

Lisa Tomyl

From: PKAshton@aol.com
Sent: Thursday, August 06, 2015 12:42 PM
To: Board of Selectmen; Steve Ledoux
Cc: Lisa Tomyl; Andrew Magee
Subject: Choate Property 61A Notice - OSC Recommendation
Attachments: ChoatePropertyRecommendation.docx

Dear Members of the Board:

Please find attached a letter on behalf of the Open Space Committee with its recommendation to waive the option to purchase relating to the 61A notice regarding the Choate property.

Best regards and as always thank you for your work for the town,

Peter Ashton



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720

Open Space Committee

August 6, 2015

Board of Selectmen
Town of Acton
472 Main St.
Acton, MA 01720

Re: 61A Notice Dated May 1, 2015, regarding 215 Newtown Rd. (Choate Property)

Dear Selectmen:

The Open Space Committee voted today to recommend to the Selectmen to waive its option to purchase the land offered under MGL c.61A based upon the notice provided to the town dated May 1, 2015 from the Law Office of Sherrill R. Gould, representing Salvation Trust LLC on behalf of James D'Agostine, representative of the estate of Belle Choate. The Notice included a bona fide offer in the amount of \$1.5 million based on a conceptual development plan for three house lots. The Acton portion of this land (some of it is in Littleton) is approximately 6.8 acres. As the Board is aware, the town has 120 days from the Notice to either exercise its option to purchase the land or waive such right.

Members of the Open Space Committee had met with Ms. Choate last year prior to her passing in which we discussed the possible purchase of this land. At the time the Open Space Committee had indicated that unless Littleton was willing to enter into a joint purchase deal with Acton, we did not believe that the Acton portion of the land had sufficient open space value to the town to make an offer to purchase the Acton portion of the land. Subsequent conversations with representatives from Littleton indicated that it did not have a desire to purchase the Littleton portion of the land.

Since that time with the passing of Ms. Choate, representatives of the Committee have met with Mr. D'Agostine, representative of the estate of Ms. Choate. At these meetings Mr. D'Agostine has repeatedly affirmed his intent to follow the wishes of Ms. Choate in maintaining the Littleton portion of the property as undeveloped with the intent to make it an artists' colony, again following the wishes of Ms. Choate. Ms. Choate had long believed that the Littleton portion of the property fronting Fort Pond should remain undeveloped and her dream was that it would become an artists' retreat or colony. At a meeting the end of June 2015, representatives from the towns of Acton and Littleton requested that Mr.

D'Agostine commit this intent to writing. As of this date, we have seen no such letter and would urge the Selectmen and the Town Manager to follow up on this request prior to the expiration of the 61A notice which by our calculation is on or about August 28, 2015. We would note that the concept plan provided with the 61A notice shows the Parcel B in Littleton as being an "Artist Retreat."

The Open Space Committee discussed the value of the Acton portion of the property as open space and believes that as long as the Littleton portion can be and will be preserved according to the wishes of the Ms. Choate that the Acton portion does not have significant value in and of itself as open space, and certainly not enough value to justify the offer price of \$1.5 million. Furthermore, Mr. D'Agostine's development plan encompassing the \$1.5 million offer contained in the 61A notice may provide the financial wherewithal to maintain the Littleton property as Ms. Choate intended. Indeed the development plan is the same as Ms. Choate discussed with members of the Open Space Committee in May 2014, at which time the Committee expressed no interest in purchasing the property.

Finally the 2014-2021 Open Space and Recreation Plan ranks in priority order Acton's open space parcels does not place this parcel near the top of the rankings for preservation. This parcel is ranked 40th on the list of 125 parcels which means that there are 39 other parcels in town which have higher priority and higher value for preservation. The Open Space Committee is in discussions with owners of several of these higher ranked parcels for possible purchase/preservation options.

Therefore, the Open Space Committee voted to recommend to the Board of Selectmen to waive its option to purchase.

Very truly yours,

Peter K. Ashton

Peter K. Ashton

Member, Acton Open Space Committee