



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) Minutes March 17, 2022

Approved April 7, 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
Alan Rohwer, Historical Commission
Priya Sundaram, Finance Committee
Ron Vogel, Housing Board

EX OFFICIO MEMBER PRESENT:

Simon Corson, Town Planner (Serving as Zoom Host)

EX OFFICIO MEMBER ABSENT:

Wes Fowlks, Select Board Liaison

VISITORS:

Katie Becker, Tom Bieber (Boxborough Conservation Trust – BCT – Treasurer), Anne Gardulski, Jeff Glidden, Meredith Houghton (Sudbury Valley Trust – SVT – Board member), David Koonce, Karl Malakian, Liz Markiewicz, Cindy Markowitz, Francie Nolde, Lisa St. Amand (BCT Clerk), Barbara Salzman, Tara Zantow

DOCUMENTS:

- Agenda for March 17, 2022
- Draft of CPC Minutes from March 3, 2022
- Latest draft, Boxborough Conservation Trust (BCT) application for CPA funds for Land Acquisition of 95-105 Sargent Road
- CPC Account Balances and FY23 (2022 ATM) Appropriations
- CPC Report Summary and Project List for Warrant
- Draft of Warrant Article for CPA Funding, Sargent Road land

7:31 PM – After taking a roll call for a quorum, with all nine members present, Chair Dennis Reip called the meeting to order.

1. Review and Approval of Minutes from March 3, 2022: Hugh thanked Lisa St. Amand, Rita, Dennis, and Tom Bieber for their corrections. Rita **moved to approve the minutes** as amended, Priya **seconded** the motion. **VOTE: Passed, 9-0. Unanimous**

7:36 PM – Dennis declared the **opening of the Public Hearing**; the hearing is required for consideration of the BCT application for CPA funds to contribute to the Town’s **purchasing of land at 95-105 Sargent Road**. CPC member **Rita Grossman**, as President of BCT, the non-profit organization requesting CPA funds, declared she was **recusing herself** from discussion of the application and the subsequent CPC vote to approve the article going to Annual Town Meeting (ATM) in May, 2022.

2. Presentation of the BCT Application for CPA Funds to Acquire Land on Sargent Road: Using area maps, Lisa St. Amand presented the BCT application. She described the two parcels (.83 acres and 20.52 acres) currently under Chapter 61, which a **developer has offered to purchase from the owner for \$1.25M** in order to build five homes. Under the Chapter 61 agreement, the owner has submitted a notice of intent; when Town Counsel finds the notice “sufficient,” the Town has 120 days to exercise right of first refusal to purchase the land for \$1.25M, and then 90 days to complete the purchase. In all likelihood, when the date of the notice of intent is established, **time will remain for the Town to consider the land purchase at ATM in May**. Lisa explained that the land meets or exceeds all the criteria for conservation, and it is contiguous to existing conservation land: Rolling Meadows and Half Moon Meadow, as well as land under conservation restriction across Littlefield Road. The Sargent Road land meets the criteria for protecting wildlife. It also fills goals of protecting water resources and providing climate resiliency. The Agriculture Commission (AgCom) wants to continue the **forest management program** of the current owner. Hilary reported that the Recreation Commission (RecCom) says that in the future the land might provide connections to existing trails for a total of five miles. Lisa explained that BCT has committed \$100K to the purchase and has a matching-donation program which they hope will raise another \$100K. Allowing for the need of an additional \$25K for administrative costs, CPA funding of \$400K will leave a **need for an additional \$675K to complete the purchase**. Because a **state Local Acquisitions for Natural Diversity (LAND) grant application**, award, and contract (if successful) cannot be completed till early 2023, **the BCT is attempting to get help from Sudbury Valley Trust (SVT) as an interim purchaser**; SVT would require a guarantee that the Town would purchase the land from SVT in two years regardless of whether the State grant is successful or not. Lisa argued that since a 2015 study of potential conservation land, prime parcels for possible conservation have been lost, and that since CPC was established in 2015, the Town’s use of \$1.3M in CPA funds has never included purchase of open space land.

3. Committee Comments and Questions Regarding Sargent Road Land Application: Robin asked what **forest management would cost** the Town; the answer requires investigation. John believes that the revenue from harvesting may pay for a forest management plan. Lisa will attempt to answer the question later. Robin asked if there will be a permanent restriction on development on the land, as voters would want that assurance.; Lisa and Dennis said the Article should specify that **no future development** would be allowed. Hilary asked if part of the land could be used for a sports field; Lisa said **the state grant would not allow a sports field**. John asked if approval of purchase would jeopardize the state grant; Lisa responded that the grant regulations would actually require such a purchase. John recommended that the **Planning Board look at the land** to see if it could be used for more than five homes, and whether the developer is restricted to only five. Alan asked if a **forestry management plan** is appropriate for conservation land; Tom Bieber said that it’s OK and that it **would be supported by the state land grant regulations**. Hugh recommended that BCT get clear answers regarding the cost of forestry management and the building of trails; he also felt that the complicated timing of contingencies

regarding ATM votes, the role of SVT, the timing and requirements of a grant, and the obligations of Town funding need a clear **explanatory chart and timeline** voters can understand; Lisa agreed. Robin asked if **other Town boards and committees** had considered **recommending the BCT article**. Lisa said the Planning Board seems to be supportive; ConsCom has voted support; the Select Board has not met to discuss it; AgCom and RecCom have not yet met; the Finance Committee and the Select Board will meet on March 22; the Sustainability Committee will be meeting in April. Priya asked for more information about the role of SVT and how long SVT would be able to “own” the land, knowing the Town won’t know if it has grant money to offset Town funding till 2023. Meredith Houghton, a member of the SVT Board, reported that the SVT has not met to consider the Sargent Road opportunity, but in all likelihood the SVT would essentially be giving the Town “a loan”; she confirmed that **SVT would require payment within two years**.

4. Public Comments and Questions Regarding Sargent Road Land Application: Tom pointed out that **Mass Audubon** has established a statewide goal of preserving 50% of possible conservation land by 2050 and that Boxborough needs to catch up with other towns in Massachusetts. Jeff Glidden sees the purchase as a **“once-in-a-lifetime” opportunity**, especially given the connection of the land to Rolling Meadows, the high ridge on the land, and how frequent flooding on Littlefield Road would become worse should houses be built on the property. Francie Nolde asked if any funding could come from the **Conservation Trust**; Dennis responded that \$40K of the \$50K currently in the Conservation Trust is already going to other significant projects. Francie asked if **CPA funds could be used in future years** to pay for the Sargent Road land; Dennis said that would be like funding a bond, and the CPC is reluctant to restrict available funds with the obligation of repeated payments or bonding. Anne Gardulski explained how the **geology of the land** helps protect the watersheds that feed our wells and that not many of the Town’s large conservation parcels are dry enough to support trails. She also explained that playing fields would destroy the value of the high portion of the land, and the lower portions are apt to be too wet. She sees the **connection with other conservation land** as a great opportunity for the Town.

5. Presentation of CPC Balances, the FY23 Project List, and the History of CPC Grants: Dennis explained the details of how CPC funds are set aside for different purposes. He explained that if all FY23 articles (including the BCT article) are approved, the CPC will have a balance of about \$150K left for FY24, and with the addition of the Town’s surcharge and probable State funding, a total of **about \$400K should be available for FY24**. He also presented a list of all CPA funded projects since Boxborough established the CPC.

6. Discussion of Draft of Article for CPA Funds for Sargent Road Land: Dennis pointed out that the draft of the article would likely need revision, and the **CPC should vote on the “intent” of the article**. \$15K of the CPA funds would come from the Open Space and Recreation “bucket,” and \$385K would come from general funds. Dennis pointed out that the **BCT will need to coordinate the article with the article for Town funding**. Alan asked if a 2/3 vote is required for the CPC article; Dennis said the CPC article would need only a majority vote, but the article for the remaining Town funds would require a 2/3 vote because it would have to be borrowed funds.

8:48 PM -- Closing of the Public Hearing: Robin moved to close the Public Hearing; Priya seconded the motion. **VOTE: Passed, 8-0**, with one abstention/recusal.

7. CPC Consideration of Sargent Road Land Acquisition Article: Dennis moved to approve the intent of the article to use \$400K of CPA funds to support Sargent Road land acquisition. Priya seconded the motion. **VOTE: Passed 8-0**, with one abstention/recusal. Rita said she would review the state ethics

commission's rules regarding the role of a non-profit in supporting an article in a town meeting. Dennis said a statement regarding the CPC recommendation could be added to the Warrant. Robin pointed out that committees which are not able to recommend before the March 28th deadline for the printing of the Warrant could present their vote and reasoning orally during ATM.

NEXT MEETING: A REMOTE MEETING THURSDAY, APRIL 7, 2022, 7:30 PM. The agenda would include an update on CPC Articles, particularly the BCT Article. The May meeting just before ATM might be postponed.

There being no further business, Robin **moved to adjourn the meeting**; Rita **seconded** the motion.

VOTE: Unanimous, 9-0.

Dennis adjourned the meeting at 8:56 PM

Respectfully Submitted,

Hugh Fortmiller, Clerk