

From: Roland Bartl
Sent: Thursday, March 07, 2013 1:13 PM
To: Community Preservation Committee
Cc: Kim Gorman; William Mullin
Subject: 18488871_1 (4) - Morrison Farm bonding article.docx
Attachments: 18488871_1 (4) - Morrison Farm bonding article.docx

Members of the CPC:

Attached is a revised draft article for CPA fund borrowing for the Morrison Farm project. The article language is from bond counsel. I only inserted that the repayment term be not less than 15 years as the committee had discussed at the last meeting, and changed the number to reflect the latest. The summary mirrors the project summary in the direct appropriations article portion for the Morrison Farm project; but then I added conditions of the CPC recommendations for funding, and a draft allocation of funding categories to the project, both as suggested in Town Counsel's project opinion letter. The committee should carefully review the project allocation percentages and make sure members are comfortable with these numbers; they match the latest attempt of the Morrison Farm Committee to allocate funding categories based on most recent discussion and input.

Recommendation:

Looking at the latest suggestions for percentage allocation to the three categories – open space, historic, and recreation, it is clear that the recreation category would have to carry the heaviest cost load for the term of the bond. This is the safe-harbor category for anything that does not clearly fall under historic or open space. I assume further that what remains in open space and historic are items that clearly and indisputably fall into those categories as defined by the statute, although I cannot really grasp it. I reviewed the application and the revised cost spreadsheets. Yet, while it was certainly thought through with the best intentions and while it may in the end be perfectly justifiable, I have difficulty finding substantial enough documentation that would make me feel comfortable with the 18.4% bonding cost allocation to historic, especially the infrastructure cost allocation amounting to +/- \$250,000. Also, I feel fuzzy about the proposed cost allocation to open space. Yet, there is no recognition in these numbers of the value of the open space contribution that this project makes in repurposing and permanently protection the forested backland portion; and there is probably no easy way to reflect that in the numbers.

Given the uncertainty about the cost allocations, and the impossibility of reflecting in numbers the open space contribution from repurposing and permanently protection significant acreage for open space and passive use, I repeat my suggestion from a few meetings earlier that the CPC should consider the option of not assigning any particular funding category to any portion of this project, and instead just carrying it through the years as "general" CPA. That way, no errors or misjudgments are made that can become the source of challenges later on, and no category ends up being unduly over- or under-represented in any cost-sharing scheme. We can be certain that the entire project as a whole is CPA funding eligible, it just seems that there is great difficulty delineating and assigning categories, with some elements seemingly eligible under more than one category. If there is no cost allocation or assignment to categories, all CPA projects regardless of category or type, will have to step behind the bond payment obligation for the term of the bond. I would like to suggest that this is perhaps the cleanest and fairest way to decide on this question.

Regards –

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Town of Acton

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ARTICLE DA COMMUNITY PRESERVATION PROGRAM – MORRISON FARM
(Two-thirds vote)

To see if the Town will (i) appropriate \$2,505,000, or some other greater or lesser amount, to pay costs of carrying-out the Morrison Farm Implementation Plan, so-called, including the payment of all costs incidental and related thereto; (ii) authorize the Treasurer with the approval of the Board of Selectmen, to borrow said amount **for a repayment term of not less than 15 years** under and pursuant to Chapter 44B of the General Laws, or pursuant to any other enabling authority; (iii) authorize the Town Manager to take any other action necessary to carry out this project, and (iv) take any other action relative thereto.

SUMMARY

The Morrison Farm Committee, on behalf of the Board of Selectmen, prepared a concept plan for Morrison Farm to create an historic, nature, open space and recreation park on approximately 50 acres of land and pond area owned by the Town of Acton stretching from East Acton Village to the Robbins ~~Memorial Homestead~~ site on Concord Road, including Ice House Pond, all of the farmland along Ice House Pond, and stretching further upstream along Nashoba Brook.

The concept plan presents a multi-element, multi-year implementation program that seeks a total of \$2,764,000 in Community Preservation funding support. It calls for approximately 15 acres of forested land to be protected under a conservation restriction, a large open meadow, the continuation of community garden plots and the Pam Resor Orchard; formal preservation of the Robbins ~~Memorial and Homestead~~ and Alarm Stone site, the preservation of the Ice House Foundation, and the creation of new building envisioned as the Morrison Nature and History Center for along with a new driveway and parking lot; boardwalks and trails, a picnic area and playground, and a playing field for informal pick-up games. Attention would be given to universal designs to accommodate people with various accessibility needs. The existing house will remain. But the barn, deemed unsuitable for public use without extraordinarily costly repairs and upgrades, would be demolished, with funds for the demolition coming from non-CPA sources.

With this article the Community Preservation Committee recommends that the Town authorizes the borrowing for most of the project cost. This recommendation is conditioned as follows: (1) that the Town repurposes approximately 15 acres of forested backland of the subject property from 'general municipal' to "conservation" and place that acreage under the care and protection of the Town of Acton Conservation Commission, and places a conservation restriction on that acreage (2) that the Morrison Nature and History Center includes permanent displays depicting the nature, ecology, and history of the farm and the area, (3) that the Robbins foundation site and alarm stone shall not be disturbed without the written consent of the Historical Commission, and (4) that no Community Preservation funds shall be used for the demolition of the existing barn.

This project is eligible for funding in three CPA categories; the Committee has assigned this recommended appropriation to these categories in the following proportions: open space – 9.6%, historic – 18.4%, and recreation - 72%. In a separate article, the Committee will recommend a direct appropriation from available funds to begin project planning and design and make other project preparations.

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Recommendations: **Board of Selectmen** **Finance Committee**

