

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
December 20, 2006  
**FINAL**

**PRESENT:** Curtis Sears, Jim Carroll, Tom Roche, Priscilla Gregory, Gary Ellis, Jim Hoben  
Jack Mulkeen, John Biega

**GUESTS:** Jim Lefter, Nancy White, Jennifer Coutinho

**LOCATION:** Room A, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:08 p.m. and reviewed the agenda. All members except Mary Ann Walsh were present.

**COMMITTEE BUSINESS**

Correspondence: The CPC reviewed a correspondence from Town Administrator Lawton to the REO manager regarding interest in the property located at 281 Route 28, West Yarmouth and a regret letter for the Englewood Dock Replacement application (#23).

**ADMINISTRATIVE BUSINESS**

Playground Equipment Presentation (#24): Jim Lefter, Assistant Director for the Department of Community Development, introduced Nancy White, Vice President of O'Brien and Sons Inc. who explained that ADA is a law, which has changed three times since 1980. However, the existing equipment has not changed in 30 years. Yarmouth has pocket parks, anchor and beach playgrounds. The focus of this project is to bring the playgrounds into compliance with new Federal, State, local building codes, and/or access codes and use materials that require little or no maintenance. Additionally, she would like to introduce elements to stimulate gross and fine motor skills for the younger age group.

The group discussed improved lighting at some park areas, which is not included as a component of this project or in the department budget. If approved at Town Meeting, the project would begin in the fall of 2007 and take 12-18 months to complete. The Parks and Highway Department would install and maintain the equipment. Gary Ellis suggested coordinating this project with the Flax and Sandy Pond Master Plan. Staff will obtain the conceptual designs and quotes for new equipment from Nancy White.

**VOTE ON PROJECTS**

Playground Equipment (#24): Curtis Sears moved to approve the Playground Equipment application in an amount up to \$100,000 from the budgeted reserve, seconded by Tom Roche. Vote unanimous 8-0-0. Funding is contingent upon the following:

- Invite the Recreation Commission to participate in the design and selection process if they choose.
- Curtis Sears and the Assistant DPW Director to participate in the design selection process.
- Receive an itemized list of equipment and conceptual designs.

- Up to two years from receipt of grant funds to install the equipment with a priority given to safety.
- Playground improvements are subject to neighborhood approval.

Yarmouth Affordable Home Ownership Program (#22): Priscilla Gregory moved to approve the Yarmouth Affordable Home Ownership Program application in an amount not to exceed \$500,000 from the budgeted reserve, subject to the conditions listed below. Jack Mulkeen seconded. Vote unanimous 7-0-1 with John Biega abstaining. Funding is contingent upon the following conditions: the Housing Assistance Corporation must notify the CPC if there are any budget modifications, specifically with developer-overhead fees, or if the contribution of other funding sources differs from the amount specified in the application.

Affordable Housing Trust Fund (#27): Curtis Sears moved to approve the Trust Fund application in an amount not to exceed \$200,000 from the budgeted reserve. Tom Roche seconded. Vote unanimous 7-0-1 with John Biega abstaining.

John Simpkins Multi-Use Study Application (#30): The CPC held a general discussion on making a determination of the most suitable uses of the building first and the possibility of returning CPA funding if the final recommendation is not a CPA eligible use. Jack Mulkeen moved to take no action on the John Simpkins Study application. Gary Ellis seconded. The motion carried 6-1-1 with Curtis Sears voting in the negative and John Biega abstaining.

#### **ADJOURN**

As there was no further business, the CPC voted unanimously to adjourn the meeting at 5:36 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

---

Mary Ann Walsh, Clerk

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
December 13, 2006  
**FINAL**

**PRESENT:** Curtis Sears, Jim Carroll, Tom Roche, Priscilla Gregory, Gary Ellis, Jim Hoben  
Jack Mulkeen, Mary Ann Walsh

**GUESTS:** Robert C. Lawton Jr., Art DeBonville, Paula Hudson, Gisele Gauthier,  
Karen M. Greene, Hugh Hilliard, Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:02 p.m. and reviewed the agenda. All members except John Biega were present.

**ADMINISTRATIVE BUSINESS**

John Simpkins Study Application (#30): Robert Lawton, Town Administrator, stated that this project would qualify as a historic resource. Phase I would consist of a general analysis of the structure and utilities, and Phase II would be a detailed analysis based on the John Simpkins School Re-Use Committee's recommended future use. The building itself has historic value and the historic façade would be maintained. It was noted that a preservation restriction on the exterior of the building would qualify the project for Community Preservation Act (CPA) funding. Priscilla Gregory stated that the entire building, as it appears, is a contributing historic structure in the district, and it does not exclude the wings of the building.

Chairman Hoben stated that a main concern is returning the CPA funds if the final recommendation is a non-CPA eligible use. Art DeBonville, Chairman of John Simpkins School Re-Use Committee, stated that the Committee is likely to make a recommendation on several possible uses in the spring of 2007 and focus on a final recommendation in the winter of 2007.

Presentation on Yarmouth Affordable Home Ownership Program (#22): Paula Hudson, of the Housing Assistance Corporation (HAC) explained that a model similar to this proposal was recently implemented in Sandwich with the Cape Cod Commission and a private party. The project was successful and seven affordable homes were added to the Town of Sandwich affordable housing inventory. This proposal is to leverage CPA funds with other funding sources to buy-down a minimum of nine (9) single-family existing homes in Yarmouth. HAC would make necessary home improvements, select an income-eligible purchaser from its Ready-to-Buy list, and resell the home at an affordable price of approximately \$155,000 to income-eligible families with a household income of 80% or less of the Area Median Income (AMI). The HAC Ready-to-Buy list consists of potential buyers who have been pre-approved for a qualifying mortgage. Local preference will apply to seventy percent of the homes and a universal deed restriction would be placed on all properties to ensure affordability in perpetuity. The benefit of this program is that it uses existing homes and eliminates additional stressors of new construction.

Mary Ann Walsh asked if other funding sources are guaranteed. She also noted that if the CPC recommends this project, the CPA grant should be contingent on receiving the other funds. Paula

Hudson replied that public funds would be secured in 2007 according to the State fund cycles. She further explained that the transactions for this project could be for HAC to act as an intermediary to purchase and sell the homes.

Jim Carroll asked who qualifies as a first-time home buyer. Paula Hudson explained that a “first-time home buyer” is a person who has not had an interest in a home in the three prior years, a displaced homemaker, or someone who is fifty-five years or older. For this project, the State program guidelines would apply.

Tom Roche asked if the home gains equity. Paula Hudson explained that the deed restriction provides for a resale price multiplier, which is used in a formula to determine equity. The CPC continued by reviewing the budget spreadsheet as well as discussing conditions of the contract if the application were to be recommended.

Housing Trust Fund (#27): Karen M. Greene, Director of Community Development, explained that MGL ch.44 § 55C has made the creation of a Trust a one step process whereby Town’s could create a municipal trust fund through an act of Town Meeting. At this year’s upcoming Town Meeting, a warrant article that proposes to create an Affordable Housing Trust Fund. Comprised of five members appointed by the Board of Selectmen, the Trust would provide for the creation and preservation of affordable housing and have the ability to expend funds without the act of Town Meeting. A policy of the Trust will be to follow the Town’s Affordable Housing Action Plan. The CPA application is to place an initial deposit of \$200,000 into the Trust Fund. The CPC held a general discussion on the Board of Selectmen’s authority over the Trust’s project recommendations, staff researching charitable annuities through the Trust, and the amount of funding requested.

### **VOTE ON PROJECTS**

Englewood Dock Replacement (#23): Mr. Sears moved to not recommend the Englewood Dock Replacement application, seconded by Tom Roche. Vote unanimous (8-0-0). Discussion: The CPC discussed the reason for not recommending this project is because the Englewood Marina is a self-sustaining operation with the ability to raise necessary revenues from fees.

### **COMMITTEE BUSINESS**

Correspondence: The CPC reviewed one incoming correspondence from Community Visions, Inc. formally withdrawing the John Simpkins Community Center application (#21). The group reviewed three outgoing regret correspondences for the Rail Trail addendum application (8), Condominium Down Payment (18), and the Captain Crocker House (19). They also reviewed six outgoing approval letters for the Taylor-Bray Farm (31), Cellar House (29), Dennis Pond Land Acquisition (20), Pheasant Cove Circle (7), 281 Route 28 Land Acquisition (25), and the Long Pond Plaza (26).

### **ADJOURN**

As there was no further business, the CPC voted unanimously to adjourn the meeting at 4:55 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

---

Mary Ann Walsh, Clerk

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
December 6, 2006  
**FINAL**

**PRESENT:** Curtis Sears, Jim Carroll, Tom Roche, Priscilla Gregory, Gary Ellis, Jim Hoben  
Jack Mulkeen, MaryAnn Walsh

**GUESTS:** Jim Lefter, Art DeBonville, Kieran Healy, Karen M. Greene, Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:03 p.m. and reviewed the agenda. All members except John Biega were present.

**COMMITTEE BUSINESS**

Correspondence: The CPC reviewed two letters from the Affordable Housing Committee (AHC), the first of which thanks the CPC for their comments on the draft Affordable Housing Action Plan and the second was a prioritization of the community housing applications. They also reviewed the New England Planning newsletter dated November 2006.

**ADMINISTRATIVE BUSINESS**

Playground Equipment Presentation (#24): Mr. Lefter, Assistant Director for the Department of Public Works (DPW), provided photographs of the sites for Bass Hole, Bay View Beach, Englewood Beach, Flax Pond, Parkers River, Reid Avenue, Route 6A, Sandy Pond, and Wings Cove and stated that the application is for funding to replace the playground equipment over the next three years. Nancy White, Vice President of O'Brien and Sons Inc., will evaluate the playgrounds and produce a report by January 2007. The report will include cost estimates and designs for each playground. The equipment with the most disrepair will be replaced first and they intend to work on individual playground in staggered phases. O'Brien and Sons will install the complex structural pieces and the Town will install smaller pieces.

Mr. Mulkeen referred to the Reid Avenue playground and stated that the Town should re-grass the field and install lighting. Mr. Lefter replied that upkeep of the grass at the playgrounds is limited with the current budget.

Mr. Carroll suggested that DPW and the Recreation Department work together on this project. Chairman Hoben and Mr. Carroll volunteered to accompany Ms. White during the site visits. Staff will schedule a meeting with Ms. White and the CPC to discuss the project in detail.

John Simpkins Multi-Use Study Application (#30): Mr. DeBonville, Chairman of the John Simpkins School Re-Use Committee (JSC), reported that JSC has interviewed Town departments, local groups, and business to determine their interest and they will review the results next week. This application will help to assess the condition of the building and facilitate the process of selecting the future use. The JSC intends to meet with the Board of Selectmen in the spring of 2007 and make a final recommendation by December 2007. The property is situated on four acres, has more than 25,000 square feet, zoned RS-40, and listed on the National Register of Historic Places.

Mr. Roche suggested temporarily occupying the building to defray some of the insurance costs.

After some discussion, the CPC will request more information about the project, provide conditions for how the CPA could be spent, and the possibility of determining the most suitable use of the building before requesting funding.

Bakers Path Road Development (#28): Mr. Healy of the Affordable Housing Committee (AHC) reported that this project would be mixed-income to offset some of the road construction costs. The AHC will examine the project further and meet with the Board of Selectmen later this month. Ms. Greene added that for a 3-bedroom home for a family of four, the moderate income is in excess of \$70,000 per year and the low income is \$64,000 per year. The selling price of a 3-bedroom home for a moderate income is estimated at \$210,000 and low income at \$154,000. At the request of the AHC, the CPC will take no action on this application at this time.

### **VOTE ON PROJECTS**

Dennis Pond Conservation Land Acquisition (#20): Mr. Mulkeen moved to approve the Dennis Pond Land Acquisition application in an amount up to \$512,000, with a possible State self-help grant reimbursement to be returned to the open space and budgeted reserve, seconded by Mr. Carroll. Vote unanimous 8-0-0. Discussion: none.

Captain Crocker House (#19): Mr. Sears moved to not recommend the Captain Crocker House application because the proposal does not meet the priority needs as described in the Community Preservation Plan, seconded by Ms. Walsh. Vote unanimous 8-0-0. Discussion: none.

Taylor-Bray Farmhouse Rehabilitation (#31): Ms. Gregory moved to approve the Taylor Bray Farm Farmhouse Rehabilitation application in an amount up to \$531,000 from the historic and budgeted reserves, seconded by Mr. Roche. Vote unanimous 8-0-0. Discussion: Mr. Mulkeen stated that he visited the Farmhouse and talked to Ms. Greene about updating the application to include rehabilitation of the barn roof because it is in poor condition. Ms. Gregory replied that the barn would be kept separate from the farmhouse project. She then noted to include text in the warrant article that historic grant funds may be available for this project and would be returned to the CPA fund.

Cellar House at Packet Landing (#29): Ms. Walsh moved to approve the Cellar House at Packet Landing application in an amount up to \$528,000 from the budgeted reserve, seconded by Mr. Roche. The motion carried 6-2-0 with Chairman Hoben and Mr. Mulkeen voting in the negative. Discussion: The CPC talked about how this project is consistent with the concept for the South Yarmouth Village Centers, use of the building, the demand for meeting space, and maintenance of the property.

### **ADJOURN**

As there was no further business, the CPC unanimously voted to adjourn the meeting at 5:17 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

---

Mary Ann Walsh, Clerk

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
November 15, 2006  
**FINAL**

**PRESENT:** Curtis Sears, Jim Carroll, John Biega, Tom Roche, Priscilla Gregory, Mary Ann Walsh, Gary Ellis

**GUESTS:** Karen M. Greene, Karl vonHone, Patricia Armstrong, Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Vice-Chair Sears opened the Community Preservation Committee (CPC) meeting at 3:06 p.m. and reviewed the agenda. All members except Jim Hoben and Jack Mulkeen were present.

**COMMITTEE BUSINESS**

Application Review Process: The CPC agreed as a matter of policy that applications would be accepted or rejected based on the criteria as set forth in the Community Preservation Plan.

Correspondences: Ms. Coutinho distributed invitations to the volunteer appreciation breakfast and the Cape Cod Commission historic preservation workshop.

**ADMINISTRATIVE BUSINESS**

Presentation on Englewood Dock Replacement (#23): Ms. Armstrong, Recreation Director and Mr. vonHone, Natural Resources Director introduced themselves and explained that this proposal request is for \$100,000 to replace the marina dock that holds 22 boats and the Yarmouth Sailing Center dock at Englewood Beach. A group of local boaters approached Mr. vonHone after a recent storm where a number of the fingers at Englewood were badly damaged.

Mr. vonHone explained the public and slip holders use the marina for loading and off-loading. The docks were replaced 18 years ago and the Parks Department has routinely pulled and maintained the floats. At this point, the dock system should be replaced with new materials to better suit the Sailing Center needs and to make the system more durable.

Mr. Carroll asked if the Town or students from the vocational school could fabricate the docks. Mr. vonHone replied that he would research that option, but the dock replacement would likely take place in the summer when school is not in session. Ms. Armstrong added that it could take an entire school year to complete a project of this scope.

Ms. Gregory inquired about the fee structure. Mr. vonHone replied that 20 slips are privately leased to residents and visitor and the fee structure was updated last year. The fees are applied to the public safety of Lewis Bay and area upkeep. The current fee is \$35 per foot with a minimum of 23 feet, generating about \$16,000-17,000 per year. The fee for Packet Landing is \$75 per foot because more amenities are offered.

Mr. vonHone continued by explaining that cost estimates for this project range from \$53,000-\$68,000 for the dock system and \$10,000-\$45,000 for the sailing dock. He noted that

replacement of the docks is included in the capital budget process for this year; however, the debt exclusion hasn't been fully presented to the Board of Selectmen.

Vice-Chairman Sears asked if Natural Resources plans to evaluate the fee structure for all of the services they offer. Mr. vonHone replied that they receive mooring, slip, and shellfish fees. Natural Resources recently increased the mooring and slip fees. Private marina fees range from \$108 to more than \$200 per foot, whereas the Packet Landing fee is \$75 and smaller facilities are \$35 per foot.

The CPC thanked Mr. vonHone and Ms. Armstrong for the presentation and stated that they make a decision at their next meeting.

Presentation on 1750 House Acquisition (#25): Karen M. Greene, Director of Community Development, displayed photographs of the 1750 House, which is located on Route 28, and point out the exception views of the coastal embayment. The property has about 346 feet of frontage on Route 28 in West Yarmouth. The building contains seven occupied rental apartments. She explained that the property is located on Mill Creek and sometimes when you drive along Route 28, you don't realize that you are in a seaside community. The acquisition of this property may help to change the visual corridor as it would be used for open space. It is on the Planning Boards list of parcels that they would like the Town to acquire for open space.

Wells Fargo Bank currently owns the property and a Real Estate Owned (REO) company is managing the property. The Town is conducting a title search on the property. The next steps are to conduct an appraisal, assess the historical integrity of the building, complete a building inspection, and conduct an environmental site assessment because the property is located down gradient of a 21E property.

Vice-Chairman Sears asked if any reports are available for the former laundry facility site. Ms. Greene replied that a review may be available and the Board of Health has recommended an environmental assessment and the installation of monitoring wells on the property.

The CPC had a general discussion about asking Wells Fargo if they are selling this property as a real estate block with other properties, access to the site, donation of demolition services, pursuing State grant opportunities, and a purchase and sales agreement. Ms. Greene replied that she would keep in contact with the REO manager and the CPC.

Community Center Application: Ms. Coutinho explained that Community Visions submitted two CPA applications both of which are feasibility studies for a Community Center. The first proposal would evaluate parcels of town-owned land while the second proposal would evaluate the former John Simpkins School building. Community Visions asked the State for an opinion on the first application and the State responded that they support Town Counsels opinion that it is not a CPA eligible project.

## **VOTE ON PROJECTS**

1750 House Acquisition: The CPC voted unanimously on a motion by Mr. Biega, seconded by Ms. Walsh, to increase the requested amount on the application by \$50,000 to pay for associated costs. (7-0-0).

Discussion: Mr. Carroll suggested to bond this project for 10 years and stated that if the CPC doesn't bond any projects, the funds will be depleted for this year's projects. Ms. Walsh suggested to approve this project then review the budget and make a determination if bonding is something the CPC should pursue.

The CPC voted on a motion by Gary Ellis, seconded by Mary Ann Walsh, to approve the 1750 House Acquisition application from the budgeted reserve for open space purposes. Jim Carroll voted in the negative (6-1-0). Discussion: none.

Condominium Down Payment (#18): The CPC discussed the unknown factor of selling the current home, the option of purchasing a one-bedroom condominium rather than a two-bedroom, and how the condominium would not count on the State's affordable housing inventory because it would not be fairly marketed or have an affordable housing lottery. The CPC voted on a motion by Priscilla Gregory, seconded by Mary Ann Walsh, to decline the Condominium Down Payment application (#18) on the basis that it doesn't meet the community housing criteria as outlined in the draft Community Preservation Plan. Jim Carroll voted in the negative (6-1-0). Discussion: none.

Long Pond Plaza for Low Income Housing (26): The CPC voted unanimously on a motion by Mary Ann Walsh, seconded by Priscilla Gregory, to approve the Long Pond Plaza application (#26) in an amount not to exceed \$230,000 from the community housing reserve (7-0-0). Discussion: none.

Cape Cod Rail Trail Addendum (#8): The CPC voted unanimously on a motion by John Biega, seconded by Tom Roche, to decline the additional \$5,000 requested to complete the purchased of the parcel identified on Assessor's Map 83, Lot 3. (7-0-0). Discussion: none.

## **ADJOURN**

As there was no further business, the CPC voted unanimously on a motion by Curtis Sears, seconded by Tom Roche, to adjourn the meeting at 5:04 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

---

Mary Ann Walsh, Clerk

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
November 8, 2006  
**FINAL**

**PRESENT:** John Biega, Jim Carroll, Gary Ellis, Priscilla Gregory, Tom Roche, Curtis Sears, Mary Ann Walsh

**GUESTS:** Donna Killeen, Hugh Hilliard, Bob Palmer, Terry Sylvia, Janice Strobl, Joe Sullivan, Robert Cook, Ray Vanover, Carol Smith, Gloria Smith, Karen Greene, and Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Vice-Chairman Sears opened the Community Preservation Committee (CPC) meeting at 3:01 PM and reviewed the agenda. All members except Jim Hoben and Jack Mulkeen were present.

**COMMITTEE BUSINESS**

Correspondence: The CPC reviewed five letters, the first of which was a summary of the applications received for the next funding cycle to the Board of Selectmen followed by confirmation from Town Counsel regarding the Yarmouth Community Center application. They reviewed letters from Ms. Coutinho to the Affordable Housing Committee and the Open Space Committee about the Affordable Housing Action Plan and the Sandy Pond Estates Site Development Plan respectively. The last correspondence was from a concerned resident to the Board of Selectmen, supported by the Director for the Division of Natural Resources, regarding the Town acquiring a property that is for sale near Parker's River.

Grants: The CPC discussed applying for grants to leverage funds. Ms. Gregory noted that the Barnstable County Resource Development Office is a good place to seek out these opportunities. Mr. Carroll informed the group that there is a half-time grant writer in the school system.

**PRESENTATIONS:**

Condominium Buy-Down (#18): Ms. Strobl introduced herself and stated that she is selling her home and intends to purchase a condominium in Yarmouth. Since the housing market is expensive on Cape Cod, she is applying for a Community Preservation Act (CPA) grant to assist her with the purchase of a condominium.

She owns a home in Yarmouth and she is pre-qualified for a mortgage for less than the asking price of the condominium. Her intention is to apply the CPA grant and the proceeds of the home sale during the closing of the condominium. This would bridge the gap between the mortgage and the selling price of the condominium and bring the unit down to an affordable level with a deed restriction in perpetuity.

Vice-Chairman Sears asked if she is aware of other programs. Ms. Strobl replied that she has met with Housing Assistance Corporation (HAC) and has asked the bank about programs; however, her municipal salary is just over the threshold to qualify for those programs, which is why she applied for a CPA grant.

Ms. Walsh suggested that the Committee make a determination as to whether or not they should entertain individual applications, and if so, setup acceptable guidelines to consider scenarios of this nature.

Long Pond Plaza (#26): Donna Killeen, Executive Director of the Yarmouth Housing Authority (YHA), introduced herself and explained that it is important to preserve the Town's existing affordable housing in Yarmouth. The Long Pond Plaza Complex is 40 one-bedroom units for elderly or disabled residents. There are four buildings each with separate heating and hot water systems. This proposal is for four gas-fired boilers, four domestic water heaters, pumps, and associated piping.

The State is required to provide operating subsidies to Housing Authorities to pay the difference between the operating costs and rental revenue. However, all Housing Authorities across the Commonwealth have been underfunded for years. Capital improvements for State-assisted developments like the Yarmouth's Long Pond Plaza are funded through the issuance of State bonds and presently there are no new bond authorizations available.

Recently, the Department of Housing and Community Development (DHCD) and a private firm provided estimates for this proposal and both were within a few thousand dollars of each other. If the CPC recommends the proposal and Town Meeting approves it in April, she anticipates the job to go out to bid after April and the project to be complete in October 2007.

Mr. Carroll asked for the status on the original request for windows and doors. Ms. Killeen replied that DHCD is going to fulfill that request.

Mr. Ellis asked when the \$17,400 grant for design services would be expended. Ms. Killeen replied that she is executing the work order for design services in December 2006. She anticipates receiving 100% construction documents in April 2007. At that time, the \$17,400 would be expended when the work goes out to bid.

Mr. Biega asked for the life expectancy of the system. Ms. Killeen replied that the existing system has lasted 44 years.

Vice-Chairman Sears asked for more details on the administrative expense as listed in the application. Ms. Killeen explained that the expenses include advertising for bidding, oversight during construction, meetings with engineers, and other incidental costs. The new system is required to be energy efficient and the Authority will discuss any rebate opportunities with Keyspan.

Rail Trail Extension Addendum (#8): Mr. Allaire, Director of Public Works, stated that at Special Town Meeting 2006, voters approved \$25,000 in CPA funds to purchase a 2.48-acre parcel of land near Exit 7 for the Rail Trail project. A second appraisal was completed because there was an eight-month period between the initial appraisal and Special Town Meeting. The second appraisal showed a \$5,000 property value increase. The property owner and the Town entered into an agreement for an initial payment of \$25,000 with the additional \$5,000 to be paid after Annual Town Meeting 2007. He then asked the CPC for consideration of this funding to complete the purchases. The CPC discussed voting on this request at their next meeting.

Cellar House (#29): Mr. Sylvia stated that this proposal is to reconstruct the original Cellar House at Packet Landing. He then explained that the most recent structure on the property fell into disrepair and the Town removed it in the spring of 2006. He then distributed modified plans for the new structure and explained that the design is based on many historic photographs. The site was measured and photographs were taken of the original stone wall, which were sent to a historic preservation architect so that he could draw the plans of the building. This is the most historically accurate plan that has been made to date.

Mr. Sylvia presented several older photographs and explained that there was a shed-like building on the waterfront. It was a working waterfront used for off-loading lumber and coal as well as on-loading salt, which the Kelley family produced on their land. The last Pawkannakut Indian, named Thomas Greenough, sold the property to the Kelley family in the first quarter of the eighteenth century. David Kelley offered the first ferry service across Bass River and built boats on the property. The Aiken family later owned the property and they ran the Packet Ships on Bass River, which is how the site was named "Packet Landing".

He continued by explaining that this project dates back to the Old South Yarmouth Village Committee, possibly seven years ago, to coordinate the South Yarmouth library, the Cultural Center, and Packet Landing. Part of the Committee's vision statement was to replicate historic landmarks that were lost. This project is consistent with the Village Center concept and it is a gateway park into Yarmouth.

Ms. Walsh asked what purpose the building would serve. Mr. Sylvia replied that the upper level would be used for a conference room and a public restroom. The Department of Natural Resources will use the lower level for storage, an office, and two handicap bathrooms. The house would have three bathrooms for public use. The cost estimates for the septic is \$113,000 and the house is \$415,000.

Ms. Gregory stated that the Department of Interior issues specific guidelines for reconstruction of historic buildings and this project would adhere to those guidelines. Mr. Ellis added that he would like the architect to be accurate as possible with the details of the building.

Mr. Carroll stated that he has concerns with the function of the building and the lack of available parking. Ms. Sylvia replied that the building would be very functional because it will be open to vehicle as well as pedestrian traffic. Additional parking would be created on the upper level and there is an existing parking lot on the lower level.

Ms. Gregory explained that the Town has been involved with this property since 1987. There was an article on the Town Meeting warrant for the land taking and it failed by two or three votes. The property then sat in disrepair for many years. Since that time, an Old South Yarmouth Village Committee was formed and the Route 28 Task Force received a federal grant for the property. Although the Town removed the dilapidated building, there was always a plan for a reconstruction as part of the overall project.

## **OTHER BUSINESS**

Application Extension Request: Ms. Gregory requested an extension to submit the Taylor-Bray Farm application. The CPC approved a three-week extension.

**APPROVAL OF MINUTES**

The CPC voted unanimously, on a motion by Mary Ann Walsh, seconded by Tom Roche, to approve the September 27, 2006 as written.

**ADJOURN**

As there was no further business, the CPC voted unanimously on a motion by Tom Roche, seconded by Curtis Sears, to adjourn the meeting at 5:19 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

---

Mary Ann Walsh, Clerk

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
October 25, 2006  
**FINAL**

**PRESENT:** Curtis Sears, Jim Carroll, Jim Hoben, John Biega, Tom Roche, Jack Mulkeen, Priscilla Gregory, Mary Ann Walsh, Gary Ellis

**GUESTS:** Hugh Hilliard, Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:03 PM and reviewed the agenda. All members were present.

**COMMITTEE BUSINESS**

Correspondence: Jennifer Coutinho stated that she is working on a correspondence to the Board of Selectmen regarding applications received for this funding cycle. She will send the collective comments on the draft Affordable Housing Action Plan to the Affordable Housing Committee.

Sandy Pond Estates: The CPC forwarded site plans from Doug Lebel, who is planning a housing project near Old Hyannis Road on 10 acres of property, to the Open Space Committee for their review.

Project Prioritization: Jennifer Coutinho distributed a project evaluation sheet for the CPC to use individually when evaluating proposals. Based on the large volume of applications received this funding cycle, each representative will ask their sub-committee to prioritize the applications.

Jack Mulkeen stated that the Open Space priorities currently are: (1) any proposals that involve salt-water frontage; (2) Dennis Pond Land Acquisition application; (3) the 1750 House application; and (4) Pheasant Cove Circle. Staff will verify when the Open Space Plan is scheduled for an update because it is required when applying for State grants.

**ADMINISTRATIVE BUSINESS**

Yarmouth Community Center: The CPC discussed Town Counsels opinion that a feasibility study for a community center is not an allowable use of CPA funds. The Committee voted unanimously, on a motion by Jim Carroll, seconded by Curtis Sears, to defer the Community Center discussion to the following CPC meeting. Discussion: none. (9-0-0)

**OTHER BUSINESS**

1750 House: The CPC discussed remediation options, conducting a property appraisal, and different purchase approaches.

Community Housing: There was general discussion about applications that have a program format and comply with the Department of Housing and Community Development (DHCD) inventory requirements as opposed to individual applications. Chairman Hoben noted that the

Affordable Housing Committee (AHC) adopted a preference for Veterans and Yarmouth residents as 75% priority.

Bonding: The CPC discussed the option of bonding large projects whereby funds may be borrowed against the estimated tax receipts but not the State match. Staff will provide the CPC with the bond rate chart when it becomes available.

**ADJOURN**

As there was no further business, the CPC voted unanimously to adjourn the meeting at 4:39 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

---

MaryAnn Walsh, Clerk

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
October 11, 2006  
**FINAL**

**PRESENT:** Curtis Sears, Jim Carroll, Jim Hoben, John Biega, Tom Roche, Jack Mulkeen, Priscilla Gregory, and MaryAnn Walsh

**GUESTS:** Mary Waygan, Bill Snowden, and Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:02 PM and reviewed the agenda. All members except Gary Ellis were present.

**COMMITTEE BUSINESS**

Correspondence: The CPC discussed the Coastal and Estuarine Land Conservation Program Request for Responses regarding grant monies. Staff will send a copy of the letter to the Chair of the Yarmouth Conservation Trust.

Officer Election: The CPC voted unanimously on a motion by Curtis Sears, seconded by Tom Roche to re-elect Jim Hoben as Chairman; on a motion by Tom Roche, seconded by John Biega, to elect Curtis Sears as Vice-Chairman; and on a motion by Curtis Sears, seconded by John Biega, to re-elect Mary Ann Walsh as Clerk. The newly elected officials will serve three-year terms. (8-0-0)

Bill Snowden Wind farm Bylaw: Mr. Snowden, a local farmer in Yarmouth Port, encouraged the CPC to adopt the Town of Dennis' housing bylaw. He constructed a home for \$72 per square foot with 80% renewable resources. He stated that the CPC should support renewable energy, such as a wind tower and solar energy, when considering community housing projects. He also noted that the CPC should regard open space as farming space because residents may rely on farms in the future.

Affordable Housing Action Plan: Chairman Hoben stated that the Affordable Housing Committee (AHC) is working on an action plan to create affordable housing, after which Mary Waygan asked the CPC for input by October 23, 2006. There was general discussion about local preference, household size for the disabled population, handicap accessibility for senior housing, and interim housing solutions.

**ADMINISTRATIVE BUSINESS**

Vote on Rail Trail Addendum (#8): The CPC discussed the rationale for the second appraisal for the Rail Trail parcel and decided to take no action on the request at this time.

Affordable Housing Buy-Down Discussion: Mary Waygan distributed three scenarios in relation to the buy-down program application. The first scenario acquires the property through a housing trust. The contractor, who was selected through the Request for Proposal (RFP) process, would

renovate the home and sell it at an affordable level. The Affordable Housing Committee (AHC) developed the second scenario. The buyer is chosen with a lottery and would receive funding to buy-down a market-rate home to an affordable level. An ad-hoc committee would select the homes one at a time for each lottery. The third scenario is similar to the Sandwich Homeownership Program (SHOP) whereby the Town of Sandwich and the Housing Assistance Corporation (HAC) accept a payment from a developer in lieu of the construction of affordable homes within a 40B project. The payment is used to buy down an existing market rate home to an affordable level. There was general discussion about the ready-to-buy list, purchasing inexpensive homes and relocating them to a different site, affordability of condominiums, and administration fees. The CPC will decide which scenario they prefer and during the buy-down application presentation in December.

1750 House Update: Chairman Hoben recused himself from the discussion. Jennifer Coutinho announced to the group that the property known as the 1750 House located at 281 Main Street in West Yarmouth would have a public auction next week. There was general discussion about the use of CPA funds for the acquisition, demolition, donation of services, and whether the structure is considered a historic resource. There were suggestions to contact Mark Robinson of the Compact of Cape Cod Conservation Trusts, Inc. regarding the availability of grant funds. Staff will provide an update at a future CPC meeting. Chairman Hoben then returned to the meeting.

Quarterly Project Updates: Jennifer Coutinho distributed a quarterly status report and photographs of projects that are underway. Projects approved at Annual Town Meeting have expended the following percentages of grant funding: Gorham Cobbler Shop – 89%, Cultural Center of Cape Cod, Inc. – 81%, Flax & Sandy Master Plan – 0%, and Long Pond Village YHA – 0%. The CPC agreed that the status report was informative and they would like to receive it on a quarterly basis.

## **ADJOURN**

As there was no further business, the CPC voted unanimously to adjourn the meeting at 4:55 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

---

Mary Ann Walsh, Clerk

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
September 27, 2006  
**FINAL**

**PRESENT:** Curtis Sears, Tom Roche, Gary Ellis, Jack Mulkeen, Priscilla Gregory,  
MaryAnn Walsh

**GUESTS:** Terry Sylvia, Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

MaryAnn Walsh opened the Community Preservation Committee (CPC) meeting at 3:05 PM and reviewed the agenda. All members except Jim Hoben, Jim Carroll, and John Biega were present.

**COMMITTEE BUSINESS**

Correspondence: Jennifer Coutinho stated that there was a correspondence about the Rail Trail project, which she would elaborate on later in the meeting during the project update.

Officer Election: The CPC postponed this agenda item to the next regularly scheduled meeting.

**ADMINISTRATIVE BUSINESS**

Pheasant Cove Circle Application Update: Jack Mulkeen referred to the Pheasant Cove Circle application and explained that Jack Grebe of the Open Space Committee has worked with the property owner for the past few months. Both parties have recently agreed on a value of \$20,000. He then noted that the parcel contains 0.38 acres and it is adjacent to Landbank land. There would be no maintenance unless the Town decided to clear the brush for a view of Chase Garden Creek.

The CPC voted unanimously, on a motion by Jack Mulkeen, seconded by Tom Roche, to approve an amount up to \$20,000 from the Community Preservation FY07 Open Space Reserve to acquire the parcel of land as shown on Assessor's Map 149, Lot 44. (6-0-0)

Rail Trail Project Update: Jennifer Coutinho stated that Mr. Lawton sent a correspondence to Town Counsel authorizing him to proceed with the documentation needed for the purchase. She then explained that the original appraisal conducted on 2/13/06 valued the property at \$25,000. The second appraisal, which was completed closer to Special Town Meeting (STM), valued the property at \$30,000. The remaining balance of \$5,000 should be appropriated at Annual Town Meeting (ATM) '07. In the meantime, the landowner agreed to proceed with the sale with the condition that the additional \$5,000 is paid after ATM. The CPC decided to take no action at this time, and noted that as a policy, the sale price for any land purchases would be agreed on prior to Town Meeting.

Cellar House Update: Priscilla Gregory explained the historical significance of the Cellar House and then asked the CPC for their input on the proposal. She then stated that, at this time, the Department of Public Works is constructing a drainage system and a park area at the site with a

grant from the Massachusetts Highway Department (MHD). George Allaire, Department of Public Works Director manages the grant, which is from the Mass Transportation Department. A consultant who surveyed the property recommended removing the Cellar House because it was in such disrepair. The Yarmouth Historical Commission, Town representatives, and the Cape Cod Commission conducted a site visit and concluded that the building had lost its historic fabric. The building was de-listed from the National Register of Historic Places and the Town removed in the spring of 2006. The Cellar House replica would be used for a Harbormaster office, a conference center, and public restrooms. The project is estimated to cost about \$500,000.

Tom Roche asked if any portion of the \$900,000 grant went towards the building. Priscilla Gregory replied that there are no funds available within this grant for the building.

Jack Mulkeen stated that the Northwest portion of the site was purchased with Landbank funds. He then questioned the nature of “reconstructing” a historic structure.

Gary Ellis stated that the reproduction should be historically accurate, after which he pointed out the difference in window placement and the pitch of the roof. He then stated that this proposal is beyond the scope of the community preservation act, after which he asked if it would qualify under a different community preservation category. Jennifer Coutinho replied that the proposal qualifies as a historic resource and that it would not qualify under recreation because structures for recreational purposes are not an allowable use of community preservation funds.

Curtis Sears stated that this project was underway before the community preservation act and he asked what the intention was prior to the availability of community preservation funds. Priscilla Gregory replied that the intention was always to reconstruct the original historic structure.

The CPC discussed the “wing” of the building. There was a suggestion to recreate the original structure without the wing and then create separate bathrooms elsewhere on the property.

The CPC requested that the applicant include the design requirements and other funding sources in the proposal. The CPC voted unanimously, on a motion by Jack Mulkeen seconded by Curtis Sears, to specify which town department would be responsible for the property. (6-0-0)

Historic Town Hall Documents: Priscilla Gregory stated that she received a correspondence from Jane Hibbert, Town Clerk, regarding the restoration of 590 volumes of historic Town Hall documents. The estimate for the volumes and storage shelving is between \$550,000-600,000. The CPC is anticipating an application in the future.

## **OTHER BUSINESS**

Community Preservation Plan Public Comments: The CPC reviewed the public comments received on the Community Preservation Plan and agreed to include the following priority projects: buy-down existing homes for community housing and restoring historic town documents currently in storage in need of restoration. The CPC agreed that, while other items on the list could be acted on in the future, they are not a priority at this time.

Condominium Down Payment: Jennifer Coutinho distributed a new application for condominium down payment assistance for the CPC to review. There was general discussion about income and credit verification, as well as mortgage prequalification information. Staff will schedule time for the applicant to meet with the Committee at a later date.

**APPROVAL OF MINUTES**

The CPC voted unanimously, on a motion by Tom Roche, seconded by Jack Mulkeen, to approve the August 22, 2006 as written. The CPC then voted unanimously, on a motion by Jack Mulkeen, seconded by Curtis Sears, to approve the September 13, 2006 minutes as written.

**ADJOURN**

As there was no further business, the CPC voted unanimously on a motion by Curtis Sears, seconded by MaryAnn Walsh, to adjourn the meeting at 4:51 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

---

MaryAnn Walsh, Clerk

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
September 13, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Tom Roche, Gary Ellis, Jack Mulkeen, Priscilla Gregory, John Biega, MaryAnn Walsh

**GUESTS:** Karen Greene, Jennifer Coutinho

**LOCATION:** Mattacheese Middle School, Higgins Crowell Road, West Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 6:42 PM and reviewed the agenda. All members except Jim Carroll were present.

**COMMITTEE BUSINESS**

Jennifer Coutinho distributed a CP-3 Form containing FY06 community preservation projects for member signatures for submission to the State.

**ADMINISTRATIVE BUSINESS**

Special Town Meeting Preparation: There was general discussion among the group about the Community Preservation articles and explanations. Chairman Hoben stated that he would move the articles. It was noted that overhead slides of maps for the Rail Trail Extension article and the feasibility of town-owned land for affordable housing article were available if necessary.

**APPROVAL OF MINUTES**

The Committee voted unanimously, on a motion by Jack Mulkeen, seconded by MaryAnn Walsh, to approve the July 26, 2006 and August 8, 2006 minutes as written.

**ADJOURN**

As there was no further business, the CPC voted unanimously to adjourn the meeting at 6:56 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

---

MaryAnn Walsh, Clerk

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
August 22, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Tom Roche, Gary Ellis, Jim Carroll, Jack Mulkeen, Priscilla Gregory, John Biega, MaryAnn Walsh

**GUESTS:** Karen Greene, Jennifer Coutinho

**LOCATION:** Room C, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 5:30 p.m. All members were present.

**COMMITTEE BUSINESS**

Correspondence: Chairman Hoben noted that there were correspondences regarding the CPC meeting with the Board of Selectmen (BOS) later in the evening.

**ADMINISTRATIVE BUSINESS**

Warrant Article Presentations to Board of Selectmen and Finance Committee: Chairman Hoben reviewed the proposed projects and asked the group for their input. There was general discussion about the importance of some projects going to Special Town Meeting, CPA legislation, and ways to inform the BOS about projects before submitting proposed warrant articles. The CPC discussed the rationale of deferring recommendations for the CPA articles.

Jim Carroll stated that the Recreation Director indicated to Community Visions, Inc. and the Recreation Commission that the BOS would not support any project coming through without a needs assessment or feasibility study. His impression from the BOS was that they didn't want assessments or feasibility studies. It was noted that Pat Armstrong or Jim Carroll would respond to questions about the feasibility study for a Community Center. The CPC also discussed the timing of the conceptual drawing for the community center. Tom Roche stated that in the event that \$4M is not secured from the private sector, how much is the Town going to be prepared to commit.

Jack Mulkeen informed the group that the Open Space Committee would likely propose some very important parcels of land for Annual Town Meeting 2007.

John Biega suggested that the CPC review proposals, take the presentations under advisement, and then vote on them at a later meeting. Tom Roche concurred and added the extra time would allow the CPC to conduct research on the proposal.

Gary Ellis referred to the motel predevelopment application and pointed out that \$150,000 would result in four projects with 20% affordability, which demonstrates the use of community preservation monies to leverage other funds. Curtis Sears stated that it should emphasize that these funds are secured.

Chairman Hoben referred to the feasibility study of town land and noted that it would include up to five sites. The Affordable Housing Committee has selected three sites for consideration. It was noted that, in general, the town's affordable housing would include a mix of redevelopment, new construction, and a town commitment. Jim Carroll suggested the study evaluate property near cranberry bogs because it might be ideal for community housing.

Warrant Article Explanations and Assignment for Special Town Meeting: There was general discussion about the CPA articles and advancement of the articles. Chairman Hoben will move the articles and the assignments are George Allaire – article 16; Chairman Hoben – article 17, 18, and 20; Paul Rooney – article 19; Priscilla Gregory – article 21.

Application Policy: Chairman Hoben explained that CPC has the option to place recommended projects on any warrant and may limit the number of projects to be presented at Town Meeting. It was noted that the application deadline for Annual Town Meeting is November 1, 2006.

**ADJOURN**

As there was no further business, the CPC voted unanimously to adjourn the meeting at 6:45 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

---

MaryAnn Walsh, Clerk

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
August 8, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Tom Roche, Jim Carroll, Jack Mulkeen, Priscilla Gregory, John Biega

**GUESTS:** Karen Greene, Jennifer Coutinho

**LOCATION:** Room B, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 5:37 p.m. All members except Gary Ellis and Mary Ann Walsh were present.

**COMMITTEE BUSINESS**

Correspondence: Jennifer Coutinho distributed the project status report as well as correspondences from Paul Rooney of the Community Center Building Committee (CCB) and the Board of Selectmen (BOS).

**ADMINISTRATIVE BUSINESS**

Warrant Articles for Special Town Meeting: Priscilla Gregory reviewed the warrant article summary, which indicated that the BOS would make a recommendation on all six CPC articles at Town Meeting (TM). The Finance Committee (Fincom) recommended four projects and will make a recommendation on the motel pre-development project and the feasibility study of town-owned land at TM. There was general discussion about increasing the flow of communication among the CPC, BOS, and Fincom, such as attendance at CPC meetings and hearings, meeting with the BOS, and deferring to the CPC. It was agreed that it would not be appropriate for the applicants themselves to meet with the BOS and Fincom. The CPC deferred this discussion to a future meeting.

Rescind vote on Land Acquisition, Legal Fees, and Construction of Community Housing (#5): Karen Greene explained that the Yarmouth Housing Authority (YHA) owns the land on Brush Hill Road. A Selection Committee comprised of Town and YHA representatives, make a recommendation to the YHA on which proposal they feel the YHA should award. The RFP that was issued asked developers to come up with a plan to develop the six lots following the specifications outlined in the RFP. The Town is involved with making the recommendation to the YHA and as such, the Town is part of the selection process. Therefore, there is a conflict of interest with the Town participating in the selection process and the CPC making a recommendation to fund Our First Home, Inc.

The CPC voted unanimously, on a motion by Jim Hoben, seconded by Jack Mulkeen, to rescind the July 12, 2006 vote, which approved the Land Acquisition, Legal Fees, and Construction of Community Housing application (#5) in an amount up to \$250,000 from the 70% budgeted reserve category contingent on an award of the Brush Hill Road Request for Proposal to Our First Home, Inc. Tom Roche abstained. (6-0-1)

Vote on Brush Hill Road Project: The CPC voted unanimously, on a motion by John Biega, seconded by Jim Hoben, to approve the sum of \$250,000 from the Community Preservation Budgeted Reserve for the purpose of land acquisition and development of six (6) affordable homes on Brush Hill Road in Yarmouth Port, MA. Curtis Sears voted in the negative (6-1-0).

Discussion: Chairman Hoben stated that the article could remain on the warrant and funds would be made available to the selected bidder of the project. Curtis Sears stated that, as a condition, the winning bidder should be required to meet with the CPC and he is not comfortable recommending funds to a grantee that is unknown at this time. Chairman Hoben explained that the RFP has a stringent selection criteria and the CPC should trust the RFP process. John Biega stated that language added to the warrant article, such as “subject to CPC approval”, would contradict the Community Preservation Act (CPA) process, which is to present an article and have an affirmative or negative vote. Karen Greene informed the group that if the CPC voted, an addendum would be sent to the prospective developers informing them about the potential availability of CPA funds. The CPC agreed to that funding would be under the guidelines of the CPC and subject to the selected bidder receiving a positive Community Preservation Committee recommendation.

### **OTHER BUSINESS**

Center Street: Curtis Sears stated that Mr. Duprey, who suggested that the CPC purchase a property on Center Street, recently purchased the property for himself.

Prioritize Articles for Special Town Meeting: The CPC stated that their preference for warrant article arrangement is the New Church Preservation, Brush Hill Road, Feasibility Study (FS) for a Community Center, Motel Funds, FS of town land, and the Rail Trail parcel.

Old Main Street Inquiry: Chairman Hoben informed the group that a person inquired about community preservation funds for historic and affordable housing purposes to restore a building located on Old Main Street. Staff will provide him with an application and provide information relative to the affordable housing and preservation restrictions.

Buy-Down Program: Tom Roche asked for the status on the Affordable Housing Buy-down application. Chairman Hoben noted that the CPC requested more information on the application and the Affordable Housing Committee will resubmit the application with more details.

### **APPROVAL OF MINUTES**

The Committee voted unanimously, on a motion by John Biega, seconded by Jack Mulkeen with Tom Roche abstaining, to approve the July 12, 2006 minutes as amended.

### **ADJOURN**

As there was no further business, the CPC voted unanimously to adjourn the meeting at 6:53 PM.

Respectfully submitted,  
Jennifer Coutinho, Community Preservation

---

MaryAnn Walsh, Clerk

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
July 26, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Tom Roche, Jim Carroll, Jack Mulkeen, Priscilla Gregory, John Biega, Gary Ellis, Mary Ann Walsh

**GUESTS:** Paul Rooney, Patricia Armstrong, Michael Stone, Walter Chapin, Joel Chaison, Ronald Pereira, Karen Greene, Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:02 p.m. All members were present. He then introduced Tom Roche who will serve as the Planning Board representative.

**COMMITTEE BUSINESS**

Correspondence: Jennifer Coutinho stated that the CPC received, in their mailing package, a correspondence from the Board of Selectmen (BOS) confirming their annual review.

**ADMINISTRATIVE BUSINESS**

Revote Rail Trail Extension to Barnstable Application (#8): Jennifer Coutinho stated that a revote for this project was necessary because the initial vote on 7/12/06 allocated funds from open space rather than from the budgeted reserve for recreation purposes. The CPC voted unanimously, on a motion by Jack Mulkeen, seconded by Priscilla Gregory, to approve the Cape Cod Rail Trail Extension to Barnstable application in an amount up to \$25,000 from the 70% budgeted reserve category for recreational purposes. Gary Ellis, Mary Ann Walsh, and Tom Roche abstained. (6-0-3)

**PRESENTATION & DISCUSSION**

Yarmouth Community Center Application (#16): Paul Rooney, of the Community Center Building Committee (CCB), distributed an addendum to the original application. The CCB is a subcommittee of Community Visions, Inc., a non-profit 501(c)(3) organization that has been active for the two past years. The original application included costs for architectural drawings and construction contingencies whereas the addendum is exclusively for a feasibility study (FS), which is logically the first step for this project. The FS will evaluate a variety of town-owned sites, facility sizes, amenities, services and associated costs, other public and other private facilities in the area as well as several other factors. The study would include conceptual design, facility layout, estimated construction costs, operational analysis, and recommended fee structures. The anticipated FS completion date is within 12 months of receiving funding.

Patricia Armstrong, Recreation Director, added that while a Community Center was listed as a potential future project at the April '06 Annual Town Meeting, there is no commitment from the Board of Selectmen (BOS) to put the project before Town Meeting until they see that there is support within the community. The total project could cost up to \$7.5M and hopefully the Town and Community Visions, Inc. would share this cost. The fund request for the feasibility study is

\$80,000. The sites under consideration are the Flax Pond area, Sandy Pond area, land behind the Yarmouth Police Department, and the John Simpkins School. She also noted that the difference between a YMCA and a Community Center is that a YMCA targets families whereas a Community Center targets all age groups with a variety of activities.

The CPC discussed several aspects of the project including ownership of the facility once construction is complete, support from the BOS, construction in three phases, and private donations. There were suggestions for Community Visions, Inc. to use the South Yarmouth Library Association as a model for their project and the possibility of operating a smaller Community Center for a specific length of time with the potential for future expansion.

The CPC voted unanimously, on a motion by Jim Carroll seconded by Curtis Sears, to approve the Yarmouth Community Center application in an amount up to \$80,000 from the 70% budgeted reserve category for recreational purposes. Discussion: none. (9-0-0)

Yarmouth New Church (#17): Walter Chapin, Joel Chaison, Ron Pereira introduced themselves and presented the project. The Yarmouth New Church Preservation Foundation is a non-profit group founded to preserve the Yarmouth New Church, a historic structure located on Route 6A in Yarmouth Port. Joel Chaison, Events Chair, stated that the community uses the building for a variety of community activities including a theater group, film series, historic tours, concerts, and weddings. Ron Pereira explained that the foundation has raised and spent about \$350,000 as part of the overall restoration project. This particular funding request is for \$161,500 to restore the roof, install an elevator for handicap access, and to update the existing entrance to meet fire code. The original Clarke tracker organ is one of the finest organs in New England and it is in jeopardy because of the roof disrepair.

The Foundation initially requested funding for the roof repairs from the Preservation Project Fund through the Massachusetts Historic Commission (MHC). They were turned down because of limited available funds available, which is why they are seeking community preservation funds. It was noted that the Foundation will continue its annual fund raising efforts to support the preservation of this facility. In the past, the steeple was restored with support from the MHC. Other projects funded with private donations include the wiring system, amplifier service, west wall, stained glass window, and basement rehabilitation.

Walter Chapin noted that the architectural fees listed in the application would be consistent with the actual costs for the architectural specifications and drawings. In addition, the Foundation has been successful utilized additional resources such as the Barnstable County Farm, prisoners group, and college students.

Priscilla Gregory stated the Yarmouth New Church is a prominent building on the Common; it's located within the Old King's Highway (OKH) Historic District; it's a contributing structure to the North Side National Register District; and the project meets the criteria for community preservation funds. The building also has an existing preservation restriction in perpetuity.

The Committee voted, on a motion by Priscilla Gregory seconded by Jack Mulkeen, to approve the Yarmouth New Church Preservation Foundation application in an amount up to \$161,500 from the 70% budgeted reserve category for historic preservation purposes. Curtis Sears voted in the negative. Discussion: none. (8-1-0)

The CPC then discussed several topics including the motion discussion, match funds for projects, Yarmouth demographics, and Packet Landing.

**APPROVAL OF MINUTES**

The Committee voted unanimously, on a motion by Curtis Sears seconded by John Biega with Tom Roche abstaining, to approve the June 28, 2006 minutes. (8-0-1)

**ADJOURN**

As there was no further business, the CPC voted unanimously, on a motion by Chairman Hoben seconded by Curtis Sears, to adjourn the meeting at 4:48 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

---

MaryAnn Walsh, Clerk

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
July 12, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Erik Tolley, Jim Carroll, Jack Mulkeen, Priscilla Gregory, Gary Ellis, John Biega, Mary Ann Walsh

**GUESTS:** Paul Rooney, Pearl Wolfson, Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:03 p.m. All members were present.

**COMMITTEE BUSINESS**

Correspondence: A correspondence was sent to the planning board requesting an application for one parcel on Route 28. The CPC agreed that the planning board would be responsible for conducting the necessary research and negotiations for the decided parcel.

Yarmouth Community Center: Paul Rooney introduced himself and explained that he is a member of the Yarmouth Community Center Building Committee (CCB) which was established by the Recreation Commission. The CCB has looked at various facilities and surveyed residents to determine the level of interest in a Yarmouth Community Center. The CCB realizes that there are many proposals before the CPC; therefore, they established a non-profit corporation and they plan to receive donations to start the project. They looked at existing buildings, including the former John Simpkins School, and other potential sites. The CCB mission statement is to enhance the quality of life in our community by designing and developing a facility that encourages and promotes health, fitness, relaxation, enjoyment, cultural enrichment, and learning for all residents.

Jack Mulkeen asked for the difference among a Community Center, Cultural Center, and a YMCA. Paul Rooney explained that the community center would have many features and would be completed in the following order: Phase I – gymnasium and indoor fields; Phase II – activity rooms and rehearsal stage; and Phase III – swimming pool. The CCB is entertaining the idea of leasing out basketball courts and indoor fields to generate revenue.

**ADMINISTRATIVE BUSINESS**

Vote on Land Acquisition, Legal Fees, and Construction of Affordable Housing (#5): The CPC reviewed amendments to the application. Pearl Wolfson stated that, based on estimated expenditures, the total amount of funding is higher than originally requested. She explained that the more funding that Our First Home, Inc. receives, the less the purchase price of the home.

John Biega asked for additional funding sources to fulfill this project. Pearl Wolfson replied that Our First Home, Inc. applied for and has been awarded a grant from the Massachusetts Affordable Housing Trust Fund for \$100,000. In addition, the company has \$209,000 in available funds and can obtain a line of credit for \$650,000. Chairman Hoben summarized that if CPA funds were recommended for the project, it would be subject to a successful Special Town Meeting vote and an award of the Brush Hill Road Request for Proposal.

Erik Tolley asked if Our First Home, Inc. would solicit donations for supplies. Pearl Wolfson replied that the company would solicit donations for this project.

Jack Mulkeen made a motion, seconded by John Biega, with Mary Ann Walsh abstaining, to approve the Land Acquisition, Legal Fees, and Construction of Community Housing application (#5) in an amount up to \$250,000 from the 70% budgeted reserve category contingent on an award of the Brush Hill Road Request for Proposal to Our First Home, Inc. (8-0-1)

Vote on Buy-Down Program (#10): The Committee discussed many aspects of the application, including a lottery to determine the buyer, how the deed rider could survive foreclosure, and if a home went into foreclosure, then difference in the sale price would revert back to the Town.

Priscilla Gregory asked who the buyer would be for these homes. Chairman Hoben replied that Dick Martin would locate the homes and the Affordable Housing Committee (AHC) would review them and make a decision on whether or not to purchase them based on a selection process. The AHC would administer the Community Preservation Act (CPA) funds through an Affordable Housing Trust Fund and units could be bought and sold through the Trust Fund. The buyer of the unit would be the Town of Yarmouth and the Board of Selectmen would hold the property until it was transferred to the buyer.

Curtis Sears asked how the Housing Trust Fund would obtain the funds to purchase the home. Chairman Hoben replied that it would be a concurrent close on the unit. The AHC would identify the parcel, facilitate the transfer, and grant CPA funds.

Mary Ann Walsh recommended that, if a lottery was held and the buyer is unknown, then no more than \$1,000 should be granted to secure a unit. She also suggested that the homeowner who is selected from the lottery be responsible for identifying potential units and bringing the list of selected units to the Town for final selection. Jim Carroll added that he envisions a program where the people in the community could come to the CPC and receive funds to reduce the home to an affordable rate. Erik Tolley also suggested that the applicant obtain a mortgage and the CPC grants the down-payment of the home.

Chairman Hoben withdrew the Buy-Down Program application and stated that the AHC would consider the following suggestions when submitting a similar application at a later date:

1. Selection process for approving a unit.
2. Include condominiums in the program.
3. Process for choosing a homeowner.
4. Clarify if the commission would be paid during the transaction, if it would be paid back after the transaction, or if services would be donated.
5. Open the project to more than one realtor or a private seller.
6. State that the maximum purchase price is \$250,000 per unit and the maximum CPA grant is \$100,000 per unit.
7. Give preference to applicants who will receive a \$70,000 grant through the Department of Housing and Urban Development (HUD).
8. Ensure that closing costs are not paid twice.
9. Potential owner would be required to have cash equity and have exhausted other resources. Measure exhaustion of other resources with a denial letter from HUD or the Housing Assistance Corporation (HAC).

10. Elaborate on the procedure and make a list of the steps from looking for a property to homeownership.

**OTHER BUSINESS**

Vote on Rail Trail Extension Application (#8): The Committee voted unanimously, on a motion by Jack Mulkeen, seconded by Priscilla Gregory, to approve the Cape Cod Rail Trail Extension to Barnstable Application in an amount up to \$25,000 from the 10% open space category. (9-0-0)

Board of Selectmen Annual Review Outline: The CPC review the memorandum and suggested to include the applications/requests that the Committee chose not to pursue at this time as well as changes to a historic goal.

Appointments: Staff will send letters to the Recreation Commission, Open Space Committee, and Planning Board requesting reappointments for the next term.

Presentation and Recommendations: The CPC agreed to change the current policy and hear presentations at the first or second meeting of the month and vote on the projects after the discussion.

**ADJOURN**

As there was no further business, the CPC voted unanimously to adjourn the meeting at 4:48 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

Approved \_\_\_\_\_

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
June 28, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Jim Carroll, Jack Mulkeen, Priscilla Gregory, Gary Ellis, Mary Ann Walsh and Erik Tolley

**STAFF:** Karen M. Greene, Mary Waygan, Dick Martin, Bob Dubois, Hugh Hilliard, Kieran Healy, and Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:04 p.m. All members were present.

Committee Business

Correspondence: Jennifer Coutinho informed the group that the preservation restriction for the Cultural Center of Cape Cod, Inc. has been sent to the Massachusetts Historic Commission. In addition, she will send letters to Our First Home, Inc. and the Planning Board next week.

Executive Session: Jennifer Coutinho distributed the "Reasons for Convening an Executive Session (MGL Ch. 39, §23B)". She then noted that convening an executive session to vote on a project that might have multiple applicants doesn't fall under any category. Jack Mulkeen questioned whether land purchases would fall under category 6. Erik Tolley stated that his understanding is that the CPC could hold an executive session as long as it's during a regular public meeting. Jennifer Coutinho replied that the CPC must be in open session first and all votes must be on a roll call basis when in the executive session. She will follow-up with public notification requirements for executive sessions.

Presentations

Affordable Housing Buy-down Program (#10): Kieran Healy, Vice-chair of the Affordable Housing Committee (AFC), introduced himself and explained that there is a demand for affordable housing and this buy-down program would bring market rate homes down to an affordable level with a one-time grant of up to \$100,000 per home. Dick Martin then introduced himself and explained that, in his opinion, the best way to create affordable housing is to use existing housing. Many homes on the market are currently selling for less than \$250,000. He noted that with this program, market rate homes would be brought down to an affordable level with deed restriction in perpetuity. The proposal is to take existing housing stock and mix in affordability within different neighborhoods (as opposed to building an all-affordable neighborhood). Current residents would have preference. The CPA grant could bring homes down to an affordable level of \$150,000 to \$175,000, based on the amount of funding the CPC would recommend. The program would be a logical choice because has the potential to subsidize 10 to 12 homes per year, which is a larger volume when compared to building new homes. If the transactions were co-brokered, the broker would receive his/her portion of the sale commission and he would not take any fee to help with the affordability.

Mary Ann Walsh asked for clarification on foreclosures and whether the CPA grant would become part of the mortgage note and the foreclosure or paid back if the home went into foreclosure. Karen Greene replied that homes could enter into foreclosure, but the affordability of the unit would stay on the deed. She noted that it is unprecedented that Fannie Mae (a private company that works to make sure mortgage money is available for people) would sign-off on the third party document. For example, the maximum resale price of an affordable home is \$150,000. If that home went into foreclosure and was subsequently sold for \$180,000, the \$30,000 gain would go to the Town and the home would remain affordable. Refinancing would require approval from the Town and a homeowner is only allowed to borrow a certain percentage of the appraised value of the home. Mary Ann Walsh recommended that the funds be revolving so that when a property is sold a portion of the grant is returned community preservation fund.

Jim Carroll asked whether preference would be given to a town employee. Karen Greene replied that in order for the unit to be eligible for the States Department of Housing and Community Development (DHCD) Ch. 40B subsidized housing inventory, the Town needs to follow certain requirements, and in general, the Town is allowed a certain percentage for local preference.

Jack Mulkeen questioned whether sweat equity would be a factor in the program and what would happen if the homeowner left the property in disarray when selling it in the future. Chairman Hoben replied that the homeowner selection criterion is important and the person who qualifies for a mortgage would likely maintain the home. Staff will review the deed rider for information on owner rehabilitation.

Mary Ann Walsh questioned how the CPA grant would be received and given. Chairman Hoben responded that after fair and affirmative marketing, it's likely that the affordable housing committee would approve a pool of applicants and one home would be sold at a time. Jack Mulkeen then asked who is responsible for income verification. Mary Waygan responded that income verification costs are built into the application and explained that while the winner of the lottery is processing the purchase and sales agreement, the Housing Assistance Corporation (HAC) conducts income verification.

Affordable Housing Site Feasibility (#11): The AHC has identified three town-owned land sites for a feasibility study to create new affordable housing to help meet the needs of the community. The application is for up to five sites. The sites are 6.5 acres off of Haywood Avenue, Shelburne Road near Bayberry Hills, and Old Cedar Lane just north of Route 6 off of Cranberry Lane. The AHC would like to look at each site to determine the suitability of the land for housing based on a number of factors including buildability, number of units, septic capacity, and utility access among other related issues. The Haywood lot was taken by eminent domain for recreation and the AHC has sent the Recreation Commission a memorandum to discuss the site. The Shelburne lot was taken by eminent domain for recreation and municipal purposes while the Cedar Lane lot was a tax taking. Karen Greene visited the sites and noted that the Shelburne and Old Cedar lots appear to be suitable for affordable housing. In both cases, only one side of the street is developed. The Haywood lot abuts two neighborhoods and the homes are modest. This type of housing development is referred to as "in-fill" housing where homes are created where there already is established housing and it's likely to be accessible

Jim Carroll stated that the Recreation Department is planning to create soccer fields on the Haywood lot. Chairman Hoben stated that the AHC should meet with the Recreation Commission to discuss potential uses of the lot.

Erik Tolley asked about completing the feasibility study in-house. Karen Greene replied there would likely be a different public response with an outside professional assigned to the project. It was suggested that the AHC complete part of the feasibility study to minimize expenses.

Motel Pre-development Fund (#12): Karen Greene stated that, at this year's Annual Town Meeting (ATM), voters passed article 29, which is referred to as the Motel Bylaw. The bylaw would provide existing motels in the B2 zone with the ability to convert their motel into housing so long as they provide some affordable housing. This proposal further demonstrates a commitment to create affordable housing, and in this case, converting under performing commercial properties by providing pre-development assistance. For example, the funds could help with costs related to engineering, architect, septic, wastewater, and local or regional permitting. This fund would be available for motel owners who submit an application to the AHC, where they would demonstrate site control, preliminary plans for the development of the property, financial rudimentary pro-forma, and 100% match of requested funds. As part of the motel by-law, property owners looking to convert would be required to go through design review.

Bob Dubois, Executive Director of the Yarmouth Area Chamber of Commerce, stated that with some financial assistance, perhaps we could offer the best site design. He noted that we need to stimulate reinvestment along Route 28 and this proposal would give owner's incentive to fully raze and replace existing facilities to create something that is acceptable to the community. Karen Greene added that she doesn't believe \$20,000-\$40,000 is enough to make an owner do something they wouldn't otherwise do, but under the motel by-law two options are feasible – convert an existing building and keep the structure or raze and replace the building.

Jack Mulkeen asked whether or not there are specific places in mind. Bob Dubois replied that there are several motels for which this project could apply.

Gary Ellis asked if this project requires only raze and replace. Bob Dubois replied that this project requires full raze and replace, however, the zoning bylaw that passed gives the property owner two options – raze and replace which requires larger units or conversion where up to 25% could remain at 250 square feet.

Gary Ellis then questioned what would prevent owners from using these funds essentially as a feasibility study to the point where they get the project permitted. They could then use it to market their property and then sell the property to a developer to make money off the permit. Karen Greene replied that the contractual agreement could include a provision whereby the owner is required to be the developer. Bob Dubois added that a condition of the application is that the owner must have control of the property, and in this particular case, can be described as one who owns the property or has a signed purchase and sales agreement.

Bob Dubois then questioned whether the Town is reducing its opportunities to bring people to the table to make those investments if it's restricted to only the person that actually executes the project.

Mary Ann Walsh stated that if a motel owner applies for CPA funds and subsequently sells the property then the CPA funds should be returned through a revolving fund. Motel owner should sign a personal guarantee regardless of whether the company is set up as a business or trust. In addition, there should be a lien on the deed so that if the property sold, the CPA funds would be recovered.

Chairman Hoben stated that the CPC should begin with this application and offer four grants each for \$40,000 and 1 grant for \$30,000, then reevaluate the program and look into the option of a revolving fund. Bob Dubois stated that the goal is to improve 4 motels within the next 5 years and he estimated that 30 motels could be eligible for the CPA program. At this time during the meeting, Mr. Tolley excused himself.

#### CPC Recommendations

The CPC voted unanimously, on a motion by Mary Ann Walsh, seconded by Priscilla Gregory, to approve the Affordable Housing Site Feasibility application (#11) for an amount up to \$30,000 from the 10% affordable housing category. (7-0-0)

The CPC voted unanimously, on a motion by Priscilla Gregory seconded by Curtis Sears, to approve the Motel Pre-development Fund application (#12) for an amount up to \$150,000 from the 10% affordable housing category with the conditions listed below. (7-0-0)

1. Submit a brief summary of how “substantial progress” would be defined as it relates to the sentence on page 2, paragraph 2 “All funds will be returned to the Town if the Affordable housing units are not created within 3 years of the award, unless substantial progress in the development can be shown”.
2. Attorney General approval of the Motel Zoning Bylaw.

#### Approval of Minutes

Mary Ann Walsh suggested deleting “single-family” from page 1, paragraph 2. The Committee then voted unanimously, on a motion by Chairman Hoben seconded by Priscilla Gregory, to approve the minutes of June 14, 2006.

#### Adjourn

As there was no further business the CPC voted unanimously, on a motion by Chairman Hoben seconded by Jack Mulkeen, to adjourn the meeting at 4:56 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

Approved \_\_\_\_\_

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
June 14, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Jim Carroll, Jack Mulkeen, Priscilla Gregory, Gary Ellis, John Biega, Mary Ann Walsh and Erik Tolley

**STAFF:** Karen M. Greene and Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:04 p.m. All members were present.

**Committee Business**

Correspondence: Ms. Coutinho informed the group that she received a correspondence from the Board of Selectmen (BOS) requesting an annual Committee update on August 8, 2006. The CPC will prepare information relative to accomplishments, challenges, goals, and outreach efforts.

**Presentation**

Land Acquisition and Affordable Housing Application (#5): Pearl Wolfson, Our First Home, Inc. introduced herself and displayed photographs of affordable homes on Brush Hill Road which Our First Home, Inc. constructed. Of the six homes in the neighborhood, five out of six residents are the original homeowners.

Ms. Wolfson explained that the community preservation application is to purchase six lots and construct homes. These homes will be restricted in perpetuity and contribute to the affordable housing stock. Within the same neighborhood, the Housing Assistance Corporation (HAC) will build two homes. The application shows a range of funds because the more funds the CPC recommends for the project, the lower the market price for each home. The selling price of the six lots is currently under negotiation. She also informed the group that her company has a line of credit with a local bank. In terms of the construction, three homes will be built simultaneously in two phases. Ms. Greene stated that, in general, a Request for Proposal (RFP) to build houses would look at experience of the developer and financial capacity among other components. Mr. Biega asked how many bedrooms each home would have. Ms. Wolfson replied that they would be three-bedroom two-bath homes.

Staff will send a letter to Our First Home, Inc. requesting application amendments for the following items: specify that the project consists of land acquisition, legal fees, and construction; list the amount funding rather than a range; include a budget summary; change FY06 to FY07; list other funding sources; and provide market price estimates. The CPC unanimously voted, on a motion by Chairman Hoben, that if the project is recommended, it would be subject to Ms. Wolfson's approval.

### **Administrative Business**

Public Hearing Debrief: The CPC discussed public attendance and project interest at Town Meeting. It was suggested that, as part of the outreach effort, staff inform the public that CPC meetings are open to the public.

Cultural Center Construction Update: Ms. Coutinho distributed a construction update which was provided to her at the public hearing. The CPC requested a copy of the contract and they also discussed how funds would be disbursed.

Bayview Street Application (#14): An application was submitted for a property shown on the Town of Yarmouth Assessors' Map 28, Parcel 1. It was noted that, in the past, the town looked at the property and was not interested. Staff will research the market price and whether or not the lot is buildable.

Route 28 Open Space Procurement (#15): The CPC reviewed the application which the Planning Board submitted and will ask the Board for its ranking of the top three priority parcels.

Open Space Committee Update: Mr. Mulkeen informed the group that he is looking at a property South of Route 28 and the CPC discussed many facets of the opportunity. The CPC voted unanimously on a motion by Chairman Hoben, to approve further legal services associated with this property. The CPC is anticipating an application and in the meantime, staff will provide the CPC with the deed and assessors' map.

### **Approval of Minutes**

The Committee then voted unanimously, on a motion by Erik Tolley seconded by Chairman Hoben, with John Biega and Mary Ann Walsh abstaining, to approve the May 24, 2006 minutes.

### **Adjourn**

As there was no further business, the Committee voted unanimously on a motion by Erik Tolley to adjourn the meeting at 4:48 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

Approved \_\_\_\_\_

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
June 14, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Jim Carroll, Jack Mulkeen, Priscilla Gregory, Gary Ellis, John Biega, Mary Ann Walsh and Erik Tolley

**STAFF:** Karen M. Greene and Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben meeting opened at 3:04 p.m. All members were present.

**Committee Business**

Correspondence: Ms. Coutinho informed the group that she received a correspondence from the Board of Selectmen (BOS) requesting an annual Committee update on August 8, 2006. The CPC will prepare information relative to accomplishments, challenges, goals, and outreach efforts.

**Presentation**

Land Acquisition and Affordable Housing Application (#5): Pearl Wolfson, Our First Home, Inc. introduced herself and displayed photographs of affordable homes on Brush Hill Road which Our First Home, Inc. constructed. Of the six homes in the neighborhood, five out of six residents are the original homeowners.

Ms. Wolfson explained that the community preservation application is to purchase six lots and construct homes. These homes will be restricted in perpetuity and contribute to the affordable housing stock. Within the same neighborhood, the Housing Assistance Corporation (HAC) will build two homes. The application shows a range of funds because the more funds the CPC recommends for the project, the lower the market price for each home. The selling price of the six lots is currently under negotiation. She also informed the group that her company has a line of credit with a local bank. In terms of the construction, three homes will be built simultaneously in two phases. Ms. Greene stated that, in general, a Request for Proposal (RFP) to build houses would look at experience of the developer and financial capacity among other components. Mr. Biega asked how many bedrooms each home would have. Ms. Wolfson replied that they would be three-bedroom two-bath homes.

Staff will send a letter to Our First Home, Inc. requesting application amendments for the following items: specify that the project consists of land acquisition, legal fees, and construction; list the amount funding rather than a range; include a budget summary; change FY06 to FY07; list other funding sources; and provide market price estimates. The CPC unanimously voted, on a motion by Chairman Hoben, that if the project is recommended, it would be subject to Ms. Wolfson's approval.

### **Administrative Business**

Public Hearing Debrief: The CPC discussed public attendance and project interest at Town Meeting. It was suggested that, as part of the outreach effort, staff inform the public that CPC meetings are open to the public.

Cultural Center Construction Update: Ms. Coutinho distributed a construction update which was provided to her at the public hearing. The CPC requested a copy of the contract and they also discussed how funds would be disbursed.

Bayview Street Application (#14): An application was submitted for a property shown on the Town of Yarmouth Assessors' Map 28, Parcel 1. It was noted that, in the past, the town looked at the property and was not interested. Staff will research the market price and whether or not the lot is buildable.

Route 28 Open Space Procurement (#15): The CPC reviewed the application which the Planning Board submitted and will ask the Board for its ranking of the top three priority parcels.

Open Space Committee Update: Mr. Mulkeen informed the group that he is looking at a property South of Route 28 and the CPC discussed many facets of the opportunity. The CPC voted unanimously on a motion by Chairman Hoben, to approve further legal services associated with this property. The CPC is anticipating an application and in the meantime, staff will provide the CPC with the deed and assessors' map.

### **Approval of Minutes**

The Committee then voted unanimously, on a motion by Erik Tolley seconded by Chairman Hoben, with John Biega and Mary Ann Walsh abstaining, to approve the May 24, 2006 minutes.

### **Adjourn**

As there was no further business, the Committee voted unanimously on a motion by Erik Tolley to adjourn the meeting at 4:48 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

Approved \_\_\_\_\_

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
April 12, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Erik Tolley, Gary Ellis, Jim Carroll, Priscilla Gregory, Jack Mulkeen and Mary Ann Walsh

**STAFF:** Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee meeting at 3:00 p.m. All members except John Biega were present.

**Committee Business**

Ms. Coutinho stated that the preservation restriction for the Cultural Center of Cape Cod, Inc. was sent to town counsel for review. It was noted that the reimbursement section is written so that the town owns a percentage interest in the property as determined by the ratio of the value of the restriction to the value of the property after complete restoration. The Committee agreed that this is good because the interest could be determined at any given year if the property were sold. Mr. Carroll asked what would happen in the future if a repayment occurred but the Committee no longer existed. Mr. Mulkeen stated that, in the past, Land Bank repayments reverted back to the Town.

**New Business**

Ms. Coutinho disseminated five community preservation applications and the Committee discussions are as follows:

Bay Point Road (#9): This parcel is almost four acres abutting town owned land located near the former Yarmouth Farms area. The Committee discussed the potential uses of the parcels and passed the application along to the open space representative. Mr. Mulkeen plans to visit the site and gather more information regarding access.

Circuit Road Accessory Apartment (#13): Ms. Coutinho conducted research and concluded that there haven't been any direct applications for accessory apartments. It was noted that when Community Preservation Act (CPA) funds are granted to an entity other than a municipality or non-profit, the project is subject to a restriction whereby the town owns a percentage interest in the property. The Committee noted that while the project would add an affordable apartment, they are seeking a greater level of labor and capital contribution match. Staff will contact Mr. Bowen and invite him to meet with the Committee in June.

Buy Down Program (#10): This program will use three market rate homes and bring them down to an affordable level with a one-time grant of \$100,000 per home. Chairman Hoben noted that these homes would have a deed restriction in perpetuity and that Mr. Martin offered to donate

realtor services to find homes that qualify. Mr. Mulkeen asked if the homes would be vacant so that someone new could move in. Chairman Hoben replied that they would be homes for sale on the market and upon closing would be vacant.

**Affordable Housing Feasibility Study (#11):** Chairman Hoben explained that this application is for \$30,000 to study the feasibility of affordable housing on town-owned parcels. He mentioned that there are a few parcels that may be suitable for either recreation or affordable housing. Mr. Sears stated that he believed the town's engineering department completed cataloging of town land, after which he suggest that it would be a good place to begin the study. Mr. Mulkeen replied that the engineering department sent a list to the Open Space/Landbank group for them to evaluate land, mostly in South Yarmouth, for drainage purposes. Mr. Hoben stated that the funds would be used to study the land including an in-depth evaluation of why the parcels serve an affordable housing purpose rather as opposed to any other purpose.

**Motel Pre-development Funds (#12):** This request would assist motel owners with the conversion to housing, contingent upon approval of the motel bylaw article at ATM. Discussions revolved around the number of housing units, displaced motel residents, and senior housing.

**Center Street Inquiry:** Ms. Coutinho informed the group that Mr. Peter Duprey stated that the land could be used for whatever suits the community best. Staff will contact Mr. Duprey to discuss the public benefit and purpose of the parcel.

**Railway Bluffs:** Mr. Mulkeen noted that in the past, there is now a home where the former restaurant used to be located and there is a septic system across the street. The Committee agreed that this parcel would not serve a public benefit and no added value.

**Ansel Hallett Road:** Mr. Mulkeen stated that some years ago, there was a request for the Land Bank Committee to find a parcel of land to build on in exchange for a parcel near this one. The inquiry was passed along to the open space representative.

### **Administrative Business**

Ms. Coutinho distributed the final explanations for Annual Town Meeting (ATM), after which the Committee prepared for potential questions and responses.

### **Other Business**

Ms. Coutinho informed the group that the next CPA Roundtable meeting will be held next Tuesday, April 18, 2006 at 2:30 PM at the Barnstable Superior Courthouse. She then stated that the Community Preservation Plan would be included in the next mailing.

### **Approval of Minutes**

The Committee voted unanimously on a motion by Chairman Hoben seconded by Erik Tolley, with Mary Ann Walsh abstaining, to approve the March 22, 2006 minutes.

### **Adjourn**

As there was no further business, the Committee voted unanimously, to adjourn the meeting at 4:26 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

Approved \_\_\_\_\_

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
March 22, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Jack Grebe (alternate), Gary Ellis, Jim Carroll, Priscilla Gregory, Erik Tolley

**STAFF:** Jennifer Coutinho

**GUEST:** Hugh Hilliard

**LOCATION:** Room A, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee meeting at 3:00 p.m. All members except John Biega and Mary Ann Walsh were present.

**Committee Business**

***Correspondence*** – Ms. Jennifer Coutinho stated that letters were sent to the Cultural Center of Cape Cod Inc., Yarmouth Housing Authority, Yarmouth Recreation Department, and the Historical Society of Old Yarmouth to inform them that the Board of Selectmen (BOS) and the Finance Committee (FinCom) recommended their projects for consideration at Town Meeting. She then distributed invitations for a Workforce Housing Summit sponsored by the Housing Assistance Corporation (HAC) at the Chatham Bars Inn on April 10, 2006. Chairman Hoben stated that funds are available if Committee members are interested in attending.

***Project Inquiries*** – Ms. Coutinho stated that several people brought forth ideas for potential projects last week. The Committee commented that they would consider any project applications and their discussions are listed below.

1. Affordable Apartment: Mr. Bill Bowen, a homeowner in Yarmouth, submitted an application to construct an affordable accessory apartment attached to his existing home. Of particular interest were how a deed restriction transfers to someone else, how a reimbursement clause would be executed in the contract, and the availability to all income eligible people. It was noted that funding a separate program with oversight is more manageable than sporadic individual investments. With the accessory apartment bylaw, there is a process in place through the building department, to verify the income eligibility of tenants. Since this is the first application of its kind, it would set precedence for similar projects. Staff will research if other towns have encountered similar projects.
2. Ansel Hallett Road: This parcel is 6.1 acres. The Committee discussed its use for open space or affordable housing. It was noted that the Committee doesn't want to supplement other department budgets with Community Preservation Act (CPA) funds. Mr. Erik Tolley stated that this parcel has potential because it's surrounded by large parcels of town-owned property.
3. 179 Center Street: This land is made up of two parcels with a house owned by Ms. Helen Chalk. Mr. Peter Duprey, who lives next to this land, is interested in the Town acquiring the

parcels and may be able to contribute financially towards any acquisition. Staff will contact Mr. Duprey to discuss his vision for the parcels.

4. **Railway Bluffs:** This parcel is near town-owned open space located at the end of Bayview Street near Cape Cod Hospital and it could be used for recreation or open space purposes.
5. **Run Pond:** This project would consist of removing invasive plant species and dredging a fish basin to improve the natural wildlife habitat. This work would be part of a larger project to be implemented by the Army Corp of Engineers (ACOE).
6. **703 Route 28:** This parcel is located on Parker's River and could be used for open space purposes. The property is on the market for \$2.1 M.
7. **Bass Hole Boardwalk:** The boardwalk would be eligible for funding if the Yarmouth Historical Commission deemed it as a historical structure. Ms. Priscilla Gregory noted that it's not likely to be recognized as a historical structure because it was recently rebuilt. It was noted that it could be eligible for funds for recreational purposes and it is a great facility.
8. **Bayberry:** There was an inquiry regarding use of funds for recreational purposes for a new irrigation system at Bayberry Golf Course.
9. **Motel Pre-development Funds:** This request is for \$150,000 to assist motel owners with the conversion of motels into housing, pending approval of the motel bylaw at Town Meeting. Mr. Tolley mentioned that this application is for a program that supports planning. Chairman Hoben stated that opportunities arise for affordable housing from market conditions and disbursements would be made based on the viability of a project. The contract would require reimbursement if projects are not executed.
10. **Affordable Housing Feasibility Study:** This request is for \$30,000 for a survey of town-owned land that is suitable for the construction of housing.
11. **Buy-down Program:** This request is for \$313,800 for a program that would subsidize the purchase of market rate homes. The maximum amount would be \$100,000 per home (i.e. if a market rate home is \$250,000, CPA funds would subsidize \$100,000, bringing the purchase price down to \$150,000). Mr. Dick Martin will work with the Affordable Housing Committee to execute this program. These homes would be bound by a permanent deed restriction.
12. **Revolving Deposit Fund:** This is an inquiry that would to help provide assistance with deposits because the major barrier to rentals, of which there is a significant vacancy in the Mid-cape, is saving for first, last and security deposits. A revolving fund would give priority to people who are displaced from motels and offer additional direct services.

Mr. Gary Ellis asked how the affordable homes would be maintained. Chairman Hoben responded that a person would own the house and therefore would maintain the property. He also stated that there are provisions through the Department of Housing and Community Development (DHCD) for home improvement projects.

Mr. Jack Grebe asked for the appreciation rate for affordable houses. Chairman Hoben responded that appreciation rates are dependent on whether the median income increases or decreases.

### **Administrative Business**

***Predevelopment Authorization*** – Chairman Hoben stated that different Committee members are likely to seek town counsel for guidance at some point, after which he asked if they would like to

create a policy for use of administrative expenses. The Committee voted unanimously, on a motion by Gary Ellis seconded by Jim Carroll, on a policy that any administrative expenses must be approved by the Committee at a scheduled meeting prior to expending it.

### **Other Business**

***CPA Roundtable Meeting*** – Ms. Coutinho informed the Committee that the next Roundtable meeting will be held on April 18, 2006 at 2:30 PM. Agenda topics are Town Meeting, revolving funds, and possibly CPA media coverage.

***Town Meeting*** – The explanations for the CPC articles were distributed. Chairman Hoben noted that Ms. Marion Broidrick, President of the Cultural Center of Cape Cod, Inc. will be the only person making a presentation because of the technical nature of the project. It was noted that, at Town Meeting, the designated the Committee representative will move and explain the articles and the Grantee will be available to answer any questions. Staff will research whether or not the reserve amounts in article 25 are allowed to be changed at Town Meeting in the event that the scope of a project is reduced.

Chairman Hoben stated that, at the last meeting, the Committee agreed to send the Finance Committee (FinCom) a correspondence asking them to defer to the CPC at Town Meeting. Prior to mailing the letter, staff researched municipal finance law and concluded that it's within FinCom's purview to recommend projects, thus the letter was not mailed. He then suggested the Committee address this issue with a conversation or meeting to ask for deferment at future Town Meetings. The Committee agreed with this suggestion and will focus on this issue after Town Meeting.

### **Approval of Minutes**

The Committee voted unanimously on a motion by Priscilla Gregory seconded by Erik Tolley, with Curtis Sears abstaining, to approve the March 8, 2006 minutes.

### **Adjourn**

As there was no further business, the Committee voted unanimously, to adjourn the meeting at 4:33 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

Approved \_\_\_\_\_

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
March 8, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Jack Mulkeen, John Biega, Gary Ellis, Jim Carroll, Priscilla Gregory, Mary Ann Walsh, Erik Tolley

**STAFF:** Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:00 p.m. All members except Curtis Sears were present.

**Committee Business**

*Correspondence* – Ms. Jennifer Coutinho stated that the appraisal report for the Rail Trail extension parcel was sent to Mr. Jack Mulkeen who then provided it to the Open Space Committee.

**Administrative Business**

*Appraisal Reports* – Mr. Jack Mulkeen noted that the parcel of land for the rail trail project is appraised at \$25,000. He stated that it's a reasonable figure because the land is about 2.5 acres and that the parcel is needed to expand the rail trail.

Mr. Mulkeen continued by discussing a parcel on Pheasant Cove Circle which is 0.38 acres of land near Route 6A that extends out to a marsh and is appraised for \$60,000. Negotiations are underway between the Open Space Committee and the landowner.

*Project Status Report* – Ms. Jennifer Coutinho distributed an internal status report consisting of recent inquiries, project names, assigned numbers, contact information, and project acceptance dates. It will be issued to the CPC when new information is added. The CPC noted that the report is useful and they recommended some minor changes. Mr. Mulkeen inquired about new affordable housing proposals. Chairman Hoben noted that there are three applications totaling \$500,000 that will be submitted to the CPC in the near future. Ms. Priscilla Gregory stated that the New Church of the Jerusalem will seek funding for a new roof.

Chairman Hoben suggested that new applicants present their proposals later in the year given the period of time between the next Town Meeting. The CPC agreed to hear presentations in the May/June timeframe to be prepared in the event that a Special Town Meeting is held in the fall. It was agreed that the CPC would keep their meetings as scheduled and activate meetings that are needed.

*Fund Disbursements* – Ms. Jennifer Coutinho informed the group that she met with Barbara Dakin, who is the field representative for the Department of Revenue (DOR), and explained that the budget summary spreadsheet has been adjusted to reflect the financial department reports.

The fiscal year (FY) 2007 funds are available for this year's projects on 7/1/06. The FY06 funds are not available on 7/1/06 because timing constraints made it nearly impossible for the town to place FY06 tax receipts and the state match into the 10% community housing, historic, and open space reserves before the tax rate was set. The unused FY06 funds become a "fund balance" on 6/30/06 which can be appropriated for any use after certification by the DOR. Since FY06 funds will not be available until after certification, the Cultural Center project funds would come from both the FY07 historic reserve and budgeted reserve.

Ms. Jennifer Coutinho also noted that CPA funds are either allocated to individual projects or placed into the reserves, thus the amounts for the general warrant article changed accordingly. Mr. Jack Mulkeen stated that the CPC should send the Finance Committee (FinCom) a correspondence asking them to defer to the CPC at Town Meeting, after which the CPC agreed to ask FinCom for deferment.

### **Other Business**

***CPC Plan*** – Ms. Jennifer Coutinho distributed the draft Community Preservation plan and stated that the CPC should focus on the goals and needs and further describe the open space component.

Mr. Jack Mulkeen explained that open space and recreation goals are separate in Yarmouth, after which he noted that Provincetown combines open space and recreation and splits the funds equally between the two. He noted that Yarmouth set up the goals such that open space has a 10% fund reserve that could be applied to open space if and when the land becomes available. Mr. Jim Carroll stated that if recreation and open space were combined, it would eliminate the risk of a one person solely making decisions. Mr. Jack Mulkeen noted that there are open spaces which would not fit with the recreation goal, with the exception of hunting. The CPC voted unanimously to combine open space, recreation, and conservation into one section with the understanding that the 10% open space reserve funds remain for open space interests.

Ms. Priscilla Gregory stated that the priority projects in the historic section are very specific, after which she noted that she would provide staff with updated information. There were suggestion to include photographs of Dennis Pond, Chase Brook Park, Englewood Beach, conservation land, Old Town House Park, and various affordable houses.

***Public Hearing*** – The CPC agreed to reschedule the hearing to a later date after Town Meeting. The hearing gives the public an opportunity to ask questions to suggestions for priority projects. It was suggested to hold the hearing at the Yarmouth Senior Center.

***Preservation Restriction*** – Ms. Jennifer Coutinho reported that she is updating the restriction to incorporate CPC comments then it would be sent to Town Counsel for review. Ms. Broidrick has given several samples of preservation restrictions and staff is awaiting her input.

***Town Meeting*** – Chairman Hoben stated that the moderator asks who will move the article, the designated CPC member will read the article, and the applicant will make a presentation. Ms. Priscilla Gregory read the [communitypreservation.org](http://communitypreservation.org) town meeting information, "How much latitude does Town Meeting have to alter the recommendations of the CPC? Answer: It is clear from the statute and the DOR Guidance that Town Meeting may only appropriate funds for a

project pursuant to a recommendation of the CPC - Town Meeting may approve, reject or reduce the appropriation for the project recommended by the CPC,” after which she asked for the CPC procedure if someone reduced an appropriation. Mr. Jack Mulkeen noted that any money article can be reduced with an amendment. Chairman Hoben stated that the CPC should respond that they reviewed projects based on a certain fund amount.

**Approval of Minutes**

The CPC voted unanimously, with Mary Ann Walsh, John Biega, and Gary Ellis abstaining, to approve the February 22, 2006 minutes.

**Adjourn**

As there was no further business, the CPC voted unanimously, to adjourn the meeting at 4:46 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

Approved \_\_\_\_\_

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
February 22, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Priscilla Gregory, Jim Carroll, Jack Mulkeen, and Erik Tolley.

**STAFF:** Karen M. Greene and Jennifer Coutinho

**GUEST:** Hugh Hilliard and Jeff Carroll

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:05 p.m. All members except Mary Ann Walsh, John Biega, and Gary Ellis were present.

**Committee Business**

*Correspondence* – Ms. Jennifer Coutinho stated that no correspondences have been issued, after which she distributed a public informational meeting flyer for the Route 28 Motel Revitalization Project scheduled for February 27, 2006. Ms. Karen Greene explained that this project relates to community housing aspect of the Community Preservation Act because it allows for an affordable housing component. The proposed bylaw has related provisions for population density, unit dimensions, and quantities of affordable housing units.

*Preservation Restriction* – Staff distributed the Cultural Center of Cape Cod, Inc draft preservation restriction. The restriction will serve as a template for other preservation restrictions subject to town counsel review. The CPC identified several changes, specifically noting to include language that encourages the retention of the following interior 1930s features where possible; a reimbursement clause; repayment of funds in the event of a sale or change of use in the property; and specific uses within that zoning area. Staff will convey the conditions of the CPC when sending the contracts and preservation restrictions to town counsel.

**Administrative Business**

*Project Updates* – Ms. Jennifer Coutinho distributed the Pheasant Cove Circle, Land Acquisition/Affordable Housing (Brush Hill Road) and draft Rail Trail Extension applications. She referred to the Pheasant Cove Circle application and noted that the applicant worked with a Land Bank representative in the past. The CPC reviewed a parcel map of the Pheasant Cove parcel, which is located near Route 6A and town-owned property. Mr. Tolley pointed out that the Rail Trail application is initially to purchase a parcel for open space not recreation. The Pheasant Cove Circle, Land Acq/Affordable Housing (Brush Hill Road) and Rail Trail Extension applications were provided to the open space, affordable housing, and the recreation committee representatives respectively. Staff will send a letter to each applicant informing them that the applications were received and reviewed. In the near future, applicants will present their projects to the CPC.

***Fund Disbursements*** – Ms. Jennifer Coutinho informed the group that she is meeting with the Department of Revenue (DOR) next week where she expects clarification on FY06 fund disbursement.

***Roundtable Meeting*** – Chairman Hoben informed the group that the Cape Cod Commission (CCC) Roundtable meeting was held on Tuesday after which he distributed handouts from various groups that offered resources to help the CPC. It was noted that, at the Roundtable, discussions were held regarding a Cape wide study to evaluate the housing need. Chairman Hoben stated that Cape Cod residents are moving away and he identified a need to retain a work force and making it possible for residents to purchase homes. Mr. Jack Mulkeen stated that Cape Cod's primary issue is single parent enduring the Cape Cod economy, specifically under the umbrella of affordable housing. For instance, at one time, 80% of children were from single parent homes in the Dennis school system. Chairman Hoben explained that from an economic viewpoint, if new housing inventory was created, it would likely provide more opportunity for rentals and incentive to live on Cape Cod thus preventing a stagnant economy.

### **Other Business**

***Selectmen Meeting*** – Chairman Hoben stated that he will explain the CPC articles for Annual Town Meeting (ATM) and the CPC accomplishments since its inception in August 2005. The CPC discussed the voting process and the possibility of asking the Finance Committee (FinCom) to defer on CPC projects. It was pointed out that, it would be beneficial if the FinCom recommended CPC projects because these projects affect the economy of the town. Typically FinCom recommends articles that affect the operating budget and CPC funds are separate from that budget. Mr. Carroll suggested adding in the 70% "budgeted" reserve to the general article.

***CPC Plan*** – Ms. Jennifer Coutinho stated that the CPC plan is in progress.

***Comparative Legal Fees*** – Mr. Jack Mulkeen referred to the legal correspondence and asked for clarification on "rolling" legal fees into a contract. Mr. Curtis Sears replied that if legal fees were included in project costs then it wouldn't expend the five percent administrative funds. Mr. Jack Mulkeen also stated that he prefers if John Creney, Town Counsel, write or review the contracts and legal documents where the CPC deems possible.

### **Approval of Minutes**

The CPC voted unanimously, on a motion by Ms. Gregory seconded by Mr. Sears, with Jim Carroll, Jack Mulkeen, and Erik Tolley abstaining, to approve the February 8, 2006 minutes.

### **Adjourn**

As there was no further business, the CPC voted unanimously, to adjourn the meeting at 4:39 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

Approved \_\_\_\_\_

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
March 8, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Jack Mulkeen, John Biega, Gary Ellis, Jim Carroll, Priscilla Gregory, Mary Ann Walsh, Erik Tolley

**STAFF:** Jennifer Coutinho

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:00 p.m. All members except Curtis Sears were present.

**Committee Business**

*Correspondence* – Ms. Jennifer Coutinho stated that the appraisal report for the Rail Trail extension parcel was sent to Mr. Jack Mulkeen who then provided it to the Open Space Committee.

**Administrative Business**

*Appraisal Reports* – Mr. Jack Mulkeen noted that the parcel of land for the rail trail project is appraised at \$25,000. He stated that it's a reasonable figure because the land is about 2.5 acres and that the parcel is needed to expand the rail trail.

Mr. Mulkeen continued by discussing a parcel on Pheasant Cove Circle which is 0.38 acres of land near Route 6A that extends out to a marsh and is appraised for \$60,000. Negotiations are underway between the Open Space Committee and the landowner.

*Project Status Report* – Ms. Jennifer Coutinho distributed an internal status report consisting of recent inquiries, project names, assigned numbers, contact information, and project acceptance dates. It will be issued to the CPC when new information is added. The CPC noted that the report is useful and they recommended some minor changes. Mr. Mulkeen inquired about new affordable housing proposals. Chairman Hoben noted that there are three applications totaling \$500,000 that will be submitted to the CPC in the near future. Ms. Priscilla Gregory stated that the New Church of the Jerusalem will seek funding for a new roof.

Chairman Hoben suggested that new applicants present their proposals later in the year given the period of time between the next Town Meeting. The CPC agreed to hear presentations in the May/June timeframe to be prepared in the event that a Special Town Meeting is held in the fall. It was agreed that the CPC would keep their meetings as scheduled and activate meetings that are needed.

*Fund Disbursements* – Ms. Jennifer Coutinho informed the group that she met with Barbara Dakin, who is the field representative for the Department of Revenue (DOR), and explained that the budget summary spreadsheet has been adjusted to reflect the financial department reports.

The fiscal year (FY) 2007 funds are available for this year's projects on 7/1/06. The FY06 funds are not available on 7/1/06 because timing constraints made it nearly impossible for the town to place FY06 tax receipts and the state match into the 10% community housing, historic, and open space reserves before the tax rate was set. The unused FY06 funds become a "fund balance" on 6/30/06 which can be appropriated for any use after certification by the DOR. Since FY06 funds will not be available until after certification, the Cultural Center project funds would come from both the FY07 historic reserve and budgeted reserve.

Ms. Jennifer Coutinho also noted that CPA funds are either allocated to individual projects or placed into the reserves, thus the amounts for the general warrant article changed accordingly. Mr. Jack Mulkeen stated that the CPC should send the Finance Committee (FinCom) a correspondence asking them to defer to the CPC at Town Meeting, after which the CPC agreed to ask FinCom for deferment.

### **Other Business**

***CPC Plan*** – Ms. Jennifer Coutinho distributed the draft Community Preservation plan and stated that the CPC should focus on the goals and needs and further describe the open space component.

Mr. Jack Mulkeen explained that open space and recreation goals are separate in Yarmouth, after which he noted that Provincetown combines open space and recreation and splits the funds equally between the two. He noted that Yarmouth set up the goals such that open space has a 10% fund reserve that could be applied to open space if and when the land becomes available. Mr. Jim Carroll stated that if recreation and open space were combined, it would eliminate the risk of a one person solely making decisions. Mr. Jack Mulkeen noted that there are open spaces which would not fit with the recreation goal, with the exception of hunting. The CPC voted unanimously to combine open space, recreation, and conservation into one section with the understanding that the 10% open space reserve funds remain for open space interests.

Ms. Priscilla Gregory stated that the priority projects in the historic section are very specific, after which she noted that she would provide staff with updated information. There were suggestion to include photographs of Dennis Pond, Chase Brook Park, Englewood Beach, conservation land, Old Town House Park, and various affordable houses.

***Public Hearing*** – The CPC agreed to reschedule the hearing to a later date after Town Meeting. The hearing gives the public an opportunity to ask questions to suggestions for priority projects. It was suggested to hold the hearing at the Yarmouth Senior Center.

***Preservation Restriction*** – Ms. Jennifer Coutinho reported that she is updating the restriction to incorporate CPC comments then it would be sent to Town Counsel for review. Ms. Broidrick has given several samples of preservation restrictions and staff is awaiting her input.

***Town Meeting*** – Chairman Hoben stated that the moderator asks who will move the article, the designated CPC member will read the article, and the applicant will make a presentation. Ms. Priscilla Gregory read the [communitypreservation.org](http://communitypreservation.org) town meeting information, "How much latitude does Town Meeting have to alter the recommendations of the CPC? Answer: It is clear from the statute and the DOR Guidance that Town Meeting may only appropriate funds for a

project pursuant to a recommendation of the CPC - Town Meeting may approve, reject or reduce the appropriation for the project recommended by the CPC,” after which she asked for the CPC procedure if someone reduced an appropriation. Mr. Jack Mulkeen noted that any money article can be reduced with an amendment. Chairman Hoben stated that the CPC should respond that they reviewed projects based on a certain fund amount.

**Approval of Minutes**

The CPC voted unanimously, with Mary Ann Walsh, John Biega, and Gary Ellis abstaining, to approve the February 22, 2006 minutes.

**Adjourn**

As there was no further business, the CPC voted unanimously, to adjourn the meeting at 4:46 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

Approved \_\_\_\_\_

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
February 22, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Priscilla Gregory, Jim Carroll, Jack Mulkeen, and Erik Tolley.

**STAFF:** Karen M. Greene and Jennifer Coutinho

**GUEST:** Hugh Hilliard and Jeff Carroll

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:05 p.m. All members except Mary Ann Walsh, John Biega, and Gary Ellis were present.

**Committee Business**

*Correspondence* – Ms. Jennifer Coutinho stated that no correspondences have been issued, after which she distributed a public informational meeting flyer for the Route 28 Motel Revitalization Project scheduled for February 27, 2006. Ms. Karen Greene explained that this project relates to community housing aspect of the Community Preservation Act because it allows for an affordable housing component. The proposed bylaw has related provisions for population density, unit dimensions, and quantities of affordable housing units.

*Preservation Restriction* – Staff distributed the Cultural Center of Cape Cod, Inc draft preservation restriction. The restriction will serve as a template for other preservation restrictions subject to town counsel review. The CPC identified several changes, specifically noting to include language that encourages the retention of the following interior 1930s features where possible; a reimbursement clause; repayment of funds in the event of a sale or change of use in the property; and specific uses within that zoning area. Staff will convey the conditions of the CPC when sending the contracts and preservation restrictions to town counsel.

**Administrative Business**

*Project Updates* – Ms. Jennifer Coutinho distributed the Pheasant Cove Circle, Land Acquisition/Affordable Housing (Brush Hill Road) and draft Rail Trail Extension applications. She referred to the Pheasant Cove Circle application and noted that the applicant worked with a Land Bank representative in the past. The CPC reviewed a parcel map of the Pheasant Cove parcel, which is located near Route 6A and town-owned property. Mr. Tolley pointed out that the Rail Trail application is initially to purchase a parcel for open space not recreation. The Pheasant Cove Circle, Land Acq/Affordable Housing (Brush Hill Road) and Rail Trail Extension applications were provided to the open space, affordable housing, and the recreation committee representatives respectively. Staff will send a letter to each applicant informing them that the applications were received and reviewed. In the near future, applicants will present their projects to the CPC.

***Fund Disbursements*** – Ms. Jennifer Coutinho informed the group that she is meeting with the Department of Revenue (DOR) next week where she expects clarification on FY06 fund disbursement.

***Roundtable Meeting*** – Chairman Hoben informed the group that the Cape Cod Commission (CCC) Roundtable meeting was held on Tuesday after which he distributed handouts from various groups that offered resources to help the CPC. It was noted that, at the Roundtable, discussions were held regarding a Cape wide study to evaluate the housing need. Chairman Hoben stated that Cape Cod residents are moving away and he identified a need to retain a work force and making it possible for residents to purchase homes. Mr. Jack Mulkeen stated that Cape Cod's primary issue is single parent enduring the Cape Cod economy, specifically under the umbrella of affordable housing. For instance, at one time, 80% of children were from single parent homes in the Dennis school system. Chairman Hoben explained that from an economic viewpoint, if new housing inventory was created, it would likely provide more opportunity for rentals and incentive to live on Cape Cod thus preventing a stagnant economy.

### **Other Business**

***Selectmen Meeting*** – Chairman Hoben stated that he will explain the CPC articles for Annual Town Meeting (ATM) and the CPC accomplishments since its inception in August 2005. The CPC discussed the voting process and the possibility of asking the Finance Committee (FinCom) to defer on CPC projects. It was pointed out that, it would be beneficial if the FinCom recommended CPC projects because these projects affect the economy of the town. Typically FinCom recommends articles that affect the operating budget and CPC funds are separate from that budget. Mr. Carroll suggested adding in the 70% "budgeted" reserve to the general article.

***CPC Plan*** – Ms. Jennifer Coutinho stated that the CPC plan is in progress.

***Comparative Legal Fees*** – Mr. Jack Mulkeen referred to the legal correspondence and asked for clarification on "rolling" legal fees into a contract. Mr. Curtis Sears replied that if legal fees were included in project costs then it wouldn't expend the five percent administrative funds. Mr. Jack Mulkeen also stated that he prefers if John Creney, Town Counsel, write or review the contracts and legal documents where the CPC deems possible.

### **Approval of Minutes**

The CPC voted unanimously, on a motion by Ms. Gregory seconded by Mr. Sears, with Jim Carroll, Jack Mulkeen, and Erik Tolley abstaining, to approve the February 8, 2006 minutes.

### **Adjourn**

As there was no further business, the CPC voted unanimously, to adjourn the meeting at 4:39 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

Approved \_\_\_\_\_

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
February 8, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Priscilla Gregory, Mary Ann Walsh,  
John Biega, Gary Ellis

**STAFF:** Jennifer Coutinho

**GUEST:** Hugh Hilliard

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the Community Preservation Committee (CPC) meeting at 3:03 p.m. on February 8, 2006. All members except Jim Carroll, Jack Mulkeen, and Erik Tolley were present.

**Committee Business**

*Correspondence* – Recommendation letters were sent to the Cultural Center of Cape Cod, Yarmouth Housing Authority, Yarmouth Recreation Department, and the Historical Society of Old Yarmouth that contained the CPC vote, recommendations, contract period, and information pertinent to Annual Town Meeting (ATM).

*Proposed Warrant Articles* – Staff informed the Committee that the Town may add the fiscal year (FY) and the date funds would be disbursed to the CPC articles. It was noted that although the FY would provide clarification, it could limit spending flexibility.

**Administrative Business**

*Comparative Legal Fees* – Staff informed the group that the legal fee summary would be included in the mailing. Several towns were contacted and some towns have a legal department whereas other town's use the CPA administrative funds. Staff will develop a contract and a preservation restriction and have Town Counsel review both.

*Fund Disbursement* –Curtis Sears asked if FY06 funds from the undesignated fund are available for use prior to July 1, 2006. Staff reported that project costs incurred prior to July 1, 2006 will not be reimbursed because FY06 funds were not placed into a reserve before the FY06 tax rate was set. Jim Hoben added that monies are in the account but they are not available for use because they weren't appropriated at Special Town Meeting (STM) in 10/2005.

Jim Hoben distributed a Cultural Center of Cape Cod, Inc. pre- and post- July 1, 2006 revised budget. John Biega noted that the Cultural Center of Cape Cod, Inc. has available funds from other sources, so they could begin work before July 2006. Jim Hoben stated that work occurring before July 1, 2006 will not be reimbursed from CPA funds because the work is outside of the scope of the grant period. A grantee would be reimbursed if the actual expense has occurred

within the contract period. Staff will research if FY '06 monies have been certified and are available for funding prior to July 1, 2006. Mary Ann Walsh asked if an organization could apply for funds to pay off a debt that it incurred for rehabilitation. Jim Hoben replied that an organization could apply for funds only if the debt occurred during the grant period.

### **Other Business**

***Selectmen Meeting*** – The CPC will meet with the Board of Selectmen (BOS) on February 28 from 8:00-8:30 PM. The Selectmen requested that a CPC representative make an update on all proposed projects for Annual Town Meeting (ATM) and the CPC process for making recommendations. Priscilla Gregory informed the CPC representative that the BOS may ask how they could help the CPC with outreach and accomplishing its goals. She also noted that the meeting is an opportunity to inform the public about potential uses of funds.

***Public Hearing*** – The Committee agreed to meet on March 27 at 7:00 PM in the Hearing Room. Staff will announce the public hearing with a legal ad in a local newspaper two weeks preceding the hearing; send RSVP invitations to various organizations and the public; post flyers in nearby public buildings; and publicize the hearing on channel 18. Staff reported that the CPA plan is under development and would be distributed to the Committee soon. The group agreed to include photographs and a Yarmouth inset map inside of the plan.

***Project Signs*** – The Committee also agreed that they prefer wooden-like exterior temporary sign at the project sites that references the CPA along with an interior grantor recognition plaque.

***Roundtable Meeting*** – Curtis Sears informed the group that the next Roundtable meeting will be held on Tuesday, February 21, 2006 at 2:30 PM at the Superior Courthouse.

***Project Expenses*** – Staff informed the group that the appraisal expense for the Rail Trail Extension project is \$500. Curtis Sears raised the issue that the CPC should be aware of administrative spending for expenses that occur before CPC recommendation. Staff informed the Committee that other town's follow a process by which the applicant pays for pre-project expenses (i.e. appraisals and permits), and if the project is approved then those expenses are written into the contract and are reimbursed. Mary Ann Walsh stated that the Committee should not take full responsibility for reimbursing all pre-project expenses, after which she suggested that the Committee entertain the idea of revolving funds. The Committee agreed that, as a matter of policy, all pre-project expenditures, must be reviewed and authorized by the Committee.

***Project Updates*** – Curtis Sears asked for periodic updates on existing and new projects. Staff informed the Committee of two inquiries, exterior lighting for the Belvedere House and the New Church of the Jerusalem.

Mary Ann Walsh stated that she is arranging a meeting with Thomas Lynch, Barnstable Housing Authority Executive Director, to discuss the option of receiving grant money to buy-down mortgages. Mr. Hoben stated that Dick Martin, through the Affordable Housing Committee, will present the CPC with a buy-down project. Topics of discussion included purchasing a market rate home and using a subsidy to meet affordability guidelines; the Housing and Urban Development (HUD) first time home buyer grant program; use of CPA funds to purchase

existing housing stock; and CPC utilizing the Housing Authority to determine which homes to purchase.

**Approval of Minutes**

The Committee voted unanimously, on a motion by Mr. Sears, seconded by Mr. Biega, to approve the January 25, 2006 minutes.

**Adjourn**

As there was no further business, the Committee voted unanimously to adjourn the meeting at 4:35 PM. The Committee will meet next on February 22, 2006.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation

Approved \_\_\_\_\_

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
January 25, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Erik Tolley, Priscilla Gregory, Mary Ann Walsh, Jack Mulkeen, John Biega, Gary Ellis

**STAFF:** Jennifer Coutinho

**GUEST:** Hugh Hilliard

**LOCATION:** Room A, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the meeting at 3:05 p.m. on January 25, 2006. All members except Jim Carroll were present.

**Committee Business**

*Correspondence* – Staff sent John Creney, attorney-at-law, and Tom George, Town Moderator, some frequently asked questions related to the Community Preservation Act (CPA) and Town Meeting.

Dick Martin met with the Affordable Housing Committee to follow up on his idea about a buy-down program.

*Warrant Articles* – Article 19 was added to transfer CPA funds to the Treasurer to pay the bond authorized under Article 1 of the 10/5/05 Special Town Meeting which purchased a parcel of property and building near Englewood Beach, West Yarmouth. In addition, “design and engineering services” was added to Article 24. Staff will research if the administrative expense for \$50,000 as written in article 20 should include the \$30,000 wage and the \$50,000 administrative expense. It was noted that a two-thirds vote would apply for land acquisition and a majority vote would apply for all other articles, and they do not have to be certified by the Attorney General. The Community Preservation Committee (CPC) will receive an invitation from the selectmen to present projects and explain its procedure for town meeting floor. It was further noted that if a property is not owned by the Town then procurement rules do not apply. Staff is awaiting a detailed email response regarding prevailing wages as it relates to non-profits and private property owners. Jack Mulkeen stated that in the past, the Yarmouth Conservation Trust, a non-profit organization, was utilized to raise funds to acquire property and prevailing wages did not apply.

**Administrative Business**

*Comparative Legal Costs* – Staff stated that several towns have been contacted about legal fee costs. Falmouth legal fees are unknown at this time, but they plan to use town counsel for contract review. Brewster has individual contracts for each award and legal fees range from

\$4,000-\$5,000 per award. Staff will provide the CPC with additional comparative legal fees at the next meeting.

Erik Tolley suggested that the CPC discuss the type of materials town counsel would support. The Committee agreed to ask town counsel to review the contracts and preservation restrictions. Jack Mulkeen noted that, in the past, the Land Bank Committee would outsource a third party for legal agreements then town counsel would review it. He then suggested that the Cultural Center develop its own contract then have town counsel review it.

CPA Roundtable Meetings – Curtis Sears noted that the Town of Yarmouth seemed more advanced in the CPA process when compared to other Cape Cod towns. Mary Ann Walsh asked how the CPC would determine a conflict of interest among committee member's that may be involved with a project. The length of the provision is unclear to the committee. For instance, if a developer works on a project and a CPC member recluses himself now, could that CPC member work with the developer in the future on a different project. Staff will research the conflict of interest provisions with the State Ethics Commission.

Mary Ann Walsh noted that the Housing Authority invited Thomas Lynch, Barnstable Housing Authority Executive Director, to speak at their next meeting to discuss participating in properties administrative fees.

The next Roundtable meeting will be held on February 21, 2006 at 2:30 p.m. Meeting topics include leveraging funds, along with guest speakers from Housing Assistance Council (HAC), Historic, and the Association to Preserve Cape Cod (APCC). Staff will disseminate the CPC membership list to Heather McElroy, Cape Cod Commission (CCC).

Preservation Restriction – For historical properties, a restriction will be attached to the deed. The CPC can tailor the restriction in any way and the grantee is required to file the preservation restriction with the Massachusetts Historical Commission. A preservation restriction protects a building for its use, architectural detail, interior, and exterior. The CPC agreed to have a reimbursement clause in the contract if the property owner decides to sell the property. If the applicant fails to comply with the grant then the entire amount of funds could be recaptured. The CPC discussed whether or not it's beneficial to use a restriction in perpetuity because there could be future ramifications when trying to sell a property in the future. Curtis Sears read the following excerpts from the preservation restriction guidelines:

- A restriction may be donated or purchased by any governmental body or charitable corporation or trust capable of acquiring interests in land and whose purpose include historic preservation.
- The owner must abide by the restriction mutually agreed upon, including restrictions or alterations of exterior or interior features, as specified.
- A preservation restriction can be relinquished or released by its holder to the person against whom it might have been enforced.

### **Other Business**

Application Update – Mr. Mulkeen, Open Space Committee, informed the group that him and George Allaire, Department of Public Works, are working together to have parcel of property

near Willow Street and the Mid-Cape highway appraised. The parcel would be used for the upcoming Rail Trail extension project. Nearby parcels are owned by the Town of Yarmouth (TOY), Town of Barnstable (TOB), U.S. Field and Wildlife, and the Methodist Village.

CPC Plan – Staff reported that the plan will include the CPC mission, introduction, four category goals, funding requirements, community goals, application process, and project criteria. A plan will be developed for the Committee to review.

Town Meeting – It was explained that the CPC should be prepared to answer selectmen questions about the Cultural Center application. Staff will research if State matched funds that are appropriated at Town Meeting can be disbursed in April '06 or July '06 and if "reimbursement" is defined as money the applicant has spent before a request for payment has been submitted or money that is spent from now to July. The selectmen and finance Committee recommends articles and the final decision is determined at Town Meeting. The CPC will explore the option of having the Finance Committee defer recommendations.

### **Approval of Minutes**

The Committee voted, on a motion by Mr. Sears, seconded by Mr. Mulkeen, with Erik Tolley, John Biega, and Gary Ellis abstaining, to approve the January 11, 2006 minutes.

### **Adjourn**

As there was no further business, the Committee voted unanimously to adjourn the meeting at 4:21 PM. The Committee will meet next on February 8, 2006.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation Assistant

Approved \_\_\_\_\_

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
January 11, 2006  
**FINAL**

**PRESENT:** Jim Hoben, Curtis Sears, Priscilla Gregory, Mary Ann Walsh, Jack Mulkeen, Jim Carroll

**STAFF:** Karen Greene, Jennifer Coutinho

**GUEST:** Ann Moynihan

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Hoben opened the meeting at 3:03 p.m. on January 11, 2006. All members, except Erik Tolley, John Biega, and Gary Ellis, were present.

**Committee Business**

*Correspondence* – The Community Preservation Committee (CPC) sent a correspondence to Dick Martin encouraging him to meet with the Affordable Housing Committee regarding his suggestions for use of Community Preservation Act (CPA) funds. The CPC forwarded his letter to the Affordable Housing Committee.

*Proposed Warrant Articles* – Ms. Coutinho distributed draft warrant articles for the Annual Town Meeting (ATM) in April 2006. Questions raised were: (1) whether the first 10% from each category is required to be allocated first; (2) if articles at Town Meeting are supported by a simple majority vote or a two-thirds vote; (3) if articles should include language about the contract that would be signed prior to the release of funds; and (4) if town counsel or a lawyer can review the articles. It was noted that the article language is somewhat vague and verbiage such as “according to the contract” should be add to the articles to ensure CPC funds are going to projects. It was agreed that, at Town Meeting, the Chair will make a CPA introduction and the following members would present: Jim Hoben – Article 20, Priscilla Gregory – Articles 21 and 23; James Carroll – Article 22; and Mary Ann Walsh – Article 24.

*Budget Spreadsheet* – Ms. Coutinho distributed a budget summary used to monitor CPA funds. It includes estimated funds for the fiscal year, allocations for each group, and recommended project amounts. It was noted that the historical, housing, and open space groups already have \$215,738 of available fund from fiscal year (FY) 2006. In addition, each group will receive \$215,738 from FY 07 funds pending ATM approval, thus each group would have approximately \$430,000. The administration line represents the staff assistant salary and the operating expense line represents other expenses such as land appraisals, training, legal expenses, office supplies, etc. It was requested that staff confirm whether the \$50,000 operating expense includes or excludes the administration salary. The budget summary and individual project expenses will be issued to the CPC quarterly or as needed.

Application Process – The Committee discussed setting a procedure for the application process. Staff will develop a process that explains submitting an application, CPC review, Town Meeting vote, and project execution. Staff will send out a correspondence to each applicant informing them of Committee recommendation, project conditions, funding, Town Meeting article language, and the meeting minutes associated with the project discussion. The Committee, Town Administrator, and Director of Community Development will receive a copy of the memorandum.

Application Updates – Ms. Coutinho reported that an application was received from George Allaire, Department of Public Works Director, requesting funds to purchase a parcel of property in Yarmouth for the upcoming Rail Trail extension project.

### **Administrative Business**

CPA Roundtable Meetings – Mr. Sears informed the Committee that the Cape Cod Commission (CCC) facilitates CPA roundtable meetings once a month to discuss CPA issues. The next meeting is Tuesday, 1/17/05, 2/21/05, and 3/21/05 at 2:30 PM at the Barnstable Superior Court House. Staff will provide Heather McElroy, CCC, with member's email addresses for the Roundtable distribution list.

Application Numbering – It was agreed that applications will have a simple numbering system (1,2,3) without an associated year associated because some applications received in a calendar year could be eligible for funds in a different fiscal year.

Policy – Ms. Coutinho developed a list of policies based on previous minutes and will regularly add new Committee policies.

Meeting Locations – It was agreed that the Committee would meet in the Hearing Room on the 2<sup>nd</sup> Wednesday of the month and Room A on the 4<sup>th</sup> meeting of the month.

### **Other Business**

Contracts and Monitoring – Mr. Mulkeen inquired about the possibility of outsourcing contract development to a third party volunteer to help reduce CPC operating expenses. It was suggested that the Committee have a standard contract for each project with additional provisions. Other topics of discussion were legal fee costs, town counsel review of contracts, and average legal costs for other towns. Staff will contact the City of Newton, towns similar to Yarmouth, and the coalition for information about legal fees. It was agreed that the Committee would review contract documents before they are issued.

Ms. Greene noted that she is awaiting a response from the Department of Revenue (DOR) on whether a project could be executed prior to the release of funds. It was noted that expenses incurred prior to the contract date could run the risk of not complying with the CPA and cannot be processed for reimbursement.

Prevailing Wages – The committee discussed whether or not prevailing wage laws would apply to grantees. Ms. Gregory explained that the Nickerson Association, a private non-

profit company, used CPA funds to renovate the Nickerson House. She is awaiting a response from Chatham as to whether or not prevailing wages applied to that project.

Buck Island Village – Mr. Mulkeen reported that he met with Alan Aarons, Trustee/President of Buck Island Village Condominium Association regarding the Thornton Brook Tributary Open Space Proposal.

**Approval of Minutes**

It was moved and seconded to approve the January 11, 2006 minutes. It was unanimously voted.

**Adjourn**

As there was no further business, the Committee voted unanimously, on a motion by Mr. Sears, seconded by Ms. Walsh, to adjourn the meeting at 4:27 PM. The Committee will meet next on January 25, 2006.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation Assistant

Approved \_\_\_\_\_

TOWN OF YARMOUTH  
COMMUNITY PRESERVATION COMMITTEE  
MINUTES  
December 14, 2005  
**FINAL**

**PRESENT:** Jim Hoben, Erik Tolley, Jim Carroll, Gary Ellis, Priscilla Gregory, Jack Mulkeen, Mary Ann Walsh, John Biega, Curtis Sears

**STAFF:** Karen Greene

**LOCATION:** Hearing Room, Town Offices, 1146 Route 28, South Yarmouth, MA  
Mr. James Hoben opened the meeting at 3:00 p.m. on December 14, 2005.

Item 1: The Cultural Center of Cape Cod, Inc. - \$400,000. Marion Broidrick, President, made the presentation for funding to complete interior renovations and exterior restoration of the former Bass River Savings Bank Building (location of the Cultural Center). Ms. Broidrick provided cost estimates which will be further refined. Questions were asked by various Committee members. Topics of discussion included funding of the project "up to" a certain amount and the use of historic preservation use restrictions. The project was taken under consideration by the Committee.

Item 2: Yarmouth Housing Authority – \$17,400. Donna Killeen, Executive Director for the Yarmouth Housing Authority presented a revised application for \$17,400 to fund design services for a new heating system at the Housing Authority's Long Pond Village complex. Ms. Killeen explained that the system in place was more than 40 years old and that it may fail. Ms. Killeen also explained that design services would be sought in accordance with MGL Ch 30B and that a Request for Proposal (RFP) would be prepared in advance. Questions were asked by various Committee members with a subsequent discussion of the proposal. The committee voted unanimously, on a motion by Jim Carroll, seconded by Mary Ann Walsh, to provide up to \$17,400 from the Affordable Housing allocation at the April 2006 Annual Town Meeting subject to a contract between the Housing Authority and the Town.

Item 3: The Committee requested that staff research the spending policies of other Community Preservation Committees. Of particular interest was whether 10% allocations were utilized prior to the 70% allocation, or whether groups with a 10% allocation (i.e. historic preservation, affordable housing, open space) were allowed to "bank" their allocations. It was also requested that staff contact the City of Newton to inquire about their CPA program and the accountability standards that have been adopted by the City.

Item 4: Historical Society of Old Yarmouth – Priscilla Gregory informed the committee that she had asked the Historical Society for a revised application and that this application should be available for the meeting on December 28<sup>th</sup>.

Item 5: Upcoming meetings – The Committee will meet on December 28 and discuss proposals from the Recreation Commission, Cultural Center and the Historical Society of Old Yarmouth.

Item 6. The committee voted unanimously, on a motion by Erik Tolley, seconded by Priscilla Gregory, to approve the minutes of November 30, 2005.

Item 7. As there was no further business, the committee voted unanimously, on a motion by Priscilla Gregory, seconded by Mary Ann Walsh, to adjourn the meeting. Meeting adjourned 5:05 PM.

Respectfully submitted,  
Jennifer Coutinho  
Community Preservation Assistant

Approved \_\_\_\_\_

Community Preservation Committee Minutes  
November 30, 2005

The meeting was called to order at approximately 3:00 p.m. on November 9, 2005 by Chairman Jim Hoben. All members were present

Item 1: Recreation Master Plan Request - \$75,000. Pat Armstrong, Recreation Director, made the presentation for funding to complete a master plan for Flax and Sandy Pond Recreation areas. Questions were asked by various Committee members. The project was taken under consideration by the Committee.

Item 2: Land Acquisition – Buck Island Village Association 9.07 acres. The Association, through their Attorney Mr. Brain Wall presented the request for the CPA to purchase a 9.07 acre parcel within the Buck Island complex. It is land locked except that an easement would be granted to the Town for access. The land is proposed to be open space and conservation land. Mr. Mark Robertson, of the Compact of Cape Cod Conservation Trust presented a conservation view of the property. The Association stated that they have an appraisal on the property based upon an affordable housing development at approximately \$1.1 M. The Town may be able to purchase the property for less unless the Town was going to build affordable housing on the land. It was agreed that a subcommittee of the CPA consisting of Mary Ann Walsh, Jack Mulkeen, and Gary Ellis were authorized to meet with the Trustees of Buck Island Village to determine if there was continued interest on the sale, given the conversation on 11/30. The request was taken under advisement.

Item 3: Purchase of Lots for Affordable Housing – Our First Home Inc. President of Our First Home Pearl Wolfson made the presentation requesting an undetermined amount to purchase lots in the Brush Hill development from the Housing Authority to build affordable housing. Six lots are to be bid but not minimum price has been set. There was a discussion as to why there would be a cost as the lots were given to the Authority at no charge from the Town. More information and a completed application was needed by the Committee. The request was taken under advisement.

Item 4: Mr. Tolley asked that the Committee set a policy that on the first meeting of the month Presentations by applicants could be made. On the second meeting of the month the Committee could discuss the project proposals. Submissions to the CPA must be made no later than the Monday before the second meeting of the month in order for the applications to be reviewed by the administrative staff and copied for the members to be discussed on the first meeting of the month. It was moved and seconded. The motion was unanimously voted.

Item 5: Application Submissions – There was a brief discussion of the timing for review and the events which must take place before the next annual town meeting. Based upon this discussion it was moved and seconded that no additional applications for CPA funds would be accepted for the 2006 Annual Town Meeting. The motion was unanimously voted.

Item 6: The Chair asked for an update on the hiring of an administrative person. Robert Lawton and Karen Greene briefed the Committee that interviews would take place starting December 1. The process would be completed before the next CPA meeting.

Item 7: Upcoming meetings – The Committee will meet on December 14 and hear presentations from the Cultural Center, and from the Housing Authority. On December 28 the Committee will discuss the submissions from the Recreation Commission, Cultural Center and the Housing Authority. The Committee also asked Karen Greene if she would number the applications 2005 – 1 to the last application received before the earlier vote to stop applications for the 2006 ATM. Subsequent application would be numbered 2006 – 1 etc.

Item 8. It was moved and seconded to accept the minutes of November 9, 2005 with corrections. It was unanimously voted.

Item 9. As there was no further business to come before the meeting it was moved and seconded to adjourn the meeting. It was unanimously voted. Meeting adjourned 5:05 PM.

Approved \_\_\_\_\_

RCL  
H/CPA