

TOWN OF YARMOUTH
COMMUNITY PRESERVATION COMMITTEE
MINUTES
January 7, 2015
FINAL

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- PRESENT:** Gary Ellis, Nate Small, Thomas Kelley, Fred Fries, Jack Mulkeen, Tom Durkin, Tom Roche, Dorcas McGurrian
- GUESTS:** Katherine Garafoli, Mark Robinson, Seth Rolbein, Bill Clark, Jan Wald, Donna Wald, Janet Polito, Karen M. Greene, Kerry Muldoon, Conrad Caia, Karl VonHone
- ABSENT:** Mary Ann Walsh
- STAFF:** Jennifer Copeland
- LOCATION:** Yarmouth Town Hall, Hearing Room, 1146 Route 28, South Yarmouth, MA
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CONVENE

Chairman Ellis opened the Community Preservation Committee (CPC) meeting at 3:07 p.m. All members were present.

NEW BUSINESS

Correspondence: The CPC reviewed a letter from the Massachusetts Department of Housing and Community Development (DHCD) to the Board of Selectman regarding the 908 West Yarmouth Road Local Initiative Program eligibility letter dated 11/19/14. They also reviewed the Community Visions, Inc. Brochure for the Fred Thacher Playground on the Yarmouth Port Common.

PRESENTATIONS

99 Chapin Beach Road, Chase Garden Creek Conservation Restriction App #151.1: Ms. Katherine Garafoli, Director of the Dennis Conservation Trust, introduced herself and explained that she was presenting this proposal on behalf of the Dennis conservation Trust and the Compact of Cape Cod Conservation Trusts. This proposal is for \$200,000 in Yarmouth CPA funds to help purchase a Conservation Restriction (CR) on 39 acres of land owned by the Aquacultural Research Corporation. The land is located at 99 Chapin Beach Road and situated on the north side of Dennis bordering Chase Garden Creek in Yarmouth Port. The co-holders of the restriction would be the Town of Yarmouth, Town of Dennis, and Dennis Conservation Trust.

Seth Rolbein, representative of State Senator Wolf's Office, explained that the Acquacultural Research Corporation (ARC) 1.0 goes back to the 1960's and it's the only shellfish propagator in the Northeast supplying both the private and public sectors that does this type of volume.

The facility is located on 40 acres of land on Chapin Beach, of which 30 acres are beach and dunes while 10 acres are buildable upland abutting Chase Garden Creek. The CR would be placed on the entire 40 acres in perpetuity and will specifically state that no wind turbine will be constructed. The 30 acres of beach and dunes would be owned by the Town of Dennis. The current facility is located within the 10 acres of upland. The CR would limit the use of the 10 acres to aquaculture, propagation, education, and research. Both the facility and hatchery would be rebuilt and under new ownership of a new business named Aquacultural Research Corporation 2.0.

The State has appropriated \$100,000 for research and signed-off today on the State environmental bond bill for \$1.5 million towards the project. The appraisal valued the property at \$3.4 million with the highest and best use as a single family home. The ARC sellers are amenable to \$3 million for the CR.

The following sources of funds have been or will be sought for the proposal:

\$1,500,000 State FY16 Bond reimbursement grant to Town of Dennis (secured Jan. 2015)
\$ 200,000 donated by ARC founders towards state reduction of \$400,000 (to be sought, Jan. 2015)
\$ 300,000 Town of Dennis FY16 CPA funds (apply May 2015)
\$ 75,000 State Conservation Land Tax Credit (secured by ARC; Dec. 2014)
\$ 200,000 Town of Yarmouth FY16 CPA funds (applied Dec 2014)
\$ 250,000 Barnstable County FY16 operating budget (applied Nov 2014)
\$ 350,000 Dennis Conservation Trust (secured pledge, Nov 2014)
\$ 125,000 extra from Dennis Conservation Trust or others towards state reduction of \$400,000 (Jan 2015)
\$ 3,000,000 TOTAL from Non-Town of Dennis, Non-State sources

He continued by explaining the benefits of the project, which are:

1. There would be no wind turbine or single-family home on the property.
2. Chase Garden Creek would remain viable and protected.
3. Yarmouth would co-hold the CR and have control over the land.
4. There is an economic benefit to the community and shellfish industry.

Discussion: Chairman Ellis stated that this application was submitted after the September 2014 grant deadline and the CPC must consider whether or not they would accept it for consideration in the FY15 cycle.

Mr. Mulkeen stated that this proposal is different than any other proposals and there are time constraints. The Open Space Committee met on January 5, 2015 to discuss the application. The appraisal states that the highest and best use is a single-family home. He noted that eliminating the rights to a wind turbine would garner community support and there would not be a single family home on the property. He stated that aquaculture is very important. Two items to consider is (1) would the program continue to exist if the CPA application was not approved and (2) that there are seeds available elsewhere for purchase. The Open Space Committee will be meeting on January 12th to further discuss the project.

Mr. Kelley stated that the proposal contains a lot of details to review and he was the first surveyor at the property in June 1962.

Mr. Durkin asked if the Yarmouth Conservation Commission would have oversight of project. Mr. Rolbein replied that the new design would have to stay within the same foot print and adhere to current regulations. Katherine Garafoli responded it would be required that any work done would go before all of the entities that hold the CR.

Mr. Small stated that while the land itself will not be owned by Yarmouth, they would own the CR. He then asked about off-road access to Chapin Beach. Ms. Garafoli stated that it's something that could be discussed with the Town of Dennis.

Mr. Fries questioned the connection of the project between Dennis and Yarmouth. Chairman Ellis stated that the CR would give Yarmouth some control over the site. Ms. Garafoli replied that from an ecological stand point that this is a great opportunity for the towns to come together and to encourage a regional facility.

Vice-chair Roche noted that the 10 acres would be owned by ARC 2.0 and that Yarmouth should be named as a stakeholder. Mr. Rolbein stated that the land has an agricultural exemption.

Chairman Ellis stated that property improvements would fall under the Town of Dennis conservation bylaw. Ms. Muldoon noted that the property is out of Yarmouth Conservation Commission jurisdiction. Ms. Greene added that the CR would call out the Town of Yarmouth, so any changes to the property that are called out in the CR would have to be approved by the Grantees. However, the Town of Yarmouth

participation is not regulatory. Ms. Garafoli gave an example that if the Town of Dennis wanted to construct a boardwalk, then Dennis would provide information to the CR Grantee's for comment.

Chairman Ellis stated that the Town of Yarmouth and Town of Dennis Old Kings Highway (OKH) Regional Historic District Committee and Conservation Commission should have the same parallel review of any property improvements. There was agreement among the CPC that this review should be specifically written into the CR. He stated that the scenic vista has more impact on Yarmouth from Gray's Beach and the Bass Hole boardwalk.

Mr. Mulkeen asked what would happen to the buildings if they were damaged or if the company no longer existed. He would like funds set aside if the building must be removed in the future.

Ms. Wald stated that this is great opportunity to protect Yarmouth's only Northside beach. She has been involved with the Chatham Shellfish Advisory Committee and this would give Cape Cod a high tech resource for aquaculture.

Ms. Polito stated that she is excited about the project. She lives in the area and thinks it would be great if the deal could come together to protect the area.

Mr. Wald stated that he is a Yarmouth Port resident and can view the ARC facility from his home. He believes that Yarmouth would benefit because it would save the view of the vista and the business could be something new with private investors.

Mr. Clark stated that he has been working on the project for the past several years and that it's truly a regional project. The Cape has a large shellfish industry and the project would allow for better management of the beach and the hatchery. This project benefits Yarmouth because it would allow for better management of the barrier beach. The barrier beach helps to protect the area from storm surcharges. Mr. Mulkeen asked if the \$250,000 was included in the FY16 Barnstable County budget. Mr. Clark responded that the funds are written into his FY16 budget, which is reviewed and approved by the Commissioners and Assembly of Delegates.

Mr. VonHone stated that there is value and benefit to the project, such as protecting the shoreline, vista, open space, and the barrier beach. Yarmouth currently purchases seed from ARC 1.0. Seeds delivered from Maine have a mortality rate in transportation. There is a benefit to the project because the seeds come from local waters using field plants. All Cape Cod town's benefit because the shellfish end up in local fish markets. The CR would ensure that the business is viable and he wants to make sure that from a Yarmouth standpoint that there is some control. There are still thoughts and reviews to safeguard in the restriction. The Town of Yarmouth issues approximately 1,000 recreational shellfish licenses and 19 commercial licenses annually. Yarmouth purchases quahogs and some soft-shell clams from ARC 1.0. Some oysters are purchased from ARC 1.0. There are few fishery areas in Yarmouth and it's not uncommon to see 400 people out on a Sunday harvesting quahogs.

Ms. Muldoon asked for clarification in the CR on the word "expansion" on page 6. Ms. Greene stated that staff is currently reviewing the CR in its in draft form. Staff has begun to itemize several comments.

Mr. Rolbein stated that the State appropriated \$100,000 in funds for soft costs and it must be spent by June 2015. The first appraisal from O'Leary and Associates was paid from these funds. ARC 1.0 will get seeds out in the spring of 2015. The CR would be executed in Sept. 2015, permitting would be in place, and ARC 2.0 would be created with the hopes of having the new facility operating in March 2016. The existing owners would continue to own a small piece of the company and become employees of ARC 2.0. Cape & Island Appraisal Company is going to complete a second appraisal.

The group discussed the timing of the project and that there would be lengthy legal documents for the project.

Vice-chair Roche made a motion to have a placeholder for the 2015 Annual Town Meeting warrant for application #151.1. Mr. Mulkeen seconded. The motion carried 7-1 with Mr. Kelley opposed.

Flax Pond 10 acre property (Map 99/52 & 99/53) Application #150: Patricia Armstrong, Recreation Director, explained that she submitted this application based on the last discussion with the CPC. There is a parcel of land which is currently in tax title. The town is looking into the possibility of utilizing the parcel for municipal purposes including recreation. They would like to conduct more research on the parcel with respect to access, title, frontage, and ownership.

Mr. Kelley stated that John Sears II deeded the land for \$1.00 and this land went through land court. The deed goes back to Charles Henry Davis. The group discussed how there is a \$150,000 option to purchase to Michael Cercone and agreed that the first step is for the Town to determine if there is clear and marketable title.

There was consensus among the group to (1) have the Town contact John Sears II to ask about the option to buy given that the date on the option expired in December 2014 and (2) approve up to \$7,500 from the CPA FY15 operating account to conduct further research on the parcel.

OTHER BUSINESS

Draft 2014 Annual Report CPA section: The CPC reviewed the draft 2014 CPA annual report section and offered no changes. Staff shall send the document to the Town Administrator's office.

Endorse Community Preservation Act Plan: Ms. McGurrin moved to approve the CPA Plan as presented. Vice-chair Roche seconded. The vote was unanimous 8-0.

NEW BUSINESS

Correspondence: The CPC reviewed an email from Tom Sullivan dated 1/7/15 regarding the denial of the Bayberry Hills Golf Course Renovation application #141.

ADJOURN

As there was no further business, Mr. Small moved to adjourn the meeting at 4:37 p.m. Ms. McGurrin seconded. The vote was unanimous 8-0.

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

1. Department of Housing and Community Development (DHCD) letter to the Board of Selectman regarding 908 West Yarmouth Road Local Initiative Program eligibility letter dated 11/19/14.
2. Community Visions, Inc. Brochure for the Fred Thacher Playground on the Yarmouth Port Common.
3. CPA Program Section for 2014 Town Annual Report.
4. Draft CPA Plan
5. Email from Tom Sullivan dated 1/7/15 regarding CPA's rejection of Golf Project

Respectfully submitted,
Jennifer Copeland
Program Coordinator



Mary Ann Walsh, Clerk