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# TOWN OF NORTHBOROUGH Open Space Committee

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## Open Space Committee Zoom Meeting Minutes July 14, 2021

Approved  
10/4/2021

**Members in attendance (Remotely):** John Campbell, Chair; Leslie Harrison; Anthony Ziton; Brian Belfer; Scott Rogers

**Members absent:** Ashley Davies; Paul Tagliaferri; Dan Clark.

**Others in attendance (Remotely):** Mia McDonald, Conservation Agent; Kathy Joubert, Town Planner

The Chair opened the Zoom meeting at 7:00 p.m. and made the announcement that pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 measures adopted during the State of Emergency, signed into law on June 16, 2021, the meeting was being conducted via remote participation. No in-person attendance by members of the public was permitted. The meeting was live streamed but had no option for public participation.

**ROLL CALL ATTENDANCE:** Member and staff roll call was taken and those affirming their presence were as follows: Leslie Harrison; Brian Belfer; Anthony Ziton; Scott Rogers; John Campbell (Chair); Mia McDonald (Conservation Agent). Kathy Joubert, Town Planner, was also present.

**Informal Discussion: 665 Howard Street possible conservation of backland** – Chairman Campbell explained that the landowner of this parcel, which borders the parcel at 615 Howard Street that was recently acquired by the town and is under conservation restriction, is interested in selling a portion of his land. He noted that this will allow the town to expand the conservation area land at Mt. Pisgah. He also affirmed that the land is of interest as it meets many of the board's criteria for attractive open space. Members of the board agreed.

Ms. McDonald displayed the GIS map highlighting the parcel and noted that the owner is interested in selling the back portion of the lot, which is slightly less acreage than the 19 acres that the town acquired at 615 Howard Street.

Members of the board discussed the proximity to trails and other conservation land, and the pros and cons of the proposal. Ms. McDonald explained that, if the board is interested, the next step in the process would be to move forward with an appraisal and ask the current owners to put forth an ANR plan and obtain approval for it.

It was also noted that the original land that encompassed this parcel was divided up amongst four siblings and the sibling to the north may contact the town at some point with a similar proposal.

Leslie Harrison made a motion to seek an appraisal of the property; Scott Rogers seconded. Results of the roll call vote: Leslie Harrison – aye; Brian Belfer – aye; Anthony Ziton – aye; Scott Rogers – aye; John Campbell – aye. Motion carries by unanimous vote.

**432 Whitney Street appraisal review and discussion/vote re: recommendation to Conservation Commission** – Ms. McDonald discussed the appraisal of the 23.77-acre site,

valued at \$1,600,000. She explained that the current owner has a signed Purchase & Sale Agreement (P&S) for \$1,500,000, with the lower sale price being attributed to the fact that the deal is for multiple properties.

In response to questions from the board, Ms. McDonald noted that the next step for the current owner is to notify the town of his intent to remove these parcels from the Chapter 61 Agricultural program, at which time the Board of Selectmen will seek a recommendation from this board as well as others if they are to exercise the right of first refusal to purchase the property. She also stated that the purchase and sale documents provided detail that the potential purchaser is seeking to construct a 100,000 square foot (or larger) on each parcel.

Ms. Joubert mentioned that the potential buyer is in the midst of due diligence efforts but has not provided anything concrete to the town to date. Ms. McDonald stated that borings are scheduled to be done on the parcel at 429 Whitney Street next week. She also provided details of the process by which the town would exercise its right of first refusal.

Mr. Zitton expressed an interest in pursuing purchase of the parcel. A variety of scenarios were discussed, and Chairman Campbell questioned the possibility of continuation of agricultural uses on these properties. Ms. Joubert suggested that the buyer will seek to develop the properties as that is the basis of their business operations. Ms. McDonald explained that, were the current owner to sell to someone else for an agricultural use under Chapter 61A, the land would not come to the town for consideration.

Chairman Campbell questioned the possibility of the existing operation continuing on the site at 429 Whitney Street if the buyer were to delay development there. Ms. McDonald noted that the current P&S is contingent upon the approval and development of warehouses.

For the board's benefit, Ms. Joubert and Ms. McDonald reiterated specifics about the 61A program and withdrawal of a property from the program, including the town's rights and process.

Chairman Campbell emphasized that the Open Space Committee's role is to make a recommendation as to whether or not members think the town should pursue purchasing the property, and detailed the criteria by which the board judges the suitability of a parcel as follows:

1. Does the parcel abut existing conserved land?
2. Does the property offer an opportunity for passive or active recreation that enhances the town's resources?
3. Does the property meet a critical need?
4. Would the parcel meet the requirements under the Community Preservation Act (CPA)?
5. Does purchase of the land reduce development that would be adverse to the town?
6. Does the property feed active wildlife corridors/enhance wildlife habitats?

Ms. Harrison stated she felt the land did not meet enough of the conservation criteria and also did not wish for the town to pay millions to the current landowner considering litigation and conditions at the 429 Whitney Street site. Mr. Belfer stated he felt the best case scenario would be for 429 Whitney Street to be cleaned prior to development and 432 Whitney Street is protected as open space or other town use. Mr. Rogers stated he felt that the property at 432 Whitney Street offered opportunity for habitat preservation and possible passive recreation, as well as the avoidance of adverse impacts from development. He went on to say that this provides a strong argument to consider the purchase of 432 Whitney Street, but not enough of the criteria were met for the high purchase price. Reflecting on the above, members of the board did not find that the parcels in question sufficiently meet the criteria, especially given the

purchase price. A recommendation was made for the board to pass on the opportunity to acquire the parcel.

Scott Rogers made a motion not to pursue the purchase of the parcel at 432 Whitney Street. Leslie Harrison seconded. Result of the roll call vote: Leslie Harrison – aye; Brian Belfer – aye; Anthony Ziton – aye; Scott Rogers – aye; John Campbell – aye. Motion carries by unanimous vote.

**Next meeting** – The board's next meeting is scheduled for August 30. A decision about whether to hold it live or virtually will be made as the date nears.

Brian Belfer made a motion to adjourn; Scott Rogers seconded. Results of the roll call vote: Leslie Harrison – aye; Brian Belfer – aye; Anthony Ziton – aye; Scott Rogers – aye; John Campbell – aye.

**Meeting adjourned at 8:07pm.**

Respectfully submitted,

Elaine Rowe  
Board Secretary