

Eminent Domain Committee meeting, March 30, 2016, 7:00 pm, Room 310, Town Hall
Minutes

Commenced at 7:10 pm

Members present: Craig Bolon as chair, Clifford M. Brown, Catherine Donaher, Thomas J. Gallitano, Jean Stringham, Leonard A. Weiss and Christine Westphal

Others present: Regina Frawley, TMM-16

Committee discussed processes of acquiring land for recreation and park space in the Hancock Village buffer areas. Approaches other than eminent domain would have to involve negotiation between the town and the land owner.

It was noted that the building permits for phase I development at Hancock Village recently expired, thus reducing the town's count of affordable housing units. Chestnut Hill Realty would have to apply for new building permits before proceeding with the project, assuming all other required conditions are met.

Discussion followed on remaining focused on the goal of preserving green space in the subject buffer parcel and in our committee's report, to encourage a dialogue between the town and the developer on a negotiated resolution. Craig Bolon reported on the status of the Land Court litigation, including the ramifications on possible negotiation efforts.

Committee discussed easements, including conservation easements, prescriptive easements and others. Agreed that we don't have the factual or legal basis to establish a claim of prescriptive easement over this land. A conservation easement, in contrast, might be an option that could be utilized in the course of a negotiation with Chestnut Hill Realty. Leonard Weiss brought up question whether land subject to a conservation easement would be subject to neighborhood conservation district regulations. Discussion followed on a request from the Neighborhood Conservation District Commission to fund an appraisal, for eminent domain purposes, of the buffer areas.

Agreed that the committee will include in its report the recommendation that the town and Chestnut Hill Realty meet to negotiate over development of phase I that would include preservation of green space.

Discussion took place on this committee's position on whether to recommend an eminent domain taking, versus other forms of preserving land—through easement or otherwise—for recreational uses.

Discussion took place on the substantive points to include in the committee's report and the process for preparing, editing, discussing and finalizing the report. Target date for completion is end of April. Craig Bolon expects to get a first draft out to each committee member in about one week. Committee members may respond by sending him redrafts of the document. He will consolidate them in a redraft. There may be another iteration.

Anticipated dates for drafting a report:

April 6, first draft of committee report

April 10, first set of responses, comments

April 14, second draft of committee report

April 18, second set of responses, comments

April 19, consolidated draft of committee report

Minutes from prior meetings will be prepared and circulated prior to the next scheduled committee meeting.

Next meeting: April 20, 7 pm

Adjourned at 9:20 pm