

Open Space Committee held a meeting on August 22, 2016 at the Lakeville Public Library. The meeting was called to order by then chairman, Linda Grubb at 7:02 PM. Present were Don Foster, Linda Grubb, Patrick Marshall, Joan Morton, Brian Reynolds and Mike Schroeder. Meeting was recorded by Joan Morton and Lakecam.

Reorganization:

Discussion took place concerning the reorganization of the Open Space Committee. Since 2000, Mike Schroeder has worked to preserve open space in Lakeville. She served on the Open Space and Recreation Plan Subcommittee charged with the creation of the 2001 Plan and continues to serve on the Open Space Committee formed as a result of that Plan. A motion was made and seconded to make Mike Schroeder chairman. Vote was unanimous

Mike Schroeder, as chairman, takes over the meeting.

A motion was made and seconded to make Joan Morton our new secretary. Joan has served on the Open Space Committee since 2008. Vote was unanimous.

July 6, 2016 minutes:

A motion was made, seconded and vote taken to approve the minutes for July 6, 2016 as amended to reflect vote concerning property off Pickens Street. Minutes should read: Vote 3 for, 1 abstention.

Pickens Street property:

The reasons not to recommend the purchase of the property off Pickens Street were once again discussed. They include the shape of the property, access and the considerable difference in the per acre price the Town suggested as a possible price and what the owner was willing to accept.

Lakeville Police Station/Ted Williams Camp:

Open Space received a copy of an email with the result of Senate Counsel's Review stating that in their opinion Ted Williams Camp does not fall under Massachusetts Article 97 land protection. The opinion cautions the Town to take another look at all agreements. The Open Space Committee was not asked to do so, but will include this information in the next Plan. A copy of this email is attached.

Adjournment:

After a motion, a second and vote to adjourn, Mike Schroeder did so at 7:20PM. Then as requested, members attended the presentation of the Hospital/Rt. 105 Study.

From: Spittle, Jeremy (SEN) [<mailto:Jeremy.Spittle@masenate.gov>]
Sent: Tuesday, June 21, 2016 11:20 AM
To: Rita Garbitt, Town Administrator
Cc: Rodrigues, Michael (SEN)
Subject: Police Station/Ted Williams Camp
Importance: High

Rita,

Hope all is well. Here is the long awaited results of Senate Counsel's review:-

As promised, after going through the docs, the short answer--and the one that probably matters most to you!-- is that I can agree with House Counsel's initial response, as provided by Katie, that **the legislation does not need to be Article 97 legislation**, but **I echo the caution that the town should review the agreement between Lakeville Baseball Camp and Curtis Holmes just to be sure that all rights are either appropriately protected or appropriately extinguished.**

The reason that I agree this is not Article 97 land is that there were actually 3 takings of the land in question in 1986, recorded between August-October. In 2 of the takings, the land is taken "by eminent domain for municipal purposes...for eliminating decadent, substandard or blighted open conditions." In other words, it appears that it was taken for urban/downtown renewal. In 1 taking, the land is recorded as taken "for purposes of acquiring and development of municipal outdoor recreational facilities and for the construction and reconstruction of facilities." The recorded takings suggest that any maintenance of open park land was incidental to the primary purpose of the takings, which seem to be either downtown renewal or the construction of facilities. Because the land arguably was not devoted to one public use, the prior public use doctrine does not apply. Therefore, consistent with Mahajan v. Department of Environmental Protection (the case that supports the contention the land use is not dispositive of Art. 97 application) this does not require Article 97 approval.

With this information, I would want to second the echo of caution by counsel and suggest the town take another look at the agreement prior to sending a request to Senator Rodrigues or Representative Orrall to file the home rule legislation. However, please also know that the legislative clock is ticking...;

If the Board so chooses, Senator Rodrigues is happy to file the home rule legislation. Either way, he is happy to help in whatever capacity necessary.

Let me know...;

Best,
Jeremy

Jeremy Spittle
Legislative Director
Office of State Senator Michael J. Rodrigues
Assistant Majority Whip
Senate Chair, Joint Committee on Revenue

