



## OPEN SPACE COMMITTEE MINUTES

Thursday, July 2, 2020

Virtual Meeting

**Committee members present:** Andy Magee, Dick Hatfield, Terry Maitland, Matthew Mostoller, Will Hill, Ray Jacoby, Tom Tidman (NR liaison)

**Committee members absent:** Dave Marshall

**Zoom Meeting host:** Dave Martin

**Recording Secretary:** Fran Portante

Terry Maitland read the virtual meeting instructions and disclaimer for panelists and attendees.

### **I. Regular Business**

Review of meeting minutes of Friday, Dec. 6, 2019. Minutes were approved and seconded. A roll call vote was unanimous.

### **II. New/Special Business**

Board of Selectman (BoS) Proposal to acquire the 4 Piper Lane, 6 Piper Lane and 4 Piper Lane Rear parcels and a 40-foot-wide Right of Way on the eastern side of the 90 School Street parcel from Piper Lane LLC.

Andy Magee reviewed the function of the Open Space Committee for the panelists and attendees. This committee was formed in 2005 as an advisory committee to the Board of Selectmen for land purchases, as recommended in the 1998 Town of Acton *Open Space and Recreation Plan*. The *Plan* was prepared in response to a state requirement of such a body for eligibility for state funds for open space acquisition.

He then gave an overview of the current status of the Piper Lane Condominium project. The BoS has voted to allow the Town Manager to enter into a Purchase and Sale agreement to purchase the Piper Lane properties from Piper Lane LLC, the project developer. The Open Space Committee has a twelve year history of attempting such purchase, but had not been able to negotiate an acceptable purchase price with the owner. The control of the 90 School Street property by the project developer is providing the frontage for the otherwise land-locked parcel, thereby creating a buildable parcel. This situation did not exist previously. The current project is a 40B complex. The appraisal, \$1,150,000, is based on the housing district overlay that permits dense housing. Andy noted that many of the Town's open spaces have the same designation. This particular property has great scenic, historic and environmental value.

Andy had drafted a letter for the Committee to consider that would be sent to the BoS to represent their position and recommendations. (See attachment 1.) The BOS has proposed that the funding for the purchase come from the Open Space set-aside funds. The history of open space purchases is about \$80K per acre, versus the cost of this parcel at greater than \$200/acre. The letter lays out a series of proposed funding options for the purchase. The concern is that depletion of set aside funds

limits the ability of the committee to act on other purchases that are also currently in discussion. And the cost per acre sets a precedent for future purchases.

Will Hill expressed his approval of the letter and the option of bonding. Ray Jacoby mentioned that the amount of CPC funding requests this year resulted in a decrease of funding for the set-aside fund. The next CPC meeting is next Thursday, July 9. Dean Charter will be presenting for the BOS. Matt voiced his concern that the price per acre could have a long lasting impact on future open space purchases, when others see what the Town has agreed to pay.

Andy addressed options for payment in his draft letter and discussed the options with the Committee. Ideally the land could be purchased at the asking price and the house and its .3 acres flipped, and proceeds returned to the CPA Open Space funds. The house could also be made into an affordable unit and that portion of the cost could be reimbursed from CPA Housing funds. Since the parcel has historic value, some cost could be offset from CPA Historic funds. Leveraging from private funds is also an option.

Ray pointed out that any attempt to use historic or housing funds have a long lead time and can't expect approvals until the following spring. It would be difficult to develop a credible application at this time. Will pointed out the importance of getting funding from various sources, particularly private funds. The project is pricy but important, so cries out for private contributors.

Matt Mostoller suggested that bonding seemed logical on this project. Bonding 50% would conserve a significant portion of Open Space funds. Andy proposed they move forward with a recommendation of 50% bonding. Terry Maitland asked if there were any terms in the deal regarding toxic waste. Dave Martin responded that if the purpose was only for open space, then toxic waste was not an issue. Andy reiterated that the appraisal was based on the housing overlay district that allowed for dense development.

Andy asked for public comments. Alissa Nicol read a letter from the South Acton Neighborhood Association (attachment 2) which committed SANA to assisting in any fundraising. Jim Snyder-Grant pointed out that there was an opportunity for an affordable unit or two on the house site. Andy said it was most logical and straight forward to use Open Space funding to buy the entire property, then offset some of the cost by selling the house. Michaela Moran suggested the house and lot be sold to the Housing Authority. Susan Mitchel-Hardt said Acton Conservation Trust (ACT) would also support and help with fundraising. She also asked the reason for the 40 foot Right of Way through 90 School Street. It was explained that it was needed to provide access to the property in order to meet requirements for appraisal.

Andy will add a paragraph to his draft letter to support 50% bonding and that funds recouped through the disposition of the house would be returned to the Open Space Set Aside fund.

**Decision:** Terry moved that Andy's draft letter, to include the additional paragraph, be accepted and sent to the BoS. Will seconded the motion and a roll-call vote was unanimous.

### **III. Consent Items: none**

**Meeting adjourned at 8:45 AM**



**TOWN OF ACTON**

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**Open Space Committee**

**DRAFT - July 2, 2020 - DRAFT**

Ms. Joan Gardner, Chair  
Town of Acton Board of Selectmen  
Acton Town Hall  
472 Main Street  
Acton, MA 01720

**RE: Piper Lane Land Acquisition**

Dear Chairwoman Gardner and Board of Selectman Members:

The Open Space Committee (the Committee) understands that the Board of Selectman (BOS) has voted unanimously to authorize the Town Manager, in conjunction with Town Counsel, to complete a purchase and sale agreement for the Town to acquire the 4 Piper Lane, 6 Piper Lane and 4 Piper Lane Rear parcels and a 40-foot-wide Right of Way on the eastern side of the 90 School Street parcel from Piper Lane LLC, the developer of the proposed 28 unit 40B project at that site. Together these parcels occupy approximately 6.0 acres, with 5.7 acres of potential open space and 0.3 acres associated with an existing residential dwelling. The price as proposed is \$1,150,000.

The protection of the open space associated with these parcels has been a prime focus of the Open Space Committee for many years. Indeed, this land was identified as a priority for protection 22 years ago in the 1998 Town of Acton *Open Space and Recreation Plan*. That designation was reiterated in the more recent 2014 - 2020 *Open Space and Recreation Plan*.

The Committee, the BOS, the residents of the South Acton neighborhood, and the Acton Conservation Trust have worked hard over the years to develop a strategy to preserve this land and thereby to also protect the adjacent Great Hill 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 Committee has conducted multiple appraisals of the Piper Lane parcels and has engaged the Planning Department and Town Counsel in numerous attempts to develop a strategy to protect and preserve the open space associated with these parcels. The Committee is therefore pleased to hear that a solution to the protection of these lands may finally be at hand.

The Committee understands that it is anticipated that the funding for the purchase of these parcels will come

from Community Preservation Act (CPA) funds and, more specifically, all or in greater part from the Town of Acton CPA Open Space “set-aside” funds. That said, the Committee would note that the proposed purchase price is considerably higher than past use of these funds for open space acquisitions in Acton. Table 1, *Community Preservation Act Open Space Acquisitions*, lists past open space acquisitions that utilized CPA Open Space funds, including the open space acreage, the total cost, and the equivalent cost per acre.

**Table 1. Community Preservation Act Open Space Acquisitions**

Parcel	Acres	Cost*	Cost/Acre*
Groener	12.1	\$ 100,000	\$ 8,264
Wright Hill	14.1	\$ 1,280,000	\$ 90,909
Anderson	20.7	\$ 1,320,000	\$ 63,830
Caouette	11	\$ 1,200,000	\$ 109,091
Gaebel (net of house re-sale)	5.9	\$ 567,057	\$ 96,111
Central Street (Mt. Hope)	12	\$ 450,000	\$ 37,500
Grassy Pond	11	\$ 770,000	\$ 70,000

(\* Total Price, including private donations. Town's cost may have been less.

Given the above, the Committee respectfully requests that the BOS explore all reasonable methods of reducing the impact to the Open Space funds so that the Town can continue to have funds available to protect other, also highly significant, open spaces and natural resources. These methods range from bonding the cost against future CPA distributions to sharing some of the costs with the other CPA interests directly related to this acquisition; specifically, the protection of historic resources and the (potential) use of the residential parcel for affordable housing. Methods for purchasing these parcels include the following:

**Full Cash Payment from CPA Open Space Funds.** The current CPA Open Space fund balance is approximately \$2,540,000. Hence, funds are available for this acquisition. However, the Committee would respectfully note that within the last year it has been in discussions with various land owners interested in seeing their lands protected, including several significant farm properties and a key wooded parcel with both iconic vistas and numerous natural resource values. The availability of CPA Open Space funds will be instrumental in the protection of any or all of these highly significant properties.

**Full or Partial Bonding against future CPA Open Space Funds.** In the interest of preserving the Open Space funds for additional future land protection efforts, all or a portion of the Piper Lane costs could be bonded, with bond payments linked to future CPA open space distributions. This method was utilized successfully in the purchase of the Wright Hill property, which also took advantage of low interest rates to bond a portion of the purchase.

**Partial use of CPA Housing Funds.** The existing residential unit could potentially be added to the Town's affordable house stock or razed and replaced with one-or two affordable units on the existing house lot. CPA

housing funds could be utilized for the purchase of the house and/or house lot. The Committee would note that when the adjacent Gaebel parcel and house were purchased with CPA Open Space funds, monies generated by the subsequent sale of the house were returned to the Open Space fund.

**Use of CPA Historic Preservation Funds.** One of the primary reasons stated for the purchase of the Piper Lane parcels is the protection and preservation of the adjacent South Acton Historic District. Virtually all reviewers of the proposed development of these parcels have noted the severe impact the proposed development would have on the South Acton Historic District should it proceed as proposed. A modest contribution from CPA Historic preservation funds would seem reasonable.

**Private Contributions.** Most, if not all, of the Acton CPA land acquisitions to-date have included leveraging actions, including the surrender of some value of the land by the seller, and/or the contribution of additional funds through private funding initiatives. Indeed, that "*the project leverages additional or multiple sources of public and/or private funding*" is one of the "*Review and Recommendation Criteria*" identified in the Town of Acton Community Preservation Committee's "*2020 Community Preservation Plan*." By way of example, fund raising efforts by private citizens and the Acton Conservation Trust resulted in over \$100,000, \$40,000, and \$30,000 in private contributions toward the CPA purchases of the Caouette, Central Street, and Grassy Pond parcels, respectively. It is the Committee's hope that a similar level of private contribution will be seen in conjunction with this purchase and note that several entities have already inquired as to how they can contribute financially.

In closing, the Committee would note that virtually all of the successful CPA land acquisitions in Acton have been the direct result of the availability of the CPA Open Space "set-aside" funds. Indeed, without the existence of the CPA Open Space funds this purchase would most likely not be possible in the current economic environment. While the current CPA Open Space fund balance is not insignificant, its availability is a necessity if the Town wishes to preserve its last vestiges of open space and farmland. The fund represents the forethought of the BOS, the CPC, and the Committee in recognizing early-on that the cost of any significant land purchase in Acton would very likely exceed the annual CPA distribution. Therefore, the Committee and the CPC has attempted to designate, or "set-aside," approximately one third of the annual CPC distribution in each of those years that a specific land purchase was not being proposed. The intent thereby has been to develop and maintain a pool of money for land protection that gives credibility to the Town's ability to purchase land in the eyes of both a potential seller and a potential acquisition partner. The above-referenced "other" equally or significant parcels currently in review will clearly require that funds in the amount of the current set-aside be readily available.

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

Respectfully yours,

Town of Acton Open Space Committee

cc. Town of Acton Community Preservation Committee