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TOWN OF NORTHBOROUGH

Community Preservation Committee
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Community Preservation Committee
February 1, 2024, Meeting Minutes
Approved March 7, 2024

This meeting was conducted in the Select Board meeting room and broadcast via Live Stream link YouTube with the link provided on the agenda.

Members Present: John Campbell, Chair; Leslie Harrison, Jeff Leland, Sean Durkin, Millie Milton, Andy Clark, Todd Helwig

Members Absent: Andy Dowd, Peter Martin

Others Present Tim McInerney, Town Administrator; Laurie Connors, Town Planner; Jason Little, Town Accountant; Rick Leif, Northborough Affordable Housing Corp.

The meeting opened at 7:10 pm. The Chair read the public hearing notice into the record.

A recording of this meeting is available at
https://www.youtube.com/watch?v=XyWX1wQ6J5g&list=PL2mWMhvXDP2iCgPMuUcy9KQf_Bt2bdgBL&index=20

Continuation of Public Hearings for FY2025 CPA Applications

Consideration of New Application for Purchase of 432 Whitney St. (\$1,700,000)—Ms. Connors shared a PowerPoint presentation for a new CPC application sponsored by Open Space for land acquisition of 432 Whitney Street. This undeveloped parcel consisting of 23.77 acres is currently zoned for industrial and is located partly within Groundwater Protection Overlay District (GPOD) Area 3, which puts some limitations on certain types of development. It is served by public water. The parcel has a stream, steep slopes, and an indeterminate number of wetlands. The abutting uses are warehouse and distribution to the east; a state-owned conservation land to the south; single family homes, railroad tracks and the aqueduct to the west; and farmland to the north. The site sits closely to permanently protected open space in Berlin, so there is a potential to link the aqueduct to the open space resources.

Ms. Connors continued. Roughly 16 acres of the property is enrolled in the Chapter 61A program for agricultural and horticultural uses. As part of the tax break given to the owner, a lien was placed on the land that gives the town the right of first refusal, should the property owner decide to sell or convert to industrial, commercial, or residential use. On December 5th, the town received notification of the property owner's intent to sell the property for \$1.7M to Howland Development Corporation for the purposes of constructing a 40K-60K sf building for commercial/industrial/warehouse/distribution purposes, as they hoped to make use of the abutting train line and take advantage of the spur. The Town Administrator negotiated an extension to May 20, 2024. The town can match that purchase price or assign that right to another entity such as DCR. The Planning Board, Conservation Commission and the Open Space Committee have all voted unanimously in favor of the town acting on this.

Ms. Connors discussed the benefits of the town acting on the right of first refusal, some of which included: the protection of wildlife habitat and wetland system connected to Bearfoot Brook; the possibility of adding affordable housing on that site; the fact that it is an important open space connection between the aqueduct to the west and abutting conservation land to the south and southeast. Ms. Connors noted that the purchase would be consistent with the goals and objectives that were articulated in both the 2020 Master Plan and the Open Space and Recreation Plan.

Potential funding sources for the acquisition were discussed. If the town was interested in acquiring the land for an undesignated municipal purpose, it could do so through municipal appropriation, an overlay, or ARPA funds. If the town could acquire the land for an open space and recreation or affordable housing purpose, funds could come from grants or CPA funds. Ms. Connors mentioned that there was some interest from Sudbury Valley Trustees (SVT) and DCR, but that neither could come up with \$1.7M. SVT suggested some creative options; they could purchase the property on the short term basis to hold it for the town, which would allow the town to apply for grants and then sell it to the town once it has the resources, however they would charge the town interest during that period of time. DCR said they did not have the resources to buy the entire property but may be interested in contributing \$200K, Ms. Connors was told she might have an answer early in April in advance of Town Meeting. Representatives of each would be accompanying her and others on a site visit the following week.

Mr. Little spoke next and discussed a memo dated January 30, 2024 that he'd sent to the CPC regarding financial projections surrounding acquiring that parcel.

Mr. Campbell agreed that this proposal was consistent with the Open Space Plan and the Master Plan in that it would help preserve open space and keep it from being developed.

Mr. Helwig asked if there was any concern that if the town were to buy this property, that the owner would try to do the same with the other parcel that he owns across the street. Mr. McInerney said that was a possibility. Mr. Campbell said that possibility could be a major objection that comes up at Town Meeting, and asked Mr. McInerney if a discussion could be held with the owner or his counsel to provide confidence that would not happen. Mr. McInerney said they could try to have that conversation, but there are other controls in place that would keep that from being developed inappropriately. Ms. Connors said part of that property is also chapter land, so the town would again have right of first refusal.

Mr. Durkin asked how much tax revenue would be generated if that land were to remain industrial. Estimates ranged from \$80,000—120,000 depending on the size of the building.

Mr. Campbell said the Open Space Committee (OSC) is the sponsor of this application. Members were in agreement that the committee was in favor of buying the property and utilizing conservation funds accumulated with CPA money for the purchase. To do so, they would need to identify the portion to be preserved and establish its value to prove that its value is as much as the CPC Open Space money that would be used. He asked Mr. Little if it was possible to have the appraisal done in the relatively short amount of time available, and Mr. Little said yes, it that was the will of the CPC. Payment for the appraisal will come out of the CPC administrative funds.

Mr. Campbell said that it's already been voted in to put \$350,000 more into the Conservation Fund, part of which would come from new revenue and part of which was going to come from the unreserved fund, but the OSC stated that they are willing to waive that application so that any combination of new revenue and the conservation funds can be put towards these projects. Discussion followed. Mr. Campbell said he wanted members to know that they've been given the flexibility to resend and repurpose new revenue if

they'd like and that the OSC is in support of using the conservation funds they essentially sponsored to be put in there in the first place. Mr. Leland was concerned that the approach being considered would mean there would be no reserves for affordable housing. Mr. Campbell understood but asked why consider borrowing bonding against savings when that route can be taken in the future if an affordable housing project was to come before them if there is not enough revenue available. Mr. Helwig was not in favor of bonding for this project. Mr. Campbell said revenue from FY26 is likely to be as high as it was for FY25, and if there are not any big potential applications anticipated or phase two projects.

Mr. Durkin asked if it was fair to say that this application was strictly coming out of Open Space funds. Mr. Campbell said there were conversations about putting affordable housing units there, but Northborough Affordable Housing Corporation (NAHC) believes the best use of the reserve fund is for shorter term projects. Mr. Leif, representing NAHC, did not believe affordable housing being built on open space would be supported. Currently, there are \$360K in reserve funds for affordable housing and a warrant article proposed to increase that to \$500K, which will not be enough to support the future Boundary Street project or Housing Authority project, so they'd be looking for funds in excess of \$500K. Mr. Leif felt NAHC would have more success if it focuses on small projects and works with the CPC and Select Board to secure the money reserved on its behalf. Mr. Leif said he had no problem with making a statement as part of the presentation of the article that some of this land could be used for affordable housing in the future the way it's going to be defined. Mr. Campbell appreciated Mr. Leif's opinion and said there is something about the dual use of the application that brings value to this piece.

Mr. Durkin felt the site was not a great location for affordable housing and thought a neighborhood setting would be more appropriate. Mr. Leif said his sense was that residents preferred low-income housing to be set apart and not built in existing neighborhoods. He mentioned the revitalization of the downtown may bring opportunities for some affordable housing, which has been successful in many towns.

Discussion followed regarding financing of the project.

Mr. Campbell asked Mr. Helwig, as the representative from Conservation on the CPC, if he could speak to that commission's support for using money from the Conservation Fund. Mr. Helwig said they'd voted unanimously to recommend the purchase; he couldn't see why they wouldn't support using money from that funding source. Ms. Milton, Planning Board representative, said she didn't want to take away from projects that have already been approved, and if something had to be bonded, it may be easier to vote for that specifically; what happened with White Cliffs is that it was voted for by the town under historical and cultural and then when affordable housing was proposed, it was a shift from what residents wanted.

Mr. Durkin was concerned that most of the tax revenue comes from homeowners and how it would look for them to take industrial land and the possibility of increased commercial development off the table, which could've helped ease the tax burden. He didn't have any objections with bringing it forth to Town Meeting but acknowledged there could be some difficulties. Ms. Connors countered; this is industrial zoned land and by including the affordable housing component, some limited development is still available, there will be some tax revenue chances, they will be restricted so tax revenue wouldn't be the same as if they were market value, but she didn't think the State would view it as a loss, since there is the big push for affordable housing.

Ms. Harrison made a motion to reverse the vote taken on January 4th on the Open Space application for the Conservation Fund; Mr. Helwig seconded the motion. The motion passed, 6-0.

Mr. Leland made a motion to approve this application for the purchase of 432 Whitney Street land acquisition using \$664,072 from Conservation's reserve fund, \$218,274 from new revenue, and \$817,653 from the unreserved account. Ms. Harrison seconded the motion. The motion passed, 6-0.

Discussion of Covering Costs associated with the potential purchase of 432 Whitney Street (FY24 Administrative Funds)--Soil Testing: Capital Environmental - \$10,550 (lowest bid), Legal Expenses: Kopelman & Paige, approximately \$15,000. The approximate balance in the administrative account is \$35,000.

Mr. Leland made a motion to have \$31,000 allocated from the admin funds for appraisal and legal expenses. Ms. Harrison seconded. The motion passed, 6-0.

Consideration of Minutes from January 4, 2024--The draft minutes from January 4, 2024 were discussed and minor edits were made. The minutes will be amended accordingly. Mr. Leland made a motion to accept the minutes as amended, Ms. Milton seconded the motion. The motion passed, 6-0.

OLD/NEW BUSINESS

Continuation of the Public Hearing—Mr. Helwig made a motion to continue the public hearing until March 7, 2024. Mr. Leland seconded the motion. The motion passed, 6-0.

The meeting adjourned at 8:50pm.

Respectfully submitted,
Michelle Cilley, Board Secretary