

**Braintree Community Preservation Committee
Minutes
February 10, 2014
Johnson Chambers – Town Hall**

Present: Linda Raiss (Chair) Pat Flynn (7:35pm) Darryl Mikami (7:45pm)
Anne Murphy (V-Chair) Ronald Frazier Paul Machado
Dick Fletcher

Also Present: Christine Stickney, Director Planning & Community Development

Meeting convened at 7:30PM

New Business:

The Chair introduced Ron Frazier as a new member to the committee representing the Historical Commission. Ron noted that he was a former member of the CPC when it was first initiated back in 2002.

The Chair announced she will be taking some matters out of order since a member needs to leave early.

Old Business:

Discussion of Pond Park Monitoring CR - The Chair noted that Dick Fletcher had sent everyone a draft letter he is suggesting be discussed tonight regarding Pond Meadow serving as Monitor. In addition, Kelly Phelan, the CC agent, had provided a copy of the draft Sunset Lake Conservation Restriction. Linda Raiss said she spoke with Sean Cleaves, Pond Meadow Ranger, regarding the monitoring and learned that the Pond Meadow Board will be meeting soon. Therefore, she would like to send over to them documentation for consideration. In addition, she said Sean told her that he would have no problem if there were no fee involved. Dick reviewed his letter with members adding some background as to past discussion of a fee for the monitoring and how Weymouth had initiated the idea of a fee. Christine noted the letter should say “restriction” rather than “easement.” She added that the Conservation Restriction (CR) is reviewed and approved by the Division of Conservation Services (DCR) and they have established a template Towns are to use when doing CRs. Paul Machado stated the CR is needed because it was purchased under the CPA as conservation/open space. Dick noted that much of the CR language has nothing to do with the actual duties of the Monitor and who would handle enforcement. Linda Raiss asked if we could make changes that might pare down any unnecessary language. Christine noted DCR provided the template and any changes to it would need to be discussed with DCR. She offered to ask them if there were any rules or regulations relative to the monitors. Linda Raiss noted that she is hesitant to discuss with the Weymouth CPC as to a joint effort. Paul Machado said that not everyone understands all the aspects of the Conservation Restriction.

Chairwoman Raiss tried summarized the discussion and asked: 1) if we want to ask Pond Meadow to be a Monitor; 2) if we wished to have a discussion regarding monitoring with Weymouth. If we wish to move forward with exploring Pond Meadow as Monitor, we need to send a clear proposal to Pond Meadow. Pat Flynn expressed his opinion that the Town does not take an active role in the management of “passive recreation” areas rather it is reactive when there is an issue and he noted that tomorrow night

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for example the Conservation Commission is meeting with neighbors on Eaton's Pond – town property with no management.

Paul Machado asked if someone is filling on this property who would enforce – Christine responded we have had issues like this with the Blue Hill Cemetery filling on another conservation parcel. Our Conservation Agent, Kelly Phelan, has handled it when the land is in the care and custody of the Conservation Commission. If land is just open town-owned land the Zoning Enforcement Agent in Inspectional Services may have to handle.

The Chair asked again what the Committee wants to do. Anne Murphy suggested sending over the documentation.

Paul Machado **MOTION** that the Committee send the draft restriction with the cover letter to the Pond Meadow Park folks but delete references to the Weymouth CPC and a fee, second by Pat Flynn – Unanimously voted.

The Chair requested Christine amend the letter and send it to Pond Meadow Park. Pat Flynn asked for the definition of conservation lands in Town and Dick responded that in this case it would be conservation lands purchased with CP funds. Paul Machado asked if Christine would check with DCR about any requirements, policies as to the Monitor.

Anne Murphy leaves the meeting at 8:15pm.

Web Page Development: Linda Raiss said everyone at the last meeting was given the proposed pages and asked to respond. She has received responses from Paul Machado, Dick Fletcher and Anne Murphy. Linda asked if the information should be presented by categories with each project within a category listed chronologically. Dick Fletcher suggested it should be put together by project, i.e. Old Thayer library and all the projects in one section. Linda commented it will be a good resource for the Committee and she will incorporate. Dick Fletcher commented there is no reason to come back, just put it on the Town website .

Gallivan House Update: Christine shared an e-mail from Susan Kelly at the Braintree Cooperative Bank dated 2/5/14 updating the committee on the progress of the mortgage application. She also reported a conversation that she had with Matt Mees that the Historical Society has established a subcommittee to assist the efforts with the Gallivan House and no decision has been made as to the CP funds and the Historic Preservation Restriction.

Administrative Matters:

Annual CPA Meeting: Members decided to have their Annual Public Hearing at their April 14, 2014 meeting. Christine will advertise in the newspaper.

Members reviewed their contact information and made revisions. Christine will send out a new list.

Pat Flynn leaves the meeting at 8:35pm

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New Business cont.:

Return of Housing Funds: Linda Raiss provided members with some background on the Articles originally approved by Town Meeting, information from Melissa SantucciRozzi, Principal Planner, and from Lauren Murphy, Executive Director of the Braintree Housing. Currently there is \$200,000 in an account called Right of First Refusal that has accumulated from six Town Meeting Articles. The language of most Articles specifies “purchase of foreclosed units” and one article speaks to it being “under the custody of the Braintree Housing Authority” (BHA). Linda explained that the BHA is the Monitoring Authority for Turtle Crossing and there were originally 51 affordable units, 11 have gone market rate and at least 2 have been foreclosed. Lauren informed Linda it is very hard to find affordable buyers. When a financial institution notifies the Town of a foreclosure, notification is sent to the Mayor’s office and they handle it. Dick Fletcher said Town Meeting set aside money to prevent the loss of the affordable units and the Town has not taken any initiative to do anything with the funds. He, too, spoke with Melissa and Lauren and it appears today affordable units survive foreclosure and remain affordable because of their Deed Riders. He discussed with Lauren the possibility that the Town could use these CP funds to make the units being lost more affordable by buying down the sales price. According to Lauren, the units were lost because of the way the sale prices at Turtle Crossing were established [with their size and the affordability]. Christine stated in her opinion there are issues with finding eligible buyers for the affordable units and with affordable units being foreclosed on. She asked why the BHA, as in other communities, couldn’t establish a prequalified list of buyers for affordable units that would be available when a unit comes on the market. Other South Shore communities are always advertising in The Patriot Ledger. Christine added that Reservoir Crossing is monitored by the South Shore Housing and they seem to find buyers, or at least if the unit goes market it will stay as affordable with a Deed Rider. So, although a buyer may initially get a deal when purchasing, they do not gain a large profit because the sale price of the unit is capped as an affordable unit with a new Deed Rider. Dick commented that Lauren feels if these funds could be used to pay down the cost of the unit it could be an incentive to establish a new Deed Rider protecting the affordability of the unit. He added that the Town of Braintree should be purchasing the foreclosed units and re-selling them with the money from these articles. Christine noted there is no Housing Department in the Town and no comprehensive approach to housing. Dick stated he feels a strategy should be established and he would work with Lauren on one, but he feels the account should not be closed and the funds returned. Christine asked if some of the funds could be returned. Perhaps the funding set aside as under the “custody of the Braintree Housing Authority” [ATM 2004, Article 21B] could remain. Dick expressed his opinion that all funding should be held until a strategy is developed. The Chair asked the Committee if there is strong opposition to return or reserve the housing funds and what they want to do. No responses forthcoming. Dick Fletcher felt the account should remain as is until a strategy is developed.

Paul Machado **MOTION** to approve the minutes of 1/13/14, seconded by Darryl Mikami – vote 3:0:1 (R. Frazier abstains)

Darryl Mikami **MOTION** to adjourn the meeting, seconded by Paul Machado – unanimously voted.

Meeting adjourned at 8:55PM

Respectfully submitted,
Christine Stickney, Director
Planning and Community Development