

**TOWN OF PROVINCETOWN  
COMMUNITY PRESERVATION COMMITTEE  
MONDAY, FEBRUARY 26, 2007  
JUDGE WELSH MEETING ROOM**

Chairman Elaine Anderson convened the joint meeting with the BOS at 6:25 p.m. in the Judge Welsh Meeting Room noting the following attendees:

Members present: Elaine Anderson, Chairman; Mona Anderson, Vice Chairman; A.J. Alon; Bill Dougal; Austin Knight; Stephen Milkewicz; Molly Perdue

BOS members present: Cheryl Andrews; Michelle Couture; Richard Olson

Housing Authority members present: George Bryant; Patrick Manning; Molly Perdue [also a CPC member]

Other Attendees: Keith Bergman; Michelle Jarusiewicz; Jeanne McKnight

Recorder: Cynthia Curran

The following are meeting minutes, in brief:

**SHANKPAINTER ROAD PROJECT - 200601**

Elaine Anderson asked the members if they had questions for the Board of Selectmen. Molly Perdue said that there seemed to be many memos regarding the project which the Housing Authority had not seen. As joint-applicant of the project, she felt that they should know more about what was happening. Cheryl Andrews said that a lot of the negotiations with Cumberland Farm were done in executive session, but that they could have access to the memos at this point. The Housing Authority members were especially concerned about the capping of the site and the environmental problems.

Bill Dougal questioned the fact that the land would be given (instead of sold) to whomever develops the project. He said that other affordable housing projects had been done on the developer's own land. He hoped that the million dollars could come back to the CPC in order to be used for more affordable housing projects. Austin Knight asked what the exact status of the purchase was.

Cheryl Andrews said that she agreed with the H.A. that it would be preferable to have removed all the contamination from the site, but that the cost was too high. Most of the contamination will be moved away from the residential area onto land adjacent to the Cumberland Farms store. That part of the property will probably be used for commercial development. Mr. Dougal added that some of the units should be dedicated to median income for teachers, police, etc. Ms. Andrews said that there will be a mixture of incomes. Keith Bergman said that the BOS would approve the purchase and sale agreement that night. They would then have site control so that they could issue a request for RFP's. He said that although they do not definitely have the \$300,000 grant for capping the site, he is quite confident that they will get it. Jeanne McKnight provided copies of the P&S. She said that the exact wording of the indemnity agreement had not been "word-processed" yet. The BOS's approval of the P&S would be conditional on the Town Counsel's approval of the indemnity agreement. The P&S does not limit the income levels for the housing or exclude some commercial development. Jeanne McKnight also agreed that there was no reason not to provide the requested memos to the H.A. at this time. She said the indemnity agreement, in brief, is that any costs above \$300,000 to clean up the site will be shifted to Cumberland Farms. If the contaminated soil were removed from the site, it would cost between \$750,000 and \$1,000,000. Capping in place will probably be about \$250,000. The legal liability for capping the site will not be on the developer. In the cleanup a soil membrane will be put down as a permanent barrier. Some bushes will have to be removed, but there will be an effort to save as many trees as possible. Austin Knight asked what would happen if the grant for the \$300,000 did not come through. Cheryl Andrews said that the developer may be able to pay for it. She said having a commercial aspect to the project will help with the cost of the development.

Bill Dougal again brought up the question of giving the land, and therefore essentially, one million dollars to the developer of the site. He stressed the limited resources of the CPA funds. Keith Bergman said that they will have to see what is offered in the RFP's, but thought it was unlikely that they would get the money back. Mr. Dougal asked about the timetable for the closing. Jeanne McKnight said that the closing would be in early May 2007. She also said that the P&S would not restrict the Town from getting the million dollars back for the land. Mr. Knight asked what percentage of the project would be rental. Mr. Bergman said that that would come out in the RFP process. Elaine Anderson said that CPC funds have restrictions on income levels for affordable units. Jeanne McKnight said that that would be stipulated in the request for RFP's.

Bill Dougal said that the CPC members had been very disappointed that the number of affordable units at Seashore

Point had been reduced from what they had been told when they approved the funds for the project. He said that they would like to be involved in the development of the Shankpainter site. Cheryl Andrews said that the CPC is essentially the “bank” for the project. Elaine Anderson said that the CPC would like to see the RFP’s for the site. Keith Bergman said that he still thought that it was a very good deal for the Town. Austin Knight asked Mr. Bergman if the CPC had to write an article to rescind the amount granted for Seashore Point and Mr. Bergman said that they did need to do that. Molly Perdue said that the H.A. would like to be more involved with the Shankpainter project.

The BOS then voted on the purchase and sale agreement for the Shankpainter site.

**MOTION: Move that the Board of Selectmen vote, pursuant to Article 2 of the April 3, 2006 Special Town Meeting, to execute a purchase and sales agreement with Cumberland Farms, Inc., a Delaware corporation, (successor by merger to V.S.H. Realty, Inc.) of Canton, MA for the purchase of the 2.53-acre parcel at 90 Shankpainter Road (Assessors Map 8-1-4A) for the sum of \$1,000,000; provided that Exhibit ‘A’ Indemnity Agreement shall be in form acceptable to Town Counsel before the Agreement is delivered.**

**Motion by: Cheryl Andrews Seconded by: Michele Couture Yea 3 Nay 0**

## **OTHER BUSINESS**

Cheryl Andrews said that she would also like to discuss the BOS’s request to the CPC for \$100,000 for a fund to be used for betterment costs regarding affordable housing. She said that the subscription for Phase 2 of the sewer has not been as high as expected. In order to continue with Phase 2, they need CPA funds. The BOS also plan to request additional funds at the Town Meeting. Michelle Couture said that 20,000 gallons had been set aside for affordable housing. The Shankpainter Road site will use 7,000 which will leave 13,000 for other sites. Austin Knight said that the cost for the betterment may be returned to the CPC by the developers of the sites. Cheryl Andrews said that she didn’t think they could make a commitment that the money would definitely come back. Elaine Anderson said that the CPC members had discussed this application with consultant, Paul Ruchinkas. He said that it was very unusual to use CPA funds for a request which is not earmarked for a specific project. Elaine Anderson also wondered if this money could be a loan which would be paid back by the developer. Bill Dougal said that matching revenues will be down, so CPC revenues will be down. Cheryl Andrews said that without Phase 2 of the sewer the Town will not be able to create affordable housing projects, at least not as they would like to see them done. Keith Bergman said he would be at the meeting on the next day to answer more questions.

**MOTION: Move to adjourn the meeting at 7:25 p.m..**

**Motion by: A.J. Alon Seconded by: Molly Perdue Yea 7 Nay 0**

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The meeting was adjourned at 7:25 p.m.. The BOS continued with their meeting.