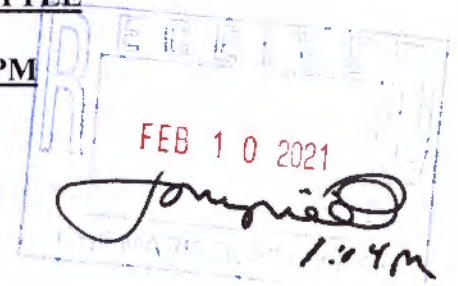


COMMUNITY PRESERVATION COMMITTEE
ZOOM MEETING AGENDA
FRIDAY, FEBRUARY 19, 2021 @ 2:00 PM



1. **Meeting minutes:** Review 11/18/20 meeting minutes.
2. **Open public hearing to review the following legal notice:**

There will be a ZOOM public hearing to discuss and receive public comment on an additional Community Preservation Act funding request from the Chilmark Housing Committee for voter consideration at the April 2021 Annual Town Meeting. To see if the Town will vote to approve the following request of the Community Preservation Committee: To see if the Town will vote to appropriate from the existing Community Preservation Reserve for Community Housing the sum of **\$100,000.00** to replenish Chilmark's rent subsidy program. This program has been in existence since 2002 and managed by the Dukes County Regional Housing Authority and the Housing Committee. A transfer of \$100,000 from the existing Community Preservation Undesignated Reserve Fund to the Affordable Housing Reserve Fund would be required to fund this appropriation. All are welcome.

Also discuss in the public hearing the recent request from the Town of Chilmark to appropriate up to **\$30,000** from the existing Community Preservation Reserve for Historic Resources to preserve the hell tower on the Historic Menemsha Schoolhouse.

Close the hearing.

3. **Vote on whether or not to recommend to voters the CPA funding requests discussed in the public hearing.**
4. **Review and vote to take the actions indicated on the attached list of past CPA appropriations.** The Town Accountant needs to know the results of your vote.
5. **Review the list of current CPA warrant articles already voted on for the April 2021 Annual Town Meeting.**
6. **Review Town Counsel opinion on the CPA Park & Recreation fund request received from the MV Shellfish Group earlier in the year for consideration at the April 2021 ATM.** It is not eligible for CPA funds.

Various other administrators have asked whether the proposed project/application from the MV Shellfish Group to replace the seawater lines at the John T. Hughes Hatchery qualifies for funding under the Community Preservation Act (G. L. c. 44B)(the "CPA"). The application seeks open space/recreational use funds. Although a worthy project, I am constrained to conclude that I do not think it is CPA eligible.

Section 5(b)(2) of G. L. c. 44B provides that town meeting (after CPC recommendation) can approve the use of CPA funds for the "acquisition, creation, preservation, rehabilitation and restoration of land for recreational use." "Rehabilitation" is defined broadly, "includ[ing] the replacement of . . . facilities [on land for recreational use] which make the land or the related facilities more functional for the intended recreational use." (E.g., playground equipment qualifies because it allow children to use *that particular playground* for exercise.) The definition of "real property" also includes "appurtenant structures and fixtures".

The problem is that, here, CPA funds are not going to be used to make the land or fixtures themselves where recreational activities take place to be more functional for recreational use. The applicant states that the beach

used by the public is owned by the Land Bank and that the Hatchery itself is not open to the public, except for a limited number of professionals. The purpose of the project is to improve the related fixtures so that seed can be propagated for recreational pursuits on *other* lands or areas, presumably to which the public has access. The asset itself is not "land for recreational use". Unfortunately, in my view, the application does not meet the statutory language.

7. **Time will be reserved for topics the Chair did not reasonably anticipate.**

8. **Next Meeting:** To be determined.