

# **TOWN OF ACTON**

## **Open Space Committee**

**Date: Thursday, October 6, 2016**

**Time: 7:30 AM**

**Place: Acton Town Hall Room 9**

**Attendees:** Andy Magee, Terry Maitland, Matt Mostoller, Franny Osman, Dick Hatfield, Barbara Epstein, Jeff Clymer

Visitors: Zronko Ilec, Jim Willis, Joe Will, Frank Reis, Susan Mitchel-Hardt, Eric Weiss, Laura Kelly, Carolyn Kiely

**Issue #1: Minutes of September 9, 2016. No action taken.**

**Issue #2: Discussion of River Street Proposal:**

Town Meeting warrant article passed: the purchase of the property is approved.

Congratulations to everyone involved, especially Tom!

**Issue #3: Stonefield Farm Update**

Ashley Davies continues to work with the "New Entry Farm." This is an agricultural non-profit organization and they are very interested in the farm as a perfect site for its operation. The existing house is ideal for offices; some of the land holds prime agricultural soils. The location, near the new train station, is perfect for commuters. The arrangement would be for them to purchase the property and for the town to purchase development rights. While the Simeone family would like to retire from the farm, they are not yet ready to give up the property or the business. This process is a long term one, possibly years away from final culmination. Andy needs authority to speak with Town Counsel to determine that conditions of purchase meet CPA requirements. They will also need another appraisal to determine the value of the purchase of development rights.

**Issue #4: Discussion of Concord Water District Project**

Andy presented the draft of the letter Matt had created. There was a discussion regarding the signing of the document. To avoid any conflicts, it was decided that the letter would be signed as "The Open Space Committee." Andy noted that last week was the close of the window for public comment on the EIR. He offered the information that the agent for MEPA was on leave, which may be the reason for no new action on the project. He advised Carolyn Kiely and the other attending abutters, when looking at MEPA's webpage, to look at the very bottom of the page for the "Recent Decisions" link.

Carolyn reported that the project filing had been sent to the wrong office and therefore the decision was delayed. This could be reason for an extension of the review process. The delay was discovered in a meeting with Tom Tidman and Jim Colman. Andy checked the listing during

the OSC meeting and reported that the website indicated “the Concord project complies with MEPA.” He then suggested that Carolyn contact Jamie Eldridge for further help.

Carolyn had sent a 17 page document to MEPA laying out the problems with the project. Yet MEPA seems to be approving it. Right now they are surveying the area for the installation of the fence. It was also noted that the EIR had no mention of the fence. Another neighbor noted that the 1.2 mile fence will be 8 feet tall with a small opening at the bottom to allow small animals to pass through. He sees this having a serious environmental impact, since it will seriously impede the passage of larger animals.

The next line of defense is the Board of Selectman meeting on November 1. There was some discussion about the letter that Matt had drafted and was reviewed at the last meeting. Does it need to be revised somewhat to include the fence? Andy raised a concern that the committee has limited resources for spending too much time on this activity. There was also consideration of the mission of the OSC and how this project aligns with that mission, which is the consideration and promotion of open space protection and acquisition. Barbara offered to review the letter and Franny agreed to write an addendum. Andy will circulate this new version for committee comment. The objective is to have the letter ready to submit to the BoS at the next meeting.

#### **Issue #5: Discussion of Arlington Street Petition**

Andy provided some background of this property. The land was originally purchased to build a school. After many years, it was sold back to the town. It has several vernal pools and is mostly wetlands and buffer zones with a portion, approximately 5 acres, of upland. This land had been suggested by the Senior Center Search Committee as the preferred site for a senior center, but this alternative was abandoned. The proposal raised major concern among the abutting neighbors, and they are now seeking permanent protection for the property. They are planning to bring a petition to the Town to get permanently protected status on this parcel, as expressed in a letter they recently submitted which was circulated to the OSC. Briefly, the Town would need to vote to convert the 25 acre property to permanent open space and place a CR on the property. Cost for this would be primarily the cost of establishing the conservation restriction, which is about \$20K. Its value as open space is enhanced given its proximity to the Anderson parcel.

Three abutting neighbors were present at the meeting. They addressed the committee with their objectives. They would like to see the parcel zoned permanently for open space. Five of the 25 acres are buildable uplands, but the remaining 20 acres are unbuildable. They see this parcel as beautiful open space that should be preserved. Because of the ledge on the site they believe that development

could be cost prohibitive though Andy commented that such sites could be transformed in a day with modern equipment. While the ledge could create septic difficulties, it would still be an attractive site to a developer.

The abutters asked for feedback from the Committee. How should they proceed? Do they need to create a warrant for the next Town Meeting? They would need a petition in order to file a warrant. What are the procedures to make this happen? Andy said that they will need a sponsor to get this project moving. He wasn't sure the OSC wants to take this one on, given the many lands they are supporting. Putting a CR on all open space is generally not the Town's position. He said the neighbors must push the effort forward, since the OSC doesn't have the resources to drive it. They would then have to defend it at Town Meeting. It's not likely that the finance committee would support it. A lot of PR will be needed to be successful. The abutters commented that a lot of leg work has already been done. They strongly desire to maintain this property as conservation land.

Tom Tidman pointed out that, to be public conservation land, they would have to include a parking area and trails. Andy noted further that they would have to develop the argument for why this is an advantage to the town. Town Meeting would have to be convinced that this is a good idea. What is Acton getting out this or what is it losing? Include consideration for climate change, water, tax revenue (or loss thereof), etc. It may be advantageous to have the neighbors fund the CR. The CR process requires a Baseline Document Report, annual monitoring, and a liability insurance policy.

Andy offered some background and advisory comments: Prior Town Administrations were less open to give up Town Property. The current attitude is more disposed to supporting conservation efforts. The value of the property is about \$5M. The major hurdle is to convince the Town Manager, Finance Committee and citizens that converting this municipal property to conservation land is a sound move. The OSC can support the effort but cannot lead it. Andy advised they set up a schedule for hitting critical due dates like having the warrant article ready by early January, the typical deadline. Franny suggested they contact the BoS and get on an upcoming agenda. Andy continued to explain that article 97 lands are lands originally purchased for protection. That must be reflected in the deed, and in this case, this is not article 97 property. The town and the State Legislature would have to have a 2/3 vote to take property out of Article 97 protection; difficult, but it has been done. In this case, the best protection would be to apply a CR for permanent protection.

**Issue #6: Discussion of 161 Newtown Road Appraisal: executive session in future**

### **Issue #7: Discussion of Sustainable CR Stewardship: not discussed**

### **Issue #8: Brief Review of Piper Lane (Hadley-Magoon)**

The property is now up for sale, with an asking price of about \$1.1M for the house and the land (*It was not clear if this was for all three parcels or just the house and small adjacent parcel.*) The deal with the broker is apparently to market the property together with the Jodka property at 90 School Street. Marketing this way may allow a resolution. Michaela Moran had tried to offer a solution which almost worked. She is working on another approach. It's believed that having the town own the land is the best solution. Whatever the solution, it is still not in a state that would permit the OSC to bring this to the CPA. Using Michaela's property to artificially inflate the value of the land was not a good approach. OSC can do no more. Michaela reported that she and Selby had walked the property which is when the potentially new approach surfaced. Michaela has not given up.

The Jodka property is being marketed for approx. \$300K. This is a non-conforming lot and it must have a special permit by Jan. 1. They are banking on someone with deep pockets to purchase the property. Franny suggested getting the neighbors involved since it's a worthwhile effort.

Further discussions may require an executive session.

### **Issue #9: Walker Property**

A draft letter was submitted for review at the last meeting that was a response to a request for all interested parties to provide input. Andy will send it out to the committee again and then send it to the BoS.

### **Issue #10: Morrison Farm**

A letter from the OSC was circulated to the members after the last meeting. Andy will send it on to the BoS.

**Next Meeting: November 4, 2016, 7:30 AM (Acton Town Hall – Room 9)**

**Meeting adjourned at 8:40 AM.**