

Minutes of Joint Meeting Feb 17th, 2011
Community Preservation Committee & Conservation Commission

Present: for **CPA** Janet Chayes, David Barten, Marcelle Morgan

For **ConCom** Marcelle Morgan, Jack Gates, Diane Poland

Others: David Fisher, Ann and Tony Borton, Jack Lochhead, Lee Whitcomb, Paul Tillyer, Janice Steadman.

The meeting began at 7:00 as posted. Janet distributed a memo (below) on the single issue on the agenda, the question of ultimate ownership of the 7.25 acres of pasture land on the east side of Shelburne Falls Road.

Scenario 1 — The Franklin Land Trust secures APR funding for purchase of the development rights on three contiguous building lots, CPA funds will be requested at town meeting to pay the remainder of the sales price as none of the owners want to continue to own the land. Then the 7 acres are sold to David Fisher (who currently rents the farmland) at its preserved agricultural value. This scenario would make the CPA for a short period co-owner with the FLT of the land.

Scenario 2 — The town could buy the land from the FLT using CPA funds, and ConCom manage the property, meaning establishing lease arrangements among other responsibilities to be determined.

In the discussion that followed, several concerns were expressed. Tony Borton thought that the CPA could not own the land and suggested that the matter should be taken up with Stuart Saginor (Exec. Dir. of the Community Preservation Coalition). David Fisher supported Tony's concern by quoting Rich Hubbard, who said APR land could not be owned by a municipality. Jack Lochhead said that the state prefers that farmers own APR land. Tony added that it was his understanding that CPA funds can only be used to buy protection, such as APR designation.

Jack suggested that possibly there was a way to use CPA funds as a loan to cover the difference between what the state offered for development rights and what these three owners want in the way of full value for their land.

As regards ConCom ownership, Jack Gates said that the town could use CPA funds to buy the entire 7 acres and ConCom manage them, but that ConCom would have to lease the land through an open bidding process required by M.G.L. 30B. David could not be given preference.

In general, it was felt that the town would not support the idea of the town owning land. Thus, this second scenario for ownership was not a feasible option.

Another concern expressed was that there are no exact dollar figures yet. David Fisher said that Rich H. had said the process of getting appraisals had been delayed because of the deep snow pack.

The meeting was adjourned at 8:30.

Respectfully submitted, Dave Barten & Janet Chayes