



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (508) 264-9636
Fax (508) 264-9630

Planning Department

May 8, 1996

Acheson H. Callaghan
Palmer & Dodge LLP
One Beacon Street
Boston, MA 02108

Re: Haartz Conservation Restriction

Dear Mike:

Enclosed please find a draft conservation restriction prepared by the Haartz Corp. for the 15 acres or so of land owned by them. This is in keeping with a promise made by Haartz in connection with the rezoning of this land from residential to industrial under Article 36 of the 1996 Annual Town Meeting. As you suggested, the restriction is drawn up with the intent to have it fall within MGL Ch. 184, S.31 ff.. Would you please review this draft and let me know what changes or additions you might suggest.

Sincerely,


Roland Bartl, AICP
Town Planner

cc: Tom Tidman ✓
Don P. Johnson

*Tom - can you take a look at
this proposed
restriction, please?*



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Planning Department

January 8, 1996

Acheson H. Callaghan
Palmer & Dodge
One Beacon Street
Boston, MA 01720

Re: Rezoning of Haartz Property and Conservation Restriction

Dear Mike:

Enclosed is a draft letter of intent from the Haartz Corporation concerning its plans for their property in the event that Town Meeting adopt a zoning change to General Industrial (GI) of their land that is currently zoned Residential R-2, and a copy of the zoning map. Haartz owns two parcels, one is zoned entirely GI, the other is zoned GI for 500 feet from Hayward Road with the rest (14-15 acres) zoned R-2. The rezoning proposal is to change all of the R-2 land to GI. Haartz would not build anything on the rezoned land, but only use it as a land base to support additional floor area in the vicinity of its existing plant.

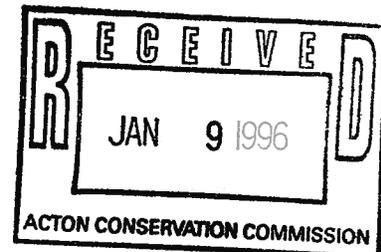
The plan is that Haartz present the Town before Town Meeting with a letter of its intent should Town Meeting adopt the zoning change. I would like you to review the enclosed draft letter of intent generally and particularly on the question of what type of conservation restriction would be most secure, or secure enough, for the Town: One that is co-signed by the Secretary of Environmental Affairs under Ch. 184, s. 31-33, or one that is simply recorded at the Registry whereby the Town is given the right to enforce the restriction. Does it make any difference?

Please advise, if possible before the end of January. Thank You.

Sincerely,

Roland Bartl, AICP
Town Planner

cc: Don P. Johnson
Tom Tidman ✓
Planning Board





The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

Division of Conservation Services

Leverett Saltonstall Building

100 Cambridge Street, Boston 02202

November 21, 1996

Richard A. Hatfield
Director of Environmental Affairs
The Haartz Corporation
87 Hayward Road
Acton, MA 01720-3000

RE: The Haartz Corporation; Acton CR #3

Dear Mr. Hatfield:

This letter serves to acknowledge receipt of the subject conservation restriction. Kindly note the file title and numeric designation for future reference.

Per your instructions, I have reviewed the document. Please note the marginal notations thereon. My major findings are as follows:

- 1) Purpose section should refer to the Kelley's Corner Plans and cite the conservation values of the property,
- 2) Clause B.3 is too broad,
- 3) The idea is to prohibit future subdivision to minimize impacts to Kelley's Corner. B.4 is not acceptable,
- 4) Section B.8 is too broad also. Your application indicates most of the property is mature woodland. Clearing for field construction (not septic) should only be with permission of grantee.
- 5) Clause VI is not appropriate to quid pro quo situations. This is not a charitable contribution. Further, Haartz's expectations for a real estate tax reduction are between the Corporation and the Board of Assessors. These conditions are not appropriate for inclusion in this document.
- 6) You need to add section C(iii). The grantee, being a public entity, cannot assign its interest without legislative approval, and finally,

- 7) You have not included the signature sections for the grantee, grantor, selectmen, Secretary of Environmental Affairs or Exhibit A.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joel A. Lerner".

Joel A. Lerner
Director

enc.

cc: Acton Conservation Commission
Acton Planning Board



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Division of Conservation Services
Leverett Saltonstall Building
100 Cambridge Street, Boston 02202

April 18, 1997

Gray H. Wexelblat
Attorney at Law
Fifty-Seven Main Street
P.O. Box 66
Concord, MA 01742

RE: The Haartz Corporation; Acton CR #3

Dear Mr. Wexelblat:

The second draft of the subject conservation restriction is much improved over the first with the exception of the following matters. They are:

- 1) Give proper citation of Kelley's Corner report i.e. date, prepared by whom, etc.
- 2) See typos on page five
- 3) Add proper approval and signature sections as per enclosures provided.
- 4) Add exhibit devise.

Otherwise the document looks fine. Please make the required changes and have the document executed locally.

I shall look forward to receipt of the executed document and shall have Secretary Coxe sign it without further delay.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joel A. Lerner".

Joel A. Lerner
Director

enc.
cc: Acton Conservation Commission

ANDERSON & KREIGER

LIMITED LIABILITY PARTNERSHIP

Attorneys at Law

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Also admitted in CT

ARTHUR P. KREIGER

Also admitted in NY

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ELIZABETH F. MASON

RUTH H. SILMAN

ACHESON H. CALLAGHAN

Of counsel

June 11, 1997

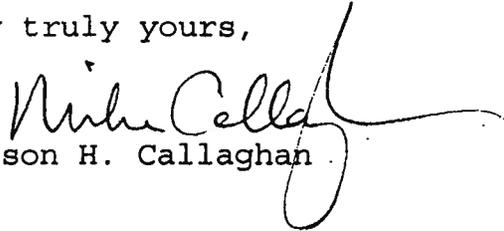
Ms. Gray H. Wexelblat
Fifty-Seven Main Street
P.O. Box 66
Concord, MA 01742

Re: (Haartz Restriction)

Dear Gray:

I am content with the form of restriction approved by Joel Lerner, with the changes he suggests. There remains a typo on p. 6 which I have marked on the enclosed.

Very truly yours,


Acheson H. Callaghan

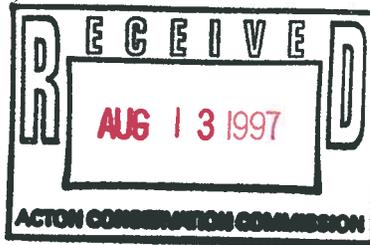
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cc: Don Johnson

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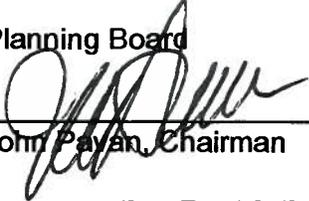


Planning Board



TOWN OF ACTON
472 Main Street
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INTERDEPARTMENTAL COMMUNICATION

To: Conservation Commission **Date:** August 11, 1997
From: Planning Board

John Payan, Chairman
Subject: Conservation Restriction - Haartz Corporation

At the 1996 Town Meeting the Town voted to change the zoning of +14.5 acres of land, which are the subject of the aforementioned conservation restriction, from Residential to General Industrial. This move allowed Haartz additional building capacity at the industrial plant. In exchange, for gaining this added capacity, Haartz promised to place the land that was rezoned under a conservation restriction.

The proposal to trade additional industrial development rights for a conservation restriction was conceived in the Kelley's Corner Plan. It would benefit the Town's fiscal health by reducing the potential for new single family homes while allowing for an increase in the industrial tax base. It would also be an advantage to Haartz's immediate abutters by providing them with a permanent conservation restriction of this land, and Haartz Corporation would gain from the increased development potential.

The conservation restriction before you now is the Haartz Corporation's end of the bargain and we are delighted and grateful to see this matter come to a closure. We urge your support and approval.

cc: Board of Selectmen
Haartz Corporation



January 24, 1996

Mr. William Mullin, Chairman
Board of Selectmen
Town Hall
472 Main St.
Acton, MA 01720

Dear Mr. Mullin:

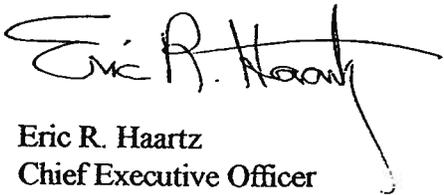
Now that the Kelley's Corner Planning Committee has made its report, it is our understanding that you desire some written confirmation of Haartz's plans. The Haartz Corporation has indicated and by this letter confirms that in the event its residential land is rezoned, Haartz intends to locate any future building development on the existing industrially zoned land, but would count the re-zoned acreage for increased building footage. In addition, Haartz wishes to confirm that the increased floor area for development is, at present, only a desired option, not an immediate plan.

Haartz's intent, therefore, would be to put a conservation restriction on the approximately 15 acres of the newly zoned area to maintain a buffer between it and existing homes. Haartz anticipates that approval of the restriction would be obtained from the Commonwealth of Massachusetts Executive Office of Environmental Affairs, Division of Conservation. To that end, Haartz is presently working on a proposed conservation restriction for such submission. The corporation's desire would be to have such approval in hand by the time of Town Meeting, but it is not clear whether such approval is obtainable within that time frame. Haartz would, however, be unwilling to record such a restriction prior to rezoning, receipt of a determination that Haartz, its successors and/or assigns can count the land for density purposes even though it is subject to such restriction, and the determination that the property can be used for a leaching field even if subject to a restriction.

Haartz would intend to record a restriction even though it had not been approved by the Division of Conservation once the Town has rezoned the land, and it has been determined in the written opinion of Town Counsel that we can count the land subject to restriction for density purposes, and we are satisfied that the Town will permit use of part of the land for a leaching field.

I trust this letter meet your requirements.

Very truly yours,
THE HAARTZ CORPORATION

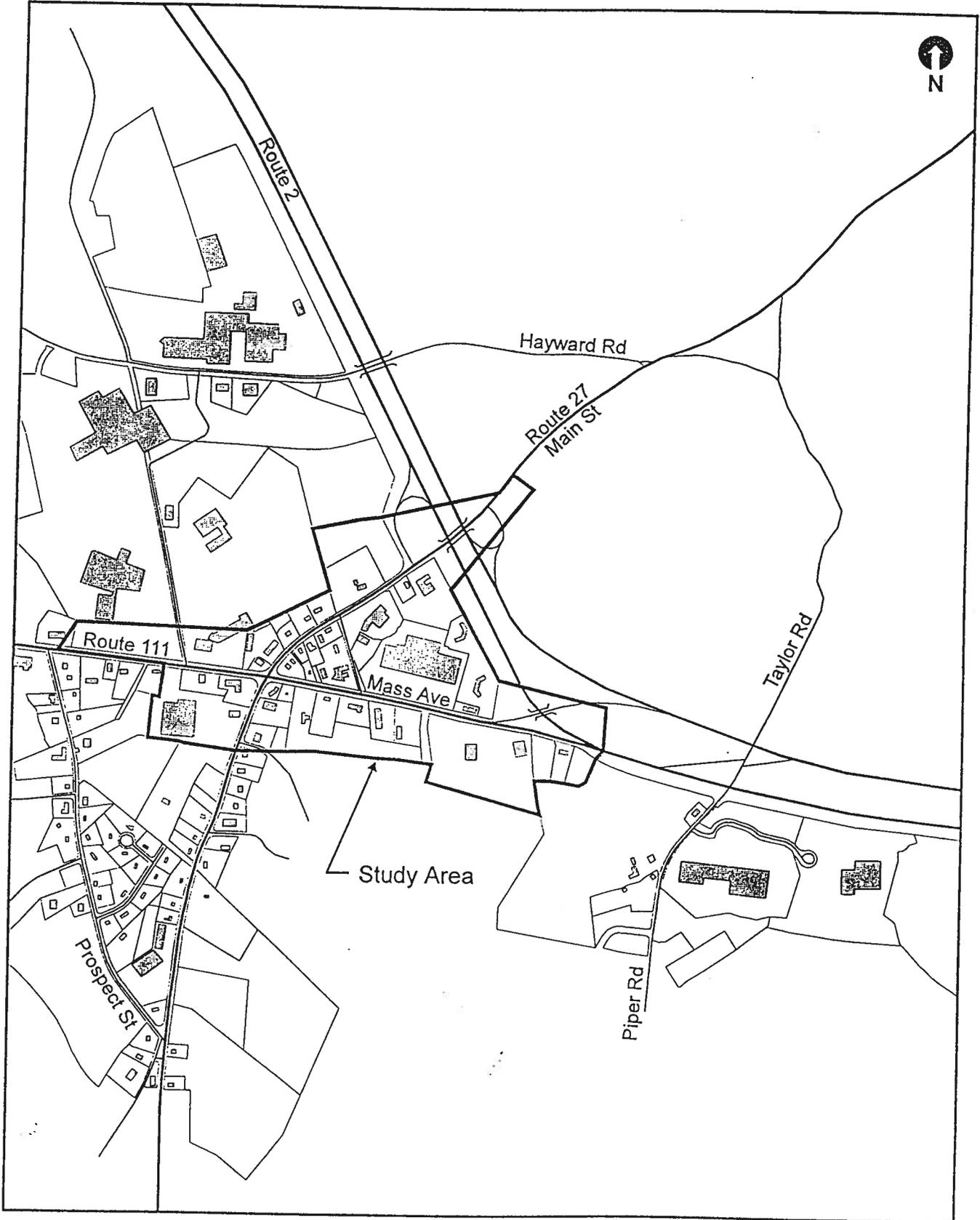


Eric R. Haartz
Chief Executive Officer

ERH:dls

cc: Roland Bartl
Don Johnson
Richard Crowell, Kelley's Corner Planning Committee
Planning Board

Figure 1. STUDY AREA



The *Composite Build-out and Circulation Plan* on the following page illustrates these land use proposals, along with circulation and urban design concepts that might be incorporated in individual development proposals. The plan indicates how new buildings, or expansions of existing ones, could be sited so as to define the street edge more clearly than at present. These buildings also help to screen the parking areas from the street. A system of pedestrian pathways and crosswalks adds further structure to the business area, connecting the various businesses with each other, with the adjacent open space areas, and with the school campus.

HAYWARD ROAD INDUSTRIAL AREA

OBJECTIVES

The planning objective for this subarea is as follows:

Permit a moderate expansion of the existing industrial use accompanied by a reduction in residential build-out.

ISSUES

Haartz Auto Fabrics wishes to build a 90,000 square foot expansion to its existing facility on Hayward Road. The Planning Committee supports this expansion, although there is concern about existing and increased truck traffic on the street, including the impact on the intersection of Hayward Road and Main Street. In addition, the Committee wants to limit this expansion to Haartz, and not open it up to other industrial uses in this small area.

The two primary areas of concern relating to traffic along Hayward Road are at the intersection of Hayward Road and Main Street and at the school entrance. Both locations should be improved even under existing traffic conditions. The Main Street intersection poses a problem for both trucks and cars because of the sharp angle of the intersection in spite of recent improvements. The series of driveways at the school and adjacent day care center are confusing and create numerous conflicts of turning vehicles: consideration should be given to consolidating these driveways and creating a clear main entrance to the school campus regardless of what happens at the Haartz site.

The 90,000 sq. ft. expansion permitted by the proposed zoning change would generate increased traffic along Hayward Road and thereby add to the existing traffic concerns. The draft Circulation Component addresses these issues.

RECOMMENDED LAND USE STRATEGY

There are two ways that zoning could be changed to accommodate this proposed expansion: (1) the maximum FAR applicable to the existing GI-zoned area could be increased from 0.20 to about 0.32; or (2) 16.6 acres of residentially-zoned land owned by Haartz adjacent to the

existing facility could be rezoned to the GI district. The latter option was chosen for several reasons:

- (a) It does not raise the issue of special FAR treatment for one property owner;
- (b) Haartz is willing to donate the rezoned area to the Town or place a conservation restriction on it, in order to provide a permanent buffer for the neighboring residences;
- (c) The impacts of increased industrial use will be at least partially offset by the reduction in potential residential buildout (currently the residentially-zoned parcel can support 30 single family homes); and
- (d) This option optimizes the fiscal benefit to the Town (at least in the short term).

Thus, the net impact of this proposed change is the difference between an increase of 90,000 square feet of manufacturing space⁵ and a decrease of 30 or 31 single-family homes (the maximum residential build-out possible using the Town's "Planned Conservation Residential Community" zoning option).

ACTON SHOPPING CENTER (DONELAN'S) AREA

OBJECTIVES

The planning objective for this subarea is as follows:

Maintain the existing level and character of retail uses.

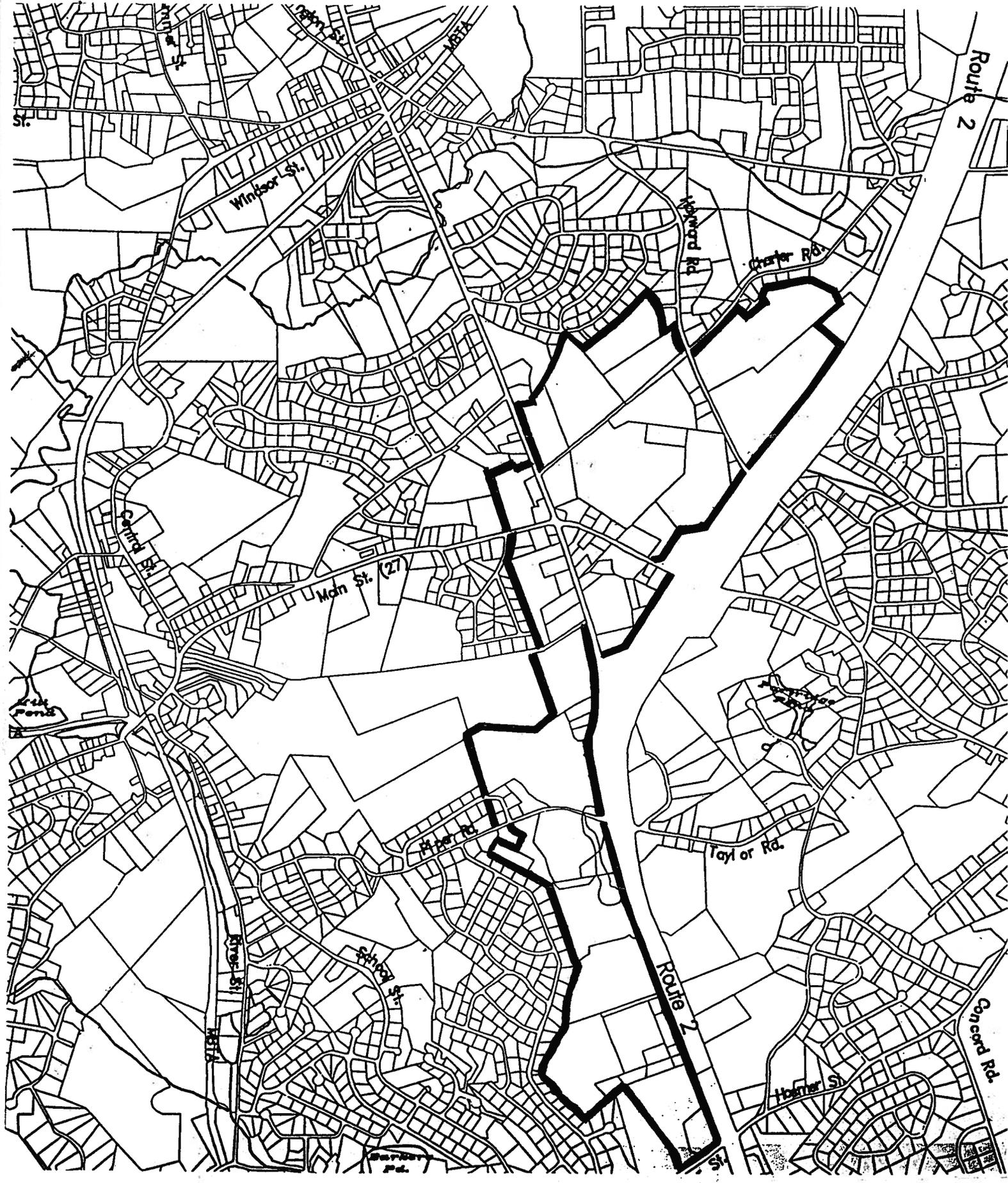
ISSUES

The Acton Shopping Center has an existing FAR of 0.228 (i.e., above the zoning limit of 0.20). This area was cited by residents and Planning Committee members as one which provides needed services in a pleasant environment. No change was determined to be necessary.

RECOMMENDED LAND USE STRATEGY

No regulatory change is proposed for this area.

⁵Note that rezoning the entire R2-zoned area to the GI district has the effect of increasing the potential floor area by 119,442 square feet if this area is considered separately from the area currently zoned GI – this figure is reflected in the build-out summaries at the end of this report. However, considering all parts of the Haartz property as a unit, the maximum increase would be 90,658 square feet.



Attachment C
Map of Kelley's Corner and expanded study area

7. ARTICLE ___ Increase the General Industrial (GI) District

To see if the Town will vote to amend the zoning map by rezoning to General Industrial (GI) the following parcel of land identified by its map and parcel number as shown in the 1995 Town Atlas. (Present zoning designation, shown in parenthesis, and street address is listed for reference purposes only).

Map	Parcel	Present Zoning	Street Address
E-3	101	(R-2 & GI)	79-89 Hayward Road

Or take any other action relative thereto.

SUMMARY

This article would rezone ±14.5 acres of open wooded land owned by the Haartz Corporation off Charter Road from the single family Residence 2 District to the General Industrial District. The rest of the land owned by Haartz Corp. is already zoned General Industrial. Haartz Corp. intends to maintain the subject land as open land, and to use it only as additional acreage to support more building floor area at the existing industrial plant (+90,000 square feet). Haartz Corp. intends to file a conservation restriction on the open land. Without the proposed zoning change, Haartz Corp. could not follow through with a needed expansion of its existing industrial facility, but could instead developed the subject land into as much as 25 single family homes. The proposed zoning change would favor new industrial growth over residential growth and help maintain a diversified tax base in Acton. It would also support industrial growth in areas of existing industrial activity rather than promoting new industrial sprawl elsewhere.

Direct inquiries to Roland Bartl, AICP, Town Planner - 264-9636

Selectmen assigned:

- (S)
- (F)
- (P)



August 5, 1997

Mr. Tom Tidman, Director of Natural Resources
Acton Conservation Commission
Town Hall
472 Main Street
Acton, MA 01720

Dear Tom:

The enclosed information is in regard to a proposed conservation restriction for 14.5 acres of land owned by The Haartz Corporation.

The 1996 Acton Town Meeting approved Article 36, a zoning change for land owned by The Haartz Corporation. This article was one of a group of zoning articles developed by the Kelley's Corner Planning Committee during 1995 and 1996. The article changed the zoning on the land from Residential (R2) to General Industrial (GI), making all 47.9 acres of the Haartz property General Industrial. Prior to the zoning change, Haartz was unable to enlarge the facility because of floor area ratio requirements in the Acton Zoning Bylaws. The facility has 260,000 square feet of floor space. The zoning change allows Haartz to add up to 90,000 square feet of floor space. It was made with the understanding that we would not build on the rezoned land, and that we would attempt to get a Conservation Restriction on the land from the Division of Conservation Services of the Executive Office of Environmental Affairs and the Town of Acton.

Over the last fourteen months, Haartz has negotiated the details of the Conservation Restriction with the Executive Office of Environmental Affairs and with Acton's Town Council. The enclosed package documents the two-year long process and contains letters of approval from Acton's Town Council, Mike Callaghan, and the Director of the Division of Conservation Services, Executive Office of Environmental Affairs, Joel Lerner.

We feel that this proposal will benefit the environment, the Town and The Haartz Corporation and look forward to meeting with you.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Hatfield". The signature is written in a cursive style.

Richard A. Hatfield
Director of Environmental Affairs