

Community Preservation Committee
Minutes
March 23, 2016
Third Floor Conference Meeting Room, City Hall

Members Present: Bill Dugan, Co Chair; Catherine Schlichte, Co Chair; David Rhineland, Ellen Preston, Heidi Wakeman and John Feener

Members Absent: Barbara Silberman, Scott Smith and Hank McCarl

Note: Barbara Silberman was absent because she recused herself because she is the head of Save Our Shores Gloucester

Staff Present: Deb Laurie, Senior Project Manager

Others: Martin Del Vecchio, Hazel M. Hewitt, David Manley, and Mark Poulin, all of Save Our Shores Gloucester (SOSG)

The meeting was called to order by Bill Dugan at 6:04 pm.

Item #1 Approval of Minutes for March 16, 2016

Item was tabled until next meeting.

Item #2 Save our Shore Gloucester (SOSG) off cycle application

First Bill wanted everyone to introduce themselves; Bill introduces himself as the Co Chair of the Committee and the housing representative; the rest of the committee proceeded to introduce themselves as well as the members of the SOSG.

After introductions Bill proceeded to stated their purpose for tonight's meeting was to review an "off cycle" application from the SOSG which is allowed under their rules due to highly extraordinary circumstances the Committee can vote to accept applications because of marketing opportunities, or other deadlines requirements, consideration of an application outside of the normal cycle. We just finished awarding funds for round 6, with City Council voting at end of November and are accepting applications for our round 7 cycle, which wouldn't award the funds until late November, 2016 which wouldn't work for your application due to a closing date of April 19th and that's where the extraordinary circumstance is and where you fit.

Bill asks applicant to elaborate on the project; Martin (Marty) Del Vecchio thanks the committee for meeting so quickly and realizes that this quick deadline is difficult. Marty continued to give the history of the parcel learning that someone wanted to build on the lots which they consider "sacred" grounds. Also talked to many, many people who also did not want to see the lots built on, nor was it a good idea. The group spent a lot of time and money to fight the efforts to build on the lots. Their legal representative suggested while they were fighting the construction efforts,

purchasing the parcels would be a good course of action being the least expensive and fastest way to fight this problem. It turned out that there was an opening due to the withdrawal of the first offer due to permitting and made a low ball offer in exchange for a non-refundable deposit and a very, very quick turn around on the closing. The group met and decided to make an offer for \$75,000 which was accepted by the seller. They were confident in raising the funds and arranging the legalities entities required to hold the land. With the assistance of CPA funds, requesting half they are very confident they can secure the rest of the funds. They already have funds raised and pledges. Once the land is purchased they will put easements on the so it can never be built upon and ensure that the public has access to it forever.

The SOSG has two goals which are to stop construction on this site, to protect the remaining coastline in Gloucester and make sure that the public has access to it at all times

Bill questioned which lots on the maps included in the application are the ones that will be purchased. After discussion the lots are being sold are map 75, lots 2, 3, 4, & 5.

Catherine questioned whether or not this purchase would end the lawsuit. Marty explained that their offer was made and accepted before they were aware that the lawsuit was filed. If they had been aware, that would have been a contingency in the P & S. Their real estate attorney spoke to Chery Soones, real estate attorney and said they filed just in case that this purchase falls through they will be able to proceed with lawsuit. They have no guarantee, because it is not in the P & S.

Catherine states that it gets sticky then, because if this sale does go through then she doesn't see how they can proceed with the lawsuit if they no longer own the land. The SOSG group thought that they could sue for the difference of the lower sale price; sue for damages, however, the argument could also be made that with no permits for the land, then it is no longer valued as the \$160,000 original asking price.

John Feener questioned whether they would be pursuing a preservation easement or a conservation restriction? They are different. The Committees consensus is that a conservation restriction is required under CPA law.

John was also concerned about the project description on page 2. Regarding the statement that all the parcels are 100% in a FEMA Flood zone, elevation VE. After much debating John suggests that the description should read "coastal resource area with varying types of resource areas.in it." That way there it will cover everything in case they ever need to go before the Conservation Commission. The group agreed to amend page 2 of the project description.

Bill asked Catherine how she felt about the pending lawsuit. Catherine had a few more questions. Discussion regarding the pending lawsuit continued. She was concerned about the timeline of the project with a deadline date of April 19th. Marty addressed the timeline. First the LLC that is being formed is a holding place until the actual owner is decided.

Ellen asked if approved that the \$50K would go directly to the purchase of the land; yes that is the case. The Land Trust would receive the funds for the acquisition in order to preserve the parcels. The purchase and sales agreement that is in Martin's name can be assigned to the new buyer, the Land Conservation and Advocacy Trust (LCAT).

More discussion about process and approval from City Council.

MOTION made by John Feener to accept the application as an off-cycle; David Rhineland seconded; all in favor, yes. Motion passes 6-0.

MOTION made by John Feener to recommend accepting the application for the purchase of land acquisition for \$50,000.

Bill had one question regarding the criteria to approve under. Approve it as Conservation, not acquisition. Deb explained if you call it Open Space Preservation, instead of Acquisition, then you avoid having to do two appraisals, one with the CR and one without.

John Feener withdraws his Motion.

MOTION made by John Feener to approve the application for \$50,000 to preserve the land located at 178 Atlantic Road, subject to being titled to a charitable organization or the City of Gloucester, whichever is required, with a conservation restriction in compliance with 44B. Seconded by Bill Dugan. All in favor, yes. Motion passes 6 to 0.

Bill Dugan to adjourn the meeting; was seconded by Ellen Preston. All in favor, yes. Meeting adjourned at 6:50 pm.

List of Documents at meeting

1. Minutes of 1/12/2016
2. Application from Save Our Shores Gloucester (SOSG)
3. Support Emails

Respectfully submitted
Deborah Laurie