



OPEN SPACE COMMITTEE

Meeting Minutes
February 3, 2023
7:30 am
VIRTUAL

Present: Andy Magee (Chair), Karen O'Neill, Terry Maitland, Alissa Nicol, Matthew Mostoller, David Marshall, Michela Moran

Absent: None.

Non-Committee Members Present: Susan Mitchel-Hardt, Pat Clifford, Joe Will, Alexandra Wahlstrom (Acton Water District), Paula Knibbe, Pat Hearn (Agricultural Commission), Meredith Houghton (Sudbury Valley Trustees), Brandon Comstock, Joe Cooney, Jane Moosbruker, David Martin (Select Board Liaison)

I. Opening

- A. Chair Andy Magee opened the meeting at 7:35 a.m. Andy noted the number of folks interested in joining/supporting the Open Space Committee in attendance as a direct result of the Acton Conservation Trust's (ACT) email. Andy reiterated that he is leaving the Committee in June and that Dick Hatfield has retired from the committee. He explained to the attendees that the OSC has been discussing what its future should be. Historically, the OSC has written CPA grants and has advised the Select Board on the purchase of property. In the future the OSC will need to seek financial resources outside of CPA as property values increase. The OSC has not historically explored those options but should with some rejuvenation. By way of background, the 2004 Open Space and Recreation Plan (OSRP) recommended an open space committee be formed. The OSC was created in 2005. It's not a regulatory body, but it is an advisory committee. The OSC does advise on open space purchases, but are not directly involved with all open space purchases (i.e. the 53 River Street parcel). The OSC has historically met at 7:30 AM on the first Friday of the month and tries to stick to one hour duration. The OSC requires representatives from Conservation Commission, the Planning Board and the Acton Water District. The day and time could change in future.

II. Minutes

- A. The draft minutes of December 2, 2022 and November 4, 2022 were moved and seconded. No discussion or edits. Roll call vote: Unanimous vote in the affirmative.

III. Regular Business

- A. Review – Wetherbee Street parcel. 40 acres, owned by Moritz family. Adjacent/across street from State Police farm and adjacent to Wetherbee conservation land. Contains nice vernal pools. The field in foreground is town owned conservation



land and we have a lease agreement with the MA Dept. of Correction to allow use for farming on the conservation land. Town of Acton leases State land for athletic fields. Both are scenic. There is a proposal for 34 units on the Moritz land. Owners are very motivated to sell for conservation purposes. Owners are willing to wait until the Town is prepared to purchase, as Town does not have that kind of money at present.

B. Review - Triangle Farm. Property in North Acton coming up for sale. Not on market yet. Jamie Eldridge was going to contact the realtor today and keep Susan Mitch-Hardt posted. It abuts a large block of conservation land. It had been stripped of vegetation in the 1990's but no development occurred. The vegetation has regrown. It's attractive with vernal pools and has now become a wetter property. The family has said it will move to put it directly on the market. Terry Maitland asked about cluster zoning to see if that's a possibility. Susan says theoretically not. Neighbors in the area created 5 oversized lots that cannot be subdivided, but we will see if it will stand the test of time. There is no frontage. Triangle Farm Lane is off Pope Road and is approximately 29+10+10 acre. The 29 acre is up for sale, plus two others are all under the same ownership, surrounded by Camp Acton, Spring Hill, and Robbins Mill conservation land. Alissa asked when the 80 acre lot was purchased, was subdivision possible, and what about a PCRC? Susan says it was intended to exclude PCRC. It had been protected by how the land was carved up because one lot was possible due to it being a "hammerhead lot" with small amount of frontage. If current zoning allowed PCRC, there would be enough frontage. Alissa asks if conservation staff can investigate with Planning/Zoning Division? Mike Gendron will speak to Kaila Sauer in Planning to see if a PCRC would be possible. Andy says there are also a lot of wetlands that might make that difficult.

C. Review - Morrison Farm Conservation Restriction (CR). The Agricultural Commission (AgCom) brought proposal to Select Board to put a CR on Morrison Farm last month. The long history is that it was purchased with a living will with Mrs. Betty Morrison living on property until her death. House is now empty and other buildings are used for storage by staff. The woods in the back were supposed to be conservation land, while the front lands were originally envisioned as playing field. Furthe study suggested these lands were impractical for playing fields as it would need too much fill to level the fields. It would also be restrained under the Wetlands Protection Act. The Select Board voted not to recommend the CR go to Town Meeting due to no resolution about house or barn. A lot of money has been spent to keep the house in shape. It's a Depression Era, historic parcel. House is not handicap accessible, so cannot be low-income housing. David Martin says Select Board is interested in a deed restriction on the land, but disposition of house is a sticky matter.



It has been stuck for a very long time. David feels it is not viable to allow house to deteriorate. Not able to rent the house so far. The Town rents out 25 Maple Street, a Town-owned land. There have been other uses suggested in the past. Moving forward requires a decision on the house. Select Board feels there is no hurry. Town has owned it for a long time. David states it is protected from a change in use by future town meetings. Andy says CRs do get overturned each year. If the Town wants to, for example, put a school on the parcel, that may likely to pass town meeting and a legislative action. But recent legislation requires land be replaced with equal amount and value of land. Andy says every time we bring a parcel for protection, people asked if some other use could go on it. But interestingly, those questions are not asked when a school or fire station is proposed. And yet, the populous has repeatedly indicated it considers open space as important of a resource than any other. Indeed, school and fire station and other types of capital building project votes are never unanimous, but open space votes essentially always are. Andy says we need the powers that be to recognize this and act accordingly.

D. Review - 549 Main Street. There is a signed P&S with Acton Water District (AWD) to purchase this 54-acre parcel. It's the open field on corner of Brook St. and Main Street including the Isaac Davis Trail from PO Square to Bruce Freeman Rail Trail. AWD is looking for further protection for its bedrock wells and water treatment plant. It includes all the woods as well. There are vernal pools as well as Native American stone structures on it. Primarily it is to protect water supply. AWD will purchase in fee and Town of Acton will purchase the Conservation Restriction (CR). There has been some back and forth between the Town, the AWD, and the owners as to what the land can be used for in future. Public access is currently being discussed. Karen O'Neil asks if there will be an executive session on this issue. Andy says no, it's public knowledge that the purchase and sale agreement is for \$4.9 Million. A vote to approve will be at the AWD annual meeting 3/15/23 at 6pm at RJ Grey auditorium. Town meeting 5/1/2023 would include an article to purchase the CR. Any registered voter in Acton may vote at the AWD. Andy notes that this project is similar to the Stonefield Farm. In that case the Town purchased the Agricultural Preservation Restriction. Generally, CR's decrease value of a property by approximately three-quarters. The Town bought the restriction at Stonefield farm for a discount; however we don't have full access because owners are using it for farming. There is some public access, but the Town is protecting farming. As for the Main Street parcel, the Town will pay approximately one-half the price to protect water supply, and have the benefit of public access, and historic and aesthetic preservation. No animals allowed on the property in order to protect water supply from bacterial contamination. And it



is also to protect the Isaac Davis Trail. Matt states that this is important as there is no current protection of that trail from being altered or lost. It's the good stewardship of the owners that has protected it since the Revolutionary War. Terry Maitland asks if the cost to town is one-half of \$4.9 million where is the money coming from? Andy notes we now have approximately \$1M in the open space set aside and currently have an application before the Community Preservation Committee (CPC) to set aside \$600K of this year's funds for the open space set aside funds. But, in either case, the Town will need access a combination of current Community Preservation Act (CPA) funds and bond against future funds, as we have done in other parcel acquisitions (Piper Lane and Wright Hill are partially bonded). Bill Alesbury, chair of CPC, came up with a formula to be able to purchase all parcels, bond the Wetherbee/Moritz, and retain the set aside, based in part on the Moritz family being willing to take payments over time. This has not been pursued in the past. But Andy would ask the future ongoing OSC to consider both the strategy of bonding as well as incremental payment installments. Andy will be at CPC on February 14th regarding the \$600k set aside. Andy will raise the fact that the OSC may come back to the CPC with a request to use set aside funding plus bonding. Matt Mostoller reports the AWD submitted "expression of interest" to Municipal Vulnerability Program (MVP) for potential funding source. They hope to hear back in early March whether the State feels the grant application is a viable use as water protection. Matt says the Town Meeting vote needs to be on the warrant, which closes February 15th. David Martin says the warrant is closed to citizen petitions; but the Select Board can continue to make changes to warrant up until printing. The Select Board can also put a placeholder article in the warrant and if things are not ready, just move to take no action at Town Meeting. Andy spoke to John Mangiaratti and about trying to get everyone in same room next week to thrash out the details of the CR. Andy requests Meredith Houghton of SVT to attend as well as Susan Mitchell-Hardt. Susan is interested in fundraising and asked if there is actually a deal; she asked please let ACT know so that they can begin fundraising. ACT has been successful in past in raising tens of thousands of dollars. The owners would like SVT to be a CR cosigner with the Town. Andy says there are a number of trails on parcel. The owners don't want community gardens on the open field. There has been back and forth and now decided to use as part of whole parcel. Jane Moosbruker notes that MassAudubon is interested in protecting grassland for nesting birds. Andy notes that the CR will require the existing field be kept in its current condition. Alissa expressed thanks to AWD for pursuing MVP funding and wonders where the reduction in price it would come from: AWD portion or the Town's portion? Matt says the deal is structured now the AWD will take on the entire funding and any grants would reduce that burden. It could go as a 50-50 split but



that's ongoing negotiation. Susan says ACT will mail and email the 300 members and 600 google group people to encourage people attend AWD annual meeting in favor of purchasing and a 2/3 vote is needed. Town meeting will be May 1. Andy M will be absent so someone else will need to make that presentation. CPC meets virtually. Andy would appreciate the virtual support of the OSC on February 14th. OSC not asking for more than its fair share. David Martin says the Town Meeting presentation should be prepared to lay out framework of Bill Alesbury plan and be prepared for questions on how we can afford purchases, and what about future purchases. Maybe put some slides in original presentation on how we are managing this. Andy will be here until April 28 and will work with Bill Alesbury.

- E. Open Space Committee and Recreation Plan. Mike Gendron gave update. Recently Planning and Conservation Divisions hosted a workshop to flush out goals and got good feedback on the four goals. Next step will be getting community groups together to focus on land prioritization and will need help flushing out that criteria, as well as going through parcels on how to rank and prioritize those parcels. We will be contacting you for that work.
- F. Agricultural land prioritization. Pat Hearn said there are new tools available including SVT methodology as well as work being done by the State for examining how to prioritize land. The AgCom is investigating these toolss. The AgCom will invite Al Averill who is working with NRCS to perform a free analysis of farm lands of local importance. It will place a status on land not previously farmed and on land not previously considered farmable, but that is now being actively farmed. February 28th is next AgCom meeting. Please come and listen in on this discussion (virtual or in person at Town Hall, Room 9). Just need a request from a Town official such as AgCom chair and the data will be another tool in the toolbox to evaluate land. The AgCom is working with Acton Historical Commission on what can be done with Morrison Farm CR and its historic buildings. Andy says Morrison Farm is longest continually operated farm in the Town of Acton. It is currently being used for community gardens.
- G. OSC Membership. Andy reminded attendees that the OSC needs someone who can write grants for other lands. Michaela Moran is our Planning Board representative who is a sworn in member of the Open Space Committee. There are no openings for full voting membership, but there are two Associates slots. If interested, please apply through VCC. David Martin will set up an interview time in person or on Zoom, or a



walk through the woods. And David would submit recommendation to the Select Board for appointment vote.

IV. Regular Business

Motion to conclude regular meeting unanimous.

Next meeting March 3, 2023 at 7:30am.

Documents and Exhibits Used During this Meeting

- None

Respectfully submitted, Bettina D. Abe, Conservation Assistant

Voted in the Affirmative March 3, 2023