

11/16/09 (8)

Christine Joyce

From: Steve Ledoux
Sent: Monday, November 09, 2009 9:17 AM
To: Manager Department; Paulina Knibbe (comcast)
Subject: FW: Open Space Application to CPC

Steven L. Ledoux
Town Manager
472 Main St
Acton, MA 01720
Telephone:(978) 264-9612
Fax: (978) 264-9630

When writing or corresponding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

From: PKAshton@aol.com [mailto:PKAshton@aol.com]
Sent: Monday, November 09, 2009 9:01 AM
To: cpc@acton.ma.gov; Steve Ledoux; Tom Tidman
Cc: Open Space Committee
Subject: Open Space Application to CPC

CPC Members:

Attached please find the CPC application for Open Space Set Aside Funds and for the Open Space Acquisition and Preservation Fund submitted by the Open Space Committee on behalf of the town of Acton. If you have any questions, please do not hesitate to contact us.

Regards,

Peter Ashton
Chair, Town of Acton Open Space Committee

PROJECT APPLICATION FORM – 2010

Applicant: TOWN OF ACTON **Submission Date:** NOVEMBER 9, 2009

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

Steven L. Ledoux, Town Manager
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: Open Space Acquisition/Protection Set-Aside and
Open Space Acquisition and Preservation Fund

Project Location/Address: N/A

Amount Requested: \$ \$500,000

Project Summary: In the space below, provide a brief summary of the project.

The Town of Acton Open Space Committee requests that the Community Preservation Committee (CPC) recommend to Town Meeting that \$500,000 of the 2010 Town of Acton Community Preservation Funds be set aside for future open space acquisition and/or land protection projects, and that an additional \$25,000 be placed in an Open Space Acquisition and Preservation Fund for use in advancing open space acquisition and preservation projects. These actions would be consistent with previous recommendations made by the CPC and approved by Town Meeting for the acquisition and preservation of open space.

Estimated Date for Commencement of Project: N/A

Estimated Date for Completion of Project: N/A

Project Narrative

On behalf of the Town of Acton, the Open Space Committee is asking that the Community Preservation Committee (CPC) recommend to Town Meeting that \$500,000 of the 2010 Town of Acton Community Preservation Funds be set aside for future open space acquisition and/or land protection projects, and that an additional \$25,000 be placed in an Open Space Acquisition and Preservation Fund for use in advancing open space acquisition and preservation projects. These actions would be consistent with previous recommendations made by the CPC and approved by Town Meeting for the acquisition and preservation of open space.

Background. In May of 2001, as part of the development of the *Town of Acton Open Space and Recreation Plan 2002 -2007*, a survey form requesting information on open space and recreation needs was sent to all of Acton's 6,700 households. Over 1,400 surveys were completed and returned, a better than 20 percent response rate. Of the respondents, 81 percent stated they would vote for town-supported land purchases. The survey was updated in 2008, and purchase of open space for conservation and water needs was listed the number one priority among respondents, and the number one action to support this priority was town purchase of open space.

In 2005, in response to a recommendation of the *Town of Acton Open Space and Recreation Plan 2002 -2007*, the Board of Selectman created the Town of Acton Open Space Committee as an advisory committee to the Board of Selectmen. The mission of the Open Space Committee is to advise the Board of Selectmen and other Town boards on land acquisition/protection opportunities, identify state and federal funding opportunities for open space protection, and to act as sponsor and/or advocate for open space protection funding proposals to be presented to the CPC through the Board of Selectman.

One of the keystones of the Community Preservation Act (CPA) is the preservation of open space. In its initial years the Town of Acton CPC did not receive any applications specifically designated for open space/land acquisition, although several proposals, such as the Assabet River Rail trail, did include modest associated land purchase. In lieu of specific land purchases, and in recognition that land acquisition will likely require significant funds, the CPC has annually recommended to Town the incremental set-aside of CPA funds for the future acquisition and preservation of open space. To date Town Meeting has approved the recommended set-aside of \$2,175,000 toward this purpose: specifically, \$200,000 in 2004, \$300,000 in 2005, \$400,000 in 2006, \$350,000 in 2007 (plus \$100,000 toward the Groener land purchase), \$500,000 in 2008 and \$425,000 in 2009. Of this, \$680,000 was utilized for the purchase of the Goebel property, leaving a balance of \$1,445,000 in the Open Space set-aside. The Open Space Committee respectfully requests that the CPC continue this practice, particularly in recognition of both the high cost of land acquisition/protection and the large degree of interest expressed by the Town of Acton citizenry in acquiring and preserving open space.

In recent years the CPC has successfully recommended to Town Meeting the purchase of two key parcels of land: the 12 acre Groener parcel abutting the Nagog Hill Conservation Lands and the 5.9 acre Gaebel parcel abutting the Great Hill Conservation Lands. In both cases the opportunity to purchase these parcels arose outside of the normal CPC funding cycle. While the CPC was able to react in a timely and supportive manner, the success in advancing these efforts was initially hindered by the lack of funds to conduct the necessary preliminary assessment activities, such as property appraisals and title searches. This was particularly true in the case of the Gaebel parcel. This year the Open Space Committee has again had to scramble to find funds for appraisals, most recently for the 14-acre Caouette parcel, presented as a 61A release to the Selectmen in mid October. As an aside, the Open Space Committee and the Town thank the Acton Conservation Trust and the Sudbury Valley Trustees for assisting in obtaining the funds for appraisals of two parcels this year. The Open Space Committee's request for \$25,000 to be placed in an Open Space Acquisition and Preservation Fund is being made in recognition of the fact that land purchase and preservation opportunities can be expected to occur (and so far have always occurred), outside of the normal CPC funding cycle, and that certain funds are necessary in order to advance these opportunities to a point where purchase can be contemplated and a proposal for purchase be brought forward.

Project Scope. Since its inception the Open Space Committee, working with local land trusts such as the Acton Conservation Trust and the Sudbury Valley Trustees, has identified several potential land acquisition/protection opportunities. Two of these have advanced through the CPC to actual land purchase approvals. A number of other opportunities have been identified and are at various stages of discussion.

In past years the Open Space Committee has noted that (1) the likelihood of a significant land acquisition in Acton, Massachusetts would depend upon identifying owners interested in land protection over full development potential, and (2) that CPA funds set-aside for land acquisition would likely be inadequate to initiate a discussion of a land acquisition of any significant size or area. Experience has shown that the first of these observations is true. The landowners with whom we have successfully come to agreement, and those with whom we are in discussion, have generally expressed an interest and willingness to work with the Committee (and the Acton Conservation Trust) to come to agreement whereby the land has been protected at reasonable cost. Similarly, as the CPA Open Space set-aside has grown, we have observed more owners coming forward in hopes of protecting the land while recognizing reasonable financial benefit from their asset.

It is also important to note that the Open Space Committee is actively engaged with several landowners in town which makes the request for funds this year particularly timely. While the process often takes time, it is entirely possible that we may be faced with two or more major land acquisition opportunities in the coming year.

As noted above, bringing open space acquisition and preservation opportunities to fruition takes both time and willing land owners. It can also require certain initial

expenditures to determine the value and merit of the transaction. It is for these reasons that the Open Space Committee is requesting that the CPC recommend to Town Meeting the creation of an Open Space Acquisition and Preservation Fund and the dedication of \$25,000 to that fund. As envisioned, this fund would be administered in a manner similar to the CPA-funded Acton Community Housing Corporation Program Fund, with expenditures occurring only upon the approval of the Board of Selectmen.

Review and Recommendation Criteria

As noted above, the acquisition and preservation of open space is one of the cornerstones of the CPA. The following section reviews the applicability of designating an Open Space set-aside and creating an Open Space Acquisition and Preservation Fund in relation to the Review and Recommendation Criteria of the *Town of Acton Community Preservation Plan 2010* as presented on page 21 of the Plan.

Consistency with the Town of Acton Community Preservation Plan. The acquisition and preservation of open space is a basic tenant 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...".

Consistency with Town of Acton Planning Documents. The set-aside of funding dedicated to the acquisition and preservation of open space 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, scenic vistas" and makes specific mention of the importance of protecting the Town's remaining farmlands. Clearly, a CPA Open Space set-aside and an Open Space Acquisition and Preservation Fund would be consistent with this Plan.

The set-aside and proposed fund are 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.

Economic Feasibility. The acquisition and preservation of open space in a town like Acton, where real estate values have increased dramatically, is an expensive proposition.

Buying large parcels of land at market rates will require funds in excess of those available through CPA funding alone. Hence, significant open space purchases will likely require a number of convergent circumstances, such as a seller interested in land protection over maximized dollar value, and the participation of other entities in the funding process. The intent of the open space acquisition set-aside is to continue to develop a pool of money for land protection that begins to give credibility to the concept of land purchase in the eyes of both a potential seller and a potential acquisition partner. The addition of \$500,000 of set-aside moneys, potentially combined with additional funding in the following year and monies from a funding partner, begins to approach amounts that may be of interest to a seller intent on a reasonable income from a land sale rather than full market value.

Population Served. To the degree open space preservation serves the entire population it also serves an under-served population. Acton has a number a superb conservation lands and public open spaces. They are used for a range of passive and active recreational purposes, offer environmental protection for our water supplies, and scenic vistas for us as we go about our business. Similarly, there are a number of such spaces, some of which serve similar purposes that are not currently protected as conservation lands or otherwise protected by conservation restrictions. As these parcels disappear, so does a portion of what makes Acton the livable community it is today. The Open Space set-aside and Open Space Acquisition and Preservation Fund offer the hope of protecting some of these parcels that touch the lives of all of our citizens.

Multiple Needs and CPA Focus Areas. As noted above, in October of 2008 the CPC successfully recommended to Special Town Meeting the purchase of the Gaebel property. Doing so both expanded upon and protected the Great Hill Conservation Lands. It will also contribute to the permanent protection of the 1840 Gaebel House, and the adjacent South Acton Historical District. It can be presumed that future land acquisition or preservation efforts will similarly contribute to the protection of open space, the preservation of the town's character, the enhancement of passive and/or active recreational opportunities, the protection of lands of potential historic or archeological value, and/or the protection of properties that offer specific environmental benefits, such as groundwater protection.

Leverage of Funding. It is presumed that any significant land acquisition or preservation effort will require certain leveraging actions, including the likely surrender of some value of the land by the seller, and/or the contribution of additional funds by local or regional land trusts, governmental grants, and/or private funding initiatives. The initiation of the discussions concerning both the Groener and Gaebel parcels, for example, was the result of persistence and on-going contribution of significant time and effort on the part of the Acton Conservation Trust, the Sudbury Valley Trustees, and the Town of Acton Open Space Committee. These purchases also involved owners who were willing to forego maximum financial benefit in return for the permanent protection of these lands.

Relation to Town Assets. The potential for expanding existing Town lands, or creating links between existing and neighboring town lands, is always possible. Together, the Groener and Gaebel parcels add approximately 18 acres to existing Town-owned conservation lands. The protection of the Gaebel parcel has also contributed to the protection and preservation of the 1840 Gaebel House and the South Acton Historic District.

Consistency with Past Town Meeting Actions. The Project is consistent with recent Town of Acton Town Meeting actions, which included the setting aside a total of \$2,175,000 of CPA funds for open space acquisition and preservation, and the authorization to purchase the Groener and Gaebel parcels.

Competency to Implement. It is presumed that the Town of Acton will be applicant or co-applicant of any proposal to utilize CPA Open Space set-aside funds. The Town has successfully demonstrated competency in the implementation of CPA projects.

Site Control. It is presumed that ownership and/or a conservation restriction to which the Town is party will be required for any CPA open space land acquisition or preservation proposal funded with set-aside funds.



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

Open Space Committee

November 9, 2009

Mr. Jon Benson, 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
Open Space Set Aside Funds and Open Space Acquisition and Preservation Fund**

Dear Chairman Benson and Community Preservation Committee 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 set-aside of Community Preservation Act funds for the purchase/protection of open space lands, and for the creation of an Open Space Acquisition and Preservation Fund for the purpose of advancing land acquisition and preservation opportunities. The Open Space Committee suggests that this proposal is consistent with previous recommendations made by the Community Preservation Committee and approved by Town Meeting.

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 April 2010 Town Meeting.

Respectfully yours,

Peter K. Ashton

Peter K. Ashton, Chair
Town of Acton Open Space Committee

cc. S.Ledoux, Town Manager
T.Tidman, Director of Natural Resources

