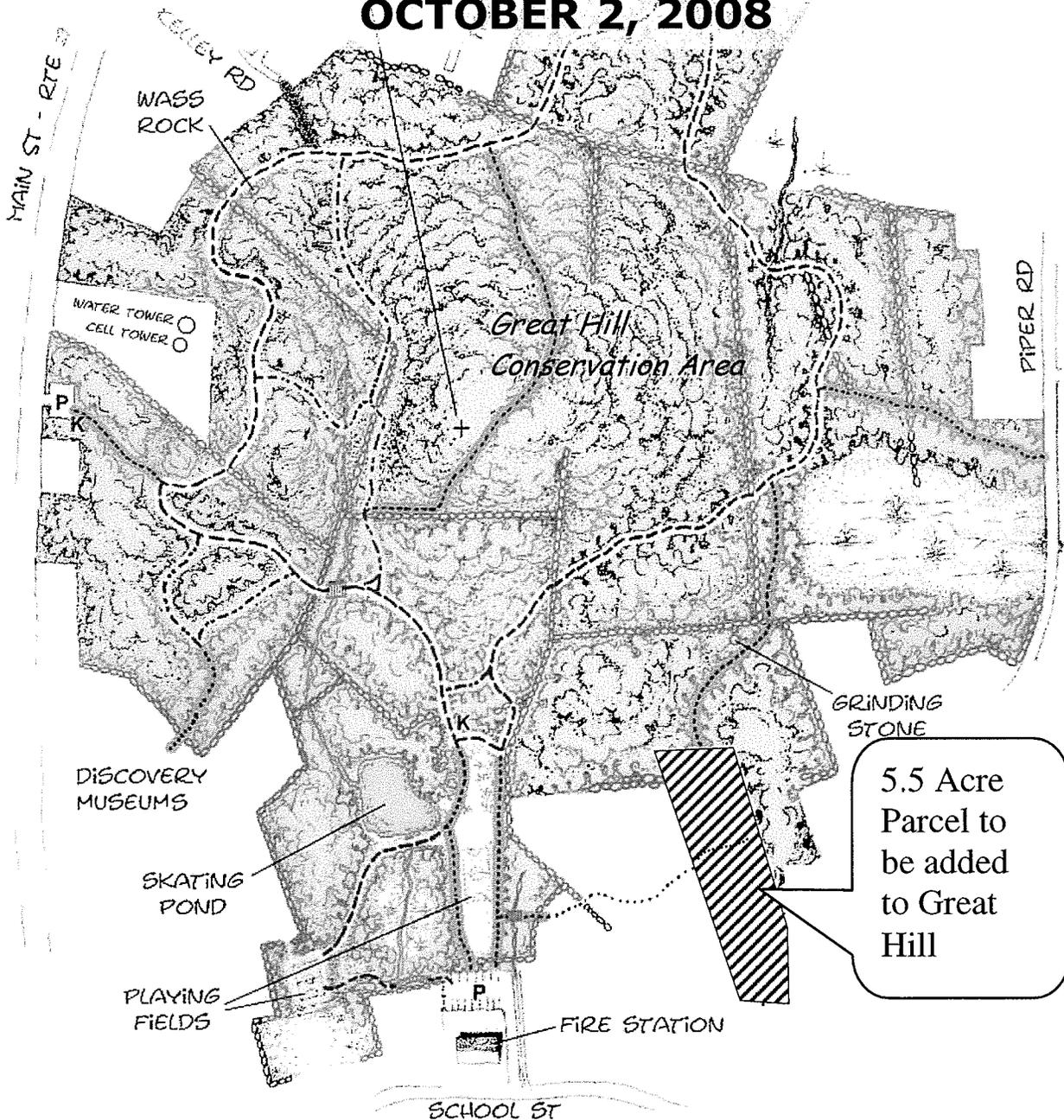


VOTE TO PROTECT LAND in the GREAT HILL CONSERVATION AREA

GREAT HILL
SUMMIT

PLEASE SUPPORT ARTICLE 2 AT THE SPECIAL TOWN MEETING OCTOBER 2, 2008



This article will authorize the use of the Community Preservation Open Space Set-aside Fund to purchase a 5.5 acre parcel abutting Great Hill.

Please attend the Special Town Meeting on October 2, 2008 and help Acton take advantage of this rare and important opportunity.

For details visit www.ActonConservationTrust.org



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9631
Fax (978) 264-9630

September 16, 2008

Mr. Kenneth Sghia-Hughes, Chair
Town of Acton Community Preservation Committee
c/o Planning Department
Acton Town Hall
472 Main Street
Acton, MA 01720

RE: Community Preservation Plan Project Application Form
Gaebel Piper Lane Land Purchase

Dear Mr. Sghia-Hughes and Members:

On behalf of the Town of Acton, the Town of Acton Open Space Committee is pleased to submit the attached Project Application Form for the purchase of the "Gaebel Piper Lane lands," a combined approximately 5.5 acres of open space and a 0.4-acre residential lot with an historic residential structure located adjacent to the Great Hill Conservation Land and proximate to the South Acton Historic District. The Open Space Committee suggests that this proposal is consistent with previous recommendations made by the Community Preservation Committee and approved by previous Acton Town Meetings.

The Open Space Committee thanks you for your consideration of this proposal and looks forward to working with the Community Preservation Committee in advancing this proposal to the Special Town Meeting scheduled for October 2, 2008.

Respectfully yours,

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

PROJECT APPLICATION FORM – 2009

Applicant: TOWN OF ACTON **Submission Date:** Sept. 16, 2008

Applicant's Address, Phone Number and Email. **Purpose: (Please select all that apply)**

Open Space Committee/Town of Acton
472 Main Street, Acton, MA 01720
978-264-9612 manager@acton-ma.gov

- Open Space
- Community Housing
- Historic Preservation
- Recreation

Town Committee (if applicable): Open Space Committee

Project Name: Gaebel Piper Lane parcels

Project Location/Address: 8 Piper Lane and Back Lands: Map H3A-4 and H3A-4-1

Amount Requested: \$730,000

Project Summary

The Town of Acton Open Space Committee requests that the Town of Acton Community Preservation Committee (CPC) recommend to Town Meeting that a sum of \$ 730,000 of the existing Town of Acton Community Preservation Fund "set-aside funds" be dedicated for the potential purchase of the 5.51+/- acres of open space and the 17,235 square-foot lot and the historic residential structure at 8 Piper Lane, for the purposes of open space preservation and for the purposes of historic preservation of the historic residential structure at 8 Piper Lane.

The purchase of these parcels would be consistent with the Town Of Acton's Community Preservation Plan, as well as the Acton Open Space and Recreation plan and the Acton Reconnaissance Report Summary from the Heritage Landscape Inventory Program.

Estimated Date for Commencement of Project: October, 2008
Estimated Date for Completion of Project: December, 2008

Narrative

The Town of Acton has the opportunity to add a significant parcel to the Great Hill Conservation Area (GHCA) and to preserve a historic structure on the Town of Acton List of Cultural Resources.

For many years, citizens using the GHCA have crossed the land in question believing it to be a portion of the GHCA. The trail over these parcels connects the red trail from the soccer field behind the South Acton Fire Station to the red trail near the "Indian Grind Stone". The trail crosses three parcels which are in private ownership, including the Piper Lane parcels owned by Edythe Gaebel. In part, the trail passes over an ancient right-of-way, which extends from Piper

Lane, over the Gaebel back land, and to the GHCA. Most of the users of these trails believe the area is Town-owned conservation land.

This Gaebel land is co-mingled with a non-conforming house lot containing a 3-bedroom residential structure constructed circa 1840 and listed on the Town of Acton List of Cultural Resources. The boundaries of this parcels are shown on Figures 1 and 2, while a picture of the historic residential structure is shown in Figure 3. Although not readily apparent in these figures, the lands in question rise above and overlook the South Acton Historic District.

The purchase of these parcels would fulfill the goals of the Community Preservation Act through:

- ◆ The Preservation of Public Open Space through its purchase as conservation lands and the placement of a Conservation restriction on the open space parcel,
- ◆ The Creation of Additional Passive Recreation Areas through the recovery of the trail network,
- ◆ The Protection of the Visual and Aesthetic Character of the South Acton Historic District by preventing development of this upland land overlooking the District, and
- ◆ The Preservation of the Historic Residential Structure at 8 Piper Lane through the placement of a permanent Historic Preservation Restriction on the house prior to its resale.

Project Scope

The purchase of the these parcels would involve the purchase of both the open space parcel and the house lot, deed recordings, recording of Conservation Restrictions on the land parcels, recording of Historic Preservation Restrictions on the house and its parcel, subsequent redrawing of the lot lines to produce a legal lot for the house parcel, possible minor repairs on the house in preparation for sale, sale of the house on the open market and folding of the generated funds back to the set-asides from which they were drawn.

Background

The Acton Conservation Trust, a private, non-profit land trust, whose mission is to protect land in the Town of Acton established contact with Mr. Gerry Gaebel,, acting on behalf of his mother, concerning preservation of his 5.1 acre parcel abutting Great Hill. Mr. Gaebel expressed interest in selling the property to the town for conservation purposes and stipulated that his mother's antique house on a 17,000 sf lot must also be part of the deal. He also stipulated that as he had an offer from a developer that the Town needed to act quickly or he would have no opportunity but to sell to the developer whose stated intention was to tear down the house and create a subdivision. With Mr. Gaebel's permission the Acton Conservation Trust approached the Town of Acton Open Space Committee with the proposal that the Town of Acton purchase this parcel with Community Preservation Act Funds. At this meeting many residents of South Acton attended and vehemently expressed support for this purchase. One of the neighbors provided a petition signed by 100 Acton residents supporting a Town purchase of the land. The Open Space Committee embraced the proposal with enthusiasm. With the landowner's permission the Trust and the Town obtained permission to purchase an appraisal of the property. The appraisal fell within the range of what the landowner would accept.

Open space protection has a history of being one of the core values which Acton residents continue to support as evidenced in the newly released Town of Acton Open Space and Recreation Survey, the Comprehensive Community Plan Visioning Sessions. It is also one of the cornerstones of the CPA. The daunting nature of finding an extraordinary parcel of land, a willing seller, an appraised value for the land within the range of what a seller will accept, and a parcel of land so special that it garners substantial community support must be recognized. The purchase of the Gaebel land and house offers an opportunity to purchase a prime open space parcel abutting existing conservation lands at a modest price as well as the chance to permanently protect the historic house.

Cost Estimate

The Above \$730,000 includes approximately \$700,000 for the purchase of the two parcels, and \$30,000 toward expenses associated with the purchase, including:

- ◆ Legal fees involving the transfer of the parcels,
- ◆ Legal fees for the recording of the Conservation and Historic Preservation Restrictions
- ◆ Survey of the land and splitting of the Gaebel land for purposes of resale of the house and its parcel
- ◆ Legal fees for the change in deed
- ◆ Minor Repairs on the home in anticipation of the re-sale
- ◆ Commission for the re-sale of the Gaebel historic residence
- ◆ Reimbursement to the Town of Acton and the to Acton Conservation Trust for the cost of the appraisals for H3 4 and H3 4-1.

Although the exact costs will be dependent upon the appraisals and negotiations with Mr. Gaebel, it is anticipated that approximately one-half of the purchase price will be recovered through the re-sale of the house and residential parcel. All proceeds realized from the re-sale of the house and house lot will be returned to the Community Preservation Fund Open Space Set-Aside funds.

Review and Recommendation Criteria

The acquisition and preservation of open space and historic structures represent two of the cornerstones of the CPA. The following section reviews the applicability of the purchase of the Gaebel Piper Lane lands in relation to the Review and Recommendation Criteria of the *Town of Acton Community Preservation Plan 2009*.

Consistency with the Town of Acton Community Preservation Plan

The acquisition and preservation of historic structures are two of the basic tenants of the CPA. The Town of Acton Community Preservation Plan fully adopts the CPA's focus to the point of quoting from the Act the definition of community preservation as including "the acquisition, creation and preservation of open space...". The Plan similarly calls for the protection, preservation and/or restoration "of historic properties throughout Acton" and to "work to assist owners with adaptive re-use of historic properties."

Consistency with Town of Acton Planning Documents

The purchase of open space, and in particular open space of prime environmental value, is highly consistent with both the *Town of Acton Open Space and Recreation Plan 2002 -2007* and the *1998 Master Plan Update*.

The *Town of Acton Open Space and Recreation Plan 2002 -2007* identified three specific goals: the preservation of the remaining elements of Acton's rural character, environmental protection, and improved recreational opportunities. The objectives of these goals specifically reference the preservation of "open space" and the creation of "public open spaces and parklands." The Plan objectives include the preservation of "natural and man-made features that contribute to Acton's character such as open field, woodlands, ponds, country roads, and scenic vistas." The Gaebel Piper Lane lands have many of these characteristics, including natural and man-made features such as woodlands, a remnant orchard and old stone walls, and will expand the open space and parkland of the Great Hill Conservation Land.

The purchase of the Gaebel land is also clearly consistent with the *1998 Master Plan Update*. The Master Plan goals and objectives specifically includes reference to the protection of Acton's remaining farmland, the conservation of open space parcels, the creation of green belts, and the management and enhancement of Acton's existing conservation lands.

The purchase of the Gaebel Piper Lane land is also clearly consistent with the goals of historic preservation. The circa 1840 residence has been placed on the Town of Acton List of Cultural Resources and will be saved from imminent demolition. As noted above, the protection of these parcels will aid in the preservation of the visual and aesthetic character of the South Acton Historic District by preventing development of this upland land overlooking the District.

Economic Feasibility

Mr. Gaebel, the Acton Conservation Trust, and the Town of Acton Open Space Committee have been discussing the potential preservation of these lands and the associated historic residential structure for several months, and have been working in good faith toward a fair and timely purchase and transfer of the properties. Presuming the Community Preservation Committee sees the merit in this acquisition, acquisition funds are immediately available (contingent upon Town Meeting approval) through the existing Community Preservation Act Open Space Set-Aside Funds. The ability to resell the historic house on a 20,000 square-foot lot to offset the cost of this highly vulnerable and highly developable 5.1 acres represents a unique opportunity to leverage the purchase of these lands.

Population Served

To the degree open space preservation serves the entire population it also serves an under-served population. The purchase of the Gaebel lands will modestly increase the total acreage of one of Acton's finest, and most heavily used, conservation lands, the Great Hill Conservation Land. This land has superb wildlife and natural environment values and will contribute to the passive recreational value of the Great Hill Conservation Land. The preservation of the historic structure and the upland portions of these parcels will aid in the preservation of the character of the South Acton Historic District and the historic residences therein.

Multiple Needs and CPA Focus Areas

The purchase of the Gaebel lands will contribute to the preservation of the town's rural character, will offer passive recreational value and, as evidenced by the existing circa 1840 residence and the stone walls of the site, preserve a site of known historic value through the direct preservation of an historic resource currently on the Town of Acton List of Cultural Resources. The proximity of the site to tributaries of Fort Pond Brook similarly offers the possibility of specific environmental benefits, such as surface water protection.

Leverage of Funding

The initiation of the discussions concerning the Gaebel lands was the result of persistence and on-going contribution of significant time and effort on the part of the Acton Conservation Trust. The Trust is a non-profit organization of modest means, virtually the entire budget of which is spent on identifying and facilitating the protection of open space in the Town of Acton. It is of note that a nearby abutter to Great Hill has indicated an interest in placing a conservation restriction and/or trail easement agreement on a portion of their land, should the preservation of the Gaebel land succeed. The Acton Conservation Trust and the Town of Acton Open Space Committee intend to actively pursue this potential "leveraging" of the proposal presented herein.

Relation to Town Assets

The purchase of the Gaebel land and historic residential structure will add approximately 5.5 acres to an existing Town-owned conservation parcel, and will permanently protect an historic resource listed on the Town of Acton List of Cultural Resources.

Consistency with Past Town Meeting Actions

The Project is consistent with recent Town of Acton Town Meeting actions, which included the setting aside of \$1,750,000 of CPA funds for open space acquisition and the 2007 CPA-funded purchase of the Groener backlands abutting the Nagog Hill Conservation Lands.

Competency to Implement

The Town of Acton will be applicant of this proposal to utilize CPA open space funds. The Town has successfully demonstrated competency in the implementation of CPA projects.

Site Control

Mr. Gerry Gaebel, acting for his mother, Edythe Gaebel, has been in negotiation with the Acton Conservation Trust and the Town of Acton Open Space Committee and, simultaneously, with a developer who owns an abutting parcel with frontage on Piper Road regarding the sale of Ms. Gaebel's property. Fortunately for the Town, Mr. Gaebel has expressed his preference for the land to remain as protected open space and for his mother's house to be preserved rather than the alternative, which involves demolition of the historic house and development of the land.

The ownership of the parcel will lie with the Town of Acton. The Town and/or the Acton Conservation Trust will be party to the required Conservation Restriction which will be placed on the Gaebel land and the Historic Preservation Restriction placed on the Gaebel house prior to its re-sale.