

**TOWN OF PROVINCETOWN
COMMUNITY PRESERVATION COMMITTEE**

TUESDAY, MARCH 28, 2006
JUDGE WELSH MEETING ROOMN

Chairman Elaine Anderson convened the meeting at 9:05 a.m. noting the following attendees:

Members present: Elaine Anderson, Chairman; Mona Anderson, Vice Chairman; Bill Dougal; Nancy Jacobsen; Stephen Milkewicz

Absent CPC Member: Howard Burchman; Eric Dray; Tim Hazel; (excused absences)

Other Attendee: Keith Bergman, Town Manager

Recorder: Cynthia Curran

The following are meeting minutes, in brief:

PUBLIC STATEMENTS

There were none.

DISCUSSION: PROJECT UPDATE ON APPLICATION 200601

Keith Bergman distributed copies of the letter of intent from Cumberland Farms and a draft of the letter with proposed revisions made by the Town. Mr. Bergman said that they had met with Cumberland Farms on March 10th and discussed remediation of the burn dump and Cumberland Farms' broad definition of affordable housing (regarding their donating a portion of the purchase price). He also said that Susan Connelly of the MHP will be at the Town Meeting to answer questions about the project. Ms. Connelly is working with an engineering firm to develop a site plan. They are hoping to take advantage of the slopes in the land to make the building appear less tall. Ms. Connelly is also looking at ways to fund the environmental engineer, legal and design costs. She is looking into a new Chapter 40R, because Governor Romney is funneling money into "Smart Growth" projects. This project may fall into that category. She is also researching tax credits vis-à-vis the income mix, because the more low-income units there are, the more Federal money they could get. Mr. Bergman said that he expected to get more information from Ms. Connelly the next day and he would send it on to the CPC members.

Mr. Bergman said that he had been talking about the site at 951R Commercial Street with Ms. Connelly. He said that it could possibly be offered to a developer along with the 90 Shankpainter Road site to make the project more appealing. The land could also be sold to help pay for the 90 Shankpainter project. He said that it would be nice to have affordable housing by the water, but selling the land would produce income that would pay for more units for the Town.

Mr. Bergman said that the Town will not agree to environmental conditions it can't afford. He said that the purchase and sale agreement will be hammered out over the next six months. They will not be bringing a full deal to Town Meeting, but they need to obtain a funding source to buy the land. Mr. Bergman said that it is a collaborative effort of the BOS, CPC and PHA. They will work together to make a marketable deal or if they can't, it won't go forward. When the DEP will be approached about the cleanup of the land is Cumberland Farms' call, not the Town's.

Cumberland Farms has allowed the Town to give them a site plan which they will take to the DEP,

Elaine Anderson then opened the floor to questions from the members. Bill Dougal said the community would like 144 units, eighty percent of which would be median income. Keith Bergman thought that the BOS wanted the units to be divided into three equal parts for low, moderate and median. Mr. Dougal felt that this was insufficient in regard to what the community voted. Keith Bergman said that the MHP would help them work on this. He said that they may need low and moderate-income levels to attract outside funding, but may need to use their own funds to get middle-income units. Mr. Dougal said that people like the police and teachers can't find affordable housing.

Bill Dougal was also concerned about the design and scale of the building. He wondered if a more complete design could be presented to the potential developers. Mr. Bergman said he didn't know if that was feasible, but it could be presented to the MHP. He said that the developer brings their expertise and pays for the design. Mr. Dougal said that the cost could be reimbursable by the developer and that he was seeking greater control of the design. Mr. Bergman said he was with him in spirit, but didn't know how realistic it was. Mr. Dougal thought that it was a good idea to bring it up with the MHP. He also wondered if the MHP could focus on the sidewalks and crosswalks, etc.

Bill Dougal asked about deed restrictions for affordable housing on the property at 951R Commercial Street. Keith Bergman said that there were no deed restrictions, but a Town Meeting vote. He said he thought it would be best to sell

the land and use the money elsewhere. Mona Anderson said that since the application for 951R Commercial was turned down, it could not be included as part of the 90 Shankpainter project. Mr. Bergman said he thought that middle-income housing could be increased by changing the zoning laws. He said if there were a change in use of a property, it could be required that some units be designated middle-income units. He said there could also be a dedicated funding source such as Martha's Vineyard's law that a portion of the sale price over \$750,000 goes to fund affordable housing. Mona Anderson asked about alternatives to the Cumberland Farms plan to put three feet of soil over the property. Mr. Bergman said that they can ask for other alternatives, and the DEP also has to approve the plan for remediation. Elaine Anderson asked about ground water. Mr. Bergman said that it has been looked into by the engineers, but he would have to get an answer for her. Steve Milkewicz said he liked the idea of trying to keep the building visually low. He also liked the idea of selling the Beach Point property to use the money for other projects.

In response to questions from Bill Dougal, Keith Bergman said that Cumberland Farms will probably not pay more than \$75,000 to \$100,000 for the cleanup of the site. The MHP is looking at other sources of funds if the Town wants to deal with the contamination in a more expensive way. The profits of the sale of 951R Commercial St. might also go towards this. Mr. Bergman said that he is aware that the deal with Cumberland Farms may not go through in the end, but he is committed to going through all the steps. He said that they should be willing to put up with a lot to get this deal, but there are limits.

Elaine Anderson asked if Susan Connelly would have any visuals to present at the Town Meeting. Keith Bergman said that she would not and would be there just to answer technical questions. He said that Elaine Anderson could present the warrant article or she could let the BOS do it. Elaine Anderson thanked Keith Bergman for the update and he left.

OTHER BUSINESS

Bill Dougal said that the Cape End Manor deal doesn't seem to be progressing as expected. He said that the Deaconess needs to sell at least twenty units to get their funding, but have sold only ten. He wondered what would happen to their one million dollar commitment to the project if Seashore Point doesn't go forward. He also asked how the money would be drawn upon if it did go forward.

It was decided to speak to Mr. Bergman who was available to return to the meeting. Mr. Bergman said that the Deaconess will become owner of the business on July 1st, but not of the building and land. Until the new building is constructed, the Town will own the building. The building is not up to code and the Town has phantom waivers because it is a municipality. Otherwise the Deaconess would have to bring the building up to code and then tear it down soon afterwards. Elaine Anderson asked when the CPA funds would be needed. Mr. Bergman said he would have to check. He said that the money would be drawn down depending on the number of units per section. Mr. Bergman said that the Deaconess needed to sell twenty units in order to get funding from the Sovereign Bank. They are looking into other options for banking. He said that the Cape Cod Commission review process had been awful, but they could now focus more on sales of the units. Mr. Bergman said that they are trying to get the word out that if you are in on Phase One, you have first dibs on Phase Two. He also said that they cannot go below nine units of affordable housing. Mr. Bergman left again.

Elaine Anderson said that the Finance Committee had a question about the Pilgrim Monument application. They wanted to make sure that the money was going for the monument and not the museum. She said that the legal department will reword the article. The Finance Committee approved it 5 – 0.

REVIEW OF MINUTES

MOTION: Move to approve the minutes of March 14, 2006.

Motion by: Steve Milkewicz **Seconded by:** Bill Dougal **Yea 3 Nay 0 Abstain 2 (EA, NJ)**

MOTION: Move to approve the minutes of February 28, 2006.

Motion by: Bill Dougal **Seconded by:** Steve Milkewicz **Yea 4 Nay 0 Abstain 1 (NJ)**

The next meeting will be on April 11, 2006.

Elaine Anderson said that some of the issues that they will be looking at in upcoming meetings are strategic planning and their budget. They will consider the idea of emergency housing assistance and when the next call for applications will be.

Mona Anderson said that Keith Bergman's mention of the possibility of 40B disturbed her. Bill Dougal said that there are friendly and unfriendly 40B's. He said that if they create a detailed RFP with architectural plans, etc., then they will have more control. Otherwise they may end up being horrified by the project. Mr. Dougal also said that they should not lose sight of their core mission to create median income housing. Elaine Anderson reminded them that the

money they have to put into the project is only a small part of the estimated twelve million dollar cost.

MOTION: Move to adjourn the meeting at 10:28 a.m..

Motion by: Mona Anderson Seconded by: Nancy Jacobsen Yea 5 Nay 0