

TOWN OF YARMOUTH
COMMUNITY PRESERVATION COMMITTEE
MINUTES
August 22, 2012
FINAL

PRESENT: Gary Ellis, Nate Small, Gloria Smith, Thomas Kelley, Jack Mulkeen,
Tom Roche, Hugh March

GUESTS: Attorney Bruce Gilmore, Elvio Rodrigues, Judith Rodrigues, Judy Coughlin,
Jack Coughlin

ABSENT: Dorcas McGurrin, Mary Ann Walsh

STAFF: Jennifer Coutinho

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

CONVENE

Chairman Ellis opened the Community Preservation Committee (CPC) meeting at 3:03 p.m. All members except Ms. McGurrin and Ms. Walsh were present.

NEW BUSINESS

Correspondence: The CPC reviewed the correspondence relating to the Forest Road project. Attorney Gilmore, Town Counsel, said that there is no case law to rescind CPA funds. He explained that CPA funds could be rescinded but to qualify there has to be:

1. A substantial project change
2. Yarmouth Housing Authority has relied upon the funds to their detriment

Annual Town Meeting approved \$1 million in CPA funds for the project. If the 2 above mentioned qualifiers have not been met, then Town Meeting cannot rescind the money. If the Yarmouth Housing Authority hasn't done anything since 2009, then Town Meeting can rescind the money, and through a petitioned article

Mr. Rodrigues said that a first article is needed to change the use of the property to conservation/open space; a second article is then needed to rescind the 2009 article that added affordable rental housing. He asked if the CPC would review the plan. Mr. Small responded that the CPA is the funding source and the Community Housing Committee would review the plan. Mr. Rodrigues stated his belief that the Board of Selectmen had the authority to release the funds.

Mr. Rodrigues then referred to his 8/14/2012 letter to the Board of Selectmen regarding nitrate levels in water of the Town of Yarmouth. The level at Yarmouth is 7.20 parts per million (ppm). The group held a discussion on the limits and it was noted that the levels could be obtained from the Department of Environmental Protection (DEP). The Environmental Protection Agency limit is 5.0 ppm. Mr. Kelley spoke regarding the Chapter 40B permit process and noted that the State overrides local rules.

The CPC asked staff to see if the Yarmouth Housing Authority has relied upon the funds and if they have signed any contracts with the Town.

The CPC reviewed a memorandum from Community Connections dated 6/18/2013 from Christen Gray, Fundraising Manager regarding the Community Accessible Garden. She reported that after further negotiations with National Grid, they have been authorized to move forward with the original plan to

create a community accessible garden at 127 Whites Path, South Yarmouth. She also enclosed a lease renewal and a budget. The CPC was pleased with this project moving forward.

OTHER BUSINESS

Special Town Meeting: The CPC reviewed the draft warrant article for Great Island Apartments (Route 28 and Reindeer Lane). It was agreed that Mr. Small would move and explain the article.

Representative Updates: Community Housing: none. Historic Commission: the Owl Club building would be historically accurate and the connector contemporary. Open Space: upcoming site work for 86 Alms House Road is vista pruning and vegetation removal with AmeriCorps and Wilkinson Ecological Design will complete Phragmite treatment. Ms. Coutinho and Ms. Muldoon, Conservation Administrator shall apply for a Barnstable County grant to improve several conservation areas in town, including Alms House Road.

ADJOURN

As there was no further business, Mr. Small moved to adjourn the meeting at 4:38 p.m. Vice-Chairman Roche seconded. The vote was unanimous 6-0 (Mr. Kelley having previously left the meeting).

HANDOUTS AT THE MEETING (Located in the Department of Community Development)

1. Attested article 23 from 5/4/09 Annual Town Meeting (\$1,026,100 in CPA funds)
2. Letter from Green, Miles, Lipton, & Fitz-Gibbon, LLP to Councilor Justin P. Cobb, Easthampton City Council re: motion to rescind CPA Appropriation, 2/8/12
3. Letter from Buckley Richardson to Councilor Justin P. Cobb, Easthampton City Council, 2/15/12
4. Article “ Easthampton City Council fails to rescind funding for Parsons Village project, despite negative vote, MassLive.com, 3/7/12
5. Email from Bob Harrison, Easthampton CPC Chair re: Question on Project Fund Challenge, 4/26/12.
6. Letter from Attorney Gilmore on Gideon Gray Cemetery, Cellar House, and Forest Road, 5/11/12
7. Letter from E. Rodrigues titled “Presented at Selectmen’s Meeting June 26, 2012” dated 7/31/12 and related e-mails dated 7/27/2012 and 7/31/2012
8. Yarmouth Housing Authority 8/22/12 Forest Road meeting invitation, dated 8/10/12
9. Letter from E. Rodrigues dated 8/14/2012 regarding nitrate levels in Town of Yarmouth water
10. Memo from Christen Gray, Community Connections Inc., regarding Community Accessible Garden dated 6/18/2012
11. Draft Great Island Apartments (Route 28 and Reindeer Lane) 10/22/12 Special Town Meeting warrant article.

Respectfully submitted,
Jennifer Coutinho
Program Coordinator

Mary Ann Walsh, Clerk

On 5/14/14, Vice-chair Roche moved to approve the 8/22/12 meeting minutes as presented. Mr. Small seconded. The motion carried 5-0-2 with Mr. Durkin and Ms. McGurrin abstaining as they were not present at the 8/22/12 meeting.