

Braintree Community Preservation Committee
Minutes
November 19, 2012

Present: Anne Murphy (V-Chair) Dick Fletcher Darryl Mikami
John Dennehy Paul Machado

Absent: Linda Raiss (Chair) and Patrick Flynn

Also Present: Mike Laing, Member of EBCA and resident
Christine Stickney, Director Planning and Community Development

Meeting convened at 7:40 PM

John Dennehy was delegated the acting chair with absence of the chair and vice chair.

Anne Murphy arrived at 7:45pm

Monatiquot River Walk Application:

Christine provided a summary for the CPA members of how this application had been tabled until the amended CPA legislation passed and has now been brought back to the CPA committee for consideration and action. Members reviewed their applications as to the proposed trail and asked for clarification on how the route had been established. Christine exemplified the process with assistance from David Gamble and Associates to obtain a National Park Service technical assistance grant in the design. Mike Laing commented that the trail wouldn't be able to go across the Baynes' property citing history with the owner and the National Grid property because it is contaminated. Christine reminded members the Town had made an offer to Mr. Baynes that was rejected and explained that the Baynes' property had been sold to another party that has been in contact with the Planning Community Development Office. Darryl Mikami questioned if the Assessors were aware of the Town's appraisal – Christine confirmed. Mike Laing noted to members his efforts to for momentum to have the Town focus on linking open space property. John Dennehy wanted to know if the Park Department is aware of this and Christine noted that her department and public works have been working together on this of which Parks in a division in the DPW. Christine noted that the application material is dated and her department would get updated quotes.

Dick Fletcher said he would like a site visit if possible on a Saturday to view the area of the river walk and others agreed. Christine would ask Kelly if she is available to meet on a site visit. The matter was continued to the next meeting – December 10, 2012.

Elm Street Cemetery Application:

Christine informed member due to other commitments neither Elizabeth Mees nor Ron Frazier were able to attend tonight. Christine reminded members a prior appropriation was provided for a management plan that was completed by Barbara Donahue. The management plan included action items for future preservation of the cemetery and one was the restoration of particular stones hence this application from the Historical Commission. Dick Fletcher noted he had read the plan as to the prioritization of the stones recommended for refurbishment however there was one or two not in the plan that shows on the pictures and list. Dick read from the list and compared the names proposed and project price of Dr. Trinkley – noting disparities. Anne Murphy asked about having only one quote – Christine explained that Mr. Frazier had reached out to others but their proposals exceeded what the

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Historic Commission felt needed to be done. Anne Murphy felt given other older cemeteries in the area (ie: Mt. Auburn etc.) there must be others out there that could at least give a quote on this type of work. John Dennehy noted Mr. Frazier should be able to gather this information within the next month to be on the agenda. Dick Fletcher noted the amount of the request is not large but is there another way to restore or only one type of workmanship? John suggested Christine let Ron Frazier know of their concerns to try to get two other quotes and attend the next meeting – December 10, 2012.

Town Solicitor/Kopelman & Paige (K&P) Opinion:

Members had been provided with a copy of their letter to the Town Solicitor and the Opinion returned from K&P. Paul Machado explained his recent discussions with both Stuart Saginor (CPA Coalition) and Michael Stenitz (MHC) about restrictions as we continue to try and resolve the Gallivan House situation. The issue of perpetual and term was discussed and the implications of each to the property owner. MHC would like to have every restriction perpetual. Paul noted that there is another statute MGL C. 184 also involves the MHC review and approval and read from that section to the members. Dick Fletcher noted the CPC has the ability to always ask for a restriction with these projects if the statute doesn't mandate it. John Dennehy noted that the CPC needs to look at each project and but established some type consistent policy with regards to restrictions. Paul Machado noted that Braintree's restriction should reference the CPA statute because under MGL C. 184 he questions who has enforcement.

Members discussed when a foreclosure may occur and the issue of subordination and that most lenders would not subordinate. The foreclosure would wipe the restriction from the title and could be sold without someone knowing about it. John Dennehy asked if there is some other type of agreement – M.O.U perhaps that could be utilized with a property that has a mortgage. Members discussed roof replacements and the value of each in relation to a perpetual and term restriction. Some felt perpetual was appropriate and others felt term may be better given the life expectancy of a roof. Dick Fletcher commented that he continues to feel perpetual is appropriate since public funds are given to keep it historical and in turn the Town should get something back. Discussion turned to the Gallivan House John Dennehy said that BHS is trying to be put into the Local Historic District which would provide protection as to its preservation but the All Souls Church was different because it was not in the Local Historic district, larger CPA amount and function of the structure being private could lend it to be sold in the future and razed.

Members discussed a possible alternative some type of contract with a pro-rate depreciation for projects like roofs. Dick Fletcher expressed his opinion again a perpetual restriction with the grant agreement needs to be asked of these applications. Anne Murphy questioned who should make this ultimate decision? Paul said he is going to go back and do some additional research and ask some follow-up questions for Michael Steintz it at MHC. John Dennehy suggested tabling this discussion to the next meeting.

Christine noted that Matt Mees has asked about the funding for the Gallivan House – how should she proceed? Dick Fletcher said the CPA agreement should be made out to the trustees of the trust as well as the Braintree Historical Society – Paul Machado noted the percentages of both entities. John Dennehy noted they are concerned for the winter season and further damage to the structure. The discussion on restrictions will be continued to the next meeting.

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Administrative Matters:

Anne Murphy **MOTION** to accept the minutes of 10/15/12, seconded by Paul Machado – unanimously voted.

Anne Murphy **MOTION** to accept the 2013 meeting schedule, seconded by Paul Machado – unanimously voted.

Monthly Finance Report:

Christine noted this arrived just today and it seems to continue to be balance forward from 7/1/12. She said Linda had met with accounting and she was not sure if this was the format that Linda and Mark Lin agreed upon.

Other:

Dick Fletcher noted to members that there has been a hold put on the Braintree Housing Authority request for Town Council action on the feasibility study funding. The Mayor's letter sending it down to the Council noted the study including the nurses housing quarters which was not what BHA had requested – so Lauren Murphy is trying to resolve it.

Meeting adjourned at 9:01 PM

Respectfully submitted,

Christine Stickney, Director
Planning and Community Development