



JOSEPH A. CURTATONE
MAYOR

CITY OF SOMERVILLE, MASSACHUSETTS COMMUNITY PRESERVATION COMMITTEE



MINUTES
SEPTEMBER 25, 2019

The Community Preservation Committee (CPC) held a regular meeting at 6:37pm in the third floor conference room at the Visiting Nurse Association, 259 Lowell Street, Somerville, MA 02144. An audio recording of the meeting is available upon request.

Members Present Chair Michael Fager, Vice Chair Uma Murugan, Dick Bauer, Laura Beretsky, Luisa Oliveira, Eleanor Rances, Tatiana Shannon, Amelia Aboff

Members Absent Jane Carbone

Staff Present Kristen Stelljes, Judith Tumusiime

Others Present Kat Rutkin

MEMBERS
Michael Fager, Chair
Uma Murugan, Vice Chair
Amelia Aboff
Dick Bauer
Laura Beretsky
Jane Carbone
Luisa Oliveira
Eleanor Rances
Tatiana Shannon

STAFF
Kristen Stelljes
Judith Tumusiime

The chair Mr. Michael Fager opened the meeting at 6:37p.m.

Agenda item 1: Introductions and Public comment period

Mr. Fager introduced himself and gave a broad overview of the CPA and CPC. He also requested the other committee members to introduce themselves and the bodies they represent. There were no public comments.

Agenda item 2: Welcome Judith Tumusiime

Ms. Kristen Stelljes introduced Ms. Judith Tumusiime as the New CPA Manager. Mr. Fager thanked Ms. Stelljes on behalf of the committee for the great work over the last three years.

Agenda item 3: Approve minutes from July 24 meeting

Mr. Bauer informed the committee that Ms. Amelia Aboff was present at the July 24 meeting and that also Mr. Kevin's last name was incorrect. Upon a motion by Mr. Fager, seconded by Ms. Murugan, the Committee voted 8-0 to approve the minutes with amendments.

Agenda item 4: Project updates

5 Palmer St Conservation Restriction:

Ms. Stelljes informed the committee that the Conservation Restriction had been officially executed and that it was the first in the City of Somerville. She said that the building on the site had been brought down and that the next step was the planning for the site.

Mission Church:

Ms. Stelljes informed the committee that the church had finished the project but that they had not submitted the final report. She also said that the preservation restriction was in the process of review by the Massachusetts Historic Commission.

Temple Bi'nai Birth

Ms. Stelljes informed the committee that there was progress in the discussion of the preservation restriction and that the City Special Counsel had reviewed the feedback from the Massachusetts Historic Commission.

West Branch Library:

Ms. Stelljes informed the committee that the West Branch Library had an interesting discovery of a well at the basement which was uncovered when they opened up the floor. She said that the architectural photographer of 83 Belmont house had been procured to also take the photographs of the well. She informed the committee that the CPA would contribute the funds for taking the photographs because the well was going to be used for educational purposes about the history of the well through an exhibition. Mr. Bauer asked if there had been archeological studies on the well and Ms. Stelljes responded that there were no archeologists to study the well but that the Project Manager thought that the well was used to store water for the construction of the library. She said that the photographs would be taken before the well was covered up.

Missing Project Applications:

Ms. Stelljes reported that the three projects which had submitted eligibility determination forms did not submit applications. She said that Mission church decided that they did not have enough time to put the proposal together in time for the application but that they anticipated submitting a more comprehensive request next year. Ms. Stelljes reported that Mystic River Watershed Association was interested in building trails along the Mystic River. She said that the association had worked with the department of parks and recreation land to apply for a mass trail grant and that they were successful. She reported that the rehabilitation of the park required millions of dollars and that the association and the city decided to do it in phases. She reported that in the first phase the DCR was going to build the path on the side it owned and that association was going to use the CPA funds to design the extension of the path on the city land. She informed the committee that because of those changes the association did not submit an application for the FY20 CPA funds.

Milk Row Cemetery:

Ms. Shannon informed the committee that Ms. Mangum did a quick survey of the cemetery about a month ago to see how the things were settling and how the treatments were aging and discovered a small number of grave stone that had been knocked off the bases. She reported that it seemed there had been a mechanical force which had been caused by lawn mowers and various machines that Department of Public Works (DPW) used to maintain the lawn of the cemetery. She added that the damaged grave stones had been treated a year ago. She informed the committee that there was a meeting at the cemetery with the DPW where Ms. Mangum showed them the damage and why she

believed the damaged had been caused by the machines. She reported that there was no video documentation of what could have happened but that the DPW would talk to the operators to be more careful. Ms. Stelljes said that damages could not be supported by the CPA funds.

Prospect Hill Park Construction:

Ms. Oliveira informed the committee that Prospect Hill Park was a challenging project which had generated a number of emails (complaints) but that the landscape and planting would be finished in the fall. Ms. Oliveira said that the city was working to create a panel that would go around the wall which would mention the historical significance of the park. She said that the bottom wall of the Prospect Hill and parkway had been repainted and that they anticipate opening next spring because they wanted to give the plants enough time to flourish. She informed the committee that the January opening would not be possible but overall the progress was good and that they had moved some of the curb stones. Mr. Fager asked about the interaction with the Conservation Commission and requested Ms. Oliveira to have a conversation with the commission about the public process for the design. Ms. Oliveira confirmed that there would be a public process although that there was not much to design.

Agenda item 5: South Street Farm public access

Ms. Stelljes introduced the proposal she had received from Ms. Rutkin for the public access and informed the committee that the license agreement would allow Groundwork to occupy the site. Mr. Fager asked if there had been access in the past. Ms. Rutkin confirmed that there had been access in the past and that most people utilized the bench and had lunch from there. She informed the committee that they had started having issues with a man who was living under the table. She said the man had left tonnes of trash and that it was like a recycling plant had been put there. Ms. Rutkin reported that they were concerned for the young female staff and other young people. She informed the committee that the man at the farm got into a fight with another man near the farm, a situation they wouldn't want to have with the younger folks around particularly the younger staff. Ms. Oliveira asked about the public awareness of the use of site and Ms. Rutkin said that most people were not aware but that they would allow access when one of the staff was present. She said that there was no farm manager because of the funding challenges but that there was a candidate who had been identified and they had discussed some of the plan with him. Ms. Rutkin said she was confident that once the farm manager was recruited the situation would be managed.

Ms. Rutkin informed the committee that the plan was aimed at balancing the work of her organization and the needs of the public and that she would like more public access of the farm. She said they were organizing more public events where the Mayor and more volunteers would be invited to the farm. Mr. Fager asked about the number of times the farm would be open to the public and Ms. Rutkin responded that it would be quarterly but emphasized that over the summer the farm was open every day. She said that over the fall if there was a team, it could open for three hours a day and about two days a week but that it usually closed in November and opened in March to protect the farm from the trash nuisance. Ms. Oliveira asked if the hours were posted publically and if there was signage directing the public to the website. Ms. Rutkin responded that the hours would be added to the signage but that in the interim

they could be posted on white board or laminated post. Ms. Stelljes requested that if the committee was okay with the plan they needed to vote on it.

Ms. Shannon was concerned about committee approving the plan when the farm manager had not yet been recruited. Ms. Rutkin said that the plan had been shared during the recruitment process. She said that the information would also be included in the job description of the farm manager. Ms. Oliveira said she was okay with approving the plan as long as the access was publically stated. Mr. Fager asked if they had a calendar and Ms. Stelljes responded that they had a calendar on their website. Upon a motion by Ms. Murugan, seconded by Ms. Beretsky, the Committee voted 8-0 to approve the plan with amendments.

Agenda Item6: 5 Palmer St

Ms. Stelljes requested Mr. Fager to flip the 5 Plamer St discussion because Ground Work held the conservation restriction. Mr. Fager agreed and Ms. Stelljes informed the committee that she had sent the restrictions by email because the committee had requested to see the restriction once it was finalized. Ms. Oliveira asked why Mr. John Long had signed many times and the Mr. Fager responded that because he was the notary. Mr. Fager asked if the committee needed to give an approval and Ms. Stelljes said that the role of the committee was to implement the restriction. Mr. Fager requested that the restriction be adopted into the committee record.

Agenda Item 7: Community Preservation Coalition Dues and Request for Presentation

Mr. Fager asked about the dollar amount and Ms. Stelljes said it was in the \$7000 range. Ms. Stelljes said that she shared the email with the committee because last year the dues were in the \$4000 range but that this year the coalition sent a bill that was in the \$7000 range. She said that it was because of the revenue increase which put the city in the next category which was a higher amount. Ms. Stelljes informed the committee that the amounts required to-top up the fees required approval of the committee. Mr. Fager asked about benefit of the increase and Ms. Stelljes responded that the coalition's advocacy would increase the state match by over 8000 dollars. Ms. Stelljes also informed the committee that sometimes the City Special Counsel asks her to refer issues to Mr. Stuart Saginor for his opinion. Mr. Fager asked if they were responsive to regulations that Ms. Stelljes may not understand and she responded that the coalition was very responsive. Mr. Fager asked if all the CPA communities belong to it and Ms. Stelljes said that not all the communities (especially towns) have administration budgets and that she was not sure if they paid membership fees. She informed the committee that the CPA communities across the state had different models and that some had proactive staff and others carried out only the supervisory role.

Ms. Murugan asked what it meant to move to the next level of dues and Ms. Stelljes responded that the next level was for larger cities such as Boston which had large revenues. Mr. Fager asked if there were plans by the city to raise the surcharge from 1.5 to 3.0 dollars and Ms. Stelljes responded that, that was the plan. Ms. Stelljes informed the committee that the money was available in the administration budget to cover the increase. Upon a motion by Mr. Bauer, seconded by Ms. Beretsky, the Committee voted 8-0 to approve the fee increment for the Coalition.

Ms. Stelljes informed the committee Mr. Saginor wanted to connect with the committee but that October was a busy month with application reviews. Ms. Stelljes asked if the presentation could be done in January after the turnover. Upon a motion by Mr. Fager seconded by Ms. Murugan, the Committee voted 8-0 to approve the presentation for January.

Agenda item 8: Car Pooling to Meetings

Ms. Tumusiime informed the committee that some members of the committee carpool for example Ms. Murugan and Ms. Rances but that Ms Murugan's term ends in December. The committee discussed the various options of accommodating Ms. Rances including the shift of meetings to locations such as Somerville library but Ms. Murugan informed the committee that Ms. Rances would still need a ride to the library venue. Ms. Murugan asked if it was okay to allocate a portion of the administration funds for Ms. Rances' transportation. Ms. Stelljes requested Ms. Tumusiime to check with Ms. Nancy Salmon who receives request for reasonable accommodation. Ms. Stelljes added that there were restrictions on the membership of the committee and that members could not receive any compensation.

Agenda item 9: Meeting dates for October November and December

Mr. Fager presented the meeting schedule for October, November, and December. Ms. Stelljes advised the committee to meet after November 15th because the city hoped to receive the state match on November 15th. She said that it would be appropriate for the committee to approve the state match at its November meeting and then submit the recommendation to council to accept it at the meeting on the November 26st before the tax cap. The committee approved the meetings to take place on Tuesday November 19 and Tuesday December 17. Ms. Stelljes informed the committee that December will make the end of an era and that there were resources available to make a celebration. Ms. Stelljes informed the committee that Mr. Fager the Chair, Ms. Murugan the Vice Chair, and Mr. Bauer would be stepping down and that it was important for the committee to start thinking about the position of Chair and Vice Chair. Ms. Stelljes said that Ms. Oliveira could not take on any of the two positions because she is a City Staff.

Agenda item 10: FY20 Application Review

Ms. Stelljes informed the committee that there were five FY20 applications - three for open space (Visiting Nurse Community, City of Somerville Stabilization Fund, and Central Hill Campus Phase I) and two for historical preservation (Elizabeth Peabody House Association and Somerville Museum). She reported that the total funding requests were over the allocated funds but that there was funding in the reserve and the anticipated state funds which could cover the deficit. Ms. Stelljes informed the committee that the analysis of FY19 revenue had not been released and that there could also be additional revenue. Ms. Beretsky wondered if there was a possibility of funding all the proposals. Ms. Stelljes said that the final amount would be known by the November meeting. Mr. Fager asked if all the applicants would be available on Wednesday October 23 and Ms. Stelljes responded that they would be available. Ms. Stelljes requested the committee to let Ms. Tumusiime know if they had any questions before the presentations or if they wanted anything added to the presentation.

Mr. Fager asked if the Somerville Museum had started utilizing the funds and Ms. Stelljes responded that they had not started utilizing the fund. She informed the committee that the Museum was still raising the funds and that the museum had received a large donation from a private donor and was also seeking donations from other individuals. She informed the committee that the museum was in conversation with the Massachusetts Cultural Council to find ways to close out the existing funds and were seeking additional funding because the project was expensive. Mr. Bauer asked why the number of applications had reduced compared to the previous years. He was concerned that every year the application pool was reducing. Ms. Stelljes responded that City may have reached a point where it was running out of community projects. She informed the committee that there were not so many non-profits working in historic buildings in the city and that she had reached out to SomerViva and asked the liaisons to reach out to the Portuguese and Spanish speaking organizations. Ms. Stelljes reported that there were historic churches which could be eligible for funding but that most did not want to have preservation restrictions. She further informed the committee that the city had been very respectful of the committee priorities and that it prioritized community projects but had not received many applications.

On the open space side, Ms. Stelljes reported that there were two organizations which had licenses to operate South Street Farm and the Growing Center. She reported that the Growing Center had expanded the land that CPA paid for. Ms. Stelljes emphasized that the city didn't have a robust nonprofit owned land or private land in order to apply for CPA funds. She suggested that there was need for a conversation about improving outreach to target more potential projects. She also suggested the need to improve the partnerships between the city and community. Mr. Bauer asked about the status of the projects that the committee had approved over the years. He wondered where the large construction projects were in the planning cycle. Ms. Stelljes responded that most construction projects would be coming from the city and that the city was still deciding on projects to request CPA funding for. Ms. Stelljes informed the committee that for City projects, there are multiple yards to consider because the CPC didn't have enough money to pay for all the projects. She said that overtime some of the design projects the CPC had supported might come back for CPA funding. Ms. Oliveira informed the committee that much as school yards were important, people were considering other projects equally important. She informed the committee that the city listens to the advocacy and that it was the city's role to consider the school yards holistically with other competing projects. She said that the city also considered the capacity. Ms. Shannon reminded the committee that there were projects which could not be logistically submitted this year but would be submitted next year. She gave an example of the Elizabeth Peabody which had requested a fire alarm as part of a larger project which might be submitted for funding next year.

Agenda item 11: Other business

Ms. Stelljes informed the committee that the city was having CPC information session and that there was need for a member of the committee to attend. She informed the committee about the change of date from the October 9 to October 7 because of the Yom Kippur holiday. Mr. Bauer volunteered to attend. Ms. Shannon asked about Pizza for the public meeting but Ms. Stelljes responded that dinner would be provided during application reviews because they are longer meeting. She also said that using

pizza as incentive for public to attend meetings had not worked in the past. Mr. Fager guided that dinner should be provided for the November meeting.

Next meeting: The next meeting of the CPC will be held at 6:30pm on October 23.

Meeting Adjournment

Upon motion from Mr. Fager, seconded by Ms. Oliveira, the Committee voted 8-0 to adjourn at 8:10pm.

Documents and Exhibits

1. Agenda
2. Minutes from July 24 meeting
3. South Street Farm Plan
4. FY20 applications
5. 5 Palmer Conservation Restriction



CITY OF SOMERVILLE, MASSACHUSETTS COMMUNITY PRESERVATION COMMITTEE



JOSEPH A. CURTATONE
MAYOR

MINUTES
JULY 24, 2019

The Community Preservation Committee (CPC) held a regular meeting at 6:30pm in the third floor conference room at the Visiting Nurse Association, 259 Lowell Street, Somerville, MA 02144. An audio recording of the meeting is available upon request.

Members Present Vice Chair Uma Murugan, Dick Bauer, Laura Beretsky, Jane Carbone, Rebecca Lyn Cooper, Luisa Oliveira, Eleanor Rances, Tatiana Shannon

Members Absent Chair Michael Fager

Staff Present Kristen Stelljes

Others Present Kevin Siu

MEMBERS
Michael Fager, Chair
Uma Murugan, Vice Chair
Amelia Aboff
Dick Bauer
Laura Beretsky
Jane Carbone
Luisa Oliveira
Eleanor Rances
Tatiana Shannon

STAFF
Kristen Stelljes

The chair opened the meeting at 6:30p.m.

Agenda item 1: Public comment period

Kevin Siu shared that he is a green realtor and is interested in getting involved in the community. He came to the Community Preservation Committee to learn more about its work.

Agenda item 2: Welcome Amelia

Amelia Aboff joined the Committee as the representative from the Planning Board, replacing Rebecca Lyn Cooper.

Agenda item 3: Approve minutes from June 26 meeting

Upon a motion by Mr. Bauer, seconded by Ms. Beretsky, the Committee approved the minutes from the June 26 meeting by a vote of 6-0 with Ms. Aboff abstaining.

Agenda item 4: Project updates

Elizabeth Peabody House Building Master Plan: The Elizabeth Peabody House Association completed the master plan and submitted their final report. The results of the plan were used to inform the eligibility determination form submitted for FY20 funding.

35 Richardson: SCC is meeting with City staff on Monday to plan for how to move the project forward and seek necessary approvals. [Jane Carbone arrives] The results of this conversation will inform how the conservation restriction will be structured.

Brown/West Somerville Neighborhood Schools Design: The City of Somerville is in the process of selecting the design firm for the project.

Prospect Hill Park Construction: Construction is underway and traffic calming measures have been completed. The staircases and walkways are being repaired. Plants will be installed in the fall.

CPA State Trust Fund Legislation: The permanent increase to the recording fees passed the State Legislature and is now before the Governor for his signature. An additional \$20 million was allocated for the FY20 state match disbursement if there is a budget surplus.

Agenda item 5: South Street Farm public access

Ms. Rutkin requested that this item be tabled until the Committee's September meeting, as their new Farm Coordinator would be in place. That person will be managing South Street Farm and could help develop the public access plan for the farm.

Agenda item 6: Planning for CPC general public member recruitment

Ms. Murugan will be reaching her term limit on December 31. Ms. Stelljes is in the process of convening the review committee that will recommend an individual for appointment to the Mayor. Mr. Bauer and Mr. Fager are also reaching their term limits on December 31 and they will be replaced by other representatives from the Historic Preservation Commission and Conservation Commission respectively.

Ms. Stelljes asked if there were any skills or expertise that the Committee would like the review committee to prioritize when they are reviewing applications. Mr. Bauer asked Ms. Oliveira if she thought it would be useful to have additional open space expertise. Ms. Oliveira said it would if the person had a holistic view of the needs of open space in the city. Ms. Aboff noted that many applications proposed that they were worth funding because of their public health benefits, so it may be useful to have a member who was public health expertise. Ms. Carbone suggested that it would be useful for the new member to have expertise in construction and in how to assess capital improvement needs for historic buildings. Ms. Oliveira noted that the Committee would benefit from more diversity.

Ms. Carbone suggested posting flyers in places like Aeronaut to reach a younger audience. Ms. Shannon suggested reaching out to local graduate programs.

By a motion by Mr. Bauer, seconded by Ms. Oliveira, the Committee voted 7-0 with Ms. Carbone abstaining, for Ms. Carbone to represent the Committee on the CPC general public member review committee.

Agenda item 7: FY20 Eligibility Determination Form review

City of Somerville's Land Acquisition Fund:

Ms. Stelljes shared that the City of Somerville has created a stabilization fund that is dedicated to acquiring open space. The City is seeking CPA funding to seed this account.

Ms. Beretsky asked if it was a conflict of interest for Luisa to submit an application for funding to the Committee as she sits on the Committee. Mr. Bauer responded that per the state statute the ex-officio members can vote on projects related to why they were appointed.

Ms. Aboff asked if designating the acquisition fund as recreational land on the eligibility determination form affects the types of land that could be purchased with the funds. Ms. Stelljes responded that the CPA fund combines both open space and recreational land so funds in this category could go towards the purchase of land that would meet the CPA enabling legislation definition of open space. Ms. Stelljes noted that it can be confusing when speaking about open space in the CPA context because the average Somerville resident would refer to all of Somerville's parks as open space; however, the CPA enabling legislation has a narrow definition of open space that does not apply to the types of land that would be available for the City of Somerville to buy.

Upon a motion by Ms. Carbone, seconded by Mr. Bauer, the Committee voted 8-0 to determine the City of Somerville's Land Acquisition Fund project eligible for CPA funding.

Central Hill Campus Phase I, City of Somerville

Mr. Bauer asked if any part of the Central Hill Campus project was in a local historic district. Ms. Stelljes responded that the local historic districts on Central Hill are the buildings of City Hall and Central Library, but none of the grounds or monuments.

Upon a motion by Mr. Bauer, seconded by Ms. Carbone, the Committee voted 8-0 to determine the City of Somerville's Central Hill Campus Phase I project eligible for CPA funding.

VNA Community Healing Garden, Visiting Nurse Assisted Living Community

Mr. Bauer asked if the current garden is publicly accessible. Ms. Stelljes responded that it is but it is not formally designated as public space. She added that when talking with the applicant she shared that it is common that the Committee would require public access. The applicant said that community members are currently utilizing the space and that she would think about how to expand public access responsibly given that the VNA residents are part of a vulnerable population. Ms. Oliveira asked who owns the land. Ms. Stelljes responded that it is owned by the Visiting Nurse Association, a non-profit. Committee members requested that details be provided in the application for plans for public access.

Upon a motion by Ms. Beretsky, seconded by Ms. Carbone, the Committee voted 8-0 to determine the VNA Community Healing Garden project eligible for CPA funding.

Blessing of the Bay Boathouse Phase 3, Mystic River Watershed Association

Ms. Murugan asked for an update on the previous phases. Ms. Stelljes responded that MyRWA completed the first phase, which brought the project to 25% conceptual design. The second phase is ongoing and is intended to bring the project to construction documents.

Ms. Stelljes noted that it has not yet been clarified who will be implementing the project, as the Department of Conservation and Recreation (DCR) owns the land but MyRWA has submitted the application under their name. DCR has submitted a letter of support. Members of the Committee asked that MyRWA clarify in the application who will be implementing the project and how it would be structured with DCR, including if MyRWA has a license to make improvements to the land. The Committee requested that the organization that will be receiving the funds be present at the meeting in October.

Upon a motion by Mr. Bauer, seconded by Ms. Oliveira, the Committee voted 8-0 to determine the Blessing of the Bay Boathouse Phase 3 project eligible for CPA funding.

Mission Church Tower Repair, Mission Church of Our Lord Jesus Christ, Inc.

Ms. Stelljes noted that the roof repairs funded in FY19 were underway. Ms. Shannon asked for details about the bells being created in the Paul Revere Foundry. The Committee asked for details about the bells to be included in the application. Ms. Oliveira asked if there are any special considerations that should be made for this project in light of the Acton case. Ms. Stelljes responded that last year the Committee's legal counsel advised that the roof repair project is eligible because it is a repair to an exterior feature that is not explicitly religious in nature on a historic building and secular public services are offered in the building through the food pantry that operates there. Ms. Aboff asked that the applicant consider a comprehensive approach to repairs to the building.

Upon a motion by Ms. Carbone, seconded by Ms. Oliveira, the Committee voted 8-0 to determine the Mission Church Tower Repair project eligible for CPA funding.

Fire Alarm System, The Elizabeth Peabody House

Ms. Carbone shared that the proposed project is coming directly from the building master plan that the Committee suggested the Elizabeth Peabody House Association develop and funded to support a more comprehensive approach to rehabilitating their historic building.

Upon a motion by Ms. Murugan, seconded by Mr. Bauer, the Committee voted 8-0 to determine the Elizabeth Peabody House Fire Alarm System project eligible for CPA funding.

Somerville Museum: Collection Preservation (Part 2)

Mr. Bauer noted that the title of the project provided on the eligibility determination form does not match the work described in the project description. Ms. Stelljes said she would ask the applicant to provide clarification on the actual project request. Ms. Carbone asked that the application also discuss how the scope of the elevator project was reduced as was discussed when the Museum requested emergency funds from the CPC.

Ms. Oliveira asked if it would be appropriate for CPC members to visit the sites applying for funds. Ms. Stelljes said the past practice was for individual members to make their own site visits because a visit by the group would need to be an open meeting and would likely require arranging for a bus tour. Ms. Beretsky asked Ms. Stelljes to email the Committee with details about when the applicant locations are open.

Ms. Aboff asked about public access to the Somerville Museum. Ms. Stelljes responded that the Museum will be required to offer free admittance one day a month as part of the preservation restriction that is in progress. Ms. Aboff asked about the purpose of supporting ADA access in the building. Ms. Stelljes noted that the Museum's collections have been determined to be historically significant and the CPA enabling legislation allows for funds to be used to bring a building up to code. The Museum is required by the Massachusetts Architectural Access Board to become fully accessible.

Upon a motion by Mr. Bauer, seconded by Ms. Shannon, the Committee voted 8-0 to determine the Somerville Museum project eligible for CPA funding.

Restoration of the George M. Stevens Tower Clock in Union Square, Somerville Arts Council

Ms. Stelljes noted that the SCAT building has not yet been determined to be historically significant. Mr. Bauer explained that it has been the practice of the Committee of determining projects that have a pending historic significance determination to be potentially eligible pending the determination that the building is historically significant by the Historic Preservation Commission.

Ms. Aboff said that she thought that the project should take place after the major construction projects in Union Square. Ms. Stelljes said that the clock mechanism is located on the interior of the tower and she will request that the applicant provide information on how they will protect the clock from ongoing construction in Union Square.

Upon a motion by Ms. Carbone, seconded by Ms. Oliveira, the Committee voted 8-0 to determine the City of Somerville's Restoration of the George M. Stevens Tower Clock project potentially eligible for CPA funding.

Agenda item 8: Other business

Ms. Stelljes asked which members wanted to work at the SomerStreets events on August 4, as three people have signed up. Ms. Murugan and Ms. Shannon volunteered to split the tabling at the event.

Ms. Stelljes noted that it is likely that the October project presentations could be held in one evening during the regularly scheduled meeting date.

Ms. Stelljes reminded the Committee that they will not be meeting in August.

Ms. Beretsky asked if it would be possible to consider moving the time of the meeting later. The other Committee members said that a later time would not work for them.

Next meeting: The next meeting of the CPC will be held at 6:30pm on September 25.

Meeting Adjournment

Upon motion from Mr. Bauer, seconded by Ms. Carbone, the Committee voted 8-0 to adjourn at 8:20pm.

Documents and Exhibits

1. Agenda
2. Minutes from June 26 meeting
3. FY20 CPA Project Funding spreadsheet
4. FY20 Eligibility Determination Forms
 - a. City of Somerville's Land Acquisition Fund
 - b. Central Hill Campus Phase I, City of Somerville
 - c. Blessing of the Bay Boathouse Phase 3, Mystic River Watershed Association
 - d. VNA Community Healing Garden, Visiting Nurse Assisted Living Community
 - e. Mission Church Tower Repair, Mission Church of Our Lord Jesus Christ, Inc.
 - f. Fire Alarm System, The Elizabeth Peabody House
 - g. Somerville Museum: Collection Preservation (Part 2)
 - h. Restoration of the George M. Stevens Tower Clock in Union Square, Somerville Arts Council



Groundwork SOMERVILLE

337 Somerville Ave #2B, Somerville MA 02143 • (617) 628-9988 • groundworksomerville.org

South Street Farm Public Access Plan

South Street Farm is generally open to the public for passive recreation use. Folks working nearby often each lunch at the table or walk through the farm. There are at least two large events open to the public with a suggested donation, Cider Day in the fall and the Maple Syrup Boildown in late winter. There are also Spring and Summer events in some years.

While the farm has been unlocked and open to the public since its creation, there is currently a lock on the gate after shopping carts full of trash appeared at the site during the winter. This lock is temporary until the situation is under control. We are still working on a solution as of September 2019.

We would like to propose the following public access plan:

South Street Farm Open Farm Days

- **Quarterly Open Farm Days, where local residents can come tour the farm, see what is or isn't growing, and learn more about city farming and what GWS does. These would coincide with the seasons and how the farm is different through the year**
- **Public events: as they happen. We typically do two per year, but this is variable depending on staffing and funding availability**
- **Volunteer days: these also happen at a varied rate much like the public events**

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GRANTOR: City of Somerville
GRANTEE: Groundwork Somerville, Inc.
ADDRESS OF PREMISES: 5 Palmer Ave.
Somerville, MA 02145
FOR GRANTOR'S TITLE SEE: Middlesex Registry
of Deeds at Book 70678, page 253.

CONSERVATION RESTRICTION

The City of Somerville, a municipal corporation with offices at City Hall, 93 Highland Avenue, Somerville, MA 02143, being the sole owner, acting by and through its Conservation Commission by authority of Section 8C of Chapter 40 of the Massachusetts General Laws, for its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant with QUITCLAIM COVENANTS to Groundwork Somerville, Inc., a Massachusetts non-profit corporation organized pursuant to M.G.L Chapter 180, with a mailing address of 337 Somerville Ave #2B, Somerville, MA 02143, its permitted successors and assigns ("Grantee"), for \$6,000, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in Somerville, Massachusetts containing the entirety of a 0.04 acre parcel of land ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached sketch plan in Exhibit B, both of which are incorporated herein and attached hereto.

I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation, open space, and recreational purposes, and to prevent any development of the Premises that is inconsistent with these purposes or with the below described conservation values, provided that the Premises contains and this Conservation Restriction permits infrastructure and other uses consistent with these purposes and conservation values, and to prevent any use or change that would impair or interfere with its conservation and preservation values ("conservation values").

The Premises was acquired using M.G.L. c. 44B Community Preservation Act funds, and a copy of the Board of Aldermen Vote authorizing the use of such funds for such purpose is attached hereto as Exhibit C.

The conservation values include the following:

- Consistency with the Somerville Open Space and Recreation Plan. The conversion of this land to open space contributes to the first goal established in Somerville's Open Space and Recreation Plan- acquire more land to meet SomerVision goals and expand Somerville's total open space acreage in every neighborhood.
- Public Access. Public access to the Premises will be allowed for recreation and/or community gardening. The Premises will permanently conserve 0.04 acres as open space, adding to the existing open space at the abutting Glen Park and Capuano School.
- Proximity to Other Conserved Land. The Premises is adjacent to other land owned in fee by the Grantor, known as the Glen Street Park, which land is dedicated to and subject to the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

These and other conservation values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report ("Baseline Report") prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, and (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

- (1) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, solar panel, solar array, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;

- (2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
- (3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings generated off-site, waste or other substance or material whatsoever or the installation of underground storage tanks;
- (4) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
- (5) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties or as necessary for the mobility impaired;
- (6) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
- (7) The use of the Premises for business, residential or industrial use, or for more than *de minimis* commercial recreation;
- (8) Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would impair its conservation values.

B. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not impair the conservation values or purposes of this Conservation Restriction.

- (1) Vegetation Management. The selective minimal removing of brush, pruning and cutting, and grass mowing, to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises, including vistas as documented in the Baseline Survey, woods roads, fence lines and trails and meadows;
- (2) Non-native or nuisance species. The removal of non-native or invasive species, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
- (3) Composting. The stockpiling and composting of stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not impair the

conservation values (including scenic values) of this Conservation Restriction. No such activities will take place closer than one hundred (100) feet from any wetland, waterbody or stream. All exercise of this reserved right shall take into account sensitive areas and avoid harm to nesting species during nesting season;

- (4) Signs. The erection, maintenance and replacement of signs with respect to trespass, access, identity and address of the occupants, sale of the Premises, the Grantee's interest in the Premises, any gift, grant, or other applicable source of support for the conservation of the Premises, the Reserved Rights, and the protected conservation values;
- (5) Removal of Structure. Grantor agrees to remove the pre-existing single-family residence and materials and restore the land surface to a condition suitable for the intended uses of the Premises as described in this Section II(B), within six months of the date of the recording of this Conservation Restriction.
- (6) Community Park Uses. The construction, installation, maintenance, renewal and use of a community park, provided that any construction receives prior approval of the Grantee, and further provided that motorized uses shall not be permitted, except as necessary in connection with the construction, installation, maintenance, and renewal of the community park features and related infrastructure as described herein. For the purposes of this paragraph, allowable elements associated with a "community park" shall include recreational fields, playground structures, community gardens, farmers' market, and other improvements commonly associated with community parks, including, but not limited to, playground structures, benches and seating, and trash receptacles, but shall not include buildings or other significant structures. Allowable uses shall include, without limitation, the use of the elements listed above for open space and recreational purposes as well as activities commonly associated with community parks.
- (7) Permits, Regulations, Laws. The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.

C. Notice and Approval.

Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not impair the purposes of this Conservation Restriction.

Subject to any applicable law or regulation, failure of Grantee to respond in writing within 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, the requested activity is not prohibited herein, and the activity will not impair the conservation values or purposes of this Conservation Restriction.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this conservation restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

IV. ACCESS

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

The Grantor agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Section II(B) provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the purposes and conservation values of this Conservation Restriction. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Section II(B). The Grantor's right to grant public access across the Premises is subject to the restrictions described in this Conservation Restriction. Any public use which is permitted by the terms of this Conservation Restriction constitutes permission to use the Premises for purposes described in the Massachusetts General Laws Chapter 21, Section 17C and the Grantor and Grantee hereto benefit from exculpation from liability to the extent provided in such section. The Grantee may require the Grantor to post the Premises against any use that may result in rutting or erosion or other damage to the natural resources of the Premises.

V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantees, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements.

B. Proceeds. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction determined at the time of the gift bears to the value of the unrestricted property. Such proportionate value of the Grantee's property right shall remain constant. The Grantor and Grantee agree that all proceeds shall be returned to the City of Somerville's Community Preservation Act (CPA) Fund. If the CPA Fund no longer exists, then the proceeds will be placed in a similar fund to be used in a manner consistent with the purposes of this Conservation Restriction.

C. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with paragraph V. B – above, after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken.

VI. DURATION & ASSIGNABILITY

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the Assignee is not an owner of the fee in the Property, and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the execution of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within sixty (60) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General laws of Massachusetts. Any amendments to this conservation restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the

provisions of Art. 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Middlesex Registry of Deeds.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in a timely manner in the Middlesex Registry of Deeds.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: City of Somerville
ATTN: Community Preservation Act Manager
93 Highland Avenue
Somerville, MA 02143

With copy to: City of Somerville Solicitor
Law Department
93 Highland Avenue
Somerville, MA 02143

To Grantee: Groundwork Somerville, Inc.
337 Somerville Avenue #2B
Somerville, MA 02143

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Chapter 184, Sections 31, 32, and 33 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIV. MISCELLANEOUS

A. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to Chapter 184, Section 32 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Subordination. The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

C. Attached hereto and incorporated herein by reference are the following:

Signature pages:

Grantor

Grantee Acceptance

Approval by City Council

Approval of the Secretary of Energy and Environmental Affairs.

Exhibits:

Exhibit A: Legal Description of Premises

Exhibit B: Sketch Plan of Premises

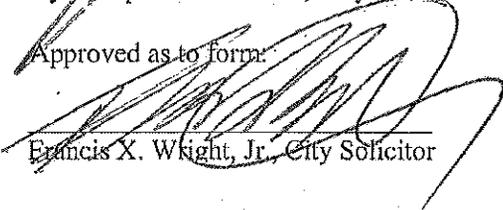
Exhibit C: Board of Aldermen Vote

I, the undersigned Joseph A. Curtatone, Mayor of the City of Somerville, Massachusetts, on this 6th day of May, 2019, hereby approve the foregoing Conservation Restriction from the City of Somerville acting by and through its Conservation Commission to Groundwork Somerville, Inc., in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

GRANTEE: City of Somerville


By: Joseph A. Curtatone, Mayor

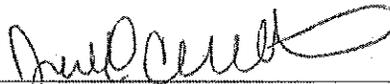
Approved as to form:

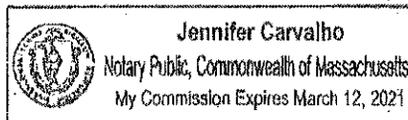

Francis X. Wight, Jr., City Solicitor

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

On this 6 day of May, 2019, before me, the undersigned notary public, personally appeared Joseph A. Curtatone, and proved to me through satisfactory evidence of identification which was MADE to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public
My Commission Expires:



We, the undersigned, being a majority of the Conservation Commission of the City of Somerville, Massachusetts, hereby certify that at a public meeting duly held on May 28 2019, the Conservation Commission voted to approve and grant the foregoing Conservation Restriction to Groundwork Somerville, Inc., pursuant to Section 32 of Chapter 184 and Section 8C of Chapter 40 of the Massachusetts General Laws and do hereby grant the foregoing Conservation Restriction.

**City of Somerville
CONSERVATION COMMISSION:**

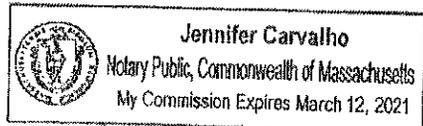
[Signature]
Michael A. Fager
[Signature]
Rachel Borgatti

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

On this 10 day of June, 2019, before me, the undersigned notary public, personally appeared Rachel Borgatti, and proved to me through satisfactory evidence of identification which was MA DL to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

[Signature]
Notary Public
My Commission Expires:



ACCEPTANCE OF GRANT

This Conservation Restriction from the City of Somerville acting by and through its Conservation Commission was accepted by Groundwork Somerville, Inc., this 6th day of June, 2019.

By: Kat Rutkin

Its: Executive Director, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

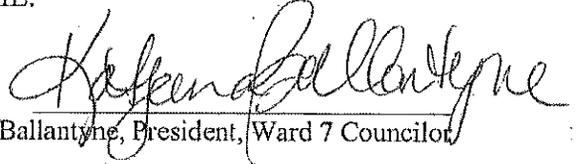
On this 6 day of June, 2019, before me, the undersigned notary public, personally appeared Kathleen Rutkin, and proved to me through satisfactory evidence of identification which was Personal Knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

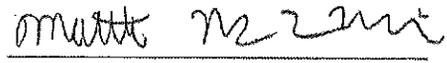
Kimbully Spazzyan
Notary Public
My Commission Expires: 10/11/2024

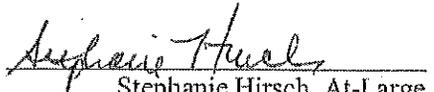
APPROVAL OF CITY COUNCIL

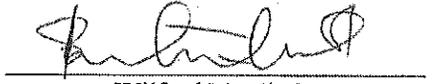
We, the undersigned, being a majority of the City Council of the City of Somerville, hereby certify that at a public meeting duly held on JUNE 27, 2019, the Council voted to approve the foregoing Conservation Restriction from the City of Somerville acting by and through its Conservation Commission to Groundwork Somerville, Inc., in the public interest pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts.

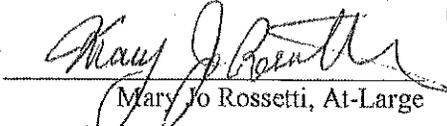
CITY COUNCIL:


Katjana Ballantyne, President, Ward 7 Councilor


Matthew McLaughlin, Vice-President, Ward 1 Councilor

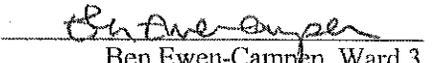

Stephanie Hirsch, At-Large


Wilfred N. Mbah, At-Large

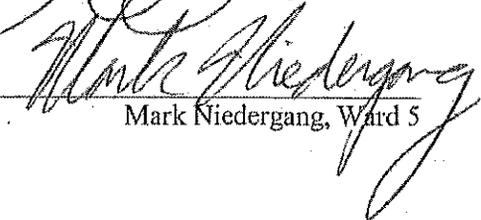

Mary Jo Rossetti, At-Large

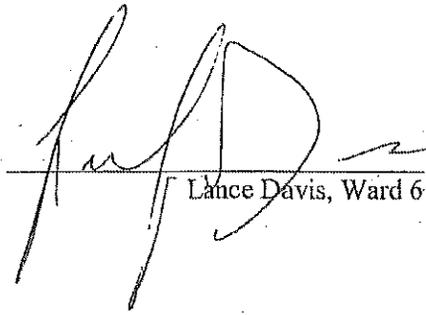

William A. White, Jr., At-Large


Jefferson Thomas Scott, Ward 2


Ben Ewen-Campen, Ward 3

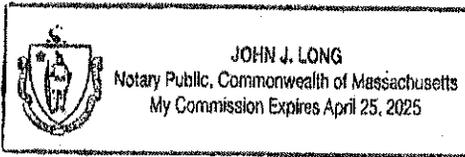

Jesse Clingan, Ward 4


Mark Niedergang, Ward 5

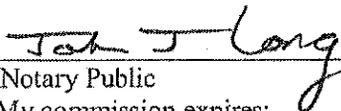

Lance Davis, Ward 6

Middlesex, ss.

On this 27 day of JUNE, 2019, before me, the undersigned notary public, personally appeared Katjana Ballantyne, provided to me through satisfactory evidence of identification which was PERSONAL KNOWLEDGE to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Katjana Ballantyne signed it voluntarily for its stated purpose as Ward 7 Councilor and City Council President, City of Somerville.

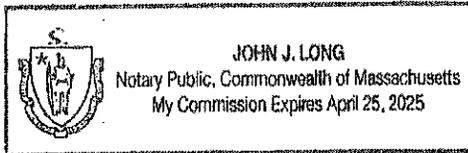


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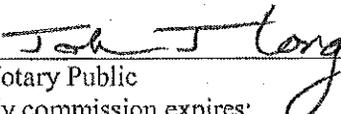

Notary Public
My commission expires:

Middlesex, ss.

On this 27 day of JUNE, 2019, before me, the undersigned notary public, personally appeared Matthew McLaughlin, provided to me through satisfactory evidence of identification which was PERSONAL KNOWLEDGE to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Matthew McLaughlin signed it voluntarily for its stated purpose as Ward 1 Councilor and City Council Vice-President, City of Somerville.

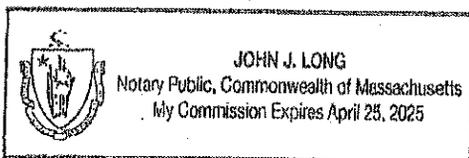


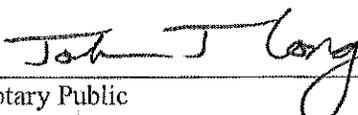
(seal)

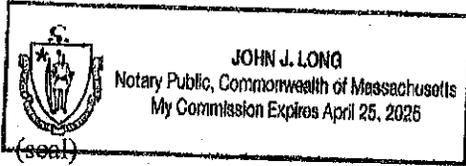

Notary Public
My commission expires:

Middlesex, ss.

On this 27 day of JUNE, 2019, before me, the undersigned notary public, personally appeared Stephanie Hirsch, provided to me through satisfactory evidence of identification which was PERSONAL KNOWLEDGE to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Stephanie Hirsch signed it voluntarily for its stated purpose as an At-Large City Councilor, City of Somerville.



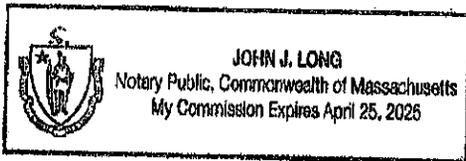

Notary Public



My commission expires:

Middlesex, ss.

On this 27 day of JUNE, 2019, before me, the undersigned notary public, personally appeared Wilfred N. Mbah, provided to me through satisfactory evidence of identification which was PERSONAL KNOWLEDGE to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Wilfred N. Mbah signed it voluntarily for its stated purpose as an At-Large City Councilor, City of Somerville.

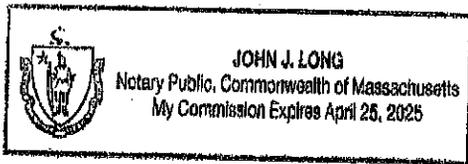


John J. Long
Notary Public
My commission expires:

(seal)

Middlesex, ss.

On this 27 day of JUNE, 2019, before me, the undersigned notary public, personally appeared Mary Jo Rossetti, provided to me through satisfactory evidence of identification which was PERSONAL KNOWLEDGE to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Mary Jo Rossetti signed it voluntarily for its stated purpose as an At-Large City Councilor, City of Somerville.

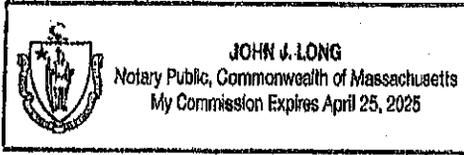


John J. Long
Notary Public
My commission expires:

(seal)

Middlesex, ss.

On this 27 day of JUNE, 2019, before me, the undersigned notary public, personally appeared William A. White, Jr., provided to me through satisfactory evidence of identification which was PERSONAL KNOWLEDGE to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that William A. White, Jr. signed it voluntarily for its stated purpose as an At-Large City Councilor, City of Somerville.

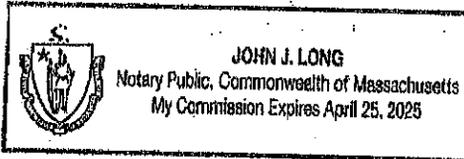


John J Long
Notary Public
My commission expires:

(seal)

Middlesex, ss.

On this 27 day of JUNE, 2019, before me, the undersigned notary public, personally appeared Jefferson Thomas Scott, provided to me through satisfactory evidence of identification which was PERSONAL KNOWLEDGE to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Jefferson Thomas Scott signed it voluntarily for its stated purpose as Ward 2 City Councilor, City of Somerville.

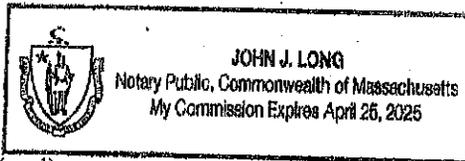


John J Long
Notary Public
My commission expires:

(seal)

Middlesex, ss.

On this 27 day of JUNE, 2019, before me, the undersigned notary public, personally appeared Ben Ewen-Campen, provided to me through satisfactory evidence of identification which was PERSONAL KNOWLEDGE to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Ben Ewen-Campen signed it voluntarily for its stated purpose as Ward 3 City Councilor, City of Somerville.

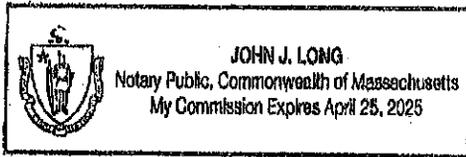


John J Long
Notary Public
My commission expires:

(seal)

Middlesex, ss.

On this 27 day of JUNE, 2019, before me, the undersigned notary public, personally appeared Jesse Clingan, provided to me through satisfactory evidence of identification which was PERSONAL KNOWLEDGE to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Jesse Clingan signed it voluntarily for its stated purpose as Ward 4 City Councilor, City of Somerville.

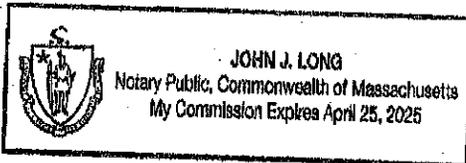


John J Long
Notary Public
My commission expires:

(seal)

Middlesex, ss.

On this 27 day of JUNE, 2019, before me, the undersigned notary public, personally appeared Mark Niedergang, provided to me through satisfactory evidence of identification which was PERSONAL KNOWLEDGE to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Mark Niedergang signed it voluntarily for its stated purpose as Ward 5 City Councilor, City of Somerville.

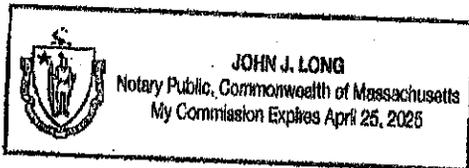


John J Long
Notary Public
My commission expires:

(seal)

Middlesex, ss.

On this 27 day of JUNE, 2019, before me, the undersigned notary public, personally appeared Lance Davis, provided to me through satisfactory evidence of identification which was PERSONAL KNOWLEDGE to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Lance Davis signed it voluntarily for its stated purpose as Ward 6 City Councilor, City of Somerville.



John J Long
Notary Public
My commission expires:

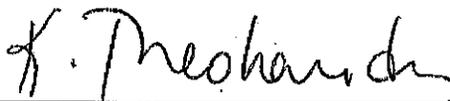
(seal)

Middlesex, ss.

APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from the City of Somerville acting by and through its Conservation Commission to Groundwork Somerville, Inc., has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Dated: 7/26, 2019

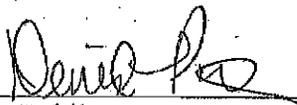


KATHLEEN A. THEOHARIDES
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

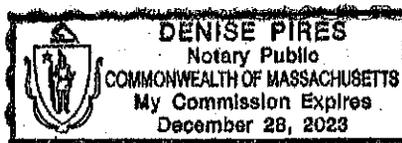
SUFFOLK, ss:

On this 26th day of July, 2019, before me, the undersigned notary public, personally appeared KATHLEEN A. THEOHARIDES, and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



Notary Public

My Commission Expires: 12/28/23



SECRET
OFFICE OF THE
ATTORNEY GENERAL
WASHINGTON, D.C.
1955

EXHIBIT A

Legal Description of Premises

The land subject to this Conservation Restriction, herein referred to as the Premises, is located in said Somerville and is shown as Lot 1 on a Plan of Estate in Somerville owned by Edna W. Pope dated November 20, 1914, Charles J. Elliot, Eng., recorded with Middlesex South District Deeds, Plan Book 228, Plan 32 and being bounded and described as follows:

NORTHEASTERLY: by Palmer Avenue, forty and 50/100 (40.50) feet;
SOUTHEASTERLY: by land now or formerly of Murray and land now or formerly of Weld, forty-eight and 32.100 (48.32) feet;
SOUTHWESTERLY: by land now or formerly of Weld and land now or formerly of Turner, thirty-four and 50/100 (34.50) feet; and
NORTHWESTERLY: by Lot 2 on said plan, forty-eight (48) feet.

Containing 1800 square feet according to said plan.

Address of the Premises: 5 Palmer Avenue, Somerville, Massachusetts

EXHIBIT B

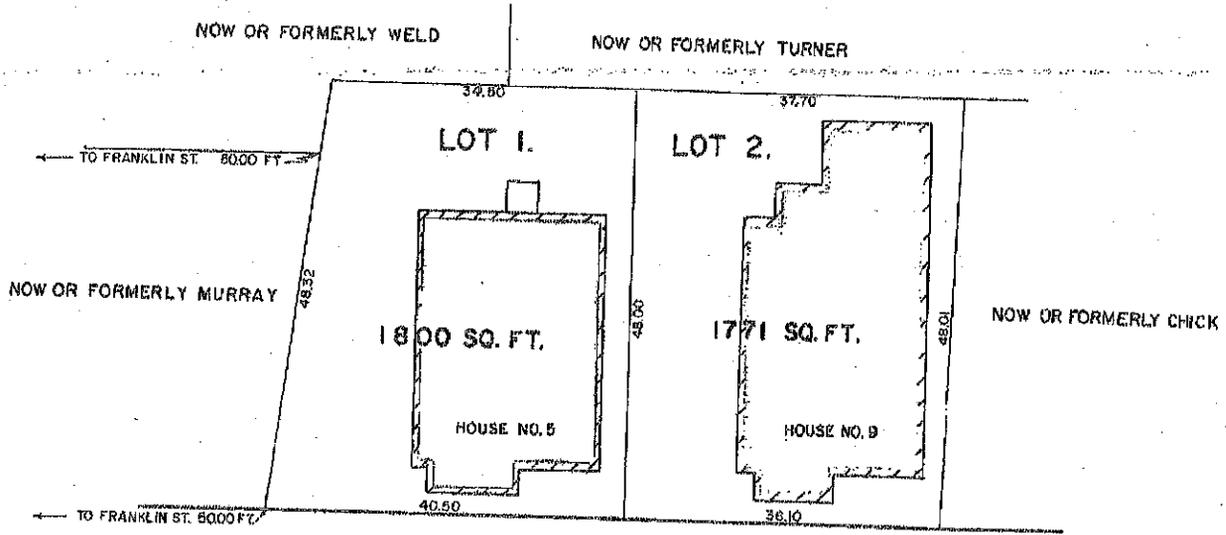
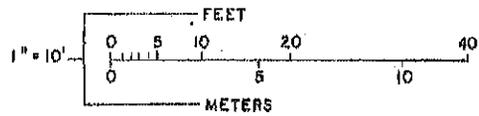
Plan of Premises

For official full size plan see Middlesex Registry of Deeds Plan Book 228, page 32.



PLAN OF ESTATE
 IN
SOMERVILLE
 OWNED BY
EDNA N. POPE
 SCALE 1 IN. = 10 FT., NOV. 20, 1914
 CHAS. J. ELLIOT, ENGR. & SURVEYOR

(ORIGINAL ON FILE)

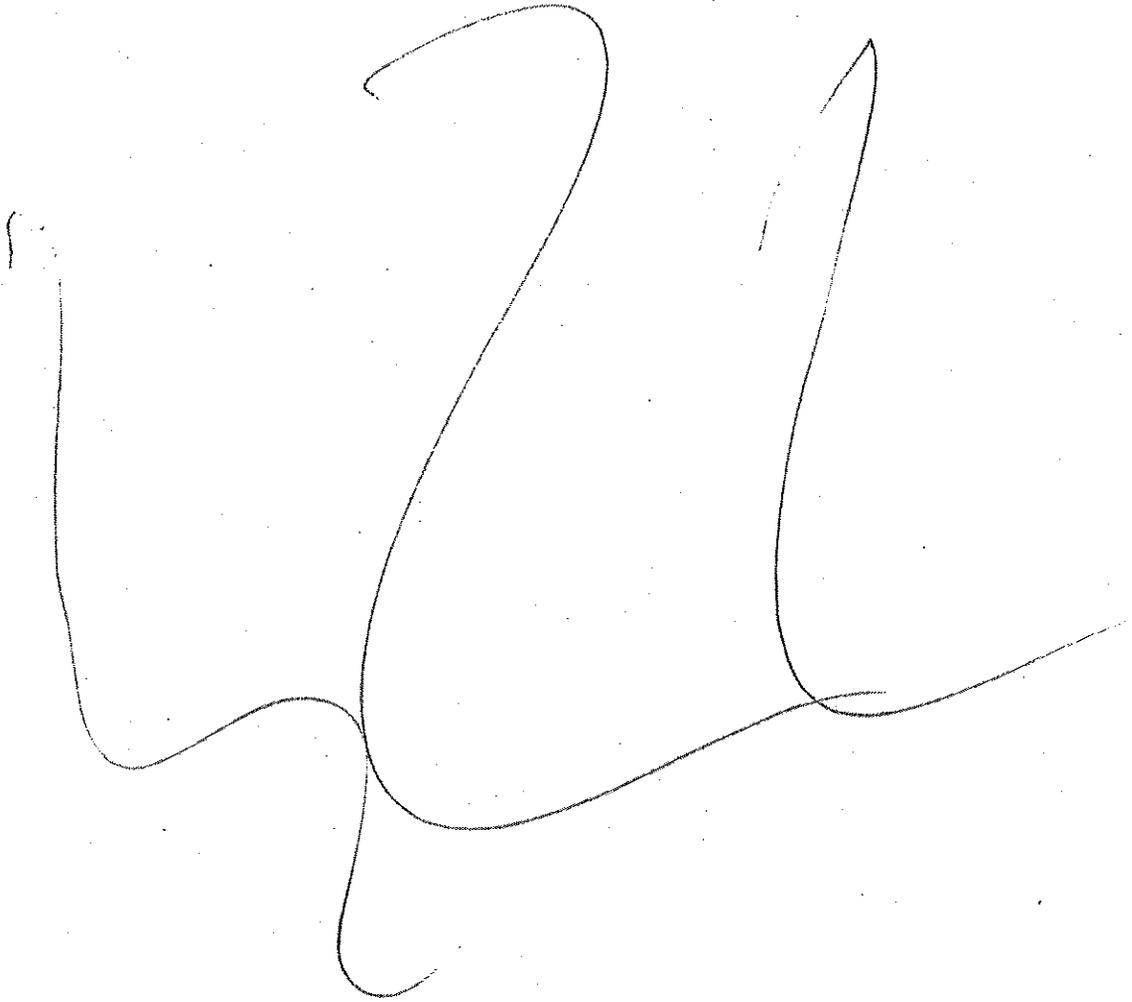


PALMER AVE.

MIDDLESEX REGISTRY OF DEEDS, SO. DIST.
 CAMBRIDGE, MASS.
 COPY OF PLAN
 Recorded NOV. 30, 1914, at 11. h 50 ff. A. K.
 in Plan Book 226 Plan 32

Attest *Chas. J. Elliott* Registrar

EXHIBIT C
Board of Aldermen Vote

A large, stylized handwritten signature in black ink, consisting of several loops and curves, positioned in the center of the page.





CITY OF SOMERVILLE, MASSACHUSETTS
BOARD OF ALDERMEN

Docket # 204439
Mayor's Request
Appropriation/Budget

Regular Meeting, October 26, 2017
Item ID 17070

SUMMARY: Requesting the appropriation of \$500,000 from the CPA Fund's Open Space Reserve and Undesignated Fund Balance Accounts for the acquisition of 5 Palmer Ave.

COMPLETE TEXT:

To the Honorable Board:

Per the Community Preservation Committee's recommendation, I respectfully request that your Honorable Board appropriate \$500,000 from the Community Preservation Act Fund, \$409,055 from the undesignated fund balance and \$90,945 from the open space reserve, to the City of Somerville Economic Development Division for the acquisition of 5 Palmer Ave. to create additional recreational land. The appropriation will be allocated to the open space and recreational land CPA category. Details of this request are available in the attached funding recommendation from the CPC.

My staff will be available to address any questions you may have. Thank you for your consideration of this item.

Respectfully Submitted,
Joseph A. Curtatone, Mayor

RESULT: APPROVED. [UNANIMOUS]
AYES: Connolly, Rossetti, Sullivan, White Jr., McLaughlin, Heuston, McWatters, Lafuente, Niedergang, Davis, Ballantyne

APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF SOMERVILLE, MA, AT A REGULAR MEETING ON THE 26th DAY OF OCTOBER, 2017.

APPROVED BY THE MAYOR OF THE CITY OF SOMERVILLE, MA, ON THE 31st DAY OF OCTOBER, 2017.

ATTEST:


John J. Long, City Clerk

