



Fwd: Article 20 - transfer of land to Conservation Commission pursuant to NAE-2018-01219 Kennedy Middle School

1 message

Patrick Hayes <phayes.fincom@natickma.org>

Mon, Sep 9, 2019 at 12:37

To: Linda Wollschlager <lwollschlager.fincom@natickma.org>, Bruce Evans <bevans.fincom@natickma.org>

FYI

Sent from my iPhone

Begin forwarded message:

From: Karis North <knorth@mhtl.com>

Date: September 9, 2019 at 4:37:09 PM GMT+2

To: Michael Hickey <mhickey@natickma.org>, "mmalone@natickma.org" <mmalone@natickma.org>, Patrick Hayes <phayes.fincom@natickma.org>

Subject: Article 20 - transfer of land to Conservation Commission pursuant to NAE-2018-01219 Kennedy Middle School

Mike/Melissa/Patrick - I am attaching for your information the Army Corps of Engineers permit for the KMS project, which makes a condition of that permit approval the transfer of 5.28 acres of land (as set forth in the attached plan) to the Natick Conservation Commission, subject to Article 97. The protection of the 5.28 acres is required mitigation for the permanent filling of 0.22 acres of palustrine forested wetland. After Town Meeting approval, the Town Meeting vote must be recorded within 60 days, to make the protections official and consistent with Article 97 and the applicable case law. The land is currently held by the Town, through the Board of Selectmen and the School Committee (it is part of two separate parcels).

If the transfer is not approved at this Town Meeting, the Town must inform the Corsep within 30 day, and make a payment of \$132,247.36 (or may propose alternative mitigation).

This permit condition was negotiated with the Corps, in lieu of placing a Conservation Restriction (CR) on the 5.28 acres, because such a restriction would have been expensive as a third party would have been the holder of the restriction, and would have required some payment for the Town for so doing. This transfer is intended as a permanent protection of the 5.28 acre parcel, in a similar fashion as a CR. My memo to the Corps, which is included within the permit, explains the legal underpinnings for the process.

Please let me know if you have any questions, or require further information in considering this article. As mentioned to Mike, I am not available to participate in the meeting tomorrow night, but happy to answer any questions in advance.

Thanks,
KLN

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