

Community Preservation Committee Minutes January 9, 2017

Town of Lenox
Community Preservation Committee (CPC)

January 9, 2017

7:00 p.m.

MINUTES

Members Present: Chair Tony Patella (TP), Community Center; Vice Chair Tom Delasco (TD), Planning Board; Cathie May (CM), Housing Authority; Gene Chague (GC), At Large; Al Harper (AH), At Large; Olga Weiss (OW), Historical Commission; Channing Gibson (CG), Board of Selectmen; Frederick Keator (FK), At Large;

Participating Remotely: Joe Strauch (JS), Conservation Commission

Staff Present: Gwen Miller, Land Use Director

Members of the Public: Mackenzie Greer, Doug Bruce, Susan Wissler, Ross Jolly, Rachel Coll, Ruth Wheeler, Ken Kelly, Tim Flanagan, Tom Romeo, Ginny Akabane, Deb Kellogg, Bill Bayer, Mark Shapp, Tom Werman, Jane Salata

At the beginning of the meeting, TP stated that he had an administrative issue for the group. JS was unable to leave his home to participate in the meeting, and had discussed the projects and his votes w/ Tim Flanagan of the Conservation Commission. TP asked if the group was comfortable with calling JS so he may participate remotely, or with allowing Mr. Flanagan to participate as a proxy for JS. The group agreed to call in JS w/ GM's cellphone. JS was called in and participated in the meeting via speaker phone.

Approval of Minutes

CG moved to approve the minutes of November 28, 2016. TD seconded the motion. All voted in favor of approving the minutes, with FK and CM abstaining as they were not present at the November 28th meeting.

Project Request Updates

TP explained the Committee had received one project request update from Ventfort Hall, who amended their budget to reflect a change in funding availability. The budget had been shared w/ the group prior to the meeting and there were no additional changes, comments or questions related to the change. The \$30,000 will still fund masonry stabilization efforts.

Public Comments/Questions

TP stated several letters of support had been received. He read these into the record:

- A memo from GM stating the Land Management Committee had met prior to the CPC meeting of January 9 and had voted to recommend the BNRC Parson's Marsh request to the CPC.
- A letter from Colin Toole of Toole Businesses stating he and his family's support for the BNRC request.
- A letter from Jeff Lynch of Lynch Scrimo stating his support for the BNRC request.
- A letter from Ken Kelly stating his support for the BNRC request.

TP then opened up the floor to members of the public:

- Kate McNulty Vaughan, speaking as a private citizen, described the importance of Parson's Marsh in Lenox history and the generous gifts of landowners to conserve the area. She noted the area is an iconic landscape feature with high ecological value and worthy of good stewardship.
- Ruth Wheeler stated she has wished for access to the marsh since moving to Lenox many years ago. She believes it will promote strong connectivity to Kennedy Park, and enable positive bird watching experiences for residents and visitors.
- Jan Salata expressed support for the BNRC project, citing the importance of universal access.
- Ginny Akebane noted how important the project was, and the role it would play in encouraging young people to get outside and learn about the environment and land.
- Deb Kellogg expressed support for the BNRC project, reiterating previous comments and stating she has wished to access the marsh since seeing it from Kennedy Park.
- Tom Romeo reiterated the Lenox Land Trust's support. He noted the progress made by BNRC in conserving the land around the Marsh, and believes the potential connectivity to existing trails to be very important and exciting. He urged the CPC to

support the project.

No other attendees wished to speak. TP closed the public comment of the meeting.

Committee Votes on FY18 Project Requests

- Ventfort Hall: TD moved to accept the request from Ventfort Hall for \$30,000 to fund masonry stabilization. AH seconded.

AH stated he had visited Ventfort Hall and was given a great tour, and understood the magnitude of the total restoration of \$5.7 million dollars. The request at hand is but a drop in the bucket yet an emergency necessity. He expressed hope the Town will reconsider forming a Historic Properties Committee who will consider all of the historic properties in the community and prioritize preservation needs in the future.

CG stated it will be important for Ventfort Hall to come to the May public hearing to discuss their funding strategy for next year, he finds the funding requested to be vital.

FK expressed concern that the amount requested is not enough to matter—will it fix the immediate problem?

AH reiterated his earlier statement.

All members (8-0) voted to approve the Ventfort Hall request for \$30,000 in CPA funds.

- The Mount

TD moved to fund the request of the Mount for \$75,000 to complete the exterior restoration work for the stable building. FK seconded the motion.

AH noted it is a project already in receipt of CPC funds and that this will close out the renovation of the exterior.

CM noted the progress made on the stable is an indication how well things are going at the Mount, and is pleased w/ the positive and good progress exhibited at the Mount.

OW stated the progress on the Stable and at the Mount in general are indicative of the strong management and leadership and work on the stable to date is outstanding.

All members (8-0) voted to approve the Mount request for \$75,000 in CPA funds.

- Stockbridge Bowl Association

CG moved to fund \$50,000 toward the Stockbridge Bowl Association request for \$250,000 over two years to address dredging and invasive species removal.

CG clarified this would be for \$25,000 for year one and \$25,000 for year two.

JS stated he felt very strongly against giving Lenox tax payer dollars to another town's private homeowner association.

OW stated she believed the Bowl to be essential to Lenox as an attractive place, and as an iconic landscape feature. She cited the Josh Billings, and she said the Town of Lenox has not received many requests for help in managing the Bowl. She felt the Bowl deserved more funds, and that the SBA has served as a strong watch dog of the Bowl. OW requested to fund \$100,000.00 over a two year period to the SBA.

AH commended Mr. Nathan for his dedicated and ingenious presentation of the SBA request, but he finds the project to be inconsistent with the spirit of the Community Preservation Act and responsibility of the Lenox CPC. He cited additional reasons for being against funding the request:

- He did not find Lake Mah-Kee-Nack mentioned in the Lenox OSRP;
- He finds the project to fall short of the Committee guidelines developed in 2012;
- He does not believe the Bowl to be visible from anywhere in Lenox;
- He did not agree w/ the urgency of the issue;
- He did not understand why Stockbridge had not funded more;
- He did not sense a regional or multi-town impact of the southern channel;
- He has seen Stockbridge be oppositional to the concept of shared services and confrontational to the Lenox DPW;
- Lenox residents are unable to use the Stockbridge Bowl beach.
- He believes the funding of this project would leave the town vulnerable to a lengthy and expensive lawsuit due to the absence of a tangible public benefit;
- If asked to fund even a modest sum toward the SBA project, what other entities may come forward requesting Lenox CPA funds?

GC lauded SBA for attempting to address the silt issue. He said any lake w/ a dam will deal with the same issue. However, he does not agree w/ the draw down and has issue w/ the impacts of the drawdown. He noted the Commonwealth is looking twice at the impacts of drawdowns. He has a problem with using Lenox funds for a resource in Stockbridge. He noted that CPA almost failed in Lenox, and he worried that people would no longer support the CPA if funds were allocated toward another town's resource. He stated he would not vote for any amount to go to SBA, and if money is allocated toward the Stockbridge Bowl, money must also be allocated toward Laurel Lake.

CM reiterated there are still people unhappy with the CPA surcharge. She felt allocating Lenox CPA funds toward this project would generate a great deal of ill will toward the CPA. She will not vote for the project.

TD echoed the statements expressed by fellow committee members. He was uncomfortable spending funds in Stockbridge when there is need in Lenox.

CG stated he was still in support of the his motion. He found the comments against the request made sense, but felt it a worthy proposal as the Bowl benefits businesses in Lenox as well as the school and the Josh Billings. He felt his motion to be a respectful amount and that the town should decide at Town Meeting whether to fund the project. He felt other entities, including MassDEP, had found the project worthy of funding. OW noted that mansions had historically been constructed to view the Bowl, and reiterated her support.

FK stated he had pressed Mr. Nathan as to why Stockbridge didn't bond this project; he agreed there would be an uproar in town if this project went to Town Meeting. He did say that towns need to look at resources more regionally, including schools and housing. He agreed w/ AH that using public funds w/ when the private benefit outweighs the public benefit is not in tandem w/ the CPA legislation or intent.

CG asked if that's the case, why has a state agency (MassDEP) funded so much of the project to date?

CM called the question.

The motion to fund the SBA with \$50,000 over two years was called. The motion failed (6-3). The vote was reported via roll call: FK, AH, GC, CM, JS, TD: Nay; CG, OW, TP: Aye

- BNRC

CG moved to approve the request of BNRC for \$235,000 to fund trail and boardwalk creation on the BNRC property along Undermountain Road which accesses Parson's Marsh. OW seconded the motion.

AH stated he was astonished by the expense, but he knows it will be constructed for universal access

CG stated it will be a greater anchor for future connections; he also noted these are not the first dollars in and described the many families who have donated land and resources over time to conserve the land around the marsh.

CM said it will be good to use CPA funds to allow such access to the marsh, including the chance to see wildlife, including birds. She said everybody should have access and that marsh access will be yet another activity adding to Lenox as a destination.

FK said he thought it was a great project, he supported the project but does not feel it in the spirit of the Open Space and Recreation Plan. He feels there is other work to do and struggles w/ the project as it is presented today. He questioned

whether the Land Management Committee had prioritized projects, and if there really is a plan in place for conservation and recreation activities in town.

CG stated the Town needs assistance in creating trails and implementing the plan that exists and that the LMC has been strongly encouraged to attend the May public hearing to share their priorities.

GC said he remembered there being land for sale on Golden Hill, and the town couldn't act on it bc they had no funds available. Now there are funds via CPA and he hopes they can be used one day to acquire conservation land.

The Committee voted to approve the motion 8-1, with FK casting the lone dissenting vote.

Administration

The Committee voted to expend the \$30,000 for the Venfort Hall project from the undesignated account.

The Committee voted to expend \$72,000 for The Mount from the historic preservation account and \$3,000 from undesignated.

The Committee voted to expend \$95,000 from Open Space and \$140,000 from the undesignated account for the BNRC project.

They voted to allocate \$37,500 to each sleeve, and the 5% to the administration account.

TP will attend the Feb 1 BoS meeting to share the Committee's recommendations w/ the BOS.

TP concluded the meeting by expressing his appreciation of the committee. The group agreed to meet again in May for their public hearing after Town Meeting.