

TOWN OF ACTON
Open Space Committee
Friday, October 5, 2018
7:30 AM
Acton Town Hall - Room 9

COMMITTEE MEMBERS PRESENT: *Andy Magee, Terry Maitland, Emilie Ying, Matt Mostoller, Dick Hatfield, Tom Tidman (NR liaison), Katie Green (BoS liaison)*

ASSOCIATE MEMBER: *Dave Marshall*

RECORDING SECRETARY: *Fran Portante*

VISITORS: *Peggy Hebert, Joe Will, Susan Mitchell-Hardt, Dave Honn, Barbara Morse, Alissa Nicol; Michaela Moran; Gene Beresin*

Item #1: Minutes of September 7, 2018: Dick moved to accept the Minutes of Sept. 7, Terry seconded the motion and it passed unanimously.

Item #2: Wetherbee Street: Susan had called and left messages for the owners. They had expressed the need to sell a portion of the property to enable the heirs to realize income for tax payments. Tom T. also mentioned that a large developer was looking at the property.

Item #3: Hebert Farm: Town Manager has approved the request for an appraisal for the property. There will be two versions, one for the entire parcel, the second with the house carved out. Christa has volunteered to put together a letter describing the possibilities for each direction.

Item #4: Piper Lane: Andy crafted a letter to the Board of Selectmen to state the position of the OSC regarding the high priority this parcel maintains for open space. He handed out the letter for members to review. (See attachments 1 & 2.) He also handed out a graphic illustrating the proposal that is being considered by the Planning Board. This is a 40B plan, consisting of 40 units, 30 to be sold at market rate and 10 priced as affordable. It was noted that the plan abides by zoning setback requirements but is not subject to the wetland bylaw and will be building close to wetlands. The Committee received the letter positively and Andy agreed to modify as recommended and send the letter to the Board of Selectmen (BoS).

Terry moved to accept the letter with some minor edits to be sent to the BoS. Dick seconded the motion.

Open Discussion on Motion: There was some discussion about the accuracy of the parcel being in the sewer district. Michaela Moran asked that the reference to the sewer district be removed, and Andy agreed to do so. Gene Beresin (?) raised the concern that the access road would be approximately 1260 feet long. Susan asked if affordable housing permits an override of the waiver of the single access street. Andy noted that state regulations are different than local rules. Andy then reminded the committee that they would not be getting into design issues. The

focus of concern will be the development of a High Priority parcel. Other boards will have to consider design issues. Also of note is that 40Bs don't come under Planning Board jurisdiction.

Alissa Nicol questioned waiving zoning rules based on an understanding of profitability. She would like to push back on the project according to 40B rules that allow it. There was additional discussion about the roles of each of the municipal boards who have jurisdiction over the project. Ultimately, the Zoning Board of Appeals (ZBA) has to assess the project and approve or disapprove. Michaela asked if the property could possibly be put on the CPC requests for fall Town Meeting. Katy said no, that it was too late. The valuation for the property is \$850K, but the appraisal is out of date. Christa was reminded of a similar situation in Sudbury and offered to research it and find out more details.

The vote on the motion was unanimous.

Item #5: 180 Newtown Road – Review of PCRC Public Hearing.

Andy presented plans of the Anderson parcel, which has 12.06 acres set aside for conservation purposes. The Planning Board is scheduled to vote on the project Oct. 23. A number of neighbors are opposed to the project. Some of the requests and concerns are: erecting a barrier between the new development and existing houses; concern that wetlands are being disregarded; concern about increased traffic. The Developer is returning to the Planning meeting on the 23rd with responses to concerns. Susan had attended the initial hearing and had explained some of the history and background of the OSC's interest and efforts. There had been an informal agreement, after the Anderson parcel was split and 20 acres purchased by the Town for Conservation Land eventually to have a CR, that the remaining parcel would be likely developed as a PCRC, setting aside 12 acres for open space. The plan submitted will have 8 units, and the builder is amenable to boardwalks and a stream-crossing bridge.

Andy suggested he would attend the planning meeting to provide background. Tom noted that the builder will be filing a new ANRAD, and that Ernie Anderson's nephews are developers. Neighbors also had concerns about the impact on aquifers, water, traffic, need for public shade trees, access to common land and septic systems encroaching on neighbors.

Item #6: Discussion of Water District Land Purchase: 585 Main St.

Matt presented a plan of the proposed purchase which will be presented as a warrant article at the District's special meeting on 10/10. The land has high water protection value, and the AWD is planning to purchase the land for \$1.095M. It was appraised at \$970K and would support 4 home lots. The sale of this parcel would allow the family to settle estate taxes and preserve some of their other holdings. Feedback so far has been both positive and negative, the negative being the purchase amount above the appraised value. Impact on the AWD would be an increase of approximately \$35/year per home for 4 years. The district is pursuing grant opportunities. (see Attachment 3 and 4). Because this land is not being taken out of "current use" it does not qualify for "right of first refusal" and is subject to market prices. Nov. 30 is the scheduled closing date, subject to voters' approval.

Dick commented that the Conant wells are shallow, so protection is very important. Matt noted that he had started thinking about the long term protection of the wells when the housing project on Post Office Square got underway.

The Committee expressed enthusiastic support for this effort.

Item #7: Brief Review as needed:

- **161 Newtown Road CR:** The final CR has been submitted to the State and is awaiting the Secretary's signature.
- **183 Newtown Road:** No update
- **Brucewood Lots:** No update
- **Quarry Road:** No update
- **Stonefield Farm:** Dick Perkins spoke to Paul Simeone. Paul expressed the need to back off from any discussions for the time being. This is a very busy time for them. Susan was concerned since the Simeones and the Lords were supposed to get together to discuss structuring and protecting the farm.
- **53 River Street:** A committee has been formed and is operating. Selby and Bettina are leading that effort.

Item #8: Discussion of Conservation Restrictions, including Grace Property (on-going): No update.

Next Meeting – November 2, 2018, 7:30 AM (Acton Town Hall – Room 9)

Meeting adjourned at 8:35AM.



TOWN OF ACTON
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Open Space Committee

DRAFT October 5, 2018

Ms. Katie Green, Chair
Town of Acton Board of Selectmen
Acton Town Hall
472 Main Street
Acton, MA 01720

RE: Piper Lane

Dear Chairwoman Green:

The Open Space Committee is writing to express its concern with the proposed development of the 4 Piper Lane property in South Acton, Massachusetts.

The Open Space Committee understands that the 4 Piper Lane property is currently under review for the construction of 30 market rate residential housing units and 10 low income residential housing units under the auspices of the Commonwealth's 40B housing program. As proposed, these units will be constructed in the form of 10 or more apartment buildings serviced by a 1,100-foot long driveway off of School Street. The Committee further understands that these units will be incorporated into the South Acton Sewer District. While not part of the Sewer District as originally constructed, the property was apparently incorporated into the District by a vote of the Selectman serving as Sewer Commissioners at some later date.

The Piper Lane property abuts and protrudes into the Great Hill Conservation lands. Indeed, the degree to which the parcel extends into the conservation lands of Great Hill is readily apparent in the figures accompanying the project's application (see attached). This densely developed penetration into the Great Hill conservation lands will greatly impact both the passive recreational nature of the property and the habitat and habitat connectivity value of these lands, and will result in a blemish to the landscape visible from a great portion of the Great Hill lands.

The protection of this parcel has been a prime focus of the Open Space Committee for many years. Indeed, this parcel was identified as a priority parcel for protection 20 years ago in the 1998 Town of Acton *Open Space and Recreation Plan*. That designation was confirmed in the more recent 2014 -2020 *Open Space and Recreation Plan*, in which the parcel received a ranking of 10 out of 10 for open space value, and 8 out of 10 for habitat value.

The Town, the residents of the South Acton neighborhood, and the Acton Conservation Trust have worked hard over the years to develop a strategy to protect this parcel and the adjacent conservation lands. Indeed, the town-wide interest in preserving the character of Great Hill was

reflected by the unanimous vote of the 2008 Fall Town Meeting to purchase the adjacent "Gaebel" property. In the subsequent years, the Town has conducted multiple appraisals of the 4 Piper Lane parcel and has engaged the Planning Department and Town Counsel in numerous attempts to develop a strategy to protect and preserve this equally valuable parcel.

Ultimately, the Open Space Committee asks that in Board of Selectman's assessment of the proposed development of this parcel that it consider the natural value of this property and the irreparable damage to one of Acton's finest conservation lands that will result.

We thank you for your consideration of the above, and for your fine work and dedication to the preservation of the Town's natural resources, and thereby the overall wellbeing of the Town of Acton..

Respectfully yours,

Town of Acton Open Space Committee

585 Main Street

Proposed Special District Meeting October 10, 2018 at 7:30, Acton
Public Safety Facility, 371 Main Street

The Acton Water District operates 22 groundwater wells throughout Acton. The areas that contribute water to these wells are located both in Acton and in neighboring communities. Although local bylaws offer some level of protection to the water quantity and quality associated with these withdrawal points, control of the land surrounding our wells provides the highest and best protection available to us. As part of our duty to protect Acton's water resources for the future, obtaining key watershed areas is something we periodically undertake. This would add to the over 410 acres of land currently owned and managed by the District.

The 11.23 acre parcel of land at 585 Main Street is an undeveloped parcel of land that has been managed for forestry since the installation of the Conant 1 well in 1956. The Conant 1 parcel and 585 Main Street were once in common ownership. It is comprised entirely of Groundwater Protection District Zones 1 and 2. Current uses surrounding the Conant 1 well include low density residential, commercial, and open space. Most of the parcel is upland and supports a managed stand of predominately white and red pine. A small area of wetlands is located in the northeast corner while an open meadow is in the southwest corner of the property abutting Main Street. A public sidewalk runs along the western property bound and a small cellar hole and spring house is located off of Brook Street. Development potential of this land has been identified as being expeditiously possible by way of four Approval Not Required (ANR) lots. If a developer chose to conduct more engineering and permitting work, it is unknown how densely the property could be developed.

Over the past few months, the District has had the opportunity to discuss the future of this parcel with the estate of Brewster Conant. Our due diligence did not bring to light any existing environmental or title issues as the land has been in the Conant family for generations. A fair market value sale has been agreed to in the amount of \$1.095 Million. The District would utilize the property for protecting the groundwater aquifers and recharge areas of the Conant 1 and Conant 2 wells, conserving the land for watershed protection purposes, and to meet the pertinent duties as a water district. The property would continue to be managed in largely the same manner as it has been under private ownership.

Looking south along Main Street frontage.

