



TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING

BOARD/COMMITTEE: Community Preservation Committee
MEETING DATE: January 6, 2022
TIME: 7:30 PM
PLACE: Remote Meeting pursuant to Current Executive Order.
See instructions below.

AGENDA

1. Review and Approve Minutes from December 2, 2021
2. Correspondence and New Business (if any)
3. 7:30 PM, Continuation of Public Hearing (opened 12/2/2021)
 - 3.1. Housing Board: Boxborough Rental Assistance Program (BRAP)
 - 3.2. Conservation Commission: Conservation Trust Fund
 - 3.3. Cemetery Commission: Cemetery Restoration
 - 3.4. Water Resources Committee: Land Acquisition for Water Resources Protection
4. Discuss and vote on recommendation of Applications to proceed as Warrant Articles for the 2022 Annual Town Meeting
5. Next Meeting, February 3, 2022 – draft agenda items

Join Zoom Meeting

<https://us02web.zoom.us/j/83657547470?pwd=c1VvNTJhdXc3TjhyR3JZdUVwbzhZUT09>

Meeting ID: 836 5754 7470

Passcode: 698367

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BOXBOROUGH COMMUNITY PRESERVATION COMMITTEE

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FIRST DRAFT

Community Preservation Committee (CPC)

December 2, 2021

Remote (Zoom) Meeting, Open to the Public
Pursuant to Executive Order of March 12, 2020

Votes on All Motions Are by Roll Call

MEMBERS PRESENT:

Dennis Reip, Chair, Conservation Commission
Hugh Fortmiller, Clerk, At-large
Hilary Greven, Recreation Commission
Robin Lazarow, Planning Board
Alan Rohwer, Historical Commission
Priya Sundaram, Finance Committee
Ron Vogel, Housing Board

MEMBERS ABSENT:

Rita Gibes Grossman, Vice Chair, At-large
John Neyland, Agricultural Commission

EX OFFICIO MEMBER ABSENT:

Wes Fowlks, Select Board Liaison

GUESTS:

Bryon Clemence, Clerk of Water Resources Committee (WRC) (8:20)
Les Fox, Chair of Water Resources Committee (WRC) (7:55)
Cindy Markowitz, Clerk of Planning Board
Al Murphy, Chair of Housing Board
Owen Neville, Cemetery Commission Member

DOCUMENTS:

- Agenda for December 2, 2021
- Draft of CPC Minutes from November 4, 2021
- Historical Commission endorsement of Cemetery Commission Application
- Final Applications Received:
 1. Boxborough Rental Assistance Program
 2. Conservation Trust Fund (with PowerPoint presentation)
 3. Cemetery Restoration
 4. WRC Land Acquisition for Water Resources Protection (with PowerPoint)

7:33 PM – After taking a roll call for a quorum (seven members present), Chair Dennis Reip called the meeting to order. Dennis opened the **Public Meeting** to review CPA Applications.

1. Review of Boxborough Rental Assistance Program (BRAP) Final Application: The request for **\$38,050** is the same as last year’s request. **Al Murphy, Chair of the Housing Board**, explained that **\$250 monthly** rental assistance is given to each recipient, usually for a limit of three years. However, given the effect of the pandemic on family income, three or four families have been given extensions for periods of six months, the longest total being four years. Robin asked about other sources of funds; Al said all the money has come from CPA funds. The monthly rental allowance is paid directly to the landlords. Al explained that because recipients “come and go,” BRAP may occasionally be supporting as many as 13 or 14 recipients, but **the annual average is 12 recipients**. Priya pointed out the need for a date change in the final application. Al said the program depends on the management and advice of **Rose Gage, the Town’s Community Services Coordinator**. Rose evaluates applications and **gives advice** to families to help them improve their financial situations so that they can eventually support themselves without BRAP assistance. Al explained that the Housing Board sets policy, while Rose Gage protects the identity and confidential information about the applicants. Ron Vogel, CPC representative from the Housing Board, expressed support for Al’s presentation.

2. Review of Conservation Trust Fund Final Application: The request for **\$10,000** is the same as in past years. **Dennis Reip, Chair of the Conservation Commission (ConsCom)**, shared the PowerPoint presentation ConsCom has prepared for Annual Town Meeting (ATM), detailing the various uses for the money in the Trust Fund. He explained that for about 11 years the Fund has allowed ConsCom to deal with the expense of **maintaining and evaluating conservation land**, and it also serves as a resource which can be used to help with possible land acquisitions. Alan reminded Dennis that Rita had pointed out that the **Town’s land use map needs updating**. Dennis replied that when the Town develops a new Open Space and Recreation Plan, he hopes that the map will be updated. Alan courageously thanked Dennis on behalf of Rita. Robin asked how much money is available for property acquisition and whether the Conservation Trust Fund has funding sources other than CPA funds. Dennis replied that **for land acquisition the Trust holds about \$50K for FY2022**. He said the Fund received a citizen’s gift 10 years ago, and that the Boxborough Conservation Trust (BCT), a non-profit, often contributes funds for purchasing conservation land. He also explained that the Conservation Trust is not contributing funds to the Water Resources Committee’s effort to acquire land. Cindy Markowitz asked how Conservation Trust funds might help the Town respond to a **“first refusal” opportunity** to purchase land. Dennis responded that the Trust could contribute to the **“due diligence” expenses** of evaluating the suitability of such land, but the purchasing funds would most likely come from approval of funding at ATM. Cindy also asked about the cost of preparing the Town’s **Open Space and Recreation Plan**. Dennis explained that Town Planner Simon Corson may seek funding of about \$15K from the CPC or another source, and that the CPC has not received an application. Cindy also asked about the size of the Town’s CPA fund. Dennis replied that Boxborough CPA funds will be about \$500K for FY2023, and should all current applications be approved, the CPC will have a surplus for use in the future. He explained that the CPC would be voting on the final applications at the CPC January meeting and that the CPC may see revised or new requests at that time.

3. Review of Cemetery Restoration Final Application: The Cemetery Commission’s request for **\$9,500** is the same figure **Commission member Owen Neville** presented at the CPC’s last meeting. This is the fifth year of restoration work and the third year of requests for CPA funds. Owen pointed out that the restoration work in North Cemetery may be completed for less than \$9,500, and remaining funds would be used to begin restoration work in the old section of South Cemetery. Owen reported that **work is**

going well with cleaning of monuments, straightening of leaning stones, and mending of broken stones with epoxy. Dennis showed the CPC the **Historical Commission's October 14, 2021 unanimous endorsement** of the Cemetery Commission's final application. CPC members and the public had no further questions or comments.

4. Review of Final Application from the Water Resources Committee (WRC) to Acquire Land for Water Resources Protection: Les Fox, WRC Chair, shared a PowerPoint review of the request for **\$275,000** to be used to acquire (HSC) in the Beaver Brook Aquifer for **passive recreation and to establish a public well** for use by residents in the western part of Boxborough and also by Littleton residents in the area, with Littleton's Water Department providing water treatment. The land is north of the 60 acres of Campanelli land (formerly Cisco property) and land owned by Boxborough Conservation Trust (BCT); Nature Conservancy also owns an interest in Beaver Brook Valley Preserve (BBVP). The BCT and Nature Conservancy will be included in conversation about the land use. Les reported that earlier testing indicated that the site could produce between 500K to one million gallons of water a day. The WRC is **pursuing other grant opportunities** (such as MVP Action Grants) which may help minimize the amount of money needed from CPA funds if the grant come through before ATM. Massachusetts Department of Transportation (MassDOT) will fund **retesting of the well** for contaminants including PFAS. The HSC seems less interested in selling than it did a number of years ago, so the WRC would like to negotiate with HRC to **find an appraiser which both parties could trust**. Those who use the water would pay to cover the annual expenses of maintaining the well. For example, running Hager Well costs about \$50K annually. The details of well use and water treatment and distribution are complicated, but the WRC is convinced that Boxborough should acquire the land now, for passive recreation, so that the Town owns it and protects it for a possible well in the future. Dennis finds the land of great importance to the Town. Robin asked about the timing of testing, licensing and an agreement with HSC before ATM. Les responded that the WRC is moving forward with the help of Town Counsel, and as the WRC makes progress, the ATM request may need modifications. Eminent Domain would be used only if absolutely necessary. In response to a question from Priya, Les said that the hope is that Littleton Water can treat the water for PFAS and other contaminants. If LWD finds that testing proves otherwise, the well would not go forward. Robin asked what kind of recreation would take place on the 18 acres. Dennis compared the use to how Hager land is used, for not only the well but also **for walking trails, but not for playing fields**. Ron expressed concern about trails being in proximity to **HSC hunting activity**. Les and Dennis said the land would have signs marking the edge of public land and the beginning of private land, just as such boundaries are marked on conservation land trails throughout Boxborough. Warning about hunting seasons would also be the same. As for the HSC gun range, it is on the north side of HSC property. **WRC Clerk Bryon Clemence** observed that in 2001 and 2002 the WRC studied 20 sites for possible municipal water, and most of the likely properties are no longer available as possible well sites; therefore, the Town must act now, as **this land may be the only source left**. Bryon emphasized that getting an agreement with HSC about who will appraise the land is very important in order to build trust; Les agreed that this is very good advice coming from Bryon who has considerable engineering experience. Cindy asked what would happen to approved CPA funds the WRC doesn't use; Dennis explained the CPC policy of paying out only authorized funds and retaining funds not needed, for return to the CPC general fund; **CPA funds can be used only for CPA-authorized expenses**. Cindy recommended that the WRC article for CPA funds at ATM include only a request for funds for open land acquisition. **ACTION: Dennis will seek the advice of the Community Preservation Coalition** about the limitations of using CPA funds for "due diligence" expenses such as surveying and the cost of assessment consulting. Cindy expressed concern that the language of the ATM request may lead voters to think the acquisition would bring the Town a "white elephant."

5. Continuance of Public Hearing: Dennis **moved** to continue the public hearing to the CPC meeting on January 6, 2022, in order to allow Town boards and committees to submit opinions and to allow Les and the WRC an opportunity to make revisions to the application. Ron **seconded** the motion. **VOTE:** Unanimous, 7-0.

6. Review and Approval of Minutes from November 4, 2021: Clerk Hugh Fortmiller described changes made in response to recommendations from Les and Rita. Dennis **moved** to approve the minutes as amended. Priya **seconded** the motion. **VOTE:** Unanimous, 7-0.

7. Correspondence and Other Business: Dennis said the only correspondence was the Historical Commission's endorsement of the Cemetery Commission's final application. Dennis also reported that the CPA-funded, 30-foot **Hager Bridge** from the Blanchard School parking lot to Hager land and the Library is now in place, and about 50 feet of boardwalk will be constructed within a week, in time to meet other grant funding deadlines. **Signs acknowledging CPC funding** will be added to the site.

NEXT MEETING: A REMOTE MEETING, THURSDAY, JANUARY 6, 2022, 7:30 PM.

- Continuation of Public Hearing.
- Discussion of new applications, additions, and changes.
- Town board and committee comments.
- CPC votes to recommend or not recommend final applications.
- Discussion of preparing drafts of articles and presentations for ATM.

There being no further business, Dennis called for a motion to adjourn. Robin **moved** to adjourn. Priya **seconded** the motion. **VOTE:** Unanimous, 7-0.

9:24 PM – Dennis adjourned the meeting.

Respectfully Submitted,

Hugh Fortmiller, Clerk

CPA Open Space Acquisition costs?

Stuart Saginor <stuart.saginor@communitypreservation.org>
To: Dennis Reip <dennisreip@gmail.com>

Thu, Dec 23, 2021 at 10:19 AM

Good Morning Dennis:

Thanks for your patience on this reply. It's been a busy time for us, as seemingly every CPA community is racing to finish up project application reviews by the end of the year.

You are correct that CPA funds can be used for acquisition of land for drinking water supply and watershed protection purposes, so this is a great CPA open space project. It is also permissible to use CPA funds for any due diligence and closing costs necessary for the acquisition, such as 21E studies, legal costs related to preparing closing and other purchase documents, boundary survey of the property, and appraisals (although in your case the application says they won't need CPA funding for the appraisal). If as part of your due diligence, you need to dig a test well before the acquisition, to determine if this land is suitable to purchase for water supply purposes, that would seem to fine, as well.

But the costs are limited to items necessary for the acquisition of the land, NOT the future use of the land as a public water supply. CPA is an Act to facilitate the acquisition of conservation land, not a funding source for the creation of public water supplies. So it would not be possible to use CPA funds for any costs to investigate, design, permit, construct or any other costs related to the creation of the public water supply. The warrant article should be clear that the CPA funds are for acquisition and related expenses only. If there is money left over in the warrant article after the acquisition related expenses are paid, those funds need to be returned to the CPA account. They cannot remain in the project account and be used for further work on the possible public water supply.

The last item to note is that the application talked about covenants & restrictions that would be needed on the property, and it didn't mention a Conservation Restriction (CR). Per Section 12 of CPA, any land acquisition with CPA funds triggers the requirement for a conservation restriction to be placed on the land as soon as possible after acquisition. You can read more about the requirement for CRs on our website:

Conservation Restrictions 101: The Rules on Conservation Restrictions on CPA Acquired Land

You will also see more information on the requirement for CRs on watershed land in this document from Mass DEP. You can ignore the first section which describes a town purchasing only a CR on privately held land for water protection, and skip to the section that talks about a town purchasing land for watershed protection using CPA funds:

<https://www.mass.gov/doc/source-protection-fact-sheet-conservation-restrictions-for-public-drinking-water-supply/download>

You'll note that this CR has to be held by a non-town entity, such as a non-profit land trust. The Boxford Conservation Trust would be the most likely holder of that CR, given their ownership of land adjacent to the Sportsman's Club. You'll want to bring them into the conversation now, so that this requirement can be fulfilled after the acquisition. It would also be a good idea to have the Water Resources Committee revise their application to note they understand this requirement, and that the authority for the CR is included in the warrant article.

This draft warrant article for CPA land acquisitions will give you a head start on preparing for Town Meeting:
<https://www.communitypreservation.org/warrant-articles>

Good luck,
Stuart

On Dec 15, 2021, at 7:28 AM, Dennis Reip <dennisreip@gmail.com> wrote:

Hi Stuart,

The parcel of land would include the actual well site.
Attached is the application and a presentation by the Water Resources Committee to the CPC that provides the relevant info.

The public hearing on this application has been continued to January 6, 2022 to allow for additional information such as the answer to this acquisition cost question to be considered.

Thanks,
Dennis

On Tue, Dec 14, 2021 at 11:27 PM Stuart Saginor <stuart.saginor@communitypreservation.org> wrote:
Hi Dennis:

Happy to help with this question.

Will the land be the site of the actual well? Or will the CPA land just be providing a protection zone for a well to be located on an adjacent piece of land?

Also, can you send us a copy of the application? After we have that, we will respond by Friday.

Best,
Stuart

Stuart Saginor
Executive Director
Community Preservation Coalition
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stuartsaginor@communitypreservation.org
617-371-0540

On Dec 14, 2021, at 8:46 PM, Dennis Reip <dennisreip@gmail.com> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Stuart and Chase,

We have a proposed request for CPA funds to acquire land for open space intended to protect a potential future well field and/or aquifer.

It is clear that this type of land purchase/acquisition would qualify for CPA funding.

Guidance on the website indicates that related acquisition costs such as title search, appraisals, and survey may also be CPA funded.

Does the definition of allowed related acquisition costs extend to performing further due diligence such as a 21E site investigation, well testing and other investigative activity?

Thanks,
Dennis Reip
Chair, Boxborough CPC
978-490-5575

<04 WRC CPA Application final - rev5.pdf><04 CPC WRC HSC Acquisition Presentation.pdf>