

Community Conservation and Housing: Creating the Future You Want

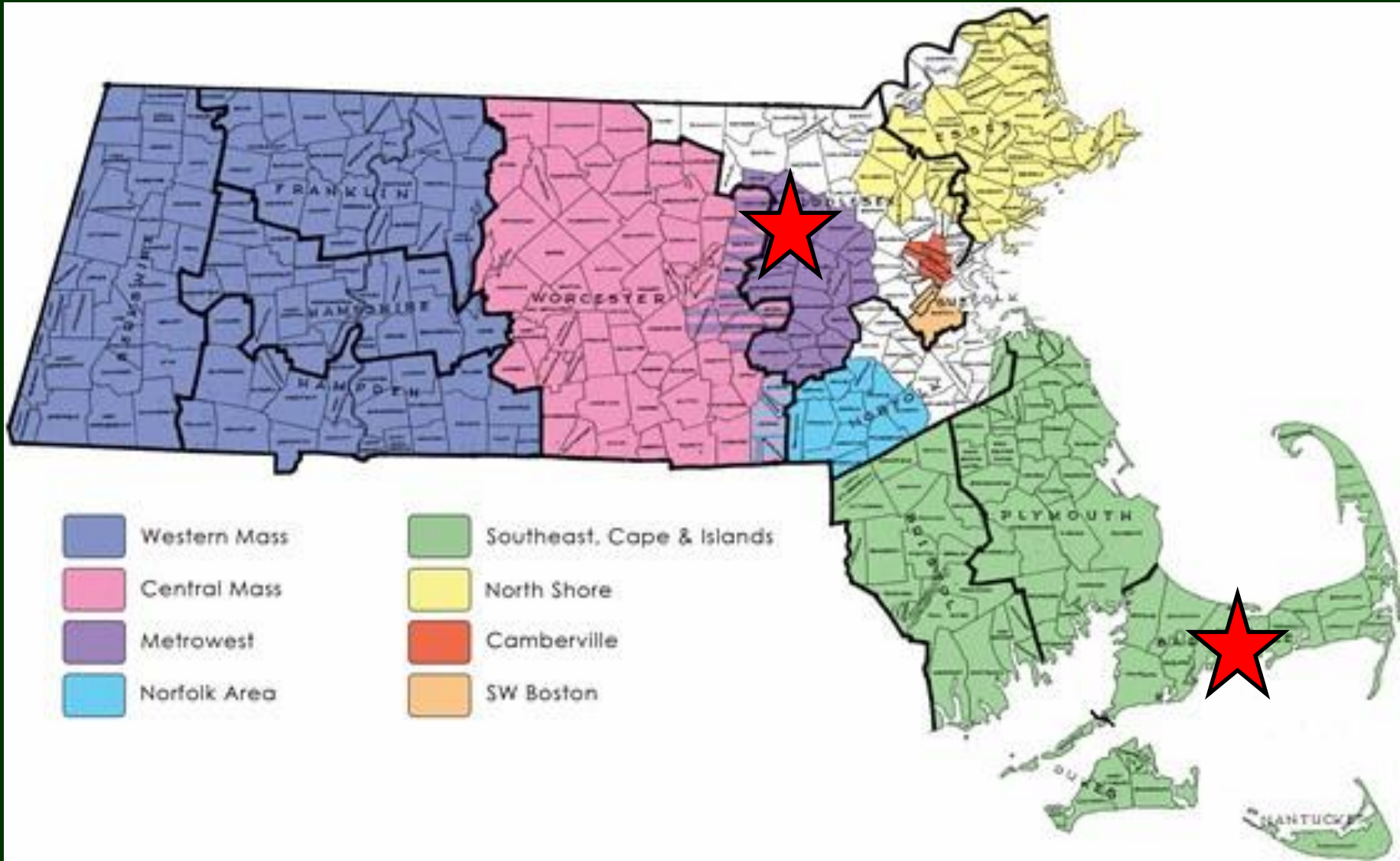


Janet Milkman, Executive Director, Barnstable Land Trust

Kathy Sferra, Stow Conservation Director, Town of Stow

Bob Wilber, President, Stow Conservation Trust

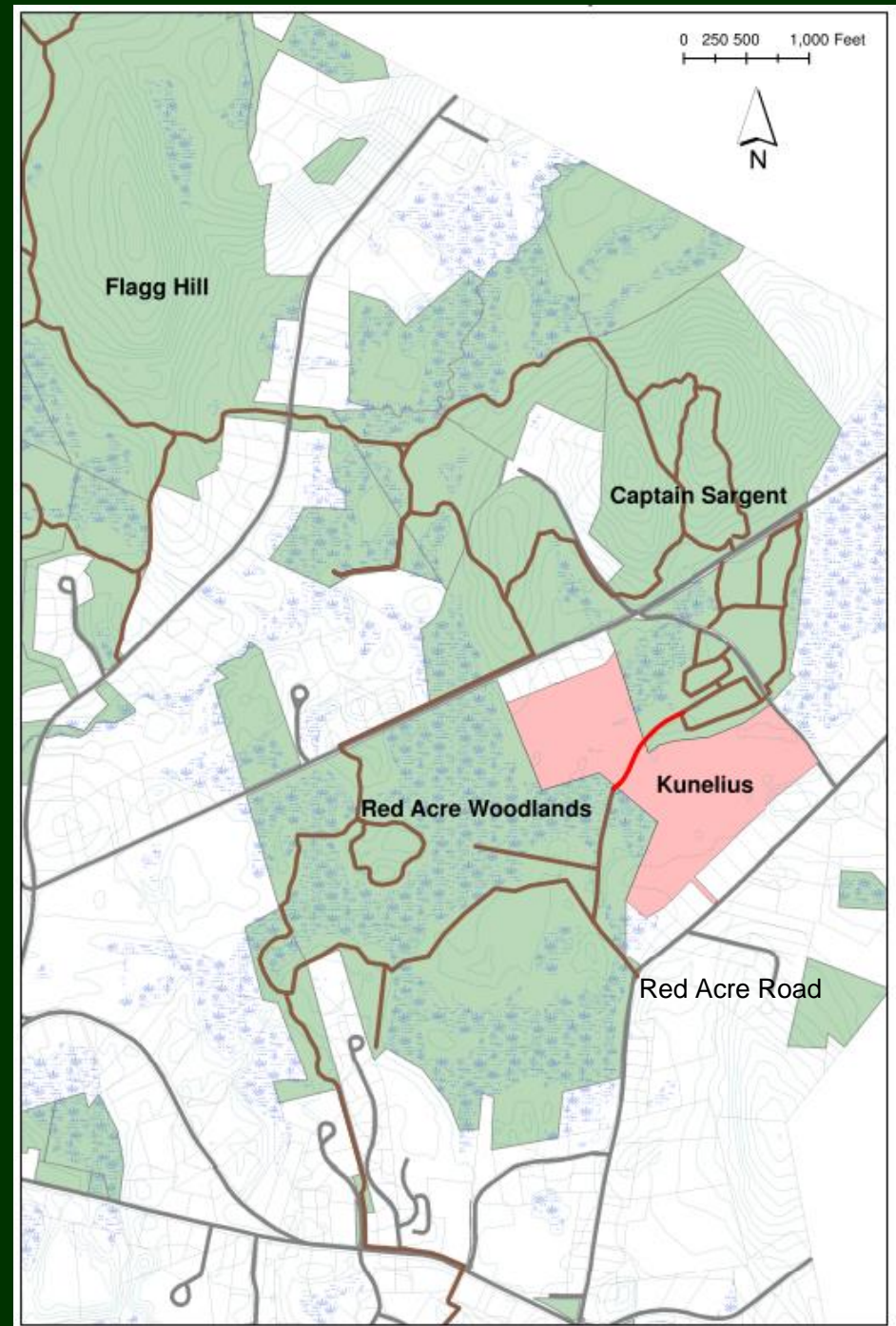
Massachusetts Land Conservation Conference 2023



RED ACRE ROAD ACQUISITION

A NON-TRADITIONAL CONSERVATION
& AFFORDABLE HOUSING
PARTNERSHIP

Stow Conservation Commission
Stow Conservation Trust
Stow Municipal Affordable Housing Trust
Stow Community Preservation Committee



Kunelius Property History – Part 1

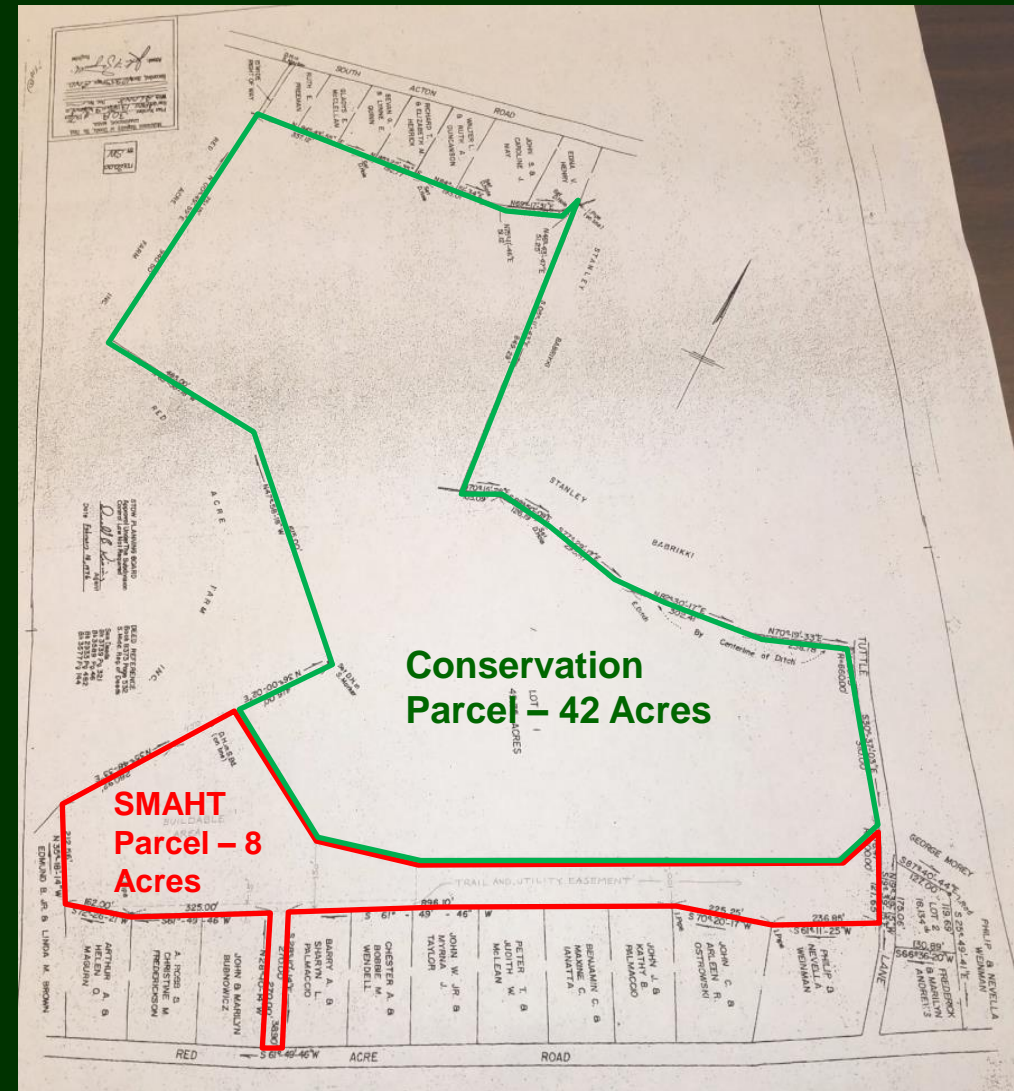
- **2002** – 30 unit 40B proposal; strong community opposition
- **Jan 2003** – Town Meeting voted to borrow \$305K to purchase property for conservation and public water supply, or other municipal purposes. **Article received 2/3 TM vote but failed at the ballot.**
- **Feb 2003** – BOS assign purchase rights to Trust for Public Land, \$1.15 million purchase price must be matched.
- **May 2003** – Town Meeting votes to expend \$400K in CPA funds to acquire property for open space, public water supply and other municipal purposes, and to purchase affordability restrictions on 2 existing dwellings on property.
- **Sept 2003** – TPL defaults on contract. Landowner sues and loses.

Kunelius Property History – Part 2

- **Sept 2010** – CPA funding rescinded.
- **Sept 2014** - Property listed by landowner for \$1.49 million.
- **Dec 2017** – Agreement reached with landowner to sell to SCC/SCT for \$450,000, Land trust puts down at risk deposit money to secure purchase terms.

Conservation and Affordable Housing Partnership

- Agreement with Landowner to buy for \$450K
 - No fundraising potential
 - Limited availability of CPA funds
- Town/Trust approach Stow Municipal Affordable Housing Trust (SMAHT)
 - agreement to sell 8 acre parcel for \$225,000 (from SMAHT funds on hand) for construction of up to 6 units of affordable housing
 - Deed restrictions limit number of units and location of road access
 - Trail easement
- Town acquires 42 acres for \$225,000 for open space, passive recreation and public water supply.
- 100% support from abutters at Town Meeting



Red Acre Road Property Financials

Purchase Price	\$450,000	
Open Space Parcel (42 acres)	\$225,000	\$22,500 paid by SCT with deposit; \$202,500 from CPA Funds
Community Housing Parcel (8 acres)	\$225,000	\$225,000 from dedicated SMAHT funds on hand
Due Diligence and Closing Costs	\$20,000	\$6,625 from Conservation Commission funds; \$13,375 from CPA Funds)
Total	\$470,000	\$215,875 in total CPA funds



Nuggets: Key Takeaways

- **Don't Wait for Chapter 61 RoFR**: Instead reach out and work proactively with owner to explore attractive sale for conservation.
- **Find Way to Seize Favorable Opportunities Despite Funding Challenges**: Timing was terrible. In the middle of large joint fundraising campaign for another project. Practicality of CPA funds was limited.
- **Land Trust Can Secure Favorable Terms With Option Contract**: Land Trust putting \$22K at risk to secure favorable purchase terms was key. Calculated risk that Town Meeting voters would support.



Nuggets: Key Takeaways

- **See.....We CAN Work Together!**: Demonstrate to community that conservation and housing interests CAN collaborate.
- **Outreach by Conservation Interests Key to Housing Component:** Outreach to neighbors/abutters by conservation interests helped prevent usual opposition. They were briefed before public announcement and received regular updates.
- **Rewards Come to Those Who Stay Positioned:** Remain polite, despite bumps in the road. Stay close enough to owner and market value to recognize when favorable opportunity appears.

MOU

Kunelius Property
Memorandum of Understanding
Among
Stow Conservation Commission
Stow Conservation Trust
Stow Municipal Affordable Housing Trust



Nuggets: Key Takeaways

Use Leverage to "Lock-in" Deliverables

- Limit reputational risk/set clear expectations

Whereas the Stow Conservation Commission (SCC), Stow Conservation Trust (SCT) and Stow Municipal Affordable Housing Trust (SMAHT) (hereinafter collectively "Parties"), have a mutual desire to protect 49+/- acres of land on Red Acre Road and Tuttle Lane in Stow, Massachusetts ("Property"); and

Whereas it is anticipated that the Property will be acquired by the Town for conservation, open space, water supply and affordable housing purposes; and

Whereas it is anticipated that the Parties will share in the cost of acquisition of the Property; and

Whereas the acquisition of the Property is anticipated to be considered and voted upon at Annual Town Meeting 2018 in Stow;

Now therefore the Parties do hereby agree as follows:

1. SCC will acquire approximately 41 acres of the Property for conservation, passive recreation and water supply purposes for a total of \$225,000. The parcel will include the existing pond on the Property;
2. SCT, having paid \$22,500 as a deposit for the Property upon signing of the P&S will receive a permanent Conservation Restriction on the portion of the Property to be purchased by SCC.
3. SCC will pay for survey, title, appraisal, environmental site assessment, and legal costs associated with the acquisition of the Property, and will share this information (as relevant) with SMAHT.
4. SMAHT will acquire approximately 8 acres of the Property for community housing purposes for a total of \$225,000. The parcel will include 200' of frontage on Tuttle Lane and all of the existing buildings, septic, and wells on the Property. This parcel will be conveyed to SMAHT subject to a utility easement and trail easement running to the benefit of SCC, and a deed restriction, enforceable by SCC and SCT that limits development of the property to a maximum

of six (6) affordable units or a maximum of two (2) market rate units and provides that all access shall be from Red Acre Road.

5. SMAHT will have sole responsibility for advancing proposals for development of its portion of the Property for affordable housing purposes, and agrees to work collaboratively with SCC and SCT to provide opportunities to review and comment on development concept plans and engineering plans.

6. SMAHT will incorporate the following development guidelines into site planning and any RFPs issued for the development of the land:

- Dwellings to be designed to resemble New England style buildings;
- Minimize new tree clearing;
- Maximize buffer to residential neighbors;
- Minimize work within the 100' wetland buffer zone;



Nuggets: Key Takeaways

- Use Leverage to "Lock-in" Deliverables

Deed Restriction Language

Subject to an easement given by Grantee to the Town of Stow for the exclusive use of the area entitled "Trail and Utility Easement" on the aforementioned plan, containing 131,396 square feet more or less, and more particularly described in an easement recorded herewith.

The property is conveyed to the Grantee with the following restrictions:

1. No more than six (6) residential units shall be built on this lot; and
2. This property shall never have an area, or access point, for the vehicular egress/ingress to this property along Tuttle Lane, Stow, Massachusetts. Access to this property shall remain on Red Acre Road.

BARNSTABLE



LAND TRUST

Community Conservation & Housing

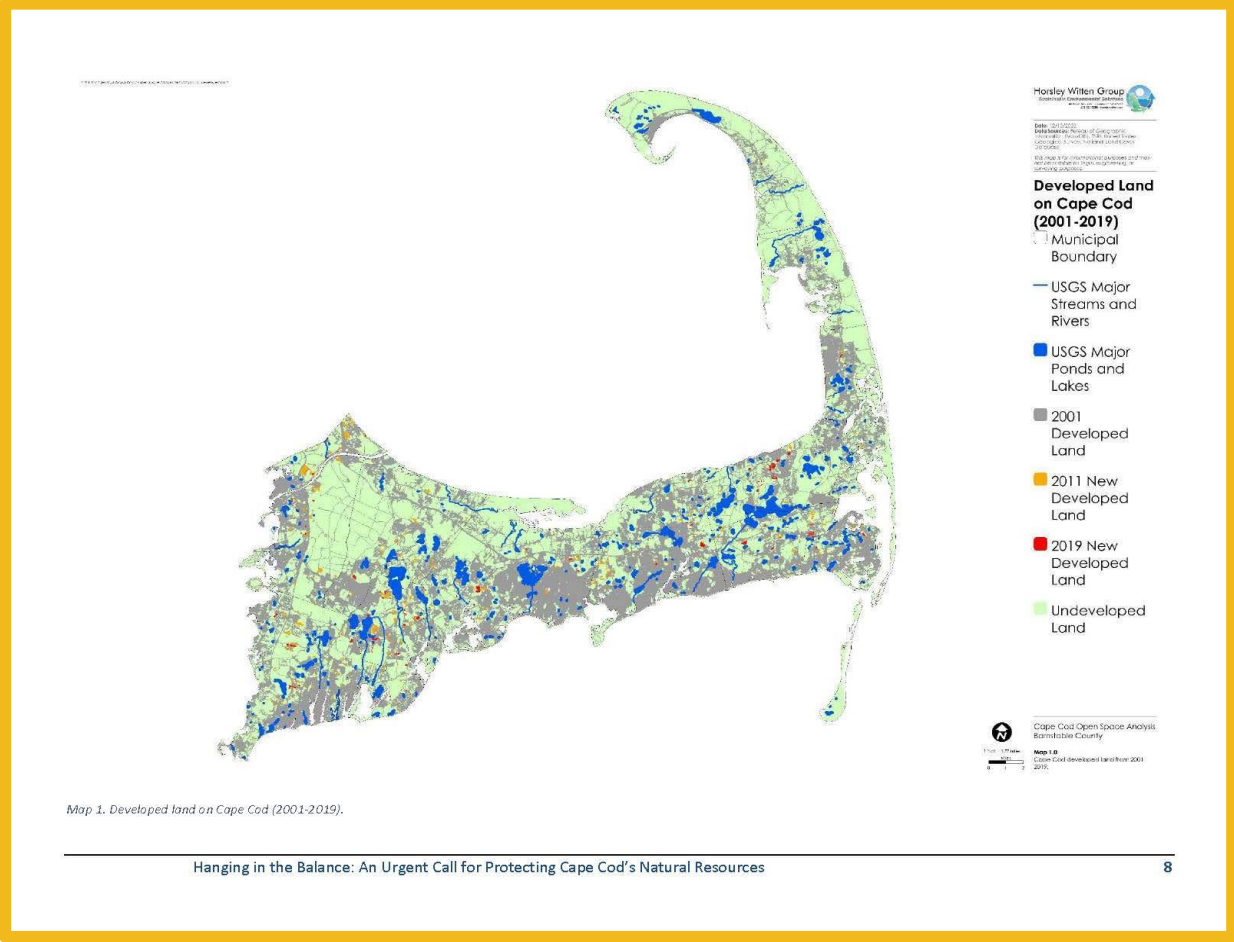
Creating the Future You Want

March 25, 2023

Janet Milkman, Executive Director

Barnstable Land Trust

On Cape Cod, only 14% of land is up for grabs




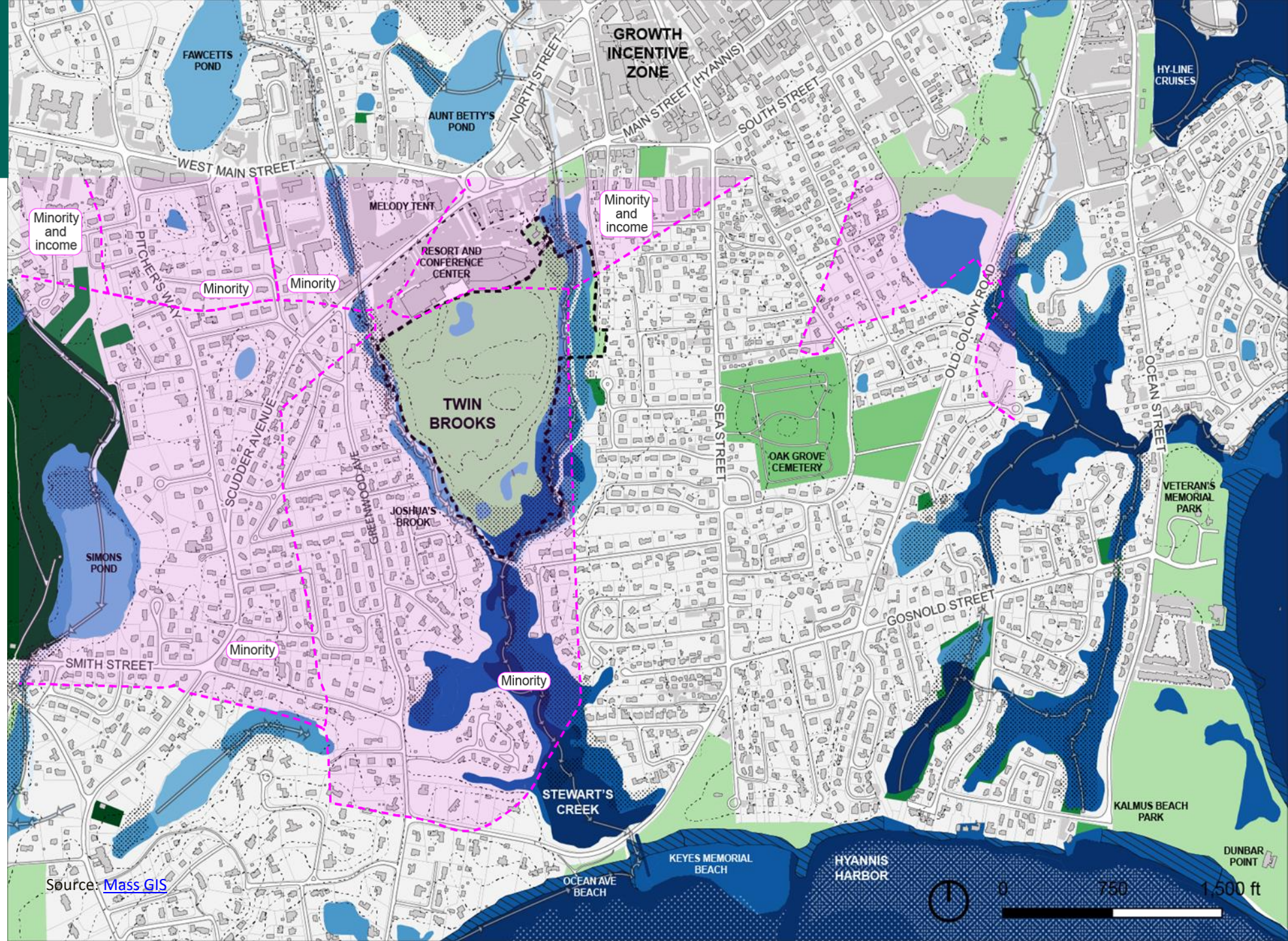
Development Site

Surrounded by the major Environmental Justice community on Cape Cod.

The site is part of a larger ecological and tidal system, including Joshua's Brook and Stewart's Creek, former herring runs and cranberry bogs.

On sewer system

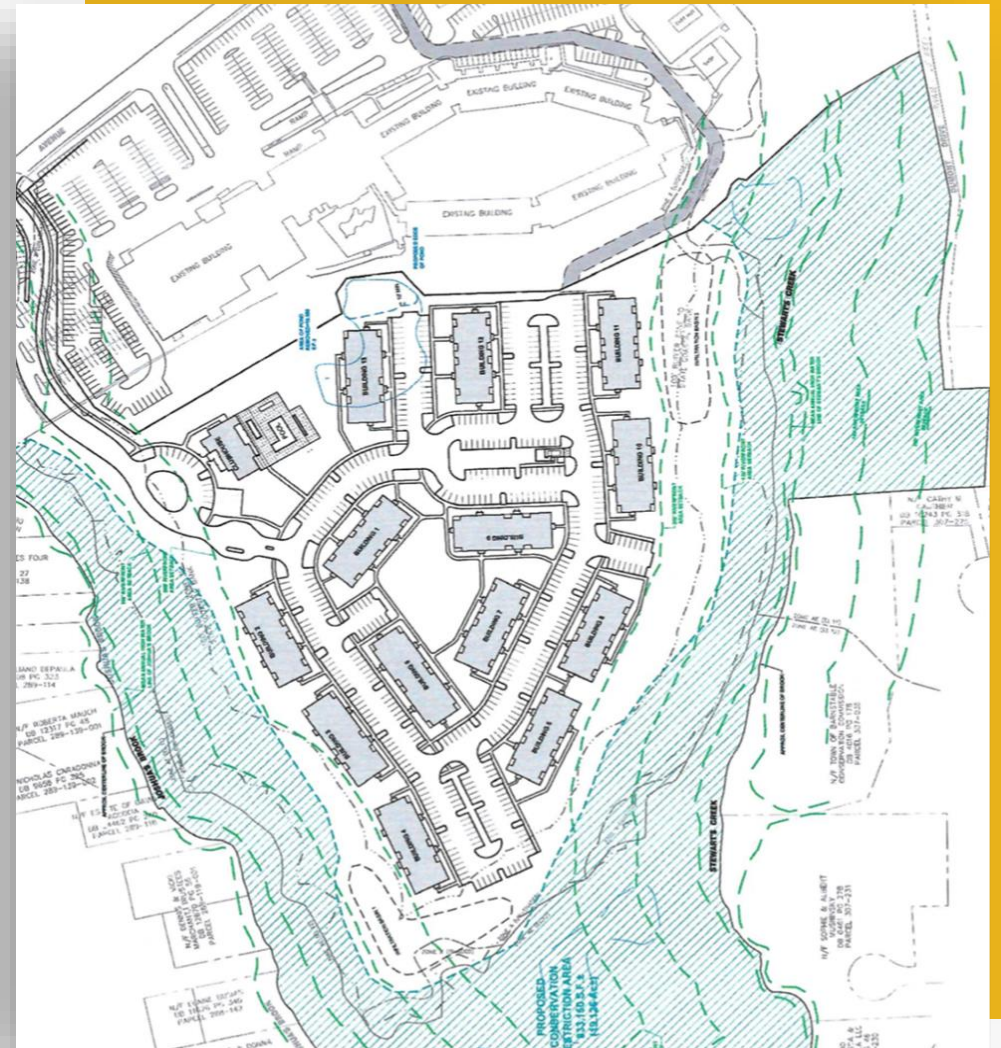
 Environmental Justice Neighborhoods



Proposed Development

Emblem Hyannis

- Developer is LMC/Quarterra – one of largest homebuilders in US; 60,000 units/year
- 312-unit apartment complex. Studio, 1, 2, and 3-bedroom apartments in 13 three-story buildings around surface parking lots
- Monthly rents will range from the mid-\$1,000s to the upper-\$2,000s (U.S. Census ACS: Barnstable 2015-2019 median gross rent \$1,311)- from 2020 – **now likely significantly higher**
- 13 % Affordable Housing Units (41 apartments)
- Requires Cape Cod Commission and Town of Barnstable approval through Developer's Agreement



Other Planned Developments in Hyannis

Many housing units are already being developed in Hyannis

Recent and planned housing developments in Hyannis: **937 units**

The town is finding other places for housing:

- underutilized parcels and parking areas in the GIZ
- areas close to highway exits with less traffic impact



Why BLT Got Involved

- Largest proposed development in Hyannis/Barnstable
- On one of largest remaining parcels of open space in a community that is underserved for open space
- Strategic priority to engage in Hyannis
- Elected officials and neighbors asked us for help
- Sets a precedent for development on recreational and working lands without appropriate mitigation – treats golf courses like any developed land
- While BLT is a conservation organization, we recognize the importance of housing to our community; we aimed to be constructive in our engagement, not simply oppose



What We Did


1. **Community outreach** and survey to get input
 - 8 public mtgs, 350 participants, 150 survey replies
2. **Developed alternative visions:**
 - Increased **housing affordability** in a greater variety of building types, scale and densities
 - Consider whole or partial **redevelopment of the Convention Center site**, to move density closer to GIZ and public realm, preserve more of the open space
 - Identify opportunities for **pedestrian and bicycle connectivity** to and through the site and adjacent neighborhoods
 - Additional areas for conserved/restored open space as well as usable **open space**
 - Higher levels of **sustainability** - reduced storm water runoff, etc.
 - **Reduced total units** for less traffic impact.




Site Plan Framework


Possibilities	1	2	3
Developed Area	13 acres	19 acres	16 acres
Open Space Area	40 acres	34 acres	37 acres

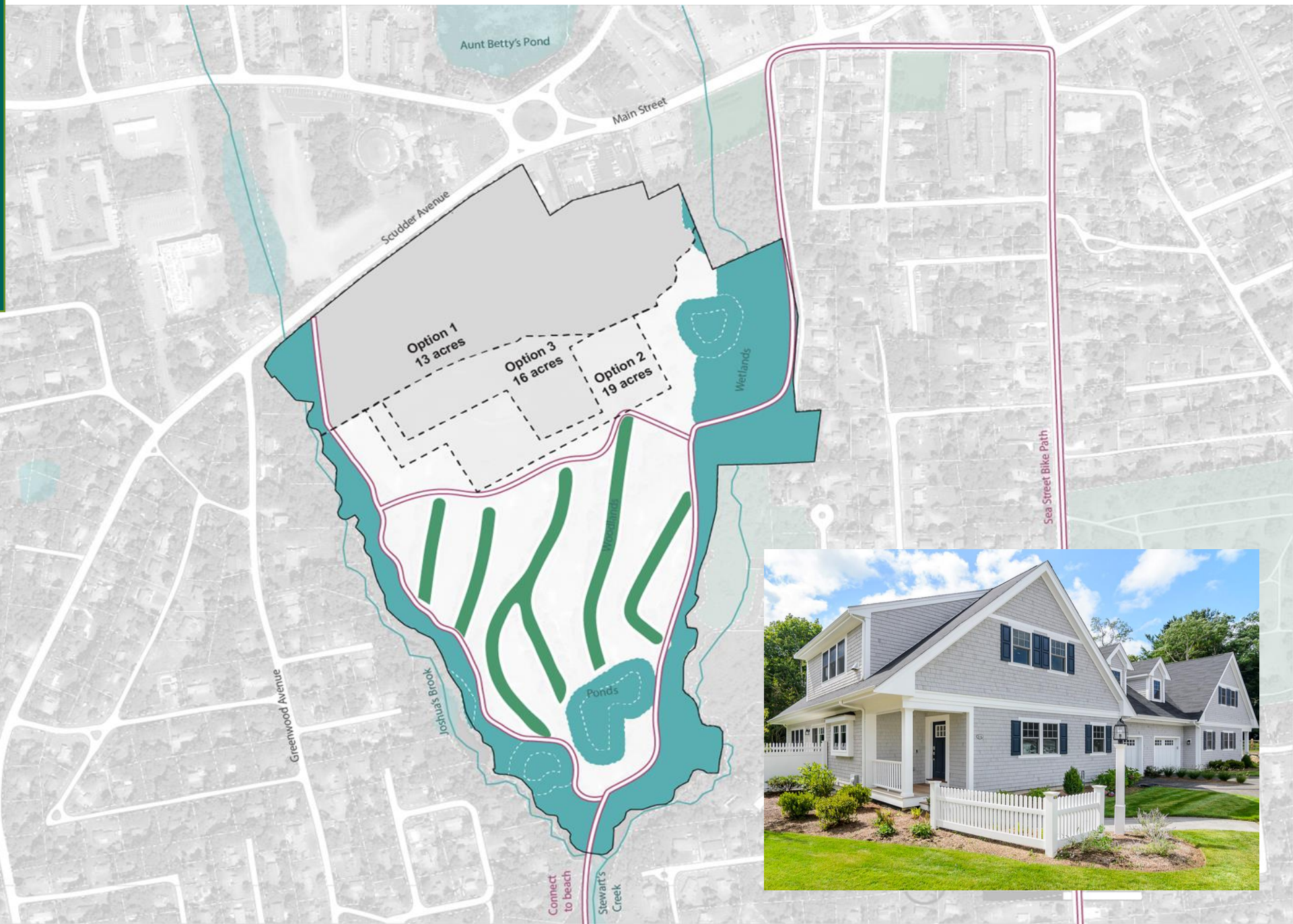
Access to Open Space

 Bike & Pedestrian Paths

Conservation

 Oak / Pine Barren Woodland

 Ponds and Streams Riparian Edge



What We Did

4. Developer asked to meet before outreach but would not respond after alternative visions presented

5. Presented **alternative scenarios** in 10 regulatory hearings and other meetings; YouTube presentation received over 600 views

6. **Cape Cod Commission started stakeholder hearings** to review treatment of recreational and working lands – met 3 times with no results due to opposition from housing advocate



Where Things Stand Now



- Conference Center sold and being redeveloped
- Cape Cod Commission approved project
- Neighbors filed suit against Commission
- Many powerful advocates for project: Chamber of Commerce, Housing Assistance Corporation, Realtors, Homebuilders, Commission
- Housing/environment claimed the smart growth high ground
- A few advocates opposed: Save Twin Brooks, BLT, some developers, some housing advocates
- Next goes to Town after suit decided: zoning waivers, site plan review, Town Council
- BLT working on more specific site plan to answer question: what happens if proposed development is rejected, then what?

What BLT Gained (and Didn't)

- Visibility – for better and worse
- Members
- New \$
- Momentum and energy to embrace a leadership role

Food truck festival has people lining up for barbecue, beer
CAPE & ISLAND, MA

SUNDAY CAPE COD TIMES
DISTRIBUTED NEWSPAPER OF THE YEAR

Taxpayers could face 'big burden' without help
Infrastructure, legislation may aid Cape towns in FEMA's charge

As families say enough is enough, Black enrollment plummets at Boston Public Schools
Student numbers are down by half as parents say their tolerance for uneven quality has limits

THREE VISIONS, ONE SITE
The battle for the future of Twin Brooks

Depleted Maine shrimp fishery facing hurdles

Boston Sunday Globe
Serving our community for 150 years
NOVEMBER 27, 2022

In House, GOP short on inflation solutions
And the party's stance on budget, debt issues may worsen price pressures

As families say enough is enough, Black enrollment plummets at Boston Public Schools
Student numbers are down by half as parents say their tolerance for uneven quality has limits

A Cape idyll, in the glare of the housing crisis

Vineyard heist fits a tradition of bank jobs
State has a reputation for ambitious robbers — and for catching them in the end



Lessons Learned

- Be proactive with unprotected recreational and working lands, as well as others
- Be proactive in building relationships with housing providers and advocates
- It's helpful to be FOR something
- Unusual partnerships attract funding
- Be prepared to be attacked as a NIMBY. These issues are complicated. Current climate makes nuanced positions difficult.



Stow Acres: From Plan to Action

Implementing a Community Conservation, Recreation and Housing Vision

Town of Stow Planning/Conservation/CPA

Stow Conservation Trust

Stow Acres Golf Course

MCO & Associates

With support from Dodson and Flinker, Inc.

Stow's 2016 Open Space and Recreation Plan Top Priority Community Needs

- One of the Highest Priorities in Stow's 2016 Open Space and Recreation Plan is proactive planning for future of Stow's five golf courses – protecting important areas, and developing suitable ones
- Collectively more than 600 acres at stake
- Concern about declining economic viability of golf
- “As this OSRP was being finalized, Stow Acres Country Club's management and ownership was in the process of being transferred, reigniting community concerns about the potential for large scale residential development”

2016 Stow Open Space and Recreation Plan *Celebrating 50 Years of Conservation and Recreation in Stow*



Stow Conservation Commission
Stow Open Space and Recreation Plan Subcommittee
May 2016

What Was at Stake?

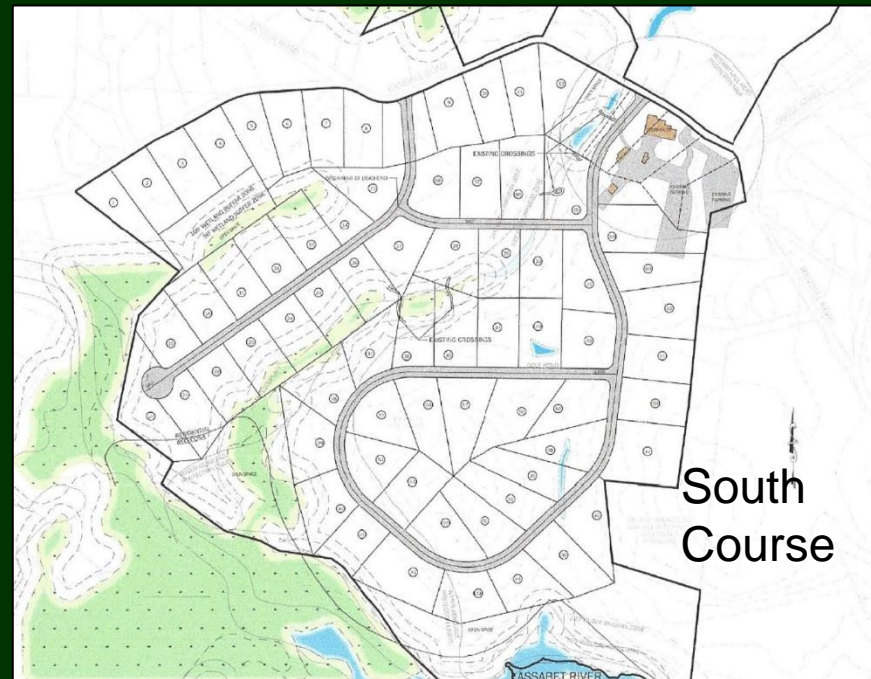
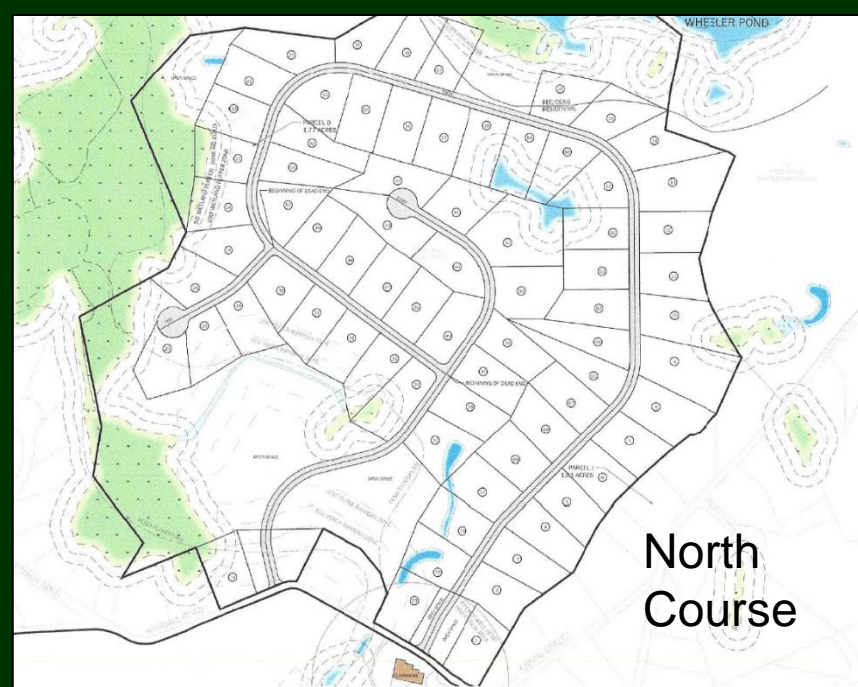
Stow Acres is Stow's oldest and largest Golf Course – and Stow's largest unprotected property at 326 Acres

Important historical clubhouse and site of one of the first black-owned golf courses in United States – Mapledale Country Club (1920s)

Located in an area with very little protected Open Space and spanning two major stream corridors, scenic views, wildlife habitat, etc.

Potential “By-right” Development of Stow Acres would cover the entire site with large houses on large lots and/or large scale 40B development could result in 400+ units – huge potential for community change

Land in Chapter 61B but purchase of entire property would likely cost \$15-\$20 million – not feasible with most taxpayers – clear that a different approach was needed



Late 2019/Early 2020 – Various Proposals



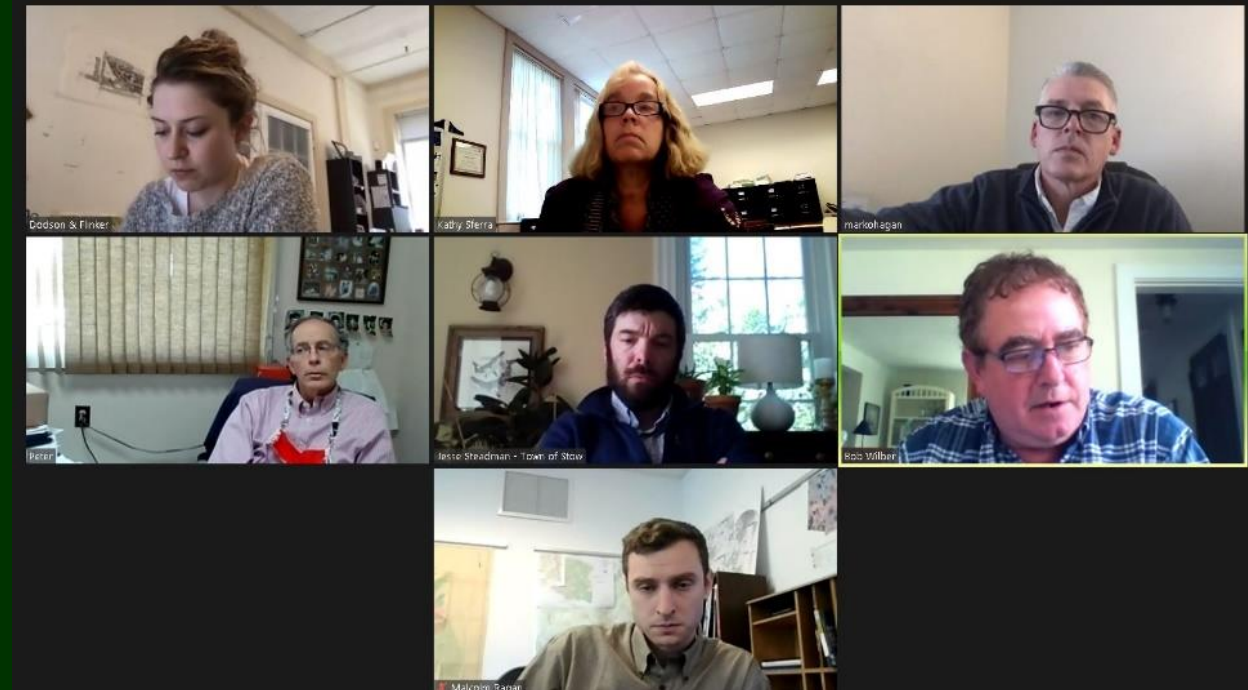
Stow Acres Planning Process

- Town-Stow Conservation Trust Partnership Forms in Summer 2020 in response to potential sale of Stow Acres;
- Combination of Town and SCT funds for planning consultant
- Dodson and Flinker hired by Town and SCT to assist with development of site master plan that would meet community conservation and housing goals
- Stow Acres management and prospective developer MCO & Associates invited into discussions at no cost to them



Goals of Partnership

- Work proactively with owner to shape the future use of the property and develop a comprehensive, unified vision for entire property
- Avoid piecemeal development in which the town reacts to development proposals
- Reach agreement on terms that are financially viable for the Town *and* provide an attractive return on investment to Stow Acres ownership
- Advance community open space, recreation, and housing diversity goals



Site Planning Sketches



Edson Street

Randall Road

Randall Road

Stow Acres Club House

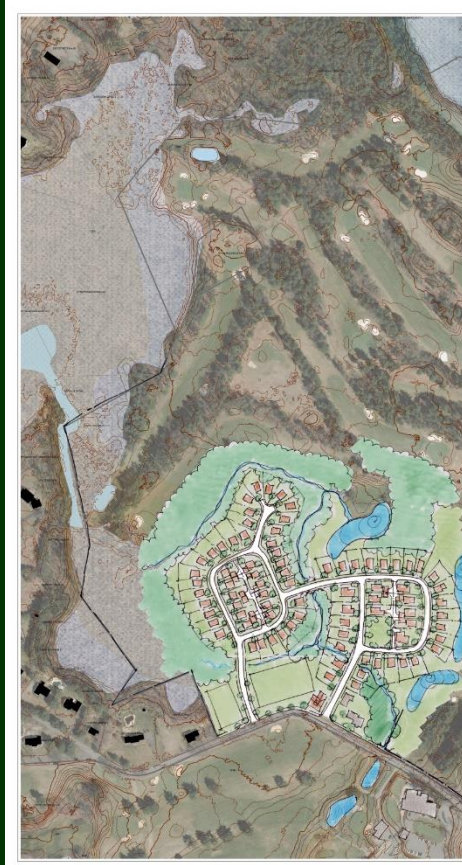
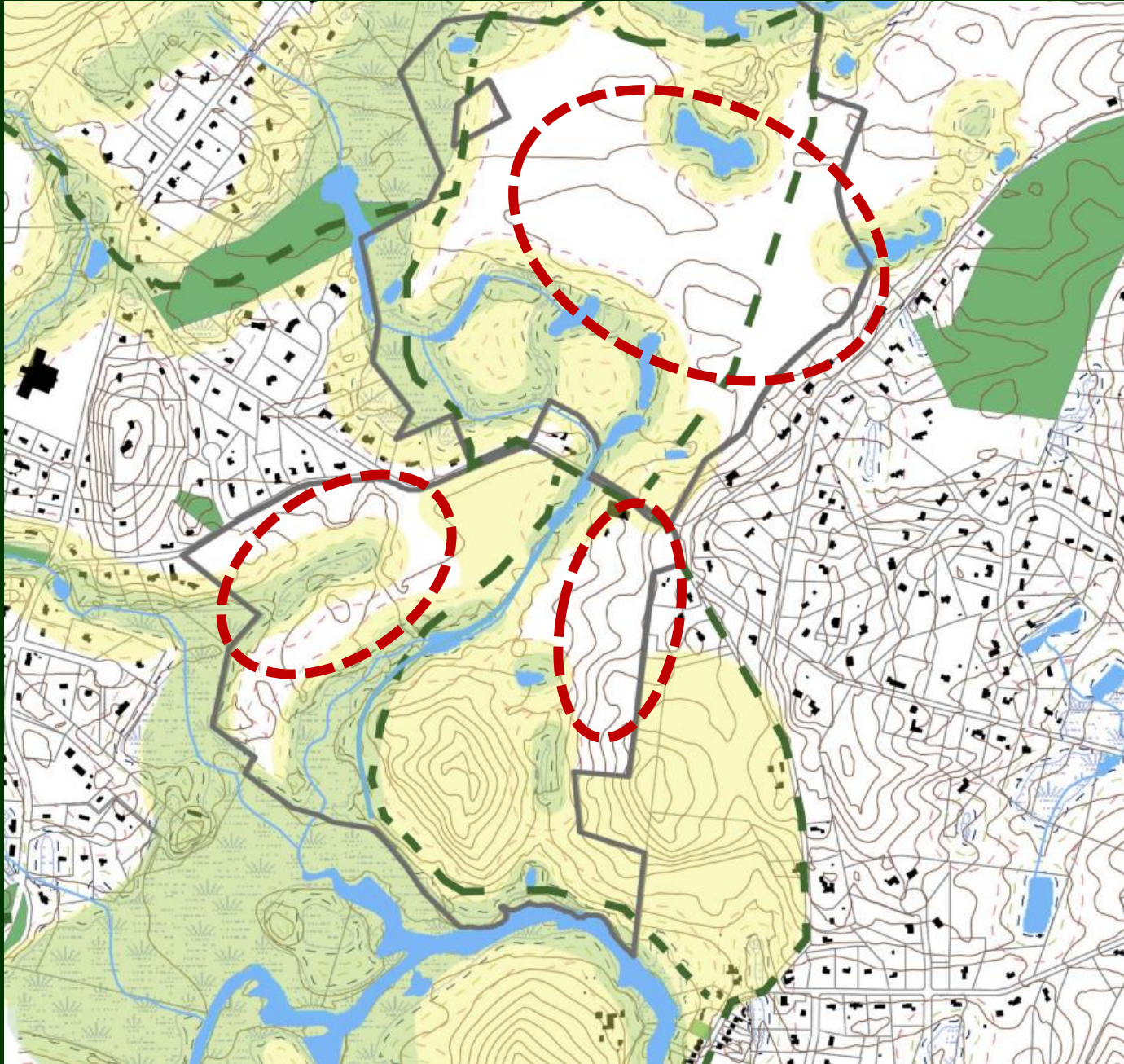
Historic Mapledale Golf Course

Randall Homestead

Site Planning Sketches



Site Planning Sketches



Legend

- 2' contour
- 10' contour
- Wetlands
- Open Water
- 35' Wetlands Buffer
- 200' Wetlands Buffer
- 100' Wetlands Buffer

FEMA Q3 Flood Zones

Flood Zone Designations

- AE = 1% Chance of Annual Flooding, with BFE
- X = 0.2% Chance of Annual Flooding

Stow Acres Masterplan

0 100 200 300 Feet

DODSON & FLINKER
Landscape Architecture and Planning

Village Development Principles

- Compact, efficient form that conserves resources
- Promotes walking and biking; social streetscapes, cars accommodated but not allowed to dominate
- Provides diverse housing choices for people at every stage of life
- Organized around the “public realm” of streets, shade trees, sidewalks, parks and greenways
- Connected to the surrounding landscape
- Rich in accessible recreational opportunities



RIVERWALK, W.CONCORD, MA



RED MILL VILLAGE, NORTON, MA

Conservation, Recreation and Village Development Concept Plan

Presented February 2021

South Course

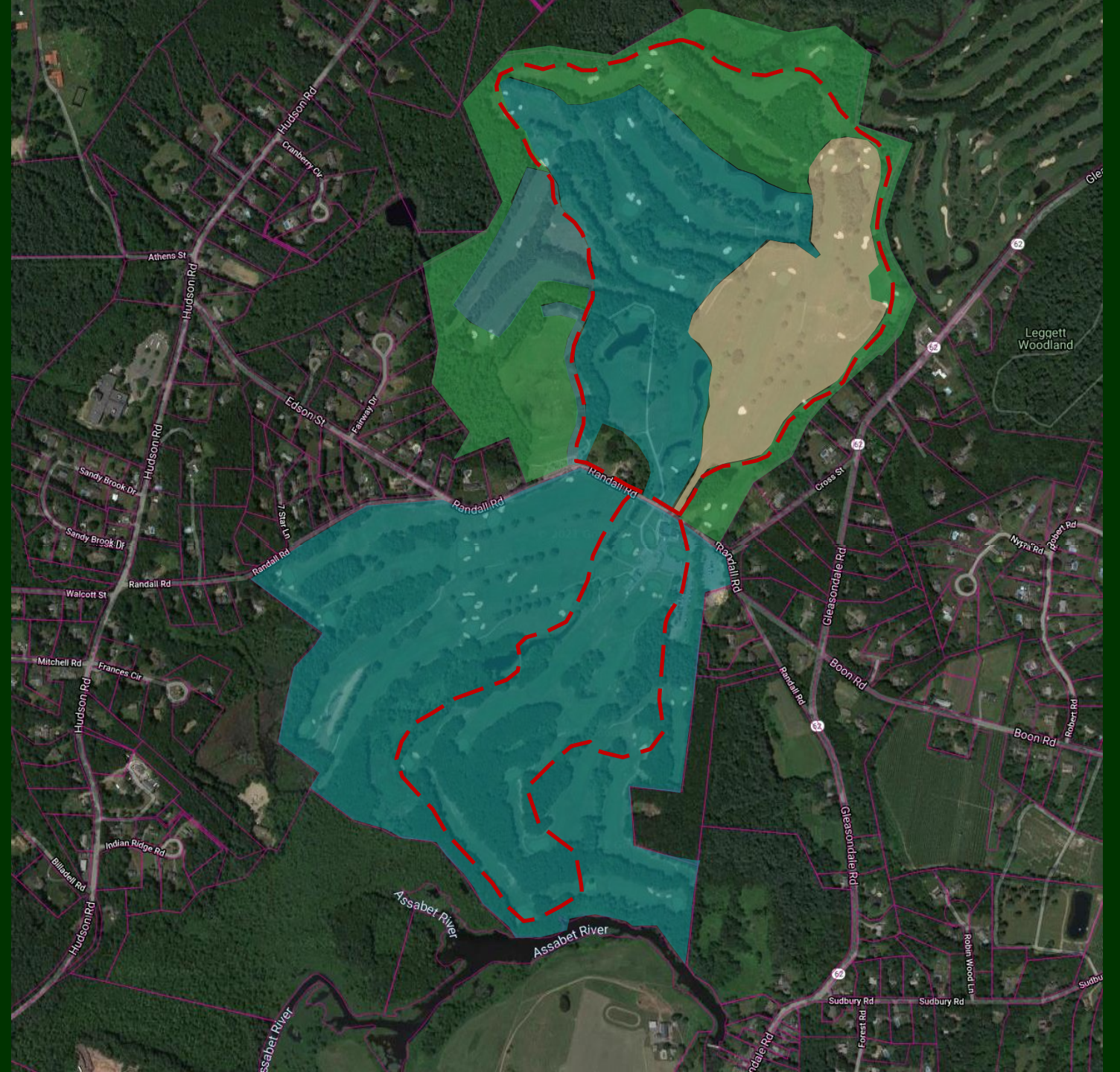
- 151 Acres - Golf
- (18 holes, permanently conserved with CR and trail)

North Course

- 60 Acres Golf (9 holes)
- 12 Acres Recreation/Ballfields
- 73 Acres Conservation
- 32 Acres Village

Total Site: 328 Acres

- Housing Site: 32 Acres
- **Perm. Conservation/Recreation: 296 Acres**



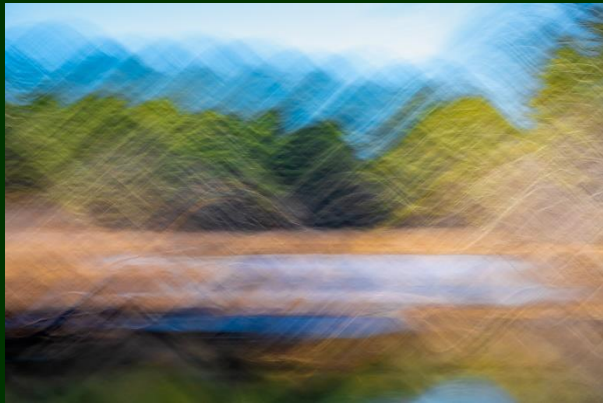
Housing Concept Plan

- 189 Units
- Developer worked with Dodson & Flinker and Partnership on Design
- Focus Group and Public Forum for Community Feedback



Open Space, Recreation and Housing Benefits

- Provides future playing fields
 - Restores former wetlands
 - Protects wildlife habitat associated with two riparian corridors – Assabet River and Elizabeth Brook
 - Protects scenic views & high quality habitat
 - Creates interconnected multi-use trails linking to internal/external neighborhoods
 - Preserves historically-significant Mapledale site and maintain golf use
- Creates 25 older adult rentals (*the most in-demand and under-built housing type in the entire state);
 - Proposes a mix of rental and ownership options creating opportunities for people of all income brackets and age groups;
 - Includes designs targeted for “aging-in-place” to provide options for downsizing and/or multi-generational families;
 - Helps Stow meet the State’s 10% requirement for affordable homes.



Stow Acres Community Outreach

- Public forums – Early 2021
- Dedicated email
- Webpages
- 10 Page Questions and Answers Document

Meanwhile

- Spring 2021 Negotiations (Multi-party)
- Agreement to Pursue as 2 Phase Project
 - Stow Acres needed income in 2021
 - But everyone wanted agreement on all of the real estate prior to committing



The screenshot shows the website for the Town of Stow, Massachusetts. At the top left is the town seal, and to its right is the text "STOW MASSACHUSETTS Incorporated 1683" with a red star on a map of Massachusetts. Below this is a navigation bar with links: "About Stow", "Government", "Visitors", "Businesses", "Calendars", "COVID-19", and "Stow Acres Info".

On the left side, there is a vertical menu with the following items: "Home", "North Course Climate Resilience Master Planning", "North Course Development Permitting", "Stow Acres Land Protection", "Stow Acres Photos", and "Stow Acres Vision Planning".

The main content area features a page titled "Stow Acres Open Space, Recreation, and Housing Page". Below the title is a sub-header: "This page contains all available information related to the Stow Acres partnership including Conservation, Open Space, Recreation, and Housing. This page will have information on all aspects of the planning and permitting." Below this is a paragraph of text: "For decades, residents of Stow have been concerned about the future of Stow Acres, the Town's largest (36 hole) golf course and the largest undeveloped parcel in Stow. This 360-acre property contains significant conservation values – including riparian corridors along Elizabeth Brook and the Assabet River, scenic views from Randall Road and Gleasondale Road, and opportunities for significant large-scale conservation and restoration." Below the paragraph is another paragraph: "In 2019, when rumors began circulating about the possible sale of Stow Acres, the Town and the nonprofit Stow Conservation Trust (SCT) began negotiations with the property owners. These discussions led to the creation of a groundbreaking partnership that included the Town, SCT, a private for-profit purchaser, and the owners of Stow Acres, who worked together for two years to develop an overall vision for the entire property with the support of a professional landscape design firm, Dodson and Flinker. Together, the partnership identified priority locations to focus development and meet the town's housing diversity needs, and areas that had the highest conservation and recreation values which will support future trails, recreation facilities, restored wetlands and streams, and conserved corridors along Elizabeth Brook and the Assabet River. Multiple community fo..."

At the bottom left of the page, there is a "Key Contacts" section with the following information:

- Kathy Sferra (978) 897-8615
- Valerie Oorthuys 978-897-5098
- Malcolm Ragan 978-897-5098
- Karen Kelleher
- Laura Greenough (978) 855-2298

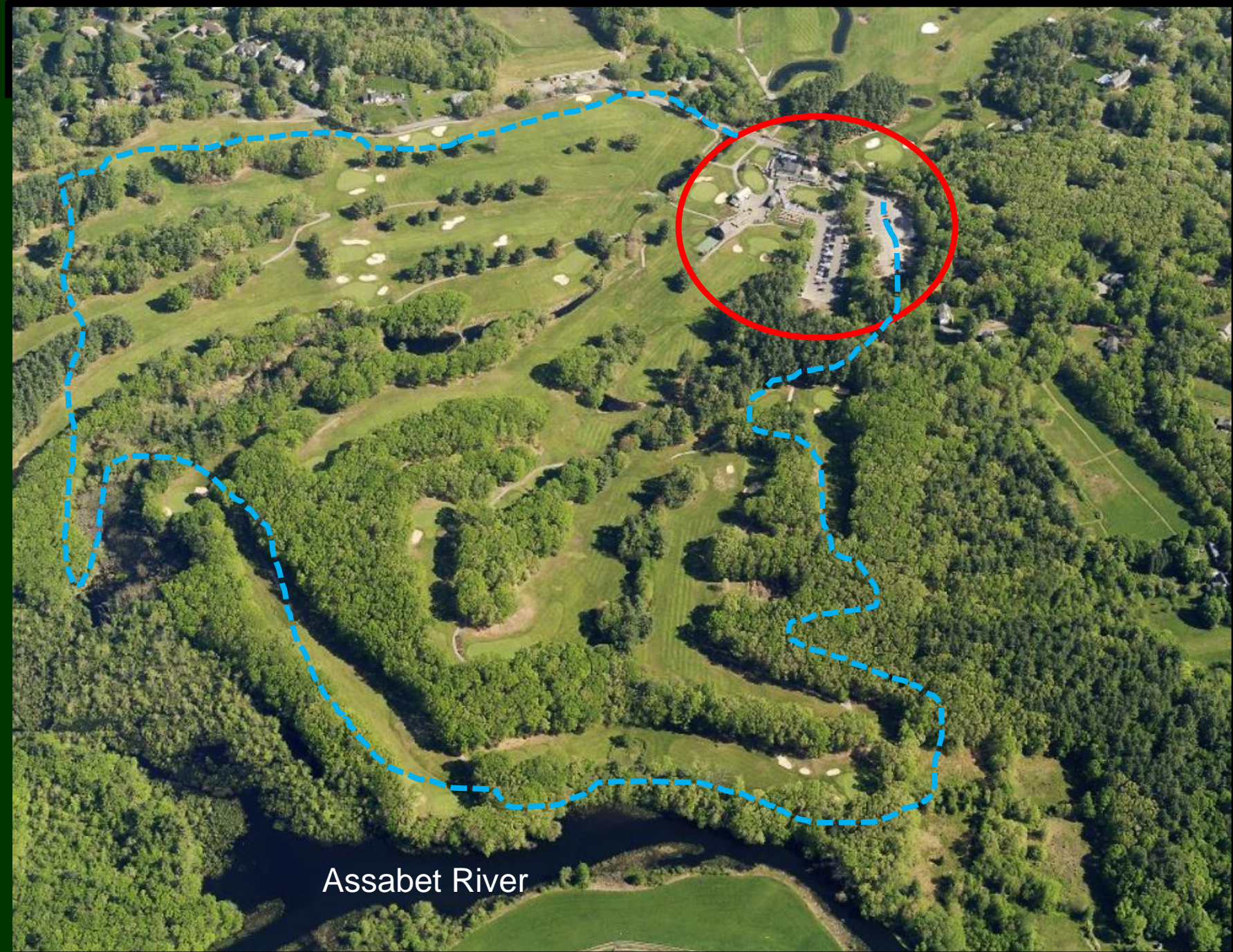
May 2021 Town Meeting

Approved South Course CR purchase for \$1.5 million in CPA Funds – near unanimous vote

Permanent Protection of Entire 151 Acre South Course, with Trail Easement

Balance of Appraised Value was a tax deduction by Stow Acres

All tied to Successful Vote on Phase 2



September 2021 Town Meeting

Town votes to acquire ~111 of 175 acres of North Course for \$3.525 million

~24 Acres Conveyed to Conservation Commission

~87 Acres Conveyed to Recreation Commission

-Retained rights for golf for varying terms

Jointly developed master plan to determine more precise uses

Stow Acres would retain ~65 acres for sale for development

Stow Acres North Course Aquisition



Development Area Overview

- ~62 Acres - not part of Town Meeting Vote
- MCO & Associates purchasing directly from Stow Acres
- Development key to overall project and financial feasibility for Town AND to broad community support
- Permitting just beginning in Spring 2023
- MOU between Town, Stow Acres and developer:

NOW THEREFORE the parties do hereby agree as follows:

MCO & Associates, Inc. agrees to limit the number of units proposed within the Development Area to a maximum of 189 units consistent with the housing styles, rental/ownership mix, and overall village-style development concept summarized on Attachment A;

MCO & Associates, Inc. will have sole responsibility for advancing proposals for development of its portion of the Property for affordable housing purposes;

The Town of Stow agrees to support the Local Initiative Permit application(s) from MCO & Associates, Inc. and also to ensure timely processing of development permit applications and to provide staff support from the Planning and Conservation Departments to assist in the review of permit applications by local boards, including the Zoning Board of Appeals;



Overall Project Finances

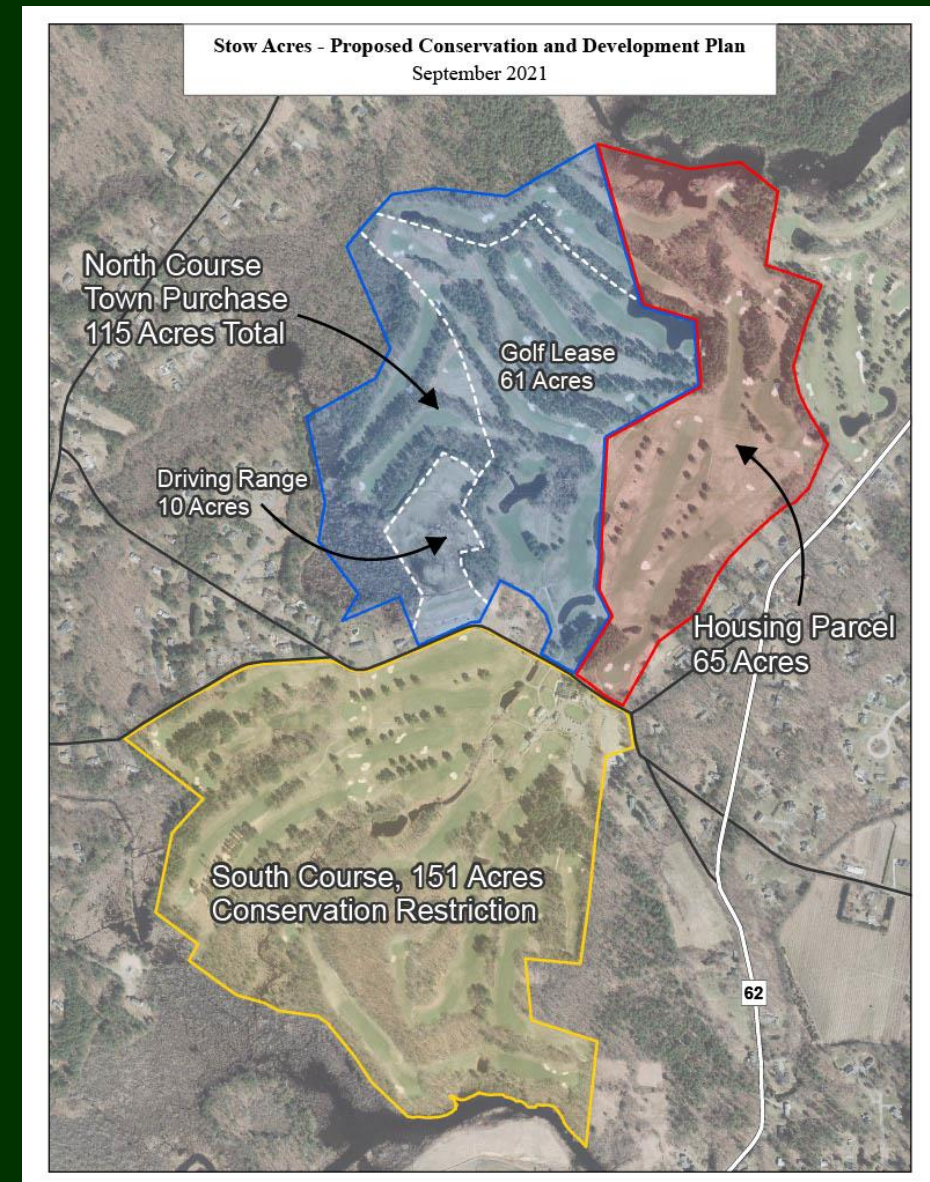
	Appraised Value	Total Cost to Town	Other Funds
South Course	\$3.8 million	\$1.5 million (all CPA)	n/a
North Course (Just Town portion)	\$6.3 million	\$3.535 million (\$2.5 million CPA)	\$960,000 EOEA/MVP \$100,000 Stow Conservation Trust
Total	\$10.1 million	\$5.035 million (\$4 million CPA)	

South Course CR Purchase – December 2021
North Course Fee Purchase – January 2023

Developer Purchase Pending Permitting

Overall Community Benefits

- Comprehensive outcome achieved
- 85% of the property in permanent conservation/recreation
- Continue golf as a traditional use
- Provision of diverse community housing –rental and ownership – to achieve the town’s 10% affordability mandate –with local involvement in planning and design
- Avoids difficult, expensive and potentially acrimonious Chapter 61 process (entire property appraised value ~\$16.3 million) & less desirable “by right” or 40B development outcomes
- Community invested in a creative model of conservation & housing collaboration that can be replicated



Municipal-Land Trust Partnerships

– Nonprofits:

- Can often act more quickly/nimbly
- Landowners may prefer to work with them
- Better able to maintain confidentiality
- May have easier time with negotiations when permits are pending
- Can better access Private fundraising



- Look for creative ways to work together to accomplish common goals
- Learn/know each others' priorities/capacities
- Be clear about roles and expectations/communication
- Share Credit – *“Give more than they deserve, take less than you deserve”*



Nuggets: Key Takeaways

Tips for Non-Traditional Collaborations

- For Public/Private Conservation Stakeholders: Realize that you have the ability to **advance non-conservation goals of your community** (ex.: Housing, active recreation, historic preservation)
- **Think Creatively** – Is There an "Out of the Box" Approach That Could Yield a Different Result?
- **Be Aware of the Cards You Hold:**
 - Could exercise Ch. 61 (A/B) Right of First Refusal
 - Influence community reaction (support/opposition)
 - Influence regulatory review
 - Increased sales price of units and overall greater interest/attractiveness/demand



Nuggets: Key Takeaways

Tips for Non-Traditional Collaborations

Be Aware of Tools Available to You (and Collaborators)

- Ex.: Comprehensive Permit/Community Sponsored 40B

Be Aware of Related Current Needs of Your Community (example: What types of Affordable Housing options/choices are most needed at this moment in time).

Strongly Consider Bringing in Innovative Planner – serving as an independent third-party – to participate and facilitate throughout visioning, raising options that collaborators may not be aware of and craft vision(s) integrating the different components.



Nuggets: Key Takeaways

Tips for Non-Traditional Collaborations

- **Balance Keeping Group Small With Having Right Parties at the Table.** (Example: we included Town Planning Dept. - keeps visioning "grounded" and builds support internal to mun. gov.)
- **At Outset, Shine Bright Light on Mutual Benefits of Collaboration.**
- **Stress "Nothing Ventured, Nothing Gained" Approach.**
- **Devote Sufficient Time to Participant's Goals/Concerns/Visions**
 - Meet in person, secure commitment of time
 - Listen, take notes, ask questions, show respect, develop common baseline
 - Speak up if you can help/impact item
 - Foster trust, confidentiality (particularly in "visioning" phase)



Nuggets: Key Takeaways

Tips for Non-Traditional Collaborations

- **Resist Evaluating Through Traditional Conservation/Development Lens:**

- Homes can be smaller, more energy efficient/eco-friendly.
- More units = more affordable units (and more types/offerings) for your community.
- More units = reduced cost of conservation component.
- More units can get community to 10% AH threshold = immunity to hostile 40-Bs.
- Comprehensive Permit can enable smaller lots/development pod footprint (less land-consumptive).

- **After Desired Vision Selected by Collaborators, Share With Community:** Commit time necessary to help as many town residents as possible to understand – and be able to educate others – as to what is (and isn't) being proposed. Highlight community benefits. Press releases, social media, public forums.

- **Have confidence that many/most are aware that there is both a housing crisis and a climate/conservation crisis – your Land Trust will benefit from positively impacting both (members, support).**

Questions?

