



OPEN SPACE COMMITTEE MINUTES

Friday, August 2, 2019

7:30 AM

Room 9

Town Hall, 472 Main Street, Acton, MA 01720

Attendees: Andy Magee, Dick Hatfield, Terry Maitland, Matthew Mostoller, David Marshall, Will Hill, Tom Tidman, Susan Mitchell-Hardt, Gene Beresin, Michaela Moran, Sandra Mika, Joe Will

Recording Secretary: Fran Portante

I. Regular Business

1. Review of meeting minutes from Friday, June 7, 2019. Terry moved to approve the minutes, Dick seconded the motion and the vote was unanimous.
2. Review of on-going issues
 - Hebert Farm: Andy and Tom met recently with Peggy, but nothing new to report. Suggest a meeting with Christa, Susan, Tom and Andy to try to move things forward. Andy to coordinate meeting date.
 - Piper Lane: The ZBA process is underway; an appeal of denial was overturned by housing court. Andy prepared letter representing the OSC per the prior meeting, and also wrote a personal letter regarding the more recent Memorandum of Agreement (MOA). The OSC letter is attached to these minutes. The MOA offers approximately 3 acres of the parcel for a CR, but the three acres includes wetlands already protected and the project's stormwater basins and, as such, is not a very valuable area for open space. An NOI has been submitted to the Conservation Commission (ConCom). The wrong notice to abutters caused a delay. The hearing was postponed for another two weeks. The ConCom has looked at the nearby vernal pool, and it is expected that Natural Resources will submit a request for certification to Natural Heritage Program. The vernal pool is in wetlands, and, under Army Corp rules it may be that the federal buffer zone is larger than the 100 foot allotment under Massachusetts regulations.

There has been a long term interest in this property, but it was already in the overlay district for affordable housing. . It was commented that the lawyer for the seller had insinuated the town would have purchased the land by now if it truly valued it. However, the evidence is much to the contrary. Andy will put a summary together of the efforts that have been expended over the last 10-12 years to secure this property for open space. A formal offer was never made to the Magoons because contact with S. Magoon could never be arranged.

The next ZBA meeting is scheduled for Aug.26. Andy will summarize the conditions that led to current situation. Citizens continue to challenge the plan to develop the property. They would be working very close to conservation land.

- 180 Newtown Road: no movement (Anderson side) under appeal
- 108 Nonset Path: no movement (wetland piece)

- Wetherbee Street: Moritz property, no word

3. Brief Review as necessary:

- 183 Newtown Road: no change
- Brucewood Lots: all wetland; Tom has no news. Parcel is adjacent to the Auto Auction.
- Stonefield Farm: Susan met w/Paul re: access to the Caouette/Simeone Land. This is the busy season for the farm so any discussion has to be delayed until October.
- 53 River Street: The Town has hired an engineering firm to begin removal of the dam.

II. New/Special Business

Michaela Moran asked the Committee how she could go about purchasing the Municipal Right-of-Way that runs along 34 School Street. The easement is 26 feet wide. There is a telephone pole within the space, and a stone wall, plantings and heavy overgrowth. Michala would like to purchase it back since it is a blight on her property deed. It is not being used now. It was meant for utility access and pedestrian passage. Andy suggested she approach the ConCom and the BoS. Find out if Self-help funds used to purchase the parcel. If so, it's a state issue, as Article 97 land. Talk with the Town Manager and ask for Town Counsel advice.

New Business: Susan reported that she had contact with the owner's representative for Triangle Farm. The property is near Camp Acton/Spring Hill. It's a 29 acre parcel, designated Lot 20 (was lot 5). It is hoped that the owner is interested in conservation and perhaps permanent protection. The lot was originally clear-cut by developers, but has now revived and much of it has become a wetland.

III. Consent Items: none

Next Meeting: Friday, September 6, 2019, 7:30 AM

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The attached document is Andy's letter to the ZBA on behalf of the Open Space Committee.

Additional materials can be found here: None

The listed agenda items are those reasonably anticipated by the Chair. Not all items may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an e-mail to manager@actonma.gov or call Town Manager's Office (978)929-6611

For more information about the Open Space Committee contact Tom Tidman at ttidman@acton-ma.gov or (978) 929-6634.



TOWN OF ACTON

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Open Space Committee

July 15, 2019

Mr. Ken Kozik, Chair
Town of Acton Zoning Board of Appeals
Acton Town Hall
472 Main Street
Acton, MA 01720

RE: 4 Piper Lane Comprehensive Permit Application

Dear Chairman Kozik:

The Town of Acton 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 21 market rate residential housing units and 7 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 8 or more apartment buildings serviced by an approximately 1,200-foot-long driveway off School Street.

The Piper Lane property abuts and protrudes into the Great Hill conservation lands. 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. 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 severe blemish on the landscape visible from a great portion of the Great Hill lands.

The protection of this parcel has been a prime focus of the Town of Acton and the Town of Acton Open Space Committee for many years. Indeed, this parcel was identified as a priority parcel for protection 21 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. As you may or may not be aware, Open Space and Recreation Plans are reviewed by and approved by the Commonwealth of Massachusetts, and an approved Open Space and Recreation Plan is a prerequisite for obtaining state funding for the purchase of open space and recreation lands. Approval of this densely developed project on lands identified as being of high protection value directly contradicts the goals identified in the Town of Acton state-approved *Open Space and Recreation Plan*.

The Board of Selectmen, the Planning Department, the Open Space Committee, 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 its assessment of the proposed development of this parcel, the Zoning Board of Appeals consider the natural value of this property and the irreparable damage to one of Acton’s finest conservation lands that will result if this development proceeds.

We thank you for your consideration of the above, and for your fine work and dedication to ensuring the proper application of the Town’s rules, regulations and policies, and thereby the overall wellbeing of the Town of Acton.

Respectfully yours,

Andrew D. Magee, Chair
Town of Acton Open Space Committee