



BOXBOROUGH COMMUNITY PRESERVATION COMMITTEE

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Community Preservation Committee (CPC)

March 3, 2022

(Approved March 17, 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
Hilary Greven, Recreation Commission
Rita Gibes Grossman, Vice Chair, At-large
Robin Lazarow, Planning Board
John Neyland, Agricultural Commission (7:36)
Alan Rohwer, Historical Commission
Priya Sundaram, Finance Committee
Ron Vogel, Housing Board

EX OFFICIO MEMBER ABSENT:

Wes Fowlks, Select Board Liaison

GUESTS:

Simon Corson, Host
Tom Bieber, Boxborough Conservation Trust (BCT) Treasurer
Lisa St. Amand, BCT Clerk
Liz Markiewicz (8:00)

DOCUMENTS:

- Agenda for March 3, 2022.
- Draft of CPC Minutes from February 3, 2022.
- Drafts of Preliminary and Final Applications for BCT request for CPA funding for Town Acquisition of 95 and 105 Sargent Road.
- Draft of Article 5 for Annual Town Meeting (ATM), 5-9-2022, for CPA funds for Town acquisition of 18 acres of open space and recreation land from Harvard Sportsmen's Club for water resources as requested by the Water Resources Committee (WRC).

7:30 PM – After taking a roll call for a quorum, with eight members present, Chair Dennis Reip called the meeting to order. At 7:36 PM, all nine members were present.

1. Review and Approval of Minutes from February 3, 2022: Hugh thanked Dennis and Rita for a few small edits. Rita **moved to accept the minutes** as written; Robin **seconded** the motion.

VOTE: 8-0, Unanimous.

2. Correspondence: None.

3. Review of Warrant Articles for the 2022 ATM: Dennis reported that the articles have been submitted; other Town boards and committees will submit recommendations by March 9. The “Drop Dead” date for revisions is March 28.

4. Discussion of WRC Warrant Article, for Land Acquisition: The CPC had recommended 7-1-0; however, **funds for “due diligence” testing of the well water on the land were denied** at Special Town Meeting (STM), February 28, 2022. Without the testing, discussion turned to whether the CPC should withdraw its recommendation, or whether the CPC should withdraw the Article. John said the WRC would withdraw the Article, but Dennis pointed out that the Article was now CPC’s Article. Therefore, Dennis **moved that the CPC remove the Article from the Warrant**, as it was not ready to move forward; Ron **seconded** the motion. **VOTE:** 9-0, Unanimous. After the vote, John observed that WRC needed to prepare voters regarding public well water; he said **voters misunderstood the possible taking of land by “eminent domain”** as the phrase becomes a threat. Dennis pointed out that the **WRC is doing its job** as it is charged with **identifying and securing clean water sources** for the Town for possible use in the far future. Rita recommended that CPC members and others go to the **WRC website** for useful information.

5. Discussion of BCT Request for CPA Funds for Acquisition of Open Space and Recreation Land at 95 and 105 Sargent Road: Because the 21 acres is Chapter 61, forestry, land, when the owner decides to sell the land, the **Town has right of first refusal**. Town Counsel is reviewing the notice from the owner, dated February 22, 2022, stating that a developer is offering **\$1.25m**. If Town Counsel determines that the notice is properly written, the Town has 120 days to purchase the land or decide not to do so. **Lisa St. Amand** gave the CPC the **BCT’s reasons** why the Town should purchase the land, and she explained the various options for raising funds. She said **the land is a high priority** for both conservation (wildlife, flood control, protection of water) and recreation (the Recreation Commission – RecCom – would add trails which would connect to existing trails for a total of five miles). The potential buyer proposes to build on five lots, but the land could be used for as many as eight lots. Should the Town decide to exercise its right of first refusal, the Town then has 90 days to complete the purchase. The BCT has raised \$100k and hopes to raise another \$100k. **The BCT is applying for \$200k of CPA funds, and possibly \$400k**. The BCT is researching other sources of funding from private foundations and is engaged in local fundraising to reduce the ultimate cost to the Town. Another unknown is whether **Sudbury Valley Trustees (SVT) may be able to take responsibility for the land** to meet the right-of-first-refusal timeline and criteria for a state Local Acquisitions for Natural Diversity (LAND) grant application and award decision. Lisa says the project does fit SVT’s regional conservation criteria, and that is why the BCT is pursuing to partner with SVT. Robin asked about **other funding sources**, such as The Nature Conservancy (TNC). Lisa responded that the land acquisition would not fit the funding criteria of TNC. The timing and deadline for other state and foundation grants do not fit the Town’s deadlines and would require a Town purchase before a grant could be awarded. Robin raised the question of whether CPC funding is more or less favorable to tax payers than straight tax payments. Dennis responded that while CPC funds come from a surcharge of one percent of a homeowner’s property tax, the **CPA annual matching funds from the State have been quite favorable**, from a low of about eleven percent to as high as possibly 48 percent this year. Hilary said that RecCom supports the purchase of the land. John, as the Agricultural Commission’s (AgCom) representative to the CPC, said that **AgCom wants the land to be preserved in forestry**; Lisa says that AgCom would have to work with ConsCom to establish a forestry plan. Hugh asked how a forestry plan would be funded and suggested getting advice from George Krusen

who has experience with Chapter 61 land. The CPC then discussed whether to ask the Town to approve use of **\$200k or \$400k from CPA funds**, given that the WRC is no longer going to apply for over \$250k of CPA funds. Rita, Lisa, and Hugh pointed out that the Town has not acquired a parcel of conservation land for about 20 years and that given the CPC policies of not funding a bond and of not creating a large “bucket” for land purchases, this would be a good opportunity to make a significant CPA contribution to acquisition of open land. Robin expressed **concern that \$400 would deplete the availability of CPA funding for next year’s applicants**. Dennis responded that given that matching funds will be quite favorable, next year’s balance of available funds would be sufficient. Lisa pointed out that projecting a “best case” for funding, \$400k from CPA, could help produce close to 50 percent of the purchase price, or even as much as 75% (\$1m). Dennis asked for **a sense of the meeting** regarding CPA funding of \$200k or \$400K. Robin believed that \$300k would give the CPC a better budget for **unforeseen projects** next year. The rest of the CPC said that **\$400k seemed appropriate**. Dennis explained that after various Town boards and committees have responded to the BCT proposal, and after a public hearing at the next CPC meeting, **the CPC would make a final decision on the funding** the CPC would approve for the Article going to ATM. **Lisa agreed to speak at ATM** to present the case for the CPC article. Discussion of which article should come first led to a consensus that although voters would be asked for two votes, **a single presentation** would make the best sense. Priya encouraged the BCT to go directly to the **Sustainability Committee and Finance Committee** for their support. Support from the **Select Board and Planning Board** would also be significant.

6. NEXT MEETING, A Remote Meeting, including a PUBLIC HEARING, Thursday, March 17, 7:30 PM.

- Update on status of articles.
- Public Hearing on BCT Article regarding Sargent Road land acquisition.

There being no further business, Dennis called for a motion to adjourn. Rita **moved to adjourn**. Priya **seconded** the motion. **VOTE:** 9 -0, Unanimous.

9:17 PM – Dennis adjourned the meeting.

Respectfully Submitted,

Hugh Fortmiller, Clerk