

Minutes of the Open Space Committee for February 25, 2010

meeting ran from 4:30 until 6:40, including an executive session

members present: Hank Janowsky, Dave Hale, Steve Milkewicz, Dennis Minsky (recording)

also present: David Mayo, David Gardener, Paula Goldberg, Cheryl Andrews

-Hale moved to approve the minutes of February 2, Janowsky seconded, and the motion passed 4-0-0.

-Cheryl Andrews, chair of the Housing Authority, addressed the committee regarding the Hawthorne property under discussion. She informed the committee that the Housing Authority had been in communication with the broker, and her group was still interested in some portion of the property, in terms of allowing future expansion of Maushope, without constraints of lot lines. She wondered whether it was possible to launch a joint effort between the Housing Authority and the Open Space Committee. She mentioned that the HA might have available funds from the sale of property it owns at 951 Commercial Street, as well as possible Housing Trust Fund dollars. She also mentioned that 40b guidelines might allow the HA to expand without acquiring a buildable lot.

There was considerable discussion on this matter. There was general agreement that the overall goal was a good one, but that the timing presented a formidable challenge. Janowsky wondered about the effect of possible HA development on a nearby vernal pool. Goldberg pointed out that any portion of the 3.0 acre Hawthorne property “carved out” for the HA could not be included in the appraisal for the LAND grant, and that the warrant article would have to be very specific regarding this. Minsky alluded to the vague elements of Andrews’ proposal: which specific area of the property, exactly how much area, what the value and price of the property would be: all questions that Andrews could not answer. Hale pointed out that any ceding of property could affect the access off Aunt Sukey’s Way. Minsky also expressed concern that this complication could negatively affect the Open Space effort to acquire the property. Andrews suggested a separate warrant article, contingent on passage of the first, which would refer to the HA purchase.

- On another matter, Minsky moved, and Milkewicz seconded a warrant article that reads as follows:

“Land Bank Pre-Acquisition Expenses: To see if the Town will vote to transfer from the Land Bank

Fund established under Chapter 293 of the Acts of 1998 the sum of \$25,000.00 to be expended under the direction of the Open Space Committee and the Town Manager for the funding of pre-acquisition expenses for potential Land Bank purchases, including but not limited to title searches and appraisals, updating of the Open Space Plan to qualify said purchases for state grants, and other costs associated therewith; or take any other action relative thereto.”

The motion passed 4-0-0.

- Minsky then moved that the committee move into Executive Session to discuss details of the Hawthorne property purchase; Milkewicz seconded the motion, and the votes were as follows: Janowsky “aye”, Milkewicz “aye”, Hale “aye”, Minsky “aye”.

At the end of Executive Session, Minsky moved, and Milkewicz seconded, a warrant article that reads as follows:

“Land Bank Acquisition of Hawthorne Property, Conservation, and Open Space of a portion of 15 Aunt Sukey’s Way. Map 13-1-025. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise the fee interest in a parcel of real estate at 15 Aunt Sukey’s Way held in ownership by Hawthorne Caro C, 3.03 acres, more or less, shown as assessors map 13-1-025, a copy of which is on file in the Office of the Town Clerk, together with and subject to all rights, restrictions and easements of record, on such terms and conditions as the Selectmen may determine; and to appropriate, transfer from available funds, or borrow the total sum of \$660,000.00 with \$185,400.00 of Land Bank funds to be used for such acquisition and all expenses incidental and related thereto, pursuant to Chapter 293 of the Acts of 1998 entitled, “An Act Relative to the Establishment of the Cape Cod Open Space Land Acquisition Program” (the so-called “Land Bank”); provided that said land is to be conveyed to the Town of Provincetown under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may be hereafter amended, and other Massachusetts statutes relating to conservation and passive recreation, to be managed and controlled by the Provincetown Conservation Commission, and, contingent upon, and to the extent that any federal, state or other funds are or become available for the purposes outlined in this Article, to authorize the Board of Selectmen or other applicable boards or commissions to apply for and accept such funds; including but not limited to funding under the Self Help Act, G.L. Ch. 132 A, Sec. 11 (now, so-called LAND grants); to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Provincetown to effects said acquisition or purchase or grants, or to take any other

action relative thereto; and further, to authorize the Board of Selectmen and the Open Space Committee to convey to the Conservation Commission , for no consideration, a perpetual conservation restriction on said land as authorized by Massachusetts General Laws, Chapter 184, Sections 31-33, allowing conservation and passive recreation uses described in Massachusetts General Laws, Chapter 40, Section 8C; or take any other action relative thereto.”

The motion passed, 4-0-0.

-Minsky then moved, and Hale seconded, a motion to place a warrant article that reads as follows:

“To see if the Town will vote to authorize the Open Space Committee to convey a specific amount and area of land in the Hawthorne Property (13-1-025) for a specific sum to the Provincetown Housing Authority for the purpose of potential affordable housing.”

There was considerable discussion regarding the details of this motion, and it passed, 4-0-0.