

## **Nagog Orchard Working Group - March 6th, 2024**

Meeting called to order at 7pm

Present: Sarah Seaward, Jen Clancy, Amy Tarlow Lewis, Brad Mitchell, Matthew Nordhaus, Karen Morrison.

Absent: Will Pickard

### **Minutes**

Minutes of the working group meeting on 2/21 were presented. No changes requested by the board. A motion was made to accept the minutes by Matthew Nordhaus, seconded by Karen Morrison, The motion passed 6-0

### **Historical Restriction/APR Update**

Brad Mitchell updated the group on his discussion with the Massachusetts Department of Agricultural Resources (DAR) about adding the house and upper barn to the Agricultural Preservation Restriction (APR) covering the rest of the property. DAR was reluctant but agreed to formally consider adding the house and barn. Brad Mitchell also talked to Senator Jamie Eldridge regarding the situation, hoping to line up his support if DAR is not disposed to move forward.

If DAR rejects the addition of the structures to the APR that decision can be appealed to the Agricultural Land Preservation Committee, which acts as a review board for statutory decisions by DAR.

Sarah Seaward updated the group on progress to create a Historical Preservation Restriction (HPR) covering the upper barn and house and land. The chair of the Littleton Historical Commission, Linda Stein, spoke to the group via Zoom. She stated that she spoke to the Head of the Massachusetts Historical Commission about adding these structures to an HPR. His concerns were that there could be overlap between the APR and HPR, but a review found no overlap and no concern with adding the house and barn and land to an Historical Preservation Restriction.

If DAR does not want to include the buildings in an APR, therefore, we could pursue adding an Historical Preservation Restriction to both of the buildings and land. A question was asked whether the land surrounding buildings was included. In most cases HPRs include land surrounding historical buildings. The first step in adding an HPR to the property is to create inventory forms that are submitted to a state database. The Historical commission will help us to create the forms. These forms can take a while to process.

The working group agreed to wait to get feedback from DAR on their disposition regarding addition of the structures to the APR prior to moving forward with a potential Historical Preservation Restriction. Sarah Seaward said that she will continue to research the history of the barn and house to collect any necessary information.

### **RFI Response Review process**

The working group received 15 responses to the issued RFI. Matthew Nordhaus asked what we hope to achieve with a review of the responses.

Brad Mitchell said that our takeaways should be market research, and should guide the criteria for reviewing the RFP responses. Matthew Nordhaus suggested that we review all the submissions, each group member should identify their first choices and document the commonalities among those responses. Sarah Seaward stated that rather than ranking the responses, we should review all the responses and assemble common traits that we want to be present in the final RFP respondent.

Brad Mitchell stated the desire that we will not refer to names or rankings when discussing the RFI responses. The working group debated whether purchase or lease should be preferred when issuing the RFP. Brad Mitchell stated that he is uncomfortable with the option of lease to own, given that Littleton does not have a strong record being a landlord.

Karen Morrison clarified that the RFP must specify either Lease or Purchase, and that decision will tie into a decision about who can draft the RFP.

Brad Mitchell discussed recent statements representing that we have to go before Town Meeting in order to issue an RFP. Communications with Town Counsel on this topic will continue. The group agreed that we will all bring commonalities from the RFI submissions to the next meeting and discuss how that leads us to the RFP.

### **Well Update**

Sarah Seaward gave an update on the well near the upper barn, The Littleton Water Department and Skillings Well Services inspected the well. There is power at the well but the Control Box does not function. The well is 145' deep, with casing to 140'. The pump in the well was inoperable and removed. Skillings installed a temporary pump and measured at least 10 gal/min. The water was tested for arsenic and a stain test, and results are not back yet. A new well cap was installed. The water was determined to be suitable for irrigation. If it was desired to use the well water as potable the well would have to be approved by the Littleton Board of Health.

### **Soil Test**

One of the RFI respondents, Haesel Chaselworth, had a soil test done for apples, brambles, and hay. Haesel provided the results to the working group for distribution to the public. The soil was tested for heavy metals, all indications came back below standards. Matthew Nordhaus will post the test results to the web site.

### **Tax Update**

There has been an ongoing discussion with the Littleton Tax Assessor regarding the assessed value of the property, as well as whether a lessee on the property is required to pay property taxes. Brad's Mitchell's opinion is that if Chapter 97 is used as Ag Land it is being used for the

public good, and therefore taxes can be waived. The working group agreed that If we lease the land it will be a hindrance if we have to tax the lessee.

Sarah Seaward walked the property with the assistant town assessor and re-evaluated the value. The overall taxes were reduced from approximately \$33,000 to approximately \$14,000. This includes the lower barn and cottage. The change is due to the valuation being lower, as well as a lower tax rate. Matthew Nordhaus clarified that the tax value is fixed, and would be paid by an owner, but the working group is discussing exemptions from paying the taxes at all.

### **Sale versus Lease**

Brad Mitchell outlined his concern with a lease of the property, stating that the municipal government adds a layer of friction to any process. Karen Morrison pointed out that in the case of a lease the town would need to hire someone to oversee the property, and it would be expensive for the town.

### **Meeting Schedule**

The working group scheduled our next public meeting for March 13th at 7pm

### **Other Business**

Matthew Nordhaus organized an asbestos test for the spray on coating in the cold storage area underneath the upper barn. The results came back negative.

Amy Tarlow Lewis would like to redact personal information prior to releasing any of the RFI responses to the public. She also asked that any persons who obtained the RFI responses did not share them with all RFI submitters.

Karen Morrison stated that all submissions were made with the expectation that the info was public, and that this group cannot determine what can be redacted, only Town Counsel can decide. Amy Tarlow Lewis will talk to Town Counsel to redact as much information as possible, subject to Open Meeting Law.

A motion was made to adjourn at 8:02pm by Matthew Nordhaus, seconded by Karen Morrison. Motion carried 6-0. Meeting adjourned at 8:02