

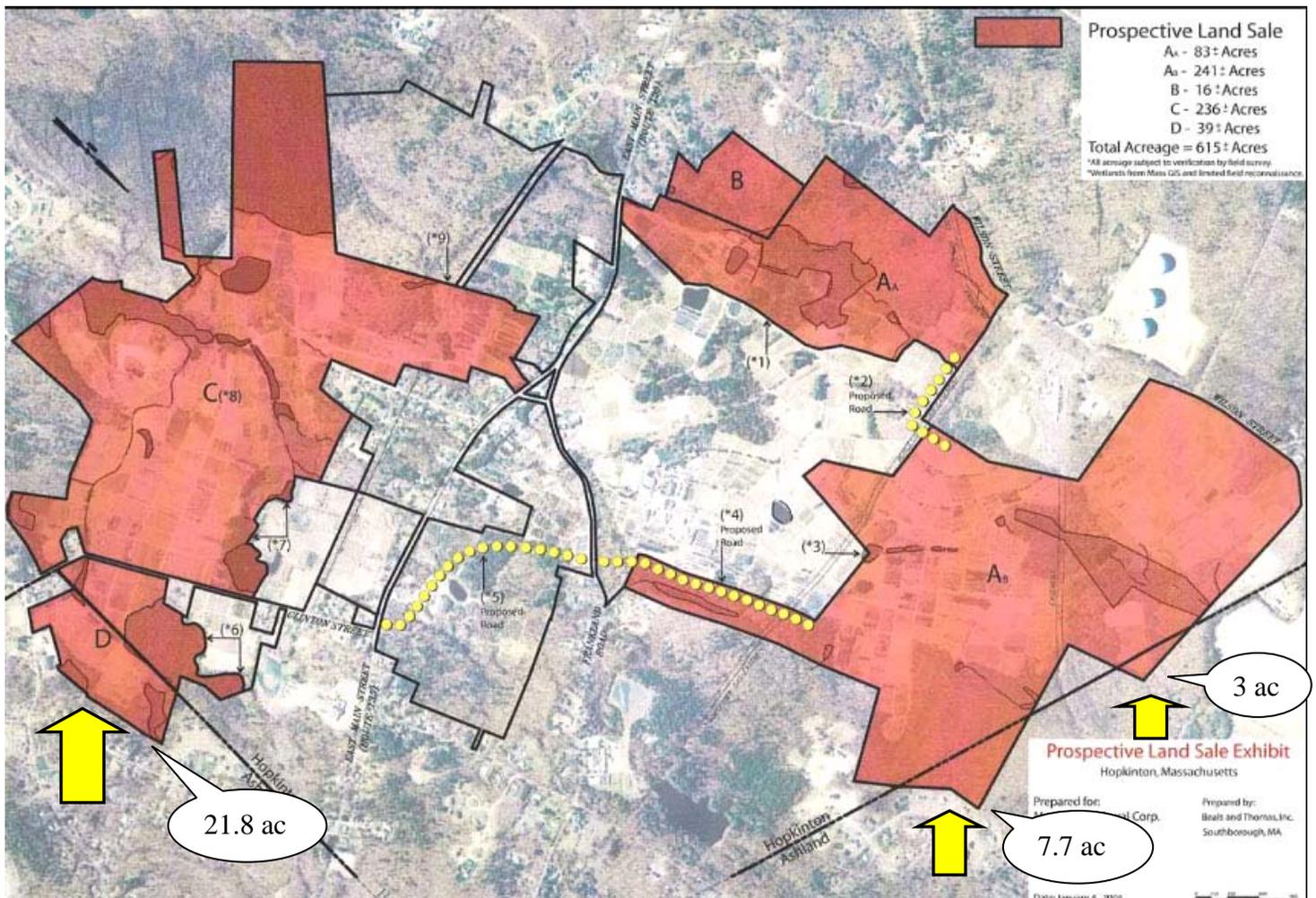
Fact Sheet About Weston Nurseries Acreage For Sale

According to the Hopkinton News, “[t]he Mezitt family, which owns Weston Nurseries, is offering 5 parcels totaling 615 acres for sale.” Furthermore, “[m]ost of the land has been used for farming and is likely under Chapter 61A. Under this law, [...] when an owner sells, he must offer it to the municipality, which then has 120 days to make an offer in a ‘right of first refusal’.”¹

1. About the Property and Chapter 61A

Where is this land?

Most of the land lies in Hopkinton. However, parts of parcels A and D on the map below lie in Ashland: some near Olive Street and some near the Ashland water treatment facility, adjacent to state-owned MDC land and across from Hopkinton State Park. The acreage numbers indicated below next to the arrows indicate the sizes of portions within Ashland’s borders.²



What is Chapter 61A?

“The agricultural and horticultural land classification program under Massachusetts General Laws Chapter 61A is designed to encourage the preservation of the Commonwealth’s valuable farmland and promote active agricultural and horticultural land use. It offers significant local tax benefits to property owners willing to make a long-term commitment to farming. In exchange for these benefits, the city or town in which the land is located is given the right to recover some of the tax benefits afforded the owner and an option to purchase the property should the land be sold or used for any purpose other than to continue raising farm products.”³

What does the “right of first refusal” mean?

In this context, the right of first refusal means that Ashland has the option of purchasing the portion of the Chapter 61 property that is within Ashland’s borders, meeting the terms of an offer that the owner has obtained from a potential buyer. Ashland can alternatively assign this option to a nonprofit conservation organization (such as Sudbury Valley Trustees or Trustees of Reservations), or can choose not to exercise the option at all.

What would the terms be if Ashland exercised its right of first refusal?

It depends on the Purchase and Sale agreement that prompts the owner to notify the town of the intended sale. Ashland would be bound by the same financial terms and time schedule of the owner’s Purchase and Sale Agreement. In essence, if Ashland exercises its right of first refusal, it must meet the offer received by the owner.

What does the 120-day period mean, and when does it start?

The town has 120 days to decide whether to exercise its right of first refusal. The 120-day period starts when the owner notifies the town that the owner has received a signed Purchase and Sale Agreement and intends to sell the land. The 120-day period does not include the period of time in which the owner is soliciting bids. Also, it does not mean that Ashland must purchase the property within 120 days of being notified. If Ashland exercised its option, it would be bound by the same timeline specified in the owner’s signed Purchase and Sale Agreement.

2. Reacting to the Potential Sale

What role does the Ashland Board of Selectmen play?

- Notification by owner: If the owner plans to sell the land for residential, industrial, or commercial use, then the owner must notify the Board of Selectmen, Board of Assessors, Planning Board, and Conservation Commission of their intention to withdraw their property from Chapter 61 after receiving a Purchase and Sale Agreement for the property from a potential buyer
- Exercise of option: To exercise the right of first refusal option and agree to purchase the property, the Board of Selectmen must notify the owner in writing within 120 days of the notification mentioned above.
- Assignment of option: The Board of Selectmen may alternatively assign the option to a nonprofit conservation organization under such terms and conditions as the Board of Selectmen deem appropriate, after a public hearing.

What role does the Ashland Open Space Committee (OSC) play?

Because the mission of the Open Space Committee involves the protection of open space, the Committee seeks to work with interested parties to learn whether exercising the right of first refusal is feasible and advantageous to Ashland.

In the process of drafting the Open Space and Recreation Plan (OSRP), the OSC rated 127 parcels of privately owned land to determine their value for conservation and recreation. The parcel on Olive Street (Section D on map), which is 21.8 acres, rated in the top 20% of parcels of interest, scoring high in the categories of natural resources, wildlife protection and active recreation. The parcel would be appropriate for the development of much-needed recreational playing fields, a priority expressed by many respondents to the Open Space and Recreation Survey of town residents conducted by the OSC as part of the OSRP.

The smaller parcels (Section A) although not rated by the OSC, are of concern due to their proximity to Ashland's water treatment plant and Hopkinton Reservoir. The U.S. Geological Survey (USGS) is studying water shortages in the Upper Sudbury watershed basin and is monitoring sites. The Massachusetts Department of Environmental Protection has expressed concerns regarding last summer's low water levels at Hopkinton State Park Reservoir, which impeded boating. The OSC is concerned about additional stress to Ashland's water

supply, including drinking water, as a result of potential development of these parcels.

What role do Ashland residents play?

If you are an Ashland resident, learn more about this situation and its possible implications for you, your family and the town.

- Stay informed through the local media.
- Talk with others in the community – your neighbors and those in neighboring towns that might also be affected.
- Talk to your elected representatives, your town officials (e.g., Board of Selectmen, Board of Assessors and Planning Board), and your town committees (e.g., the Conservation Commission and Open Space Committee) about your concerns.
- Ask questions, participate in discussions, educate yourself, and educate others.
- If you are a registered voter, be alert for possible warrant articles related to this situation and participate in Town Meeting.

3. Other Resources for Learning

Text of Chapter 61A

<http://www.mass.gov/legis/laws/mgl/g1-61a-toc.htm>

Specific portion about sale of land, and town's option to purchase land

<http://www.mass.gov/legis/laws/mgl/61a-14.htm>

Information from Massachusetts Department of Revenue

<http://www.dls.state.ma.us/ptb/pdfs%5CCh61A.pdf>

Hopkinton News articles

http://www.hopnews.com/weston_sale_story.htm

http://www.hopnews.com/land%20use_03_09_05.htm

MetroWest Daily News article

<http://metrowestdailynews.com/localRegional/view.bg?articleid=93011>

¹ http://www.hopnews.com/weston_sale_story.htm

² Underlying map from http://www.hopnews.com/weston_beals_map.htm; Ashland acreage numbers from Ashland Assessor's Office

³ <http://www.dls.state.ma.us>