

CAPITAL EXPENDITURES COMMITTEE

TOWN OF LEXINGTON



**SUPPLEMENTAL REPORT TO THE SPECIAL TOWN
MEETING (STM) 2020-3
(OPENING SESSION WAS OCTOBER 14, 2020)
ADDRESSING
ARTICLE 7, LAND ACQUISITION
Released October 15, 2020**

Submitted by:
Charles Lamb, Chair
David G. Kanter, Vice-Chair & Clerk
Sandy Beebee
Rodney Cole
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STM 2020-3 Warrant-Article Explanation and Recommendation

Cite of the “Town Warrant” refers to the September 14, 2020, “Town of Lexington Warrant for the Special Town Meeting 2020-3”, October 14, 2020.

<i>Article 7: Land Acquisition</i>	Funds Requested	Funding Source	Committee Recommends
	\$3,560,000	\$2,560,000 (CPF Cash) + \$1,000,000 (CPF Debt)	Approval (6–0)

“To see if the Town will vote to authorize the Select Board to purchase, take by eminent domain, or otherwise acquire for Open Space, Community Housing and Preservation of Historic Resources a particular parcel or parcels of land; and to appropriate a sum of money therefor and determine whether the money shall be provided from the tax levy, by transfer from available funds, including the Community Preservation Fund [CPF], or by borrowing, or by applying and receiving funding from available grant sources to reimburse the Town for a portion of the purchase price of the property; to enter into any contracts and agreements related to the application or the award of funds; or any combination of these methods; or act in any other manner in relation thereto.

“DESCRIPTION: This Article requests funds to purchase land”
(Town Warrant)

This Article requests funds to purchase approximately 4.48 acres of forested open space which is a portion of a residential parcel referred to as the Ashley property, located at 39 Highland Avenue. The remaining 0.61 acres of the original parcel, which contains a single-family house and a barn, will be retained by the sellers as a separate lot. The Lexington Housing Assistance Board (LexHAB) had an opportunity to inspect those buildings to assess the possibility of creating units of affordable housing, but has determined that the cost of renovation is too high to make the project feasible.

The open space sought to be acquired by the Town, which is to be permanently restricted as conservation land, abuts the 55-acre Upper Vine Brook Conservation Land to the southeast, and contains trails to the conservation lands which can be accessed from the end of the improved portion of Highland Avenue. It has been on the Conservation Commission’s list of desired properties since 2006, and has been the subject of negotiation between the Town and the owners for more than two years, leading the Town’s Community Preservation Committee (CPC) to anticipate a possible purchase in its budgeting. The Town has obtained appraisals for the open space of \$3.8 million and \$4.3 million. The agreed purchase price is \$3.5 million. An additional \$60,000 is also requested to cover ancillary expenses related to this purchase including legal services, surveys and baseline mapping, conservation restrictions and enforcement, land management, and environmental-assessment fees. (See the CPC report to this STM for additional details.)

This Committee supports this acquisition for the following reasons:

- Lexington has long been committed to preserve generous parcels of open space which contribute to the character and value of our community. They are a benefit available to all our residents, particularly in this time of pandemic when more of us are using walking trails and natural areas for recreation.
- This land is a gateway to the Upper Vine Brook parcel and extends and enhances existing conservation lands, providing a wetland buffer and contributing to climate resiliency.
- Leaving the parcel open to by-right development would devalue the abutting Upper Vine Brook area, and would also place additional stress on Town services.
- While the price of land is substantial, it only increases over time, making it uneconomic to delay such an acquisition, particularly when the CPF is available to cover the purchase. Further, as noted above, the purchase price is below even the lower of the two appraisals which makes this a better value.
- A substantial portion of prior CPF spending has been accomplished through the use of debt, not cash. When Lexington first adopted the CPA, the advice of this Committee and the Appropriation Committee was to seek to fund projects with CPF cash. Debt funding, if needed, should be minimized and kept to the shortest term practical. To that end, this Committee urges the CPC to use only Bond Anticipation Notes (BANs), rolled over if needed—rather than a multi-year Bond which is not callable by the Town—for the debt portion of the funding. That would allow the debt to be retired at the earliest practical opportunity that future-year CPF cash availability permits.
- While this Committee unanimously supports the purchase of this land, it must not be forgotten that the Massachusetts legislature, amended the CPA to expand the definition of “Open Space” to include “land for recreation uses”—which puts further demands on the “Open Space” funding. The “Open Space” purposes of acquisition, creation, preservation without condition, or for rehabilitation and restoration if the land were acquired or created with CPA funds are equally applicable to land for recreation uses. This Committee’s 5-Year Capital Plan already includes some proposed enhancements to the Town’s recreation capabilities. The recent completion of a thorough analysis of Lexington’s needs and wants for recreation capabilities suggests that there are likely to be many more recreation projects to which CPF funding could make meaningful contributions.