

TOWN OF LAKEVILLE
Select Board Meeting Minutes
April 20, 2022 – 6:30 PM

Lakeville Public Library
4 Precinct Street, Lakeville, MA

On April 20, 2022, the Select Board held a meeting at 6:30 PM at the Lakeville Public Library located at 4 Precinct Street, Lakeville, MA. The meeting was called to order at 6:30 PM by Chairman LaCamera. Members present were Chairman LaCamera, Member Fabian, and Member Carboni. Also present was Ari Sky, Town Administrator, Shirin Everett, Esquire from KP Law and Tracie Craig-McGee, Executive Assistant. LakeCAM was recording the meeting for broadcast.

Meet with Planning Board, Conservation Commission and Open Space Committee to discuss the withdrawal of the Lakeville Country Club property from Chapter 61A/B and whether the Select Board should exercise the Town's Right of First Refusal to purchase the property

Present for the discussion were Mark Knox; Nora Cline; Jack Lynch; and Peter Conroy from the Planning Board; Robert Bouchard; Joseph Chamberlain; Fred Frodyma; Nancy Yeatts and John Leblanc from the Conservation Commission and Fred Frodyma; Brian Reynolds; Joan Morton; and Martha Schroeder from the Open Space Committee. The Planning Board called their meeting to order at 6:30 PM. The Conservation Commission called their meeting to order at 6:33 PM. The Open Space Committee called their meeting to order at 6:34 PM.

Chairman LaCamera said the Town has four (4) golf courses. He summarized the date of construction, purchase history and tax assessments of Poquoy Brook; Back Nine Golf Course and LeBaron Hills Country Club. Lakeville Country Club (LCC) was built in 1969 and purchased for \$5 million in 2011, foreclosed on in April of 2011 and purchased at auction for \$3.2 million and is assessed for \$1.7 million. Part of the LCC is under Chapter 61A which is agriculture, consisting of 20 acres of cranberry bogs. The Chapter 61B property is 44 Clear Pond Road, which contains 138 acres. State law provides the Town with the opportunity to declare its intention to purchase the property within 120 days (right of first refusal). He reviewed a map of the property. There is other property in a private sale, and the Town does not have the opportunity to purchase them.

Chairman LaCamera summarized the initial notice from the owners of LCC and problems with the proposed Purchase & Sales Agreements (P&S), which invalidated the agreement. The current agreement was submitted on March 4, 2022, one for \$900,000 for the cranberry bogs and \$12,725,000 for the golf course. We have until July 2, 2022 to determine whether to exercise the Town's right of first refusal for \$13,625,000, which is equivalent to 40% of the Town's annual operating budget. We do not have financial reports on the current operation. The P&S has been determined to be valid. The amount of \$13,625,000 to purchase must be raised through debt exclusion, which requires approval at Town Meeting and a Special Election to be held prior to the end of the 120-day period. A surcharge would be placed on property tax bills for an estimated \$225 annually based on a house valued at \$400,000. Interest would be \$6.8 million for a total cost of \$20.4 million over 20 years.

Mark Knox asked if the Town could purchase the golf course and not the cranberry bogs and house. Attorney Everett said you can purchase one without the other. Chairman LaCamera said the reservoir is staying with the property. Fred Frodyma said this property is probably one of the largest continuous area of open space and is quite valuable. There are endangered species that are on the

property. Chairman LaCamera said Natural Heritage mitigates the habitat so it will not stop the project. Martha Schroeder said this should go before the Town at Town Meeting so all people in the Town have a chance to express their opinion. Chairman LaCamera said we plan on doing that on May 16, 2022. The Board will be discussing this being placed on the Annual Town Meeting Warrant after this meeting. If it passes, there will be a debt exclusion election. Mr. Knox said to remove a parcel from 61A or B, if the owner is converting the use, that triggers the right of refusal at fair market value determined by an independent appraiser. Recently we received a plan to freeze the zoning, submitted by the current owner and subdivide the property. Because of the way that this is being done, does that negate the P&S and the Town can negotiate to purchase at a market rate. Attorney Everett said the owner is free to submit a plan to change the use and subdivide. The plan is submitted for the purchaser. The owner is not changing the use; the buyer is. The purchase price offered by the buyer is what is offered to the Town. Joseph Chamberlain said under 61B if a change of use occurs, someone has to provide to the Town the difference in funds from what they have been paying on reduced real estate taxes than what they would have been paying. Chairman LaCamera said they owe the Town \$25,000. They removed it from 61B last year, so it is only a four (4) year buyback. Mr. Frodyma asked if the buyer intended to put a distribution facility on the property. Chairman LaCamera said we do not have a site plan. Chairman LaCamera said the P&S states a warehouse/distribution center.

Chairman LaCamera said owning it as a golf course is a big cost to the Town. The costs have not been determined as we have no financial information on the running of the golf course. It will cost \$20 million to buy this over 20 years. The course is not in very good shape and needs improvements. John Leblanc asked is the intention to keep it as open space. Chairman LaCamera said there will be a lot of work to protect it. There was a covenant put on the property before it was sold in 1969 that states that if it does not remain a golf course, the buyer has to pay \$1 million back to the previous owners, the Beech and Ericson family. That is on the deed. Ms. Schroeder said this property is not zoned Industrial; how can it be developed industrially. Mr. Knox said currently there is a Development Opportunities District (DOD), which allows any parcel 25 acres or greater to be subject to that zoning. The seller has found a buyer that is intending to use that zoning. Chairman LaCamera said whatever goes there, the lot coverage cannot include any wetlands or cranberry bogs. Discussion occurred regarding the available land for development. Mr. Knox noted there are density bonuses that can apply, which can go up to 70%.

Audience participation:

Barbara Mancovsky of 17 Johnson Drive said the Town should be using a real estate attorney who is used to negotiating with developers like this. She would like the Select Board to modify the tax schedule to address large distribution centers. There are no contingencies in the P&S, so it could be a warehouse or high-density residential development. Chairman LaCamera said Town Counsel has 40 or 50 specialized attorneys with a lot of experience. To change the tax rate for another group, the Assessors and the State will most likely not approve a specialized tax rate. Lakeville has 4.5% industrial development right now with \$1.2 million in tax revenue. If you were going to double that to pay for this project, the tax rate would be \$28.00, and the State would not approve that.

Mark Bosse of 22 Johnson Drive said it will be \$13-15 million to keep the property green. We will have tax issues for other things coming up. Asking the residents to come up with \$20 million over 20 years may not make sense. The average house is assessed at \$449,000 for a \$225 tax increase. You can try to run it as a golf course, which will cost a lot. It's nice to have open space, but is the

cost worth it and the expenditures after that to try to keep it up. If we need the funds later for other uses, he would rather see it go for that.

Mr. Knox asked if the Town were to exercise the right of first refusal and send it to Town Meeting, what would happen if the Town voted no. Chairman LaCamera said the property would be sold to the buyer. Mr. Sky said it would require a 2/3's vote in Town Meeting to go to the election, which would be a majority vote.

Brynna Donahue of 87 Crooked Lane asked if it has to stay a golf course. Chairman LaCamera said that is questionable as there is a covenant that talks about the \$1 million payment if it doesn't stay a golf course. Chairman LaCamera said over 20 years it would be \$1 million a year average. Ms. Donahue said if we bought it for a golf course, would any revenue generated from the course generate funds. She spoke of some potential uses including community gardens, dog park; a green for yoga or exercise class; open space for local artists, such as topiary gardens, and an art park. There could be space for parties. There aren't park spaces in Lakeville that are not dominated by sports. We need a park. Chairman LaCamera said there are costs associated with that.

Richard Scott of 9 Rush Pond Road said looking at the purchase history of the parcel, it has gone higher and higher. This is a \$20 million expenditure. If this property wasn't going to become a warehouse, perhaps the price would be lower. If it went to housing, would the number be lower. Chairman LaCamera said the owner had the opportunity in April of 2020 to ask the Town to purchase the property for a certain amount and they decided not to. The appraisal that was done when the owner bought it was \$3-4 million. Mr. Scott said the DOD is the issue which allows certain uses that bypasses Town Meeting. DOD is a contributor to this because there is a potential use that does not allow the public to comment. There are 3,600 acres in Chapter 61A or B, if we don't get our zoning right, we may be back having this discussion. We could spend \$20 million on something we should be spending half of that on. We don't know what we will do with it and are being faced with the worst possible use of that property.

Joseph Jacques of 16 Stetson Street said Wareham has Little Harbor, which is 54 acres and has been owned by the same family for decades. They wanted to sell and put it up for sale and Massachusetts Audubon Society wanted to buy it for a bird sanctuary. The Town of Wareham wanted to keep it as a golf course and went before the Town and it passed to keep it at a price of \$2.6 million. Would Massachusetts Audubon be willing to buy this for a bird sanctuary? Chairman LaCamera said we don't have the time to try that at this point as we have 120 days to make a decision. We can apply for grant money afterwards. A lot of these agencies do not have this amount of money. When we bought Betty's Neck it took 1.5 years to negotiate with Decas Cranberries at a purchase price of \$11 million. We received \$10 million from the State to purchase 300 acres of land and received 3,500 acres of conservation restrictions. The State did that to protect New Bedford and Taunton's water supply.

Noelle Rilleau of 22 Reservoir Avenue said on April 4, 2022, the Community Preservation Act was passed. The opportunity to purchase the property aligns with the desire to designate open space area as the community grows. We have already had enough distribution centers and the Lakeville Hospital property will provide more. Single family homes about the golf course and enjoy the residential aspect of the neighborhood. If we fail to preserve this property for future use, living in the shadow of a distribution center will create traffic hazards for abutters.

David Lodge of 21 Sandy Circle said he is concerned on how the Town would operate a golf course. Leasing it to someone to operate it would be a quick solution.

Susan Spieler of 10 Valley Road asked if the Town can keep it as a 9-hole golf course to deal with the covenant or does it need to stay at 18 holes. Chairman LaCamera said he doesn't know; that is what the covenant says. Ms. Spieler asked if we could lease it out like we do with Loon Pond Lodge. Have you checked with the Buzzards Bay Coalition or any land trusts to partner with the Town and CPA funds? Chairman LaCamera said we don't have enough time to do that. It has to go to Town Meeting in three (3) weeks. The first thing they would want to do is an appraisal, and the inflated price would make it not worthy of investment.

Ms. Mancovsky asked if anyone has explored grant opportunities for this? Mr. Sky said not for this acquisition. It is not feasible in our experience that the State or a Trust would consider \$13,625,000 for a golf course. Chairman LaCamera said we would want to do a 21E to make sure it is not contaminated, but we can't do that before the sale. Mr. Knox said there was a big fire there with golf carts. Mr. Sky said if it was a typical arm's length transaction regarding a sale of a property and we had time to assemble the financing, then we could look for grants. If Town Meeting approves it, there is language in the draft article to obtain grants to help pay for it.

Paul Mcallister of 30 Reservoir Avenue asked what controls would the Town have with lights 24/7. He is concerned with trees and aesthetics. Mr. Knox said we don't have a plan yet. There is no guarantee their plan would be approved. It has to be non-impactable to the neighboring community. There are mechanisms for buffers and tree areas that would separate from the abutting residential properties. Mr. Knox said all abutters would be notified of any public hearings to attend. You would be able to speak to the Planning Board. We have a lighting by-law and buffers written into zoning regulations.

Nancy Yeatts said she has spoken to Wildlands Trust about grants, and there are a few land and water grants. When the grants come up, there is a short window to put in for the money and it is only for one (1) year. They are small amounts and do not extend out over a period of time.

John Jenkins of 31 Pickens Street said it would be \$225 on an average household. We can buy one (1) or two (2) pieces. The water reservoir goes with the 61B. The Open Space Committee says it is one of the larger tracts of land in Town. Town Meeting is May 16th, there is not a lot of time. It was stated that the assessed value was \$1.7 million, but the price is about \$14,000,000. When the Town has the option to buy a chapter property, do we have to match the purchase price or the assessed value. Chairman LaCamera said the purchase price. Mr. Jenkins asked if this P&S is a shell to get the Town to overspend on it. Chairman LaCamera said it is a valid P&S according to the Assessors and Town Counsel. Mr. Jenkins said if this goes to a debt exclusion election, is it majority? Member Fabian said 2/3's at Town Meeting; simple majority at the ballot. Mr. Jenkins asked about the current tax revenue on the property. Mr. Knox said it is less than a typical house real estate tax bill; approximately \$5,000 a year. Mr. Jenkins said so our loss would be under \$10,000. If the Town purchases it, we can do anything we want with it. We can look at it and say this is what it could be. The Planning Board decides if there is a special permit required for development once you see the plans. Mr. Knox said if they put in an application under the DOD, which they have now, the Planning Board will have to decide on granting the special permit based on the impacts. Mr. Jenkins said to issue that special permit four (4) people have to approve it. You are assuming that the entire Town is covered by the DOD if you have 25 acres. Can anyone apply for a DOD special permit. Mr. Knox said the Planning Board will be discussing this tomorrow night. Mr. Jenkins said there is litigation against the Town,

he is one of the plaintiffs, we don't feel the DOD was done properly. Chairman LaCamera said we can't talk about litigation. Member Fabian said we are in active litigation and that prevents us from speaking publicly. Mr. Jenkins said what happens if the DOD is not determined to be Town wide. Mr. Knox said we are discussing eliminating the DOD tomorrow night.

Brian Day said the warrant article is combined for both properties. Chairman LaCamera said we have to verify that before Town Meeting. It can be adjusted on Town Meeting Floor. Mr. Day asked what are they requiring on both properties for density use. Chairman LaCamera said we don't have a plan. Mr. Day said if we bought the smaller one, it could stop the project, but they could come back with a 40B for the larger property. Chairman LaCamera said we received a subdivision plan and they have taken all the property and combined it into one (1) lot. Mr. Day asked how many acres are developable. Mr. Knox said 90 to 100 acres, not including buffer zones. If the town attempted to buy the smaller parcel, it would not affect the project. They are in negotiations with an abutting property to gain access in another area.

Ms. Donahue said every project seems too big. There isn't a lot of information, but no one wants this project. Chairman LaCamera said these are the facts that we are bringing to Town Meeting. Ms. Donahue said we have three (3) weeks to inspire the Town to spend the money and come up with ideas. How do we purchase this; how do we change it? Member Fabian said we all agreed at our meeting on the 11th that we can, as the Select Board, make this decision on behalf of the Town. With no input from the public, we can make the decision. We are here tonight and all three (3) of us have agreed to let the townspeople make this decision. When it comes to taxation, she feels better hearing from the people. That is what we are doing tonight. As far as what we can and can't do, if you are getting a vibe that we are hesitant that could be true because everything we do has MGL written after it. If we discuss things not on the agenda, we have broken the Town Meeting law. We will have answers for Town Meeting. Ms. Donahue asked what can we do. Member Fabian said people need to go to Town Meeting. Our Town Moderator will let people speak. Her concern is where does the operating money come from or to run it as a park. She is not finding a few hundreds of thousands to operate a golf. She is willing to let the people decide. With inflation, she has had residents tell her they can't afford gas to get to work. We need a new fire station and other things we can't live without. The Chairman was appointed by the Board to work on this project; that is why he is speaking. Mr. Knox asked if the Board will be taking recommendations from the other Boards. Chairman LaCamera said we have already decided to place this on Town Meeting. Member Fabian said we want the people to make this decision.

Martin Schwalm of 22 Stetson Street asked if the Town can sell it afterwards if we buy it? Chairman LaCamera said yes, subject to the \$1 million covenant. Mr. Sky said it depends on the purpose in the article. As it is being purchased with Town money, it has to be used for public use. We could sell it to diffuse the debt. Mr. Schwalm asked regarding tax planning, have you considered the revenue from Lakeville Hospital. Chairman LaCamera said we are restricted under Proposition 2 ½ in increasing the tax levy. It is \$27 million and we can increase it by 2.5%. Any new growth gets added on; it is approximately \$1 million. The Lakeville Hospital is projected around \$430,000 for property taxes. We do have other needs that we need to look at. Mr. Schwalm said is there a possibility that their sale goes through and their price goes down. Attorney Everett said they would have to come back to the Town if the purchase price changes. Mr. Schwalm asked if there are any conflicts of interest on the Boards regarding this? None were noted.

Ann Marie Sherrick of 1 Sterling Court said we have some debt ending for the Council on Aging, Library and Bettys Neck. Member Fabian said we also have some debt beginning for Route 79.

Chairman LaCamera said \$60,000 a year for Bettys Neck expires this year; the Council on Aging debt per year is \$35,000; the Police Station is \$683,000 per year for 15 years; and \$116,000 per year for the Library expires in two (2) years. That would reduce taxes, but not by significant amounts. Member Carboni said this is hard because we don't have a plan. We are asking our taxpayers to ask to spend \$20,000,000 with no plan. She has her own ideas and would hate to see the proposed development. She would like affordable senior housing. Our industrial park was owned by the Town and there was a committee formed to develop it. We could do the same thing here. Residents may decide at Town Meeting not to go to election. It is a big ask, but we need to leave it up to residents.

John Gregory of 8 Bartelli Road asked can Ms. Donahue's plans for the property be presented to the Select Board before Town Meeting. Chairman LaCamera said we don't have time to develop a business plan. Ms. Donahue can present her plans at Town Meeting.

Ms. Schroeder asked the Conservation Commission where would the access to Route 18 be? Mr. Chamberlain said we don't have a plan, so we don't know. Chairman LaCamera said when we received the P&S in April of 2020, we told them that we would not allow them to use Clear Pond Road for access. Mr. Frodyma said the owner would rather have the Town purchase the property than sell it to the prospective buyer. Can we negotiate with him? Chairman LaCamera said he had the opportunity twice to do that and he didn't do it. It's too late. Member Carboni said Chairman LaCamera is the Board's liaison for LCC. There were discussions with them; did they present this type of development. Chairman LaCamera said we told them we needed a site plan or P&S Agreement. Maria Perroni-Martin of 207 Cedar Drive said people need to go to Town Meeting and make your voices heard. If it does pass, you need to go to the election and vote. Those are the most important things to come out of this meeting.

Brad Fahey of Reservoir Avenue asked is there any sort of legal motion that we can file. Chairman LaCamera said no. This has to do with a P&S; it is not related to the DOD. Member Fabian said for anyone that has their land in Chapter 61A or B, this is the same process that is governed by MGL. There is no flexibility. This is not special for this property. Mr. Knox said the process that is happening tonight is more than what is required. We see several of these a year and the Town Boards go through the process. Member Fabian said sometimes people will pull out land to use for their selves and they pay the roll back taxes. The only control we have is our internal process on how the Boards are notified

Kelly Kutchmanich of 93 Crooked Lane said if the Town can't purchase it and the developer purchases it, do they have to put through a plan for us to see. Different boards have to approve the details of the plan. Mr. Knox said yes. Ms. Kutchmanich asked if there is a possibility that their plan would not be approved. Mr. Knox said it is a potential. If the plan shows atrocious traffic and the Planning Board could not vote for it, we could deny it based on potential impacts. We can't say what will happen. They could come back with a different project. Everything is vague right now. The plan we have is an outline of several parcels to freeze the zoning. Ms. Kutchmanich asked does the Town have any say. Mr. Knox said you can come to the Planning Board Meetings. You would be heard, but it is the Planning Board's decision. Ms. Kutchmanich asked can the Planning Board fight the decision. Mr. Knox said abutters can take it to court as abutters with standing. Ms. Kutchmanich asked who deals with endangered species. Mr. Chamberlain said the Conservation Commission. Ms. Yeats said the Department of Environmental Protection has the bottom line. The current map will show items of special concern and where turtles have been sighted. Mr. Sky said the matter before the Select Board is not what happens with the property. The only matter is whether the Board exercises its right to purchase. They are sending it to Town Meeting for a decision.

Ms. Spieler said she sent a memo yesterday regarding the formation of the Community Preservation Committee so we could leverage funds. Chairman LaCamera said it doesn't take effect until July 1st. Chairman LaCamera said the CPA doesn't go into effect until July 1. Ms. Spieler said the money starts coming out July 1st. Once the CPA was passed, it says in the bylaw it is in effect.

Upon a motion made by Ms. Cline and seconded by Mr. Conroy, it was:

VOTED: To adjourn the Planning Board at 8:30 PM.
Unanimous in favor.

Upon a motion made by Mr. Chamberlain and seconded by Ms. Yeatts, it was:

VOTED: To adjourn the Conservation Commission at 8:30 PM.
Unanimous in favor.

Upon a motion made by Mr. Frodyma and seconded by Ms. Morton, it was:

VOTED: To adjourn the Open Space Committee at 8:30 PM.
Unanimous in favor.