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Town of Acton  
Planning Department

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

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November 12, 2014

Mr. Peter K. Ashton, 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**

Dear Chairman Ashton 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.

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 2015 Town Meeting.

Respectfully yours,

*Andy Magee*

Andy Magee  
Chair, Town of Acton Open Space Committee

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

## PROJECT APPLICATION FORM – 2015

**Applicant:** TOWN OF ACTON **Submission Date:** November 17, 2014

**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

**Project Location/Address:** N/A

**Amount Requested:** \$400,000

**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 \$400,000 of the 2015 Town of Acton Community Preservation Funds be set aside for future open space acquisition and/or land protection projects and for the annual debt service on the Wright Terrace acquisition. 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.

**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 \$400,000 of the 2015 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.

**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 the Town the incremental set-aside of CPA funds for the future acquisition and preservation of open space. In addition, with the purchase last year of the Wright Terrace property which was bonded, there will be a continuing debt service payment each year which we assume will come from the set aside fund.

To date Town Meeting has approved the recommended set-aside of \$4,375,000 toward this purpose. The amounts that were appropriated each year are shown in the table below together with the amounts used to acquire open space. This includes \$730,000 to purchase the Gaebel (Piper Lane) property, \$830,000 for the purchase of the Caouette property, \$1,060,000 for the Anderson property, and most recently \$330,000 plus anticipated debt costs associated with the purchase of the Wright Terrace property in

West Acton. An additional \$50,000 from the CPA general fund was used to fund stewardship costs related to the Anderson acquisition. In addition, \$100,000 in general CPA funds was used to purchase the Groener property. Also \$162,943 from the sale of the house at Piper Lane was returned to the Open Space Set-Aside Fund. As the table below indicates, the current Open Space Set-Aside Fund balance is \$1,658,572.

**Sources and Uses of Open Space Set Aside Fund**

<b>Fiscal Year</b>	<b>Appropriations to the Set Aside Fund</b>	<b>Appropriations from the Set Aside Fund</b>	<b>Set Aside Fund Balance</b>
2003	\$ 200,000		\$ 200,000
2004	\$ 300,000		\$ 500,000
2005	\$ 400,000		\$ 900,000
2006	\$ 350,000		\$ 1,250,000
2007	\$ 500,000	\$ 730,000 (3)	\$ 1,020,000
2008	\$ 425,000		\$ 1,445,000
2009	\$ 500,000	\$ 830,000 (4)	\$ 1,115,000
2010	\$ 450,000		\$ 1,565,000
2011	\$ 500,000		\$ 2,065,000
2012	\$ 300,000	\$ 1,060,000 (5)	\$ 1,305,000
2013	\$ 450,000	\$ 330,000 (6)	\$ 1,425,000
<b>OTHER</b>	\$ 162,943 (1)		\$ 1,587,943
	\$ 70,629 (2)		\$ 1,658,572

Notes:

(1) The \$162,943 from the sale of the house at Piper Lane was returned to the set aside fund as directed in the 2008 purchase appropriation

(2) Actual acquisition costs have been slightly less than the appropriation amounts and the figure of \$70,629 adjusts for this.

(3) Gaebel property in South Acton

(4) Caouette property in South Acton

(5) Anderson property in West Acton

(6) Wright Terrace property in West Acton

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 five 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, the 11 acre Caouette parcel in South Acton, the 20.7 acre Anderson parcel located on Newtown Road near Arlington Street in West Acton, and the 13 acre parcel on Wright Terrace. Last April, Town Meeting voted by an overwhelming margin to purchase the Wright Terrace property and to do so by using both set aside funds in the amount of \$330,000 and bonding the remainder (approximately \$990,000) over a period of between 15 and 20 years. Previously in June 2013, Town Meeting voted unanimously to purchase the Anderson parcel which had been in negotiation for a considerable period of time. These recent overwhelming votes by the town together with prior votes to support land purchases is indicative of the extremely high priority that the town places on preserving open space.

**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. Five of these have advanced through the CPC to actual land purchase approvals. Several other opportunities have been identified and currently 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. Having recently used a sizeable share of the set-aside fund toward the Anderson purchase in June 2013 and a smaller amount toward the Wright Terrace property in April 2014 together with associated bonding obligations, and given the fact that the Open Space Committee is engaged with several landowners in town, our request for funds this year is timely and important.

### **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 newly released and approved *The Town of Acton Open Space and Recreation Plan 2014 - 2021*.

The *Acton 2020 Community Plan* was approved at the 2012 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 2014 - 2021* 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 protection of existing open fields and meadows, to preserve and protect forests and to support local farms and farming. The Plan also notes the importance of working with key landowners in town to discuss options for the protection of land in the future. In addition, the Plan includes a priority list of critical parcels to protect in town. 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 \$1,658,572 currently available in the fund represents an amount that may be of interest to a seller intent on a reasonable income from a land sale as well as to service the ongoing annual debt obligation on the Wright Terrace property. 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.

**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<sup>2</sup> 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. In October 2010, 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 protect this agricultural land, preserving one of the last major farmlands in town, and provides access to the Assabet Rail Trail, an important recreation option. The Anderson purchase in June 2013 was another important purchase that allows the town to protect and preserve a high priority open space parcel in town. It connects a major wildlife corridor as well as links major conservation lands in West Acton. Finally the purchase of the Wright Terrace property in West Acton also links key resource and conservation areas.

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

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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.

<sup>2</sup> We understand that there remains approximately \$13,800 in the Open Space Acquisition and Preservation Fund which is used to fund appraisals, environmental reviews, legal costs and related pre-acquisition costs.

of potential historic or archeological value, and/or the protection of properties that offer specific environmental benefits, such as groundwater protection.

**Leverage of Funding.** Experience shows 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 all four 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. Indeed the Anderson purchase reflected the culmination of over five years of discussion and negotiation. 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 five parcels purchased by the town using CPA funds have added approximately 63 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 in 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. The Anderson purchase protects 21 acres as conservation land and, similar to the Caouette purchase, provides a possible link to the future protection of additional adjoining land. The Wright Terrace property protects another 13 acres as conservation land and protects against development by means of a conservation restriction and provides the potential for new trails running through West Acton.

**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 \$4,375,000 of CPA funds for open space acquisition and preservation, and the authorization to purchase the Groener, Gaebel, Caouette, Anderson, and Wright Terrace 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.