



ARTICLE 6

Don Johnson

From: Don Johnson
Sent: Thursday, June 09, 2005 2:54 PM
To: Board of Selectmen
Subject: Route 2 State-Owned Land
Importance: High

I received a call late yesterday from Peter Norstrand of the Division of Capital Asset Management (DCAM). He was calling at Jamie Eldridge's request to tell me that DCAM was proposing to place a restriction in both the P&S and the deed for this land that would require it to be used in accordance with the underlying zoning for 20 years. I hesitated and told him we were concerned that such a restriction might not stop a 40B. He explained that this was what they had done for Shrewsbury (I had previously been directed to Tewksbury and the information I received there was not satisfactory) to allay their similar concerns and he assured me that the state's position was that a 40B (for purposes of circumventing the underlying zoning) would not be consistent with the proposed deed restriction.

I thanked Mr. Norstrand and told him I thought they had been responsive to our concerns. I also told him that we would now consider what action (or inaction) the Board wished to take in this regard, especially in light of the upcoming Special Town Meeting article.

This action by DCAM probably takes away the big threat. The Board may choose to let the market place take care of the matter at this time, knowing that the next biggest threat might be a modest-sized subdivision or that Haartz might buy the land and seek some zoning modifications. (There was no indication from Mr. Norstrand that DCAM might object to the Town changing the underlying zoning ... if the Town so chose. I don't have the proposed wording of the restriction so I do not know whether it might restrict uses to the current underlying zoning.) The Board may also wish to consider asking Town Meeting to allow us to bid to some pre-determined level, in case other parties elect not to bid under these terms. I can envision a scenario where no one bids and DCAM puts it back on the market later without restrictions. Of course, by that time the law will hopefully have changed to give us more input into the process.

6/10/2005