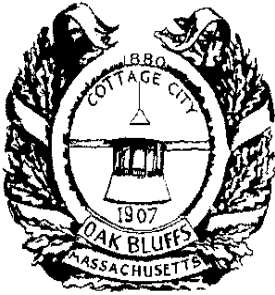


## **Oak Bluffs Community Preservation Committee**

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Oak Bluffs, MA

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Joan Hughes, Chairman  
Jevon Rego, Vice Chairman  
Amy Billings  
Stephen Durkee  
Charles Rock  
Alison Shaw  
James Westervelt  
Adam Wilson  
Margaret Knight, Admin. Ass't

### **Oak Bluffs Community Preservation Committee**

Regular Meeting, January 9, 2012, 7:00 p.m. CPC/Conservation Office

CPC Present: Joan Hughes, Steve Durkee, Jevon Rego, Charles Rock, Alison Shaw, Jim Westervelt, Adam Wilson

Also Present: Margaret Knight CPC Ass't, Steve Auerbach and Mimi Davisson, Fin Com, Abe Seiman, Affordable Housing Committee, and Nancy Kelly, MV Museum

### **General Business**

**A motion was made and seconded to accept the minutes (with spelling corrections) from Dec. 19, 2011. All in favor (Alison not voting).** As far as funding, Joan said CPC definitely has \$323+K from town, and \$163+K from the state, plus \$266 coming back from Bradley Square, for a distinct balance of \$753,598. Will also receive back at Sp. Town Meeting before ATM, \$160K from withdrawn Niantic Park project funded last year, definitely have \$913,598 to give out, and probably more. She is still in discussion with Stacey, acting town accountant. Final figure will be close to \$1,000,000. With Everett Rogers Police Station out of running, requests total \$868,703, so all could be funded. She mentioned prior discussion of not funding everything, of Jim's idea to hold back certain percentage. There were not as many projects this year, or as in depth ones. Discussion of requirement to allocate 10% to each fund, not including money being returned. About \$60K needs to be allocated to each of the three areas, for spending or to be set aside. \$17K needs to be returned to Affordable Housing reserve from Bradley Square's \$266K. Jim said he thought it was a good year to set aside a nice portion above the 10% in each category. Alison agreed. Joan said Aff. Housing requests were fewer this year. She suggested going through and discussing each application before voting.

### **Niantic Park Recreation Rehabilitation (Basketball court)**

Steve said as the law stands, the project is needed but is not applicable. Alison said she'd have a hard time supporting it if town counsel said it didn't meet the law. Jevon and Joan mentioned other projects the CPC has supported despite town counsel saying they weren't applicable. Adam said applicant didn't go out for bids, so it's hard to know actual cost of project, and also he thought project would be better with fencing situation addressed, possibly hedge row. He thought project could have been better researched and presented, and that it doesn't really qualify. Alison said CPC voted the picnic pavilion under historical category, and that the plan

for the park could be upgraded, including landscaping. Joan said she looks at it as a construction project, and wished this application was broken down more as to cost, and that a whole lot more might be possible for \$140K. Steve said all agree it's a project that needs addressing, and CPC could put money aside so if the law changes it could be supported. Adam said if SB 90 passes and the law's language changes, it could be allowed. As is, it's arguing that the work is preserving from decay and destruction, but that's patchwork, and this is a complete overhaul. He supports it but thinks it is in direct conflict with 44B. Jevon said he'd feel uncomfortable trying to pass it when we know it doesn't meet the legal requirements.

Joan said she'd like to go back to Park Dept. and ask for more realistic proposal for Niantic Park for redoing the whole park that might fit into 44B. She said maybe CPC could work with them to craft an application that fit CPA criteria. Jevon suggested an open session before next CPA deadline to help people write applications to fit criteria. Steve Auerbach said the court is very popular. He said basketball courts don't generally have hedges, but need high fences, and supports funding if possible. Mimi Davisson said town is suffering from "controversy fatigue," and people are concerned about appropriate use of funds and management of projects, so she supports rigorous examination of applicability. Joan said CPC is cognizant of need for visible projects in town, but this one is a duplicate of Newton case that was not allowed. Although town's people may want to see it supported, they don't want to get us into legal difficulties. Jevon brought up past discussions about getting the most for funds, and CPC's role of stewarding money. CPC is going to put in more controls over the process.

### **Frye Property Acquisition**

Alison said although she's in the minority, she feels strongly that even with a walkway and plantings, the alleyway will still be ugly, that it needs cooperation from the buildings on both sides. Alison said if both sides of the existing buildings became storefronts it might work. Joan said building on a lot that narrow is almost impossible. Alison pointed out the lot is worth nothing, and the owner might eventually give it to the town. Joan said it's worth something to the abutters, and to the town for just what the application is. She thinks if the town owned it, it has the potential to turn into something else. Alison said the buildings have not been kept up, so she doesn't think the property owners will take advantage of it. Joan said after the town acquired the land, it would have to come back with an application for landscaping. Jevon said there was money in the application for that.

Charles said he thought Alison was describing a design problem, which could be addressed, and that he saw this as a potential best pocket park. Joan mentioned Newburyport's pocket parks which have great designs on small ugly urban spaces. Jevon said if the CPC doesn't recommend Niantic Park, partly because of a need for a better landscaping plan, then Parks Dept. will be aware that it needs to come in with a better plan for anything they want.

Adam said there are two means of egress from the side buildings, which can't be removed, so there is even less width available. In looking at the Post Office park, Alison said it's only missing a better design for the ground, whereas on the Frye property you're surrounded by ugliness (of buildings and parking lot). She said that cooperation with property owners is not part of the deal. Joan said she thought the town needed to own it first. Charles mentioned possible murals on the side walls. Jevon said he thought it was an important corridor for public bathrooms, which are already somewhat hidden.

Adam asked why consider the price at \$400K; he would be more inclined to offer \$100K, since it's been sitting there a long time. Joan said Parks had offered \$280K, contingent upon town meeting. Charles said Amy came to CPC in Sept. asking if this was a legitimate use of CPA funds, and the committee said yes. Adam questioned the validity of the application in planning to use the remaining funds after purchase for rehabilitation, saying there are two different applications. Jevon said the requested grant application came before negotiations happened with the owner, so they didn't know how much to ask for. Joan said CPC could

specify grant to be only used for acquisition, and tell them they would need a separate grant for landscaping. Jevon said a problem with this transaction is the public record of amount granted. Adam suggested making a condition that the purchase and sale should go through by July 30 or it's void, so the money doesn't just sit there like it has for Pacific Ave property.

### **Oak Bluffs North Bluff Landscaping**

Jevon said Amy wrote in an email that she liked the project better at \$5K. There was some discussion of funds: Friends of Oak Bluffs was donating, and Mark Crossland offered some donation, but the plan, which came to the Con Com at \$15K (which Joan said was high for that plan) would need to go out to bid. Steve said the plan doesn't take into consideration the underground electric lines, septic issues, etc., and he has a problem with hydrangeas, that they don't survive near the water. Joan said she would like to extend landscaping further down the bluff, too. She thought the Friends needed to develop a list of criteria for the new design, including a nine month attractive plantings that are salt and wind tolerant. Jevon thought this would be one of the projects that CPC would monitor after funding. Joan praised work of Friends and their willingness to work with CPC. In response to Adams question of which category this fits in, Joan said it's open space/recreation and historic preservation. Steve said he thought historic preservation was tossed out. Joan said it basically fits in open space. Adam said the bathrooms were historic preservation. Jevon asked if landscaping qualifies as historic preservation. Adam said this is part of an ongoing construction project that qualified as historic preservation. Jevon agreed it was a continuation of that historic preservation project, but that he wasn't totally happy with the designation. Steve said CPC could deny the application, and then Friends might come up with \$5K which would be enough for landscaping this small area. Joan said she was hoping to give more, and that it would help some other disturbed areas of the North Bluff, if only just with some *rosa rugosa*. Jevon said he supports projects presented by non-town departments, and the Friends is one of the most active organizations. Adam said if they just use their own money, they don't need to go out to bid, as any town project over \$5K needs at least three phone calls or emails for bids. Steve said he thought all CPA grants should go out to bid, which could be required in a letter of understanding. Joan said she'd like to make the process transparent, and it should go out to bid.

### **East Chop Bluff and Road Preservation**

Jevon said he didn't think there was any choice, that it's an important project and needs funds. Joan said she's still looking for \$17K that disappeared from the accounting of the prior CPC grant for engineering, of which this is a continuation. Alison asked about tracking money; Joan said they're still trying to figure it out, but it was confusing at the end (before Michael left). Steve Auerbach asked what qualifies for open space, if landscaping qualifies. Adam said it only qualifies if CPA funds paid for the acquisition of the property. This is what they're trying to change in legislature now, to allow restoration and rehabilitation of previously owned property.

### **Trinity Church Stained Glass Windows**

Alison said the price is fair and it's a good project, but wondered if Barney would get to that many windows as he has other similar projects pending. Jim said CPC didn't give any money to the project last year; \$32K was given the year before. Adam said he thought the work was really well done. It's \$8K for full window; Joan said he preferred getting it in full window increments. Adam asked how many windows are left, and Joan answered 28. Alison said if the work continues into the next year, then CPC can delay granting money for another proposal. Joan said they've come in for payment in \$4K and \$8K increments in the past.

### **Martha's Vineyard Museum Collection Preservation**

Alison said the Historical Commission meets in two days, and she was quite certain that the project would be voted as historic, a designation needed for CPA funding. Steve said that last year town counsel said the project was not applicable, that the CPA funds were not to be used for a salaried position, which is pretty much where the money is going. The archivist job is a contract job. Jevon made the case that hiring Barney to do the windows is the same as hiring someone to archive the artifacts. Joan said Edgartown did vote to give funding even though they have the same town counsel. Alison said it's important for OB, and there are probably more artifacts for OB than other towns. Joan said she thought it was important for them to continue on with what they're doing. Adam asked what happens if funding isn't approved by all towns. Nancy Kelly said West Tisbury, Aquinnah, and Edgartown funded previously, and that the Museum has been working on a reduced scale; they've reallocated someone to do the work for now.

### **Affordable Housing requests**

Jevon asked at what point these applications should be directed to the Oak Bluffs Affordable Housing Trust, and that all three could be sent there. Alison said these projects are straight forward, and she thinks CPC is qualified to approve them or not. Joan said OB Aff. Housing Trust was formed to make housing decisions for the town. Alison asked if they are at the point to be able to do that. Joan said they have \$300K in previously approved CPA funds already, but it's still in CPC account, and she'd like to pass it on. Jim said Abe Seiman, chair of Affordable Housing Committee, was present. Jim said the Trust has only met once, and doesn't have a chair yet. It consists of the Selectmen and members of the Affordable Housing Committee. Jevon proposed that forwarding these applications might get Trust functioning more, force the Selectmen's hand. In future, Jim said the Trust could come to the CPC for funding projects. CPC would set aside the 10% as required. Joan said this would be put in the aff. housing reserve, and next year they could come in and ask to fund proposals. Joan agreed she'd like to send applications to Trust, and that their funding is available right away, so it's not constraining the applicant. Jevon said the applicants wouldn't have to go to Town Meeting. Joan said the CPC has agreed they'd like to fund primarily Oak Bluffs projects. Abe Seiman said there only needs to be a majority of Trust members in order to vote to use funds. He said they're trying to get an inventory of available housing projects; Joan pointed out usefulness of present application from Island Housing Trust for a housing inventory. Joan asked Abe if the referral to them would be acceptable. He said yes. Jim said Abe can call a meeting of the Trust and bring applications to them. Jevon doesn't want the projects to suffer because of this move. Joan suggested getting an answer from the Trust before the ATM warrant goes to press, so CPC can change course. Adam said he'd want a good explanation if they turn the idea down. Jim said they could have a project that would need all the \$300K, but he didn't think so. Adam said that would be fine; he just didn't want them so hang onto the money because they knew the CPC would fund these projects anyway.

### **Funding discussion:**

There was a discussion about when the warrant needs to be finished – date uncertain [Deadline for submission is Feb. 20<sup>th</sup>]. Adam said the CPC could have affordable housing proposals on the warrant and withdraw them at town meeting. Jevon suggested this would cause a lot of questions. The next meeting is January 23rd, at which time this discussion can continue, as well as looking at CPC procedures. Regarding legal opinions, Adam said the warrant gets reviewed by town counsel, but the CPC could submit proposals for review. Steve said last year he submitted proposals to town counsel before CPC made final decisions. Adam said CPC pays for its own legal expenses so review can happen any time. Jevon suggested all of them could be sent. Joan said some have been reviewed before, and why not decide which ones to fund first and then decide which to send to counsel.

### **VOTING:**

**Niantic Park:** Adam said he'd like to see if anyone wanted to make a motion to approve the project as presented. No one did. Voting: Alison said no. Steve said no but maybe at a future date. Charles said he'd like to see it better thought out and possibly coming under historic preservation. Jim agreed with Charles and Steve, and would like to see it better conceived. Jevon did not support it as presented but wanted to encourage them, that it's a worthy project. Adam said he didn't think it qualified. Joan said she didn't either. She added that in this case, she'd like to see a letter sent that put together some of the Committee's words about how they reached the decision, and giving encouragement. Charles said that in discussions about redesigning the park, the fence, and hedgerow ideas, the only thing possible to play with is parking. Alison said the parking is really ugly as it is. Jevon said he'd like to see a master plan including parking. Joan said she thought that's the way to go – historic preservation with a master plan. **Vote: 7-0 No**

**Frye Property:** Jim made a motion that the amount be reduced to \$300K and that it just be for purchase. Adam seconded it. Steve said that if the offer is for \$280K why not just ask for that. Jim said there would still be closing costs. Steve Auerbach asked about spending money for a little strip of land for which there is no plan to improve it. Jevon said we're just recommending it to town meeting. Jim said he thinks it's a good investment. Alison said she thinks the figure is too high. There was discussion of going to the businesses on either side of the land. Mimi said that they're the ones that will benefit. Jim said all of the town will benefit. Alison said Post Office Square is just down the road and will be a pleasant place to walk through. Jevon suggested the restrooms could be put on the Frye lot, making more room for parking behind, but added that the town would need to own the land anyway. Alison said she supported restrooms there which would block the view of the parking lot. Adam said it's a rare opportunity for the town to acquire some open space, and this is the first time the CPA funds would be used to buy open space: it's our one opportunity to buy a piece of open space in downtown. Charles said the parks dept. can come back next year to ask for funds to improve the lot, and then property abutters could be asked to help out. Joan said she'd vote for it because it's time to do something for open space, and this is what is affordable.

**VOTE: 5 Yes, 2 No**

Joan -- yes

Alison – No

Steve -- This project has a whiff of scandal and disaster about it – No

Charles -- Yes

Jim -- Yes

Jevon – Yes

Adam – Yes

**North Bluff Landscaping:** Jevon made a motion to approve this funded at \$5K, and that it has to go out to bid, assuming the Friends are also contributing \$5K. Steve seconded. Joan said she'd like to keep it at the original \$10K for more plantings to help keep the bluff from falling in. Jevon said he's basing it just on the landscaping around the bathhouse, and that the rest of the bluff is another project. Jim agreed with Joan, to vote enough funds to do it right. Joan said drip irrigation is needed, as well as a base plan. She said Renee agreed to come to the Con Com to get criteria for a plan, and \$10K might be tight. Jevon said more plants could be put in later, and that this was enough for the base plan and infrastructure, and he'd rather keep the budget tight. Adam agreed, that it suffers from its location, its association with what's already transacted there.

**Vote: 6 Yes, 1 No [This project has since been withdrawn from CPC]**

Joan – yes, reluctantly because of less \$ amount

Alison – yes

Steve – yes  
Charles – yes  
Jim – No, doesn't think it's enough \$  
Jevon – yes  
Adam – Yes

**East Chop Bluff and Road Preservation:** Adam made a motion to accept the project as presented. It was seconded. All voted in favor. Jevon said he didn't think it needed to be reviewed by town counsel.  
**Vote: Unanimous Yes**

**Trinity Church stained glass windows:** Charles made a motion to fund the project at \$32K. Jim seconded it. Joan said that would pay for four complete windows. Charles expressed concerns about retaining public control of the windows.  
**Vote: Unanimous Yes**

**MV Museum Collection Preservation:** Adam made a motion to accept the project at \$44,953 as requested. Jevon seconded. Joan said the only real hesitation before was Ron Rappaport, but Edgartown and W. Tisbury both use him and they voted in favor. Jevon said although you're not allowed to hire someone, that's how you protect the collection, and he supports the project as presented. Alison reminded that the rubber stamp of Historical Commission was needed. Joan said Ron had said if the CPC felt strongly, they could OK a project and wait to see if anyone sued.  
**VOTE: Unanimous Yes**

**Affordable Housing:** Jevon said he'd like to table a decision until hearing a report from Housing Committee/Selectmen. Steve said someone should talk to Selectmen about getting it on their agenda. Jevon said it's a Trust issue. Jim brought up concern about communicating with applicants. Adam said they should be told that CPC is referring their applications to Trust. Jevon said there is a need to do it quickly in case they do come back to the CPC. Motion was seconded. Abe Seiman asked if a letter would come explaining what CPC proposes to do. Jim replied that if the CPC starts with tabling the request, and then referring applicants to the Trust, they will come to him. Jevon worried about hanging applicants up, so he wanted to see process facilitated. Joan said a letter should be sent to the Selectmen, and the Trust, and then to each member. Adam said for matters of protocol, the applicants should get the letter, and the Trust and selectmen should be cc'd. Jevon said he could go to the Selectmen with Joan. Jim said it's called the Trust Fund, and that the trustees are the Selectmen and the members of the Affordable Housing Committee. Kathy is chair of Selectmen and Abe of the Housing Committee. Jevon said they should get the letter. Abe said there are only 9 members because Walter Vail is on both.

**Other discussion:**

Alison asked if there was a decision about which projects were being sent to town counsel. Joan said as of now, the committee agreed to spend **a total of \$411,953 on projects this time**. Alison said she didn't think any needed to go to town counsel. Steve said just to protect CPC they should go to town counsel. Others said they all will go anyway with the warrant. Joan said administrative fund is tight and she'd rather not spend it on this. Jevon said for bookkeeping purposes, CPC should vote on reserves, and that it could be more than 10%. Then he made a motion to stay at **10% for each category. Seconded and voted unanimously in favor.**  
**Meeting adjourned at 8:45.**