like to see the Calista property again and it's potential to accommodate house. He would like to include it in site walk for May 1st and give Mr. Ducharme a chance to see property.

Mr. Hamilton urged the Committee to make a decision now if they want to pursue placing it at Calista or just drop it. Mr. Ducharme wanted clarification on what the rush was. Mr. Moalli indicated there needs to be a decision so it can be presented to Town Meeting with proper funding sources. He also stated that Recreation has backed off the request for active recreation and will support passive recreation use. Mr. Dalton stated the motion will present it as Open Space.

Upon motion by Mr. Moalli and seconded by Mr. Hamilton, following discussion and a 0-8-1 vote, the motion did not pass to:

Designate a portion of the Calista property as Affordable Housing and to pay proportionally for that part of the property from the designated Affordable Housing CPA funds.

THE MOTION DID NOT PASS

Mr. Dalton abstained

Mr. Dalton reported a speaker from Wildlife Trust will talk to the Committee about Conservation Restrictions. He also questioned whether the Conservation Restriction costs are covered in the \$1 million requested.

Mr. LaBrache pointed out money has not been appropriated for closing costs.

Upon motion by Mr. Moalli and seconded by Mr. Ricci, following discussion and a 8-0-1 vote, it was:

VOTED: to accept the minutes of 3/30/10 as amended.

Ms. Kozodoy abstained

Hall Property Discussion:

Mr. Dalton stated they will need to cut back on funding on projects or eliminate a project if they want to fund the Hall property.

Mr. LaBrache pointed out the Leigh/Larson project scored the lowest. He reported there will be \$144,436.86 left in CPA funds if the Powder House is not funded.

Mr. Gavigan suggested we split payment for the Hall property over 2 years.

Mr. Hamilton suggested the Adams Heritage Center would not suffer if they received \$100,000 less this year. They still have \$1.4 million to spend.

Mr. Moalli reported the Hall property would be rated as a Recreation project. It will be scored at the May 1st meeting and see where it falls in the ranking with other projects.

Upon motion by Mr. Hamilton and seconded by Mr. Ricci, the meeting was adjourned at 9:29 pm.

Next Meetings: May 1, 2010: Site walk, Pottle Street Fields, 10 am. Meeting immediately following walk at Opachinski Field Concession Stand meeting room.

May 11, 2010: Public Hearing in Room 203 Town House at 7:00 pm

Respectfully Submitted,

Priscilla W. Brackett
Secretary