

**Town of Southborough**  
**Open Space Preservation Commission**

SOUTHBOROUGH, MASSACHUSETTS 01772-1662



July 21, 2014

The Southborough Board of Selectmen  
17 Common Street  
Southborough, MA 01772

Dear Board of Selectmen,

The Open Space Preservation Commission seeks your assistance as our appointing Board, in resolving two unresolved open space issues that have been a long time in limbo: Killam Farms and the Pine Hill Conservation Restriction (CR). The background on each is as follows:

1. Killam Farms

- a. An open space parcel created through the Killam Farm subdivision process. The intention was the parcel would go before Town Meeting for acceptance at the time of the road acceptance, in 2001, but did not.
- b. In an attempt to correct this oversight the parcels was placed on the warrant for Special Town meeting in November of 2006 but because there were many unanswered questions regarding the parcel it was indefinitely postponed.
- c. The OSPC conducted a site walk in January 2007 and found some potential liabilities: old oil drums, tires, possible wetland filling and reported its findings to the Planning Board
- d. In July 2007 Town staff conducted a site visit and acknowledged that there were issues with the parcel that need to be remedied before Town acceptance of the parcel. A joint meeting was recommended between the Planning Board, OSPC and the developer of the project. Thus far, no meetings have occurred..
- e. The property has never come back before Town Meeting; the OSPC followed up several times with the Town Planner and was told Town Counsel was looking into what could be legally required of the developer.
- f. The parcel is shown as Town owned on the assessor's maps although it was never accepted by Town Meeting.

2. Pine Hill Conservation Restriction

- a. The 2004 Annual Town Meeting voted against the acceptance of Witherbee Lane as a public way based on concerns were raised (not by the OSPC) that the required open space of the Subdivision had not been adequately protected.
- b. The OSPC inquired to the Planning Board in advance of the 2005 Town Meeting what had been done to assure the open space associated with Witherbee Lane was protected as required by the Bylaw. We were informed there had been no follow up on this issue.
- c. The OSPC completed extensive open space research into the project and had concerns that the open space parcel was not protected as required in our Zoning bylaws. We suggested a meeting of all interested parties to find a solution and ensure that there would be no issues of concern at the 2005 Town Meeting when the road was anticipated to be accepted.
- d. A meeting was arranged and all interested parties were in attendance.
- e. All parties agreed that a Conservation Restriction (CR) be placed on the property to resolve the

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- open space protection issue. Aldo Cipriano and Bill Pezzoni were to confer on the details of the CR and have mutually acceptable document sent to the State for approval prior to the 2005
- f. Immediately preceding Town Meeting 2005, Town Counsel summoned Charlie Gaffney, Bill Pezzoni, and Frederica Gillespie for a conference (on stage) where he disclosed that the CR was not finished, but that he had legally binding documents stating that it would be completed and he was confident that this was the case.
  - g. Town Meeting was assured that a CR would be placed on the open space parcel
  - h. Since 2005, the OSPC has made inquiries to the Planning Board as to the Status of the CR. A couple of draft CR's were forwarded to the OPSC for comment the last being in August of 2007
  - i. To date no CR has been placed on the property, although the OSPC has attempted to follow up on the issue numerous times.

The OSPC has made numerous attempts to follow up on these items through the Planning Department and has gotten nowhere so is now asking the Board of Selectmen's assistance on bringing these items to a resolution which is in accordance with the subdivision decision in the case of Killam Farm, or as promised Town Meeting in the case of the Pine Hill CR.

Respectfully Submitted  
Southborough Open Space Preservation Commission  
By its Chairperson

Meme Luttrell, Commissioner