

TOWN OF YARMOUTH
COMMUNITY PRESERVATION COMMITTEE
MINUTES
August 25, 2010
FINAL

PRESENT: Tom Roche, Gloria Smith, Thomas Kelley, Gary Ellis, Jack Mulkeen, Dorcas McGurrin, Nate Small

GUESTS: Kate Phillipone, Patricia Armstrong

ABSENT: Mary Ann Walsh

STAFF: Jennifer Coutinho

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

HANDOUTS AT THE MEETING:

(Located in the Department of Community Development)

1. To Mr. Lawton re: CPC Appointment to the Municipal Housing Trust, 7/15/10
2. To Mr. Lawton re: Historic Glass Slide Donation, 7/28/10
3. To J. Morrison re: Historic Glass Sides, 8/12/10 (CPC to sign)
4. From Community Preservation Coalition, July/August 2010 Newsletter
5. From Ms. Brita to Town Planner re: 281 Route 28, 8/2/10
6. RCL to Ms. Brita from Town Planner re: 281 Route 28, 8/9/10
7. Open Meeting Law, GL ch. 30 A, §§18-25 and Receipt Page
8. 2010 CPA Application Deadline and Annual Public Hearing Announcement
9. CPA Public Hearing Agenda, 9/30/10
10. Flax Pond Trailhead and Marking System Memo, 8/25/10
11. Flax Pond Phase I Improvements, Parking Lot and Pathway Concept by CDM
12. Flax Miracle Parking/Site Cost Estimate, 8/25/10
13. Department of Revenue CPA Allowable Spending Purposes, June 2007

NEW BUSINESS

Convene: Chairman Ellis opened the Community Preservation Committee (CPC) meeting at 3:01 p.m. All members except Ms. Walsh were present.

86 Alms House Road Abutter: Ms. Phillipone introduced herself and explained that she lives next to the property, after which she asked about the plan for the property. Mr. Mulkeen replied that the Town has applied for a State LAND grant to assist the Town with the purchase price of the property and the Town is planning to purchase the property in December 2010. He explained that the house would be removed and that they may or may not retain the corral. The camper and the sheds will also be removed from the property. He would like to enhance the view of the marsh and conduct some invasive plant removal. The property will become open space with some site improvement work. The group discussed the use of the property and the possibility of increased foot traffic to the area.

Mr. Ellis noted that the next step in the process is for the Town to create a site plan for the property. The Town would go through a site plan process, which may consist of a review by the Old Kings Highway Regional Historic District Committee, Conservation Commission, and/or Zoning Board of Appeals. He informed Ms. Phillipone that she would have an opportunity to provide input during the hearings.

Staff will provide Ms. Phillipone with aerial photographs of the site and keep her informed of the progress with the plan for the property. Staff will consult with other town departments about completing a site plan in-house.

Correspondence: The CPC reviewed letters regarding the appointment to the Municipal Housing Trust and the historic glass slide donation. They also reviewed a letter and response regarding the parking lot at 281 Route 28 and the Community Preservation Coalition Newsletter (summer 2010).

OTHER BUSINESS

Flax Pond Parking Improvements and Nature Trails: Ms. Armstrong, Recreation Director, explained that the focus this year has been with Flax Pond. While she understands that the Flax Pond recreation area is not eligible to receive Community Preservation Act (CPA) funds because the land was not purchase with CPA funds, she presented a concept to improve the 120 car parking lot in order to allow access to the existing conservation trails and cedar swamp on the property. By putting a new house in the middle of the circular parking lot, the Town is removing access to the trails as they now exist to the community. She suggested a project to build the parking lot and mark the existing conservation trails and cedar swamp as preservation and education of conservation land. She read an excerpt from the Flax Pond Trail Head and Marking System memorandum with respect to preserving access to the nature trails and improving the parking.

Ms. Armstrong distributed the Flax miracle parking/site cost estimate handout. She explained that as part of the State PARC grant, all utilities from the entrance must be underground and put into a conduit, thus making the access point natural again. Approximately \$150,000 would be used for the parking lot and \$50,000 used for the nature trails.

Mr. Roche asked for the square footage of the new parking area and if porous pavement has been considered. Ms. Armstrong replied that it's approximately 4,400 sq ft. She explained that the entire site runs into the kettle pond and there are materials listed in the cost estimate for drainage.

The CPC held a general discussion that the project would most likely fall under the CPA category of recreation rather than open space. The CPC reviewed the Department of Revenue's CPA Allowable Spending Purposes and discussed the Seidman vs. Newton recreation case. Mr. Ellis noted that the Newton case lists four allowable uses, which are (1) acquire real property and develop it as a recreational site; (2) acquire an existing recreational site and rehabilitate/restore it as needed; (3) develop a recreational use on any real property owned by the Town before adoption of the CPA or acquired with other municipal funds that is not already dedicated to recreational use; or (4) make particular improvement on recreational property owned by the Town before adoption of the CPA or acquired with CPA funds or any other municipal funds for the limited purpose of protecting the property from injury, harm, or destruction.

Mr. Kelley asked if the Department of Environmental Quality Engineering (DEQE) has been informed about paving the road into the recreation area because there is an Order of Conditions indicating that the property has to remain in its natural state and there could be no additional impervious materials put on the site, including the entrance. Ms. Armstrong replied that when they put hardener on the dirt to stop the dust in the summer, it was still impervious and gravel was place on top of the hardener, but it was not asphalt. She informed the group that she was told that the site is classified as a year-round property. Mr. Kelley stated that the Water Department is the controlling factor of the property and they are under the jurisdiction of the DEQE. He explained that, in prior years, the property was designated as seasonal. In addition, there would be no impervious material added to the site and any new construction would require the approval of the DEQE.

The CPC agreed that they would obtain opinions from the Community Preservation Coalition and Town Counsel on the proposal.

Public Hearing Presentation Review: The CPC reviewed the public hearing presentation and script. The group decided that various members would read portions of the script.

Cemetery Monument Preservation: Mr. Kelley stated that there are historic cemeteries in town that are in need of preservation, in particular, the town-owned cemetery located at the intersection of Route 28 and West Yarmouth Road (Woodside South Cemetery). Mr. Ellis stated that, in the past, the CPC agreed that they would not solicit potential applicants rather they would review applications submitted from interested parties and make recommendations to Town Meeting.

Historic Resource Inventory: Ms. Smith reported that the Yarmouth Historical Commission would apply to the Massachusetts Historic Commission's FY11 Survey and Planning Grant round for matching funds towards the historic resource inventory project.

APPROVAL OF MINUTES

Ms. McGurrin made a motion to approve the July 14, 2010 meeting minutes as amended. Ms. Smith seconded. Vote unanimous 7-0.

ADJOURN

As there was no further business, Ms. McGurrin made a motion to adjourn the meeting at 4:48 p.m. Ms. Smith seconded. Vote unanimous 7-0.

Respectfully submitted,
Jennifer Coutinho, Program Coordinator

Mary Ann Walsh, Clerk