

1/31/05  
(6)

**Don Johnson**

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**From:** Don Johnson  
**Sent:** Thursday, December 30, 2004 2:33 PM  
**To:** Don Johnson  
**Subject:** FW: Habitat Land Request

Note to Board of Selectmen:

This is a compilation of e-mails regarding the Habitat For Humanity request that you will hear Monday. I believe the Board has seen most, if not all, of this correspondence but we assembled it here for your convenience.

Regards,  
Don

-----Original Message-----

From: jeshurtleff@earthlink.net [mailto:jeshurtleff@earthlink.net]  
Sent: Wednesday, December 29, 2004 2:06 PM  
To: Don Johnson; Board of Selectmen; Nancy Tavernier  
Cc: foleymegan@comcast.net; sderienzo@aol.com  
Subject: RE: Habitat Land Request

Don.

The River Street property is our priority given its location, so I think it is safe to say that we would like to proceed with that property.

Jane

-----Original Message-----

From: Don Johnson  
Sent: Tuesday, December 28, 2004 4:54 PM  
To: 'jeshurtleff@earthlink.net'; Board of Selectmen; Nancy Tavernier  
Cc: foleymegan@comcast.net; sderienzo@aol.com  
Subject: RE: Habitat Land Request

Jane:

Thanks for your reply. Actually, I received a message from Nancy earlier today indicating that there may be some confusion on the Carlisle Road property and suggesting that your real focus may be River Street anyway, due to its location. Depending on the particular property on Carlisle Road, there are numerous issues so, if it is alright with you, we will wait to see which property you have in mind before going too far with our research.

Regards,  
Don

-----Original Message-----

From: jeshurtleff@earthlink.net [mailto:jeshurtleff@earthlink.net]  
Sent: Tuesday, December 28, 2004 3:09 PM  
To: Don Johnson; Board of Selectmen; Nancy Tavernier  
Cc: foleymegan@comcast.net; sderienzo@aol.com  
Subject: RE: Habitat Land Request

Don,

I will have to double check with Nancy on the exact number of the Carlisle road property. I may be confusing it with 10 Carlisle which is MapC5/lot 32. We saw two properties on Carlisle road that day. I have attached the list of properties that we were working

from.

Nancy is out of town this week. I can check with her when she gets back.

Thank you,

Jane

-----Original Message-----

From: Dean Charter

Sent: Tuesday, December 28, 2004 1:33 PM

To: Roland Bartl; Don Johnson; Doug Halley; Brian McMullen; Garry Rhodes; Tom Tidman; Bruce Stamski

Cc: Stephen Barrett; John Murray; Board of Selectmen

Subject: RE: Habitat Land Request

Taking a look at Parcel C-6/8, it occurs to me that since the developer of Marshall Path was required to provide a 40 foot wide access strip from the end of Marshall Path, it might be possible to extend the roadway and get more than one lot on the parcel. I am not sure what the dimensional requirements are for residential lots in that area, but it is worth looking at to maximize the affordable housing potential. Maybe a friendly 40B and put in 3 lots, each of which would have the same effective lot size as the houses on Marshall Path. The only down side I would see is that we have always looked at the roadway extension as an alternate access point to the Nashoba Brook Conservation Area. If we transfer the land, we should reserve some rights of access.

If this transfer hangs fire until after Town Meeting, one potential BOS new member will have to recuse herself from participating in the deliberations, as per Ethics Commission.

Generally, transfers of land are subject to MGL Chap. 30B. However, I understand that there are some unique regulations regarding disposal of land that was taken for taxes. Counsel could help.

-----Original Message-----

From: Bruce Stamski

Sent: Tuesday, December 28, 2004 1:45 PM

To: Don Johnson; Brian McMullen; Garry Rhodes; Doug Halley; Tom Tidman; Dean Charter; Roland Bartl

Cc: Stephen Barrett; John Murray; Board of Selectmen

Subject: RE: Habitat Land Request

Don,  
I have read Roland's, Garry's and Doug's responses and agree with them. With respect to the Marshall Path parcel, I do not think connection to the Marshall Path Condo. Septic System is possible due to code changes since it was installed. With the River Street parcel being on town sewer and the Marshall Path parcel being over 3 acres (assuming adequate soils can be found), it seems that these parcels could support more than a single family house. The Town and/or Habitat for Humanity may want to explore ways to develop a higher number of affordable units on these parcels.  
Bruce

-----Original Message-----

From: Roland Bartl

Sent: Tuesday, December 28, 2004 12:52 PM

To: Don Johnson; Doug Halley; Brian McMullen; Garry Rhodes; Tom Tidman; Bruce Stamski; Dean Charter

Cc: Stephen Barrett; John Murray; Board of Selectmen

Subject: RE: Habitat Land Request

Don:  
C-6/8:  
I would not be so sure that C-6/8 is the wrong parcel. I do not know a Town-owned parcel on the other side of Carlisle Road except for the old North Cemetery and some land that is

completely submersed under wetlands and flood plains. C-6/8 carries the 13 Carlisle Road address from a time before Marshall Crossing was developed. It has also 27 Marshall Path assigned to it. The parcel, together with its new access parcel from Marshall Path (parcel C-6/19), meets zoning requirements for one single family home - 100 feet frontage on a cul-de-sac and +/-3.15 acres). At one point during the Robbins Mill permitting process, Recreation had eyed it for ball field development. The Robbins Mill plans as now approved provide additional access but no extra land are. Thus, the development potential of the parcel for recreation purposes is more limited. C-6/8 is shown as owned by the Town, taken in 1947 by foreclosure from Riberto Dutton for non-payment of the amazing amount of \$6.69 in unpaid taxes and penalties (book 7197 page 290). Doug already opined on potential difficulties with soils for a new septic system. I am not sure if the common system that is employed for the Marshall Crossing development has surplus capacity, but that could be checked out.

H-3A/46:

Dog and Garry have given you info on this parcel, and I have nothing more to add at this time.

Roland Bartl, AICP  
Town Planner, Town of Acton  
472 Main Street  
Acton, MA 01720  
978-264-9636

-----Original Message-----

From: Don Johnson  
Sent: Tuesday, December 28, 2004 11:42 AM  
To: Dore' Hunter  
Cc: Board of Selectmen  
Subject: FW: Habitat Land Request

Forwarded for your information. I am not calling staff off of the question w/r to Carlisle Road yet, but I would imagine that Nancy has her finger on the pulse.

Regards,  
Don

-----Original Message-----

From: Nancy Tavernier  
Sent: Tuesday, December 28, 2004 11:12 AM  
To: Don Johnson  
Subject: RE: Habitat Land Request

I am sure Habitat would be fine with just focusing on River. Even if there were a parcel on Carlisle, it is not an ideal location. Certainly not compared to River St.

Nancy

----- Original message -----

Thanks, Nancy. Hope you had a wonderful Christmas and have a great road trip.

We can concentrate on River Street but should we be prepared for Carlisle Road as well, or do you think they are interested in taking it off the table? Frankly, depending on which parcel you have in mind on Carlisle, development might be a lot more complicated there.

Regards,  
Don

-----Original Message-----

From: Nancy Tavernier  
Sent: Tuesday, December 28, 2004 10:48 AM

To: Don Johnson  
Subject: RE: Habitat Land Request

Don,  
We were kind of operating in the blind when we went around looking at properties on the list since we didn't have a parcel map. The Carlisle piece was just a guess on my part, the River St. really should be the main focus. Putting just one house there and an affordable one at that makes the most sense rather than selling it outright which would no doubt result in a 40B. If anyone can get a parcel of town owned land out of town meeting, it would be Habitat. Several very well known Actonians came to the CPC meeting to lend support when this was presented. Most of the local churches have members working on these projects and would be very strong supporters at town meeting. Then again they could bring in Jimmy Carter.....

Dore' asked Jane to provide supporting documentation, their CPC application is more than enough information and is already in the town system.

I am in Texas until Jan. 5 and will be away from email until Jan. 3 now. We are taking an old fashioned Texas road trip. Eeehaw!

Happy New Year.

Nancy

-----Original Message-----

From: Don Johnson  
Sent: Tuesday, December 28, 2004 11:39 AM  
To: Tom Tidman  
Cc: Board of Selectmen  
Subject: RE: Habitat Land Request

Thanks, Tom. This is quite helpful. I suspected as much of the 10 Carlisle parcel. I also suspect that River Street is their preference.

Don

-----Original Message-----

From: Tom Tidman  
Sent: Tuesday, December 28, 2004 11:11 AM  
To: Don Johnson  
Subject: RE: Habitat Land Request

Good Morning Don,

There appear to be two municipally owned lots on Carlisle Road; one at 10 Carlisle Road, (C-5, pcl.32) which is entirely floodplain and wetlands, and a second municipal lot at the rear of the Marshall Path, (C-6, pcl.8) high and dry.

74 River Street, H-3A, pcl.46  
. no wetlands within 100' of the lot  
. no floodplain  
. appears to be more than 200' from Fort Pond Brook (no rivers act filing). . available sewer connection

-----Original Message-----

From: Don Johnson  
Sent: Tuesday, December 28, 2004 11:36 AM  
To: Doug Halley; Brian McMullen; Garry Rhodes; Tom Tidman; Bruce Stamski; Dean Charter; Roland Bartl  
Cc: Stephen Barrett; John Murray; Board of Selectmen  
Subject: RE: Habitat Land Request

Thanks, Doug. I really don't think they are talking about C6/8. I think they are interested in one of the parcels on the other side of Carlisle Road. I will get that information/confirmation back to you guys when it comes in.

Don

-----Original Message-----

From: Doug Halley  
Sent: Tuesday, December 28, 2004 11:10 AM  
To: Don Johnson; Brian McMullen; Garry Rhodes; Tom Tidman; Bruce Stamski; Dean Charter; Roland Bartl  
Cc: Stephen Barrett; John Murray; Board of Selectmen  
Subject: RE: Habitat Land Request

74 River Street (H3A/46) is within the sewer service area but as municipal land it does not have a betterment attached to it. If the land was donated to Habitat the sewer district would have to be compensated in accordance with the privilege/ betterment calculation that is currently being devised. C6/08 on Carlisle Road is off of Marshall Path. An on-site septic system would be required. In this area septic systems are hard to site and tend to be expensive due to slow percolation rates and high groundwater.

-----Original Message-----

From: Garry Rhodes  
Sent: Tuesday, December 28, 2004 2:46 PM  
To: Don Johnson  
Subject: C-6 parcel 8

Please let me know if C-6 parcel 8 is the correct lot. I will have additional comments if it is. Garry

-----Original Message-----

From: Garry Rhodes  
Sent: Tuesday, December 28, 2004 12:03 PM  
To: Don Johnson; Brian McMullen; Doug Halley; Tom Tidman; Bruce Stamski; Dean Charter; Roland Bartl  
Cc: Stephen Barrett; John Murray; Board of Selectmen  
Subject: RE: Habitat Land Request

Don,  
74 River Street, H3A-46  
1) Is located in R-2 zoning District, it has 150 feet of frontage and 27,141 square feet (complies)  
2) Not locate in a flood zone.  
3) Is located in South Acton Historic District (must comply)  
4) Thomas Litrenta granted to Town of Acton in 1980 for consideration of less than \$100.  
FOR "MUNICIPAL PURPOSES" Garry

-----Original Message-----

From: Don Johnson  
Sent: Tuesday, December 28, 2004 10:17 AM  
To: 'jeshurtleff@earthlink.net'; Board of Selectmen; Nancy Tavernier  
Cc: foleymegan@comcast.net; sderienzo@aol.com  
Subject: RE: Habitat Land Request

Jane:  
Members of the Board have asked staff to develop information relative to the two parcels you mention. I am having some difficulty locating the parcel you reference on Carlisle Road. Parcel C6-8 is Municipal land at the end of Marshall Path, accessible via a second narrow parcel and generally held as access to the greater amount of Conservation land behind these two parcels; whereas the land shown as street address "13 Carlisle Road", appears to be land that is part of the Robbins Mill development. Can you give me some

additional guidance in locating the parcel you are referencing, please?

Regards,  
Don Johnson

-----Original Message-----

From: Don Johnson  
Sent: Tuesday, December 28, 2004 10:50 AM  
To: Dore' Hunter; jeshurtleff@earthlink.net  
Cc: Board of Selectmen; Nancy Tavernier; foleymegan@comcast.net; SDerienzo@aol.com;  
Manager Department  
Subject: RE: Habitat real property request in Acton

Dore':

We have staff assembling the information you request. We are researching the method by which the Town gained these properties - that may have some bearing on how/if we dispose of them. My experience is that there are limitations on how we might transfer these properties but we need to know more about them before we can give the Board clear answers.

By copy to Ms. Shurtleff, I am advising her that Christine Joyce is out today but will be in the office tomorrow and will contact Ms. Shurtleff with a specific time for the appointment. I am also advising that Town Hall is closed Friday so we will need any materials for the Selectmen's weekend packets by mid-day Thursday, please.

Regards,  
Don

-----Original Message-----

From: Don Johnson  
Sent: Tuesday, December 28, 2004 10:29 AM  
To: Brian McMullen; Garry Rhodes; Doug Halley; Tom Tidman; Bruce Stamski; Dean Charter; Roland Bartl  
Cc: Stephen Barrett; John Murray; Board of Selectmen  
Subject: FW: Habitat Land Request

As you will see, Habitat for Humanity is asking the Town to provide one of two lots for them to build a Habitat home. Please give me a brief set of bullets as to what you see with respect to these parcels. I am looking for zoning, septic/sewer, method of acquisition by the Town, complexities of disposal (tax title, deed/gift restrictions, bids, etc.), wetlands, flood plain, other possible encumbrances, etc. - basically everything we can see at a glance as to availability and buildability. I would like to give Ms. Sghurtleff and the Board as complete a picture as possible next Monday, so everyone knows, from the outset, if there are any issues to be handled. (By the way, I think Ms. Shurtleff has given the wrong reference for Carlisle Road so I have written back to her seeking clarification. Unless someone knows exactly which parcel she is trying to ID, I will advise you as soon as I hear from her.)

Don

-----Original Message-----

From: Dore' Hunter  
Sent: Monday, December 27, 2004 8:44 PM  
To: jeshurtleff@earthlink.net  
Cc: Board of Selectmen; Nancy Tavernier; foleymegan@comcast.net; SDerienzo@aol.com;  
Manager Department  
Subject: Habitat real property request in Acton

Jane,

Thank you for your message. I have attempted to respond to your message earlier, but had technical problems.

By copy hereof I am requesting that the Town Manager arrange for you and the Habitat organization to be placed on the Agenda for the Board of Selectmen's 3 January meeting, and to advise you of the timed appointment selected. I am not sure that Board will make a final decision on your requests that evening, but we should at least promptly begin our consideration of your requests for a less than market cost transfer of municipal properties. It would be helpful if your organization could provide us a presentation, preferably in writing and in advance, including your experience in obtaining and developing similar properties in other communities, and you certainly may make an oral presentation during the meeting. Please be advised, however, that I currently anticipate that we will have a crowded agenda that evening so it would be helpful if as much as possible of the information you might wish the Board to consider be provided to the Town Manager for relay to the Board in advance as possible.

By copy of this message I am also requesting that the Manager advise the Board of any limitations imposed by law or regulations in regard to the Board's or Town Meeting's authority to transfer tax title municipal property to an organization such as yours for less than market value. Assuming that there is no limitation on the Board's or Town Meeting's discretion in that regard, the Board might also wish to consider the potential political considerations of the requested transfers at less than market value in a year in which the Town may lack funds to maintain present services, any comments on that aspect of the matter would be also be welcome on 3 January.

By all means I would suggest that you follow up on your thought about communicating with Assistant Town Manager John Murraray (or Manager Don Johnson) in regard to the logistics of any such potential transfer of municipal tax title properties to your organization.

Regards,  
Dore' Hunter  
Chairman, Acton Board of Selectmen  
Physically sent from Potomac, MD

-----Original Message-----

From: jeshurtleff@earthlink.net [mailto:jeshurtleff@earthlink.net]  
Sent: Monday, December 27, 2004 3:13 PM  
To: Board of Selectmen; Nancy Tavernier  
Cc: foleymegan@comcast.net; sderienzo@aol.com  
Subject: Habitat Land Request

Dear Mr. Hunter,

As you are aware, Habitat for Humanity North Central Mass. is looking to build a Habitat home in Acton and has made a request for land from the Town and \$35,000 from the CPA grant funds. As suggested by the BOS at the last meeting that we attended, we have been working with Nancy Tavernier who has been good enough to help us evaluate available sites in Acton. We have found two sites that we are interested in...one on 74 River Street (H3A/46) and one on 13 Carlisle Road (C6/08). Both parcels are unencumbered.

We would like to come to the next BOS meeting to request that the Town provide the land to Habitat NCM by either donating it or responding to our RFP for land in Acton at a considerably reduced price. We'd like a warrant be drafted to be voted on at the upcoming April Town Meeting on Habitat acquiring either one or both of the parcels. If we had to choose a preference, then we would like the River Street parcel to be considered as our first choice since it is closer to the Town center and the schools and has public water and sewage.

Nancy has also requested a meeting with John Murray to discuss the logistics around the Town helping Habitat acquire the land.

If the CPC recommends that the Town vote for Habitat to get the \$35,000 we requested at the next April Town Meeting, then we would like to also have the residents vote on the land acquisition at the same time, especially since the CPA funds would be dependent on us getting land in Acton.

Please let me know if we can add this topic of Habitat land acquisition at the next BOS

meeting.

Thank you,

Jane Shurtleff  
On behalf of Habitat for Humanity NCM