

Town of Acton
Open Space Committee
Minutes
August 12, 2016
Acton Town Hall - Room 9
7:30 am



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

Clerk: Fran Portante

Visitors: Joe Will, Susan Mitchell-Hardt, Will Hill, Frank Reis

- 1. Minutes of July 8, 2016: Pending

- 2. Committee Charter Changes –no discussion

- 3. Walker Property Study Committee
Andy opened this discussion. The Walker Property Study Committee is in its early stages, and the OSC has been asked to assign a representative. He pointed out that the Town purchased the property for unspecified use, and not as open space. Therefore, OSC involvement isn't necessarily appropriate. Franny explained that the town has no definitive objective so getting OSC input to support open space would be appropriate and would form a more balanced committee. Andy asked for a volunteer for this position but no one came forward. Further discussion suggested OSC would support a pocket park or other open space use, but it is not a high priority parcel and doesn't connect with other open space parcels. Andy expressed concern that the committee remain focused on its primary objectives and not be distracted. Franny said she would like a response from the Committee at the least. Andy agreed to draft a formal letter to the Study Committee, declining to participate as part of the committee, but maintaining the opportunity to weigh in on final recommendations.

Further discussion noted that the Kennedy business property is part of the parcel and a deeper look at the potential uses of the property, such as walking trails, is a potential advantage. Andy will get a map of the parcel and bring it up for review to the OSC again. For the time being, the OSC will not participate in the Walker Study Committee.

- 4. Morrison Farm CR
Dick reported on his activity to date. He and Tom Tidman have walked the property. It was originally purchased as municipal property, with the expectation, at the time of purchase, that playing fields would be created. Subsequent evaluation of the topology of the land, which slopes significantly, proved it to be unsuitable for such use. There has been some discussion about removing the house over the years. The back part of the lot is forested and was intended to have a CR. The OSC wants to move forward with this effort while the disposition of other parts of the property are still in discussion. The eastern edge of the property is all wetlands, limiting its use. If added to the rear, forested property and included in the CR, there would be a total of about 20 acres of protected property. Franny said the BoS are looking for input as to the disposition of the house. Per Andy, some work had been done on the house in the past by the Fentons. The existing barn is not deemed safe, though there is some maintenance equipment stored there. The Historic Committee would like the house maintained as a historic marker, though it is not suitable for low-income housing. The pasture area has been used as a burial ground for some horses. Andy displayed a map representing the proposed area for the CR.

Joe Will commented that the Morrison Farm Committee had three agreed upon points: (1) No land would be sold for private use, (2) The house should be taken down, and (3) There should be a Conservation Restriction on the causeway to the BFRT.

Andy observed that the house has become a stumbling block to further action. Terry expressed the position that no more money should be spent on the house. Joe asked if the OSC has a position on house. Matt noted that the OSC agrees the property should not be sold off, but they have no position on the disposition of the house. Andy offered to write a letter expressing this.

It was pointed out that this is Municipal property and as such is not fully protected. Once the CR is secured on the portion noted above, ACT will assume the responsibility to monitor and secure the site. There is a cost for this which will be considered when requesting CPA funds and for Town Meeting approval.

Decision: Terry moved to support Andy writing a letter iterating the position that (1) No part of the property should be sold off, and (2) The OSC has no firm position on the disposition of the house. Jeff seconded the motion and all voted in favor.

Will raised a question about the contribution of the house to the Open Space experience. This question was left open.

Action: Dick will fill out the model CR form, noting the use of the property for passive recreation. Once completed, it will be submitted to the Morrison Farm Committee and the BoS for approval. Once BoS has approved, ACT will a prime resource.

5. Piper Lane parcel – Update

Franny reported that draft letters of intent have been created. They are trying to figure out a way to recognize the true value of the land. The developer who bought the front piece effectively blocked access to the back land, limiting its value. Michaela Moran had offered to use the back of her land as an access easement. Her lawyers advised against this, since it would be a permanent, irreversible easement that would not guarantee that the town could someday decide to build, for instance, a housing development on this land. While she doesn't believe the town would actually do this, it does remain a risk.

Andy gave history of parcel using maps to point out the pertinent parcels. The OSC has been working on obtaining this property for many years. Currently, the only way to access the backland would be the Moran easement which has been strongly advised against by Michaela's lawyers. The bottom line: OSC has been working to get to the true value for an owner so the town could purchase the land. This is getting into gray area, and is not really what OSC should be doing. He strongly expressed the need for the OSC to step back and let the lawyers work it out.

Franny asked for the sense of the committee. The OSC agrees that the value of the land is important to open space interests, but the resolution is out of the committee's hands. They agree that, should the land be developed, it would be detrimental to surrounding open space and ultimately to the greater interest of the town. Further discussion raised the question of purchasing the corner lot, if possible, from the builder at a cost of approximately \$150K. And then would they have to purchase the Magoon parcel?

6. Spring Hill Road – No discussion

7. 161 Newtown Road – Update

Andy and Tom met with several of the nephews Hryniewich family. The back of the land is on Grassy Pond. The relatives of the deceased owner were happy to talk with the town. There are two developable lots. The town would not purchase the existing house lot. But the owners would allow an easement across the house lot to allow continuous connection between town lands. One of the sons is a contractor, and

they observed an excavator on the property. An appraisal is underway. The meeting was very positive.

8. Quarry Road – No discussion

9. Central Street

Susan, with Tom Tidman, Dave Hardt, Christa Collins and Fran Portante, walked the property and looked for bounds. There were several places where bounds were needed and the Town will have those placed in the fall. Christa will prepare the CR, if so approved. Susan is getting bids on Base Line Documentation. The cost may result in their fees increasing. She has to get a firm handle on the actual cost before moving forward with funding requests for stewardship. Christa suggested approaching Amber Carr to create the baseline documentation, since she has the botanical knowledge needed for identifying the flora. There was some question about including this additional budgeted cost in the CPA budget requests. There may be a need for additional language in the policy to allow for increasing the budget request to cover increased stewardship costs.

10: Stonefield Farm

There is a meeting on Tuesday and the appraisal is done.

11. River Street (Lazarro);

The appraisal is in. It came in at \$840K which is less than owner wanted but more than last appraisal. It is not easily developable land. Potential environmental concerns were cleared up. In order to be ready for Town Meeting in October, they would need CPC approval. The next CPC meeting is Sept. 8. Andy will be at the meeting and will present OSC proposals, but it is not likely that this proposal will be ready for the October Town Meeting.

12. 64 School Street; back lot: no discussion

13. Concord Water Department:

A draft letter, submitted by Matt and Franny to the OSC, was read. (The letter is included on the final page of these minutes.) Franny suggested they may have to consider the neighbors in the content and modify the letter. Matt stated that the letter reflects the position of the OSC and no one else. Concord purchased the land to protect the watershed. The letter emphasizes the use of the land for watershed protection. The Committee is urging the BoS to consider this when voting. Before submitting the letter, they want to see the plan changes from Concord Water. The EIR does not appear to be completed. The committee decided to hold off on making a final decision on their position until the final revised plan is submitted. Franny will forward the letter to the visitors present.

Fall Town Meeting: October 5th.

Meeting adjourned 8:55.

Next Meeting – September 9, 2016, 7:30 AM (Acton Town Hall - Room 9)

Dear Selectmen,

The Open Space Committee has reviewed the Town of Acton Open Space and Recreation Plan 2014-2021 (OSRP) as it may relate to the Town of Concord's proposed project at Nagog Pond. Based on the OSRP, we have identified three main areas that relate to Nagog Pond and/or this particular project.

1. Nagog Pond and its watershed lands are a vital natural resource to the Communities of Acton, Concord, and Littleton. As such, Nagog Pond is discussed as a priority parcel for protection. The importance could be for water supply purposes, wildlife, recreational opportunities, or some combination of the three.

The OSC believes an opportunity to further protect the watershed lands is upon us. The OSRP calls for acquisition of these lands should Concord not need them for watershed protection. However, an alternative could be discussed to put a watershed preservation restriction (WPR) on these lands. This could be modeled after a conservation restriction or after the Commonwealth of Massachusetts WPR that is utilized to protect lands surrounding the Wachusett and Quabbin reservoirs. Such a restriction would provide a level of protection to these lands which may otherwise be diminished in future years, while also providing the Towns of Acton, Concord, and Littleton flexibility in utilizing these lands for water supply purposes going forward. This would complement land holdings that both Acton and Littleton have adjacent to Town of Concord land specifically for water supply development purposes. Bedrock well sites have been discussed as longer term strategies for meeting the water needs into the future should water efficiency, conservation, and supply optimization not be adequate. By specifically recognizing and protecting these lands for water supply development, the pond can remain a valuable asset to the region moving forward.

2. Wildlife impacts have been identified as a concern with the proposed project, specifically as it relates to fencing. In reviewing the issue of wildlife corridors as outlined in the OSRP (see page 13-39, figure included with this letter), it appears that on a regional level the pond itself, plus a broad swath of conserved lands to the north and south in Acton, Boxborough, Littleton, and Westford provide an important corridor for wildlife movement. These corridors are largely identified as being important for migratory birds. Terrestrial movement by mammals and amphibians is directed to the woodland areas heading towards Nagog Hill Road. Recognizing the need for some fencing, all efforts should be made to minimize the disruption of wildlife movement.

3. Finally, recreational opportunities should be explored for the watershed lands. A discussion of what additional recreation could occur can be found in the OSRP. With improvements to the treatment process being proposed, it would be reasonable to formally open up some of the Town of Concord land for passive

recreation. At the same time, some areas may need to have limited access for security, safety, and water quality.

Please consider these aspects of the Acton OSRP as you review the Special Permit request from the Town of Concord.

Sincerely, The Open Space Committee