





**TOWN OF ACTON**  
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**Open Space Committee**

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November 19, 2012

Mr. Roland Bourdon III, 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 Bourdon 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. The Open Space Committee suggests that this proposal is consistent with previous recommendations made by the Community Preservation Committee and approved by Town Meeting. In addition, we want to alert the Committee to the distinct possibility that we may have a potential open space parcel purchase that would require use of CPC funds this spring. At this point we do not know what the purchase price will be, but we reserve the right to amend our application this year for this likely purchase.

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 2013 Town Meeting.

Respectfully yours,

*Peter K. Ashton*

Peter K. Ashton and the  
Town of Acton Open Space Committee

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

## **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 \$400,000 of the 2013 Town of Acton Community Preservation Funds be set aside for future open space acquisition and/or land protection projects. This action would be consistent with previous recommendations made by the CPC and approved by Town Meeting for the acquisition and preservation of open space, and also recognizes that the total funds available through the CPA are diminishing. Furthermore, the Open Space Committee is currently negotiating with the landowner over the potential purchase of a large parcel in West Acton that is extremely high on the town's open space priority list. It is highly likely this opportunity may be presented at Town Meeting in April and we would expect to use CPA money for this purchase. As a result, we respectfully reserve the right to modify this application should this purchase opportunity come to the town.

**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 and/or 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 \$3,625,000 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, \$425,000 in 2009, \$500,000 in 2010, \$450,000 in 2011, and \$500,000 in 2012. Of this,

\$730,000 was utilized for the purchase of the Gaebel (Piper Lane) property, and \$830,000 for the purchase of the Caouette property. In addition, \$162,943 from the sale of the house at Piper Lane was returned to the Open Space Set-Aside Fund. The current Open Space Set-Aside Fund balance is \$2, 298,572.

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. The Open Space Committee also requests that the CPC consider this request together with the monies already set aside to be dedicated to open space acquisition and preservation and not be permitted to be used for recreation purposes. We understand that one of the changes in the state law governing the CPA is to allow the open space set aside fund be used for recreation purposes. Clearly the monies that had been set aside prior to this change in the law should be grandfathered and be permitted for use only for open space preservation. This application requests that the \$400,000 being requested be similarly treated.

In recent years the CPC has successfully recommended to Town Meeting the purchase of three important parcels of land: the 12 acre Groener parcel abutting the Nagog Hill Conservation Lands, the 5.9 acre Gaebel parcel abutting the Great Hill Conservation Lands, and the 11 acre Caouette parcel in South Acton. The overwhelming vote by the town two years ago to support the Caouette purchase is indicative of the high priority that the town places on preserving open space.

In each case 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. Two years ago the Open Space Committee requested \$25,000 to be placed in an Open Space Acquisition and Preservation Fund 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. We appreciate the CPC's support of the establishment of this fund as an additional tool to protect open space and we do anticipate a need to use some of the money from this fund to conduct an appraisal related to a potential open space parcel purchase this spring.

**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. Three 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 a 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. In fact the Committee is presently engaged in serious negotiations with the landowner of a large parcel in West Acton and we expect that we will bring this potential land purchase to the town at April Town Meeting. Negotiations are ongoing and therefore the purchase price is not known nor is it known how the deal might be funded, but we would expect to use CPA money including at least a portion of the money from the set aside fund. The land is currently in Chapter 61A status which means that the town will have a right of first refusal, and we expect to be afforded that right sometime in early 2013. The town will then have 120 days to act which would bring the timing in line with April 2013 Town Meeting. As noted above, we reserve the right to modify this application to accommodate this potential purchase.

## **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 2011* 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 the *Acton 2020 Community Plan* and the *Town of Acton Open Space and Recreation Plan 2002 -2007* which is currently being updated.

The *Acton 2020 Community Plan* was approved at last year's April Town Meeting and one of its major goals is the preservation of open space. Specifically the Plan states: that a goal is to "protect, acquire, and improve open space for conservation, farming, and recreation." The Plan goes on to state "that these efforts will be supplemented by continuing to purchase open space with CPA Funds." Our request for money to be set aside and used for open space purchases is consistent with this plan.

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, the CPA Open Space set-aside is 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 \$400,000 of set-aside moneys, together with the \$2, 298,572 currently available in the fund approaches the amount that may be of interest to a seller intent on a reasonable income from a land sale. In this vein, the Open Space Committee requests that the Community Preservation Committee consider this request together with the monies already set aside to be dedicated to open space acquisition and preservation and not be permitted to be used for recreation purposes.<sup>1</sup>

**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

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<sup>1</sup> We understand that one of the changes in the state law governing the CPA is to allow the open space set aside fund be used for recreation purposes. Clearly the monies that had been set aside prior to this change in the law should be grandfathered and be permitted for use only for open space preservation. This application requests that the \$400,000 being requested be similarly treated.

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. Just recently, Special Town Meeting approved the use of general funds to supplement CPA money to purchase the Caouette property which had initially been approved in April 2010. This purchase and the associated conservation and use restrictions protects this agricultural land, preserving one of the last major farmlands in town, and provides access to the Assabet Rail Trail, an important recreation option.

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 involved owners who were willing to forego some 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. The acquisition and protection of the Caouette farmland adds approximately 11 acres to Town-owned conservation land, protects another 4 acres against future

development through a conservation restriction, and also provides a possible link to the future protection of nearby Stonefield Farm.

**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 \$3,625,000 of CPA funds for open space acquisition and preservation, and the authorization to purchase the Groener, Gaebel, and Caouette 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.