



## BOXBOROUGH COMMUNITY PRESERVATION COMMITTEE

29 Middle Road, Boxborough, Massachusetts 01719

Phone: (978) 264-1723 • Fax: (978) 264-3127

www.boxborough-ma.gov

---

### Community Preservation Committee (CPC)

February 3, 2022

(Approved March 3, 2022)

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  
Rita Gibes Grossman, Vice Chair, At-large  
Robin Lazarow, Planning Board  
John Neyland, Agricultural Commission  
Alan Rohwer, Historical Commission  
Priya Sundaram, Finance Committee  
Ron Vogel, Housing Board

#### MEMBERS ABSENT:

Hilary Greven, Recreation Commission

#### EX OFFICIO MEMBER ABSENT:

Wes Fowlks, Select Board Liaison

#### GUESTS:

Les Fox, Water Resources Committee (WRC), Chair  
Tom Bieber, Boxborough Conservation Trust (BCT), Treasurer

#### DOCUMENTS:

- Agenda for February 3, 2022
- Draft of CPC Minutes from January 6, 2022
- Email from Community Preservation Coalition, January 20, 2022, regarding matching funds
- Draft of CPC 2021 Annual Report and CPC account balances
- Draft of Financial Summary of proposed projects and Community Preservation Act (CPA) funding to present at 2022 Annual Town Meeting (ATM).
- Notes regarding Community Preservation Coalition webinar on using CPA funds for bonding.
- Drafts of CPC Warrant Articles for 2022 ATM.

**7:31 PM** – After taking a roll call for a quorum (eight members present), Chair Dennis Reip called the meeting to order.

**1. Review and Approval of Minutes from January 6, 2022:** Hugh thanked Rita and Dennis for their help in preparing the minutes, and explained one correction from Mary Nadwairski. Hugh **moved** to accept the minutes as revised; Dennis **seconded** the motion. **VOTE:** 8-0, Unanimous.

**2. Correspondence:** Dennis shared email from the Community Preservation Coalition saying a State surplus of \$10M meant that the State will provide a 43.8% match to Boxborough's 1% surcharge.

**3. Review of CPC 2021 Annual Report and Account Balances:** Dennis pointed out that to avoid confusion, we are using the ATM year, not the fiscal year for the beginning dates of projects. Dennis **moved** to accept the reports as written; Robin **seconded** the motion. After a brief discussion, **VOTE:** 8-0, Unanimous.

**4. Financial Summary for ATM:** Dennis discussed the working list of the money requested for projects in FY 2023: a total of \$337,550 in project requests, and (if all requests are passed) \$302,014 in remaining CPA funds. The list will be part of the CPC's presentation at the 2022 ATM. Priya asked if funds from one of the three CPA "buckets" (Land/Recreation, Housing, Historic) can be borrowed for the purpose of another "bucket." Dennis explained that the three specified funds may not be interchanged. Dennis showed the CPC a simplified presentation of CPA financial history, also for ATM use. The consensus was that these reports will be helpful at ATM.

**5. Discussion of Use of CPA Funds for Bonding:** Hugh explained his notes from a Community Preservation Coalition webinar about using CPA funds for bonds. CPA towns have supported 273 bond projects, **virtually all for land purchase**. Bond projects may be paid only with funds generated from a town's CPA surcharge, and after the "bucket" and administrative payments have been allocated. The webinar presents details about how to write bond articles for town meetings and how CPA funds might pay for bonding of only part of the cost of land purchase. **ACTION: Hugh** will send the CPC the link to the webinar; in addition, the Coalition website is [www.communitypreservaiton.com](http://www.communitypreservaiton.com). Discussion included clarification of bonding details. Dennis recommended referring to last year's Liberty Field bond, he also pointed out that the annual surplus for Boxborough CPA funds has been about \$35K a small margin; therefore, recurring bond payments would cut into other CPC funding. Towns with a surcharge of 3% might be more able to carry a bond. Bonding for 20 or 30 years is the usual term. Dennis asked members to express opinions; the CPC **consensus is to continue to avoid bonding using CPA funds**.

**6. Voting to Recommend CPC Articles on the Warrant for 2022 ATM:** Dennis pointed out that we are considering drafts of articles which may receive updating and minor changes from the applicants, Town Counsel, and the Select Board before the articles are printed in the Warrant.

**a. Article 1. CPC Report, FY2023 Reserves, and Administrative Budget:** from general CPA funds. Includes the three "buckets," and annual administrative costs. Dennis **moved** that the CPC recommend Article 1; Ron **seconded** the motion. **VOTE:** 8-0, Unanimous.

**b. Article 2. Boxborough Rental Assistance Program (BRAP):** The article may be revised to reflect the source of CPC funds (Housing "bucket" or general funds). Dennis **moved** that the CPC recommend Article 2; Ron **seconded** the motion. **VOTE:** 8-0, Unanimous.

**c. Article 3. Conservation Trust Fund:** Funds from Open Space and Recreation budget. Dennis observe that the Trust Fund will need significant funds to pay for the cost of updating the

Town's Open Space and Recreation Plan. Robin **moved** that the CPC recommend Article 3; Rita **seconded** the motion. **VOTE:** 8-0, Unanimous.

**d. Article 4. Cemetery Restoration:** From Historic Resources CPA funds. Dennis **moved** that the CPC recommend Article 4; Alan **seconded** the motion. **VOTE:** 8-0, Unanimous.

**e. Article 5. Water Resources Committee Acquisition of Land for Water Resources Protection:** From Open Space and Recreation funds and general fund. The request is now for \$275,000. Les Fox, WRC Chair, summarized the plan and answered questions. He reported that no negotiations with the **owner, Harvard Sportsmen's Club**, had taken place. He pointed out that ATM approval for CPA funding needs only a majority vote; for an eminent domain purchase, Town Meeting approval would need a two-thirds vote, as only Town funds can be used for such a purchase. The WRC has not yet gained permission to test water on the Sports Club land. The WRC plans to **first test the existing well**, and if that test is favorable, the WRC will test at the site of a **proposed well**. At the February 28 Special Town Meeting (STM), The WRC will be asking the Town for funds to do the testing which includes PFAS testing. Dennis expressed the general CPC opinion that without favorable test results, it would be inappropriate to bring Article 5 to ATM. Robin asked why the WRC wasn't simply testing at the new well site; Les responded that a favorable test at the existing site would be a benchmark for investigating for a new well site. Robin asked whether the WRC perform an appraisal before negotiations with the owner; Les replied that allowing the owner to help select the appraiser would improve negotiation progress. The price of eminent domain purchase is not clear. The request for \$275K is public knowledge, and that will affect negotiations. If STM does not approve funds for testing, the Article will not go forward. Rita asked if approval of the Article at ATM is approved, would the funding be adjusted to suit negotiations; Dennis pointed out that should less money be needed for the purchase, the unexpended CPA funds would revert to the CPC. He also pointed out that approved CPA funding remains available even if WRC negotiations with the owner take more than a year. Questions were raised about the prospect of the WRC receiving grant money from an outside source; the final application for \$2-300K is due in April; should it come through, then approved CPA funds not used will revert to the CPC general fund. Follow-up funding for establishing use of the new well would have to come from Town funds (not CPA funds), and if the land is acquired, it can simply be protected recreation land until water use is developed in the future. Dennis **moved** that the CPC recommend Article 5; John **seconded** the motion. **VOTE:** 7-1, Passed. Robin voted against the motion in order to emphasize during ATM discussion that only if due diligence testing is favorable should this Article be approved. **ACTION:** Robin will write for the summary about this vote an explanation of her concerns. Dennis emphasized that they expect the WRC would withdraw the article if due diligence was incomplete, and Les said he would consider writing into the Article conditions related to due diligence.

**7. Other Business:** Rita cited the recent opportunity for the Town to purchase 21 acres of open land on Sargent Road under the Town's right of first refusal on a parcel that the Conservation Commission considers "high" in conservation value. That request prompted discussion of whether the Select Board might need to request CPA funds for the Sargent Road parcel before ATM, because the right of first refusal deadline came before ATM. The Select Board could ask for a Special Town Meeting (STM) to vote for available CPA funds for land purchase; the funds could amount to around \$236K. Les reported that the Select Board is informing the owner of the Sargent Road land that the language of the owner's notice regarding the Town's right of first refusal may be "insufficient," so the deadline may be

extended. Dennis pointed out that any new CPC article needs time for a public hearing before it can move ahead. Rita asked that in the future the CPC should discuss the advisability of designing into its budget the building of reserves in order to respond in a timely manner to such large land purchase opportunities; Dennis agreed but tabled the discussion for now.

**8. NEXT MEETING, A Remote Meeting, Thursday, March 3, 7:30 PM.**

- Update on status of articles.
- Preparation of recommendation summaries, particularly regarding the WRC's Article 5.

**There being no further business, Dennis called for a motion to adjourn.** Rita **moved** to adjourn. Robin **seconded** the motion. **VOTE:** 8-0, Unanimous.

**9:29 PM** – Dennis adjourned the meeting.

Respectfully Submitted,

Hugh Fortmiller, Clerk