

TOWN OF YARMOUTH
COMMUNITY PRESERVATION COMMITTEE
MINUTES
February 4, 2015
FINAL

- PRESENT:** Gary Ellis, Nate Small, Mary Ann Walsh, Jack Mulkeen, Tom Durkin,
Tom Roche, Dorcas McGurrin
- ABSENT:** Thomas Kelley, Fred Fries
- STAFF:** Jennifer Copeland
- LOCATION:** Yarmouth Town Hall, Room A, 1146 Route 28, South Yarmouth, MA

CONVENE

Chairman Ellis opened the Community Preservation Committee (CPC) meeting at 3:05 p.m.

NEW BUSINESS

Discussion on Chase Garden Creek Conservation Restriction App #151.1 (99 Chapin Beach Rd):

Chairman Ellis stated that the CPC should first decide whether or not to accept the application because it was submitted after the filing deadline for consideration in this grant round.

Ms. Copeland reported that Yarmouth staff reviewed the draft conservation restriction (CR) and they are meeting with Katherine Garafoli of the Dennis Conservation Trust and Mark Robinson of the Compact of Cape Cod Conservation Trusts on February 11th to discuss the CR. She stated that she would inform the applicants if there are any particular items that they would like to be considered in the CR. She further explained that the CR would have three holders, the Town of Yarmouth, Dennis Conservation Trust, and Barnstable County.

Ms. Copeland stated that Mr. Kelley would not be at the meeting today and she provided his comments, which are summarized as follows: (1) what are the legalities with providing another Town with CPA funds; (2) Yarmouth should see a design plan for the new building; (3) the application was submitted after the 2014 deadline; and (4) obtain the CPA application submitted to the Town of Dennis for the project. The CPC discussed how they have accepted late applications in time sensitive cases and that the statute allows a Town to provide CPA funds to another Town for regional projects.

Chairman Ellis questioned the purpose of reviewing the plan if Yarmouth doesn't have input on the design. He thinks it's critical that it should go through Yarmouth OKH and Conservation Commission. He questioned if Yarmouth has a right to do so. Yarmouth should be notified by the Town of Dennis as an abutter to the property. If Yarmouth is a co-holder of the CR then it should have some oversight.

Mr. Durkin asked what the relationship is between the Yarmouth OKH and Dennis OKH. It was noted that they follow the same guidelines and the regulations are already determined. Chairman Ellis stated that height regulations would be in accordance with Dennis building code and the project would follow Dennis conservation guidelines. He noted that Yarmouth should have input on whether or not the applicant followed the guidelines because Yarmouth has as much stake in water pollution and run-off coming off the property into Chase Garden Creek.

Mr. Mulkeen visited the property recently and a wind turbine would be similar to the one located at Massachusetts Maritime Academy. The facility currently runs on oil and propane and it's expensive to bring it to the property. ARC runs the facility and they knew what they needed for energy to make it succeed. One alternative energy solution was a wind turbine.

The CPC discussed how the applicant stated that there would be no wind turbine placed on the property and if the CPC recommended the proposal, it would be brought to Town Meeting voters in that manner. They also noted that the applicant said that Yarmouth could have approval through its Old Kings Highway (OKH) Regional Historic District Committee and Conservation Commission.

Mr. Roche referenced the presentation and application and asked if the Town of Yarmouth is a stakeholder.

Mr. Small state that this is a \$6 million dollar project and the \$200,000 request from Yarmouth would give Yarmouth an opportunity to participate as an abutter. He would like the project to go before Town Meeting and let the voters decide.

Ms. McGurrin moved to accept the Chase Garden Creek Conservation Restriction App #151.1 for consideration in the FY15 grant round. Ms. Walsh seconded. The vote was unanimous 7-0.

The CPC discussed the viability of the Aquacultural Research Corporation (ARC 1.0) and what would happen to the facility if the company no longer existed. It was noted that the Town of Yarmouth purchases \$7,000 of seedlings annually from ARC. The also discussed the CR and how it would ensure that the property is used for aquacultural purposes and it would limit a single family home from being built on the property.

The timeline for the CR to be recorded is December 2015 and then the facility and hatchery would be rebuilt and under new ownership of a business named ARC 2.0. They stated that there are a lot of details with this proposal.

They noted the following questions:

1. The CPC would like clarification on whether or not Yarmouth is a stakeholder?
2. Will Yarmouth be provided with a design plan for the new building?
3. Would the property owner consider giving access to residents to Chapin Beach?
4. Is there language in the CR to reference who would be responsible for the buildings if the company no longer existed?
5. What does the percentage interest in the CR provide for each owner?

They also noted the following possible conditions:

6. The Town of Yarmouth CPC share shall be no more than 50% of Town of Dennis CPC share with a maximum contribution of \$200,000.
7. Consider the Town of Yarmouth and Town of Dennis Old Kings Highway (OKH) Regional Historic District Committee and Conservation Commission having the same parallel review of any future property improvements.
8. Include the Town of Yarmouth in the list of stakeholders in the CPA application.
9. Town of Yarmouth shall not be responsible for any future costs associated with removing the buildings.
10. If the application is recommended, then funds would come from the undesignated

Staff shall request the CPA application submitted to the Town of Dennis for the project. The CPC would like the applicants to attend a future meeting to further discuss the project.

Draft Annual Town Meeting articles: The CPC thought the articles bundled together by each of the categories was a good concept because it reduces the number of articles from 20 to 8. They discussed the motions and they would like to move the articles as printed in the warrant and only explain a line item if there are questions about the project. They assigned each article to various members.

CPC Policy Update: The CPA project accounts may be closed by a vote of the members rather than a Town Meeting article because that is how the Town customarily closes out other municipally funded articles. Ms. Copeland provided the CPC with a draft policy update to close out project accounts. Ms. McGurrin moved to approve the policy update as written. Mr. Roche seconded. The vote was unanimous 7-0.

ADJOURN

As there was no further business, Ms. McGurrin moved to adjourn the meeting at 4:28 p.m. Mr. Small seconded. The vote was unanimous 7-0.

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

1. Draft CPA articles for May 2015 Annual Town Meeting
2. Annual Town Meeting article summary dated May 2, 2015
3. *Cape Cod Times* article titled "Seed planted for ARC conservation project" dated 2/2/15
4. *Cape Cod Times* article titled "Encroaching Seas" with the Massachusetts Coastal Erosion Commission 2015 meeting information, dated 1/23/15
5. Community Preservation Committee Policy (adopted 10/12/07)

Respectfully submitted,
Jennifer Copeland
Program Coordinator



Mary Ann Walsh, Clerk