

Littleton Conservation Trust
43 Foster St.
Littleton, MA 01460

May 4, 2020

Planning Board, Room 303
Town Administration Building
37 Shattuck St
Littleton, MA 01460

RE: May 7th, 8:15 pm continued public hearing for Healy Corner/ 195 Tahattawan Rd.

To Planning Board Members:

Since the last Planning Board Healy Corner public hearing, the Littleton Conservation Trust (LCT) was invited to converse and conduct field observations with the other abutters, and additionally exchanged ideas with the regional conservation land trust, Sudbury Valley Trustees (SVT). SVT has been approached by the applicant to hold the mandated Conservation Restriction (as CR grantee) on the open space public access Parcel A and additionally hold the elective CR (as CR grantee) on private Lot 15.

The SVT comments of May 1st addresses many of the critical issues and challenges needing resolution in order to better define and produce a successful OSD project for everyone's benefit. LCT's following comments focus on some issues highlighted by SVT while providing necessary additional details and needs.

Of similar property size and similar number of single family residences, with protected open space conservation land, permanently protected trail easement, and wetlands, the Robert and Emily Cobb OSD project resolved all of its open space issues up front as a total solution thereby facilitating its success and serving as an excellent model for similar projects.

Absolutely Critical that Outstanding Open Space Details Need to be Worked out and be Specified Prior to the Planning Board Signing off on the OSD Special Permit.

Why? The protected Open Space elements (Parcel A and connected trail network) are a major portion and benefit of this OSD but need to be better clarified. Currently there is considerable confusion and concerns by the abutters. Agreements and details need to be fleshed out for the benefit of all stakeholders – abutters, community at large, and the yet to be designated qualified conservation organizations assigned as open space recipient and tasked to monitor and guarantee compliance with conservation restrictions in perpetuity. Once the OSD Special Permit is signed there is little incentive to ensure that terms and conditions are followed through in a timely manner. (Some examples prove this point: 55 White St., when the assignment of Open Space was tardy and then assigned to the wrong party resulting in expensive and burdensome efforts for the town and other stakeholders; Bennett Orchard/Sanderson Property where assignment of open space was contentious and left unresolved; Church Meadows and Williams Property, were mandated CRs and their designated CR holders continue to be unresolved even after several years.)

Documented and Recorded Permanent Trail Easement:

A clear map/plan needs to specify where the trails will be located. Field investigation and reference to abutter maps indicate that along the proposed Parcel A corridor there are some impassable areas due to streams, standing water, and extensive wetlands. The qualified conservation organization designated to maintain that proposed trail, along with the applicant/developer, needs to agree on an approved trail treadway traversing Parcel A (and any possible adjacent dry passageways where necessary), document it on a map/plan, and record it as a permanently protected trail easement. This is a best management practice to assure that an agreed upon trail pathway is permanently protected for future ongoing passive recreation use by the community. The Cobb OSD, created the definitive Cobb Memorial Footpath trail easement using this approach.

Appropriate Recipient for Parcel A Open Space Set Aside Parcel

Two qualified conservation organizations have been identified as appropriate recipients for the Parcel A open space set aside parcel - the municipal Conservation Commission and the all-volunteer Littleton Conservation Trust, a not-for-profit charitable trust, both being conservation land abutters.

Land Management of Parcel A

As cited in SVT's comments, through passage along the Parcel A trail will require some minor trail structures such as boardwalks, bog bridges, etc. As in some other communities, SVT has offered here to manage this publicly accessible open space set aside land in addition to serving as the holder of the Parcel A CR (as CR grantee)

Mandatory Public Access CR (over Parcel A)

SVT currently serves as CR grantee over two other Littleton Conservation Commission properties, the George and Lucy Yapp Conservation Land and the nearby 206 Foster Street Conservation Land, which extends from Foster St. to the abutting Town Forest. SVT is a likely candidate to serve as CR grantee for Parcel A, which further extends beyond the Town Forest to LCT's Sprong Conservation Land. Both SVT and the applicant/ developer need to negotiate the terms of the CR they are willing to hold.

Elective Private Access CR (over Lot 15)

As SVT cites, a qualified conservation organization holding a Conservation Restriction (as CR grantee) over a private lot within a subdivision is highly unusual and consequentially will be scrutinized by the state Division of Conservation Services (DCS), which vets all proposed CRs for providing public interest benefits and conservation values, prior to its judgment of approval or rejection. SVT and the applicant/developer need to negotiate terms of the CR, in more detail given that SVT will have less control over the private lot owners as they will change over time, and subsequently get preliminary/ conceptual approval from DCS. DCS may impose its own limitations. Gaining preliminary approval from DCS before the Planning Board approves the OSD Special permit is prudent since disapproval may cause impacts to the subdivision plan. This should be resolved before the OSD Special Permit is approved.

Public Benefit of OSD Plan

While challenges exist given the property's extensive wetlands and layout, there are noteworthy benefits. Certainly beneficial, is the applicant's conservation vision to construct

connector trails on his backlands and provide trail access to the Harwood Ave/ Tahattawan Rd scenic roads, with potential use of trails for pedestrian/ bicycle commuter rail access. The applicant's family heritage lands can provide benefit to the community but it is essential that the issues and concerns of all abutters and identified qualified conservation organizations are resolved first as a complete solution before the Planning Board signs off on a OSD Special Permit.

The LCT looks forward to collaborating together as needed with the applicant, SVT, other abutters, and town boards to expeditiously solve these remaining problems in order to guarantee a successful OSD project for all stakeholders.

Thank you for the opportunity to comment.

Respectfully yours,
Donald MacIver, president and trustee
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