Memorandum

To: Weston Board of Selectmen
From: Michael Harrity
Re: Case Estates Update to Board of Selectmen
Date: December 12, 2018
CC: Leon Gaumond, Michele Grzenda, Emily Schadler and Katie Klein, Esq.

Below is an update on the many undertakings at the Case Estates that I have been overseeing first as an elected Selectmen and, since May 2017, at your direction.

Case Estates Issues for Discussion and Decisions:

1. Update on Costs to Date and Remaining Appropriations for CPA and Municipal Accounts
   a. Details of Expenses Incurred and Paid to Date
      i. Exhibit 1 shows the parcels as described in the Town Meeting approval of the acquisition on November 8, 2006.
      ii. Exhibit 2 shows the areas clean up by Harvard prior to the town’s purchase and those areas where the deed limits the use to passive recreational activity.
      iii. Exhibit 3 shows the allocated acquisition costs including the reductions resulting from a Town Meeting approval in 2010 and the ultimate price resulting from the settlement of the town’s lawsuit against Harvard.
      iv. Exhibit 4 shows the various costs to date divided into categories. The contamination of the property by pesticide residuals and the lawsuit resulted in high costs for legal fees and environmental consultants.
      v. FYI: Parcel 8 was acquired first and separately by eminent domain.

General Fund: $14,480,000 authorization at 11/8/2006 Special Town Meeting
   - $14,480,000 BAN on 12/19/2006
   - $805,000 BAN Paydown (Principal Payment) on 2/1/2009
   - $805,000 BAN Paydown (Principal Payment) on 2/1/2010
   - $805,000 BAN Paydown (Principal Payment) on 2/1/2011
   - $5,300,000 Bond on 2/4/2011

Authorized but Unborrowed: $6,065,000
Current balance: $412,333.68

CPA Fund: $8,920,000 authorization at 11/8/2006 Special Town Meeting
   - $6,000,000 borrowing,
   - $2,920,000 transfer from the CPA Undesignated Fund balance

Rescinded per 11/29/2010 Special Town Meeting: $1,185,887
Current Balance: $799,305.08
2. Description, Estimated Cost and Schedule for Work to be completed
   a. Seek Planning Board and ZBA approval of reconfigured parcels 4 & 5
      i. Exhibit 5 shows parcels 4 and 5 which must be sold because MASS DEP regulations will not allow their use by the Town of Weston if they are not connected to a sewage treatment plant at the Case Campus
      ii. The conservation restrictions proposed for these parcels, especially Parcel 5, will have some impact on the future sale value. Town counsel will draft these restrictions which are proposed to be held by the town when the property is sold in the future to a private or non-profit owner.
      iii. Because these are nonconforming lots, reconfiguration will require review by the Planning Board and the Zoning Board of Appeals. Parcel 5 will require a ZBA-issued special permit and reconfiguration of Parcel 4 will require a ZBA-issued variance.
   b. Establish Parcels 1 and 2 as legal lots and file conservation restrictions
      i. Town Counsel to oversee the process.
      ii. The conservation restriction for parcels 1 and 2 will be held by Weston Forest and Trails
      iii. Both of these parcels have some encumbrance from A.U.L.s which has impact on value (as reflected in the reduced purchase prices) and on the maintenance protocols. impact
      iv. See #4 below: the proposed sale of parts of Parcel 9 to an abutter has a minor and favorable impact on Parcel 2.
   c. Legacy Trail
      i. Construction documents for the proposed Legacy Trail are being prepared by Howard Stein Hudson in cooperation with the Traffic and Sidewalk Committee (T & S C) and with approval expected from the Recreation Commission. Exhibit 9 shows the Masterplan developed by Tom Wirth Associates in 2016 and Exhibit 10 shows the current status of the full plans for the trails being developed by Howard Stein Hudson. You will see that the proposed pathways are consistent with the masterplan.
      ii. The pathways on the Case Estates include 3 sections – the Legacy Trail from the Community Center to the site of the former Summer House, a connector pathway from the Legacy Trail to Wellesley Street, and a pathway from the Wellesley Street to Ash Street where it will connect with a sidewalk to the reservoir on Ash Street.
      iii. Weston 300 is to contribute to improvements to the Legacy Trail benches, pavers and perhaps funds in amounts TBD as their fund will also contribute to the Weston Rail Trail.
      iv. Funds for the Legacy Trail construction appear to be available from the Case Estates CPA appropriation but there may not be sufficient funds for the connector to Wellesley Street or from Wellesley Street to Ash Street. Does the Board of Selectmen wish to jointly sponsor a request to the CPC on January 20 for CPA funds for these pathways on the Case Estates?
v. Does the Board of Selectmen wish to weigh in on the surface material – asphalt or stone dust – for the pathways on the Case estates? We will seek input from the T & S C and the ConCom as well.

3. Future Action for the buildings on Parcels 4 and 5
   a. There remains no clear future use of the 3 buildings (Rand House, School House and barn) and 2 lots (parcels 4 and 5) at the Case Estates. No town use has been proposed. Because of the lot constraints, and the buildings’ design and condition, the market value of these properties is relatively low. A 2006 appraisal indicated that the highest and best use for each parcel is as an unimproved residential lot with the existing structures demolished.
   b. Note that the Historical Commission wishes to place Preservation Restrictions on these buildings but they have not yet established their recommendations for restrictions or commissioned appraisals to establish the highest and best use value and the diminished value due to the proposed restrictions.
   c. It is not known if the Historical Commission is prepared to request CPA funds from the CPC for Historic Preservation of these 2-3 buildings at Annual Town Meeting in May 2019.

4. Possible Sale of two small triangles of municipal land abutting 226 Ash Street.
   a. Exhibit #6 shows two small pieces of land that could be sold to the abutter at 226 Ash Street.
   b. Why sell? A sale resolves an encroachment from a stone retaining wall and pre-existing privately used lawn area;
   c. A sale also resolves an odd shape to the 226 property which leads the owner to maintain town-owned land as lawn – as has been done for years by the current and former owner.
   d. A fair price can be achieved by the Town and the owner would also donate funds to Weston Forest and Trails earmarked for land maintenance at the Case Estates.

5. Plans for near-term future use of the Case Estates
   a. Since parcels 4 and 5 are expected to be sold, we are planning a 10 foot opening in the stone wall on the west side of Wellesley Street in connection with the pathway there to provide access for field maintenance equipment.
   b. ConCom has hired Mass Audubon to conduct an Ecological Management Plan (EMP) for the property to help the town prioritize and address future land management (i.e. invasive species). EMP should be completed by late summer 2019.
   c. Annual mowing of the fields and storm damage tree/bush removal are the only maintenance planned for FY 2019 & 2020 and the ConCom will include this expense in their FY2020 budget.
   d. Con Com will request additional funding in FY21 for implementation of the EMP.
   e. There may be agricultural uses of the property in the future depending on the future buyer/user of parcels 4 and 5 especially the barn.
6. Status of Municipal Parcels 3, 6 and 7
   a. **Parcel 3** has no A.U.L. and a FY 2019 assessed value of $787,800 but it would be
      the access way to Wellesley Street if a future drive from Woodland School were
desirable and its creation and funding approved by a future Town Meeting vote.
      (Note: I am not sure that this assessed value takes the slope of the site into
consideration.) See Exhibit #7.
   b. As shown on Exhibit #8, **Parcel 6** is encumbered with an A.U.L. and is to be
      constrained by a 75-foot conservation restriction along its southern boundary to
protect the framing, with existing mature trees and rhododendrons, of the
Hillcrest view corridor which is parcel 1. This conservation restriction should be
held by the town when (and if) the property is sold in the future – note: no CPA
funds were advanced for the purchase of this restriction. The rough estimate for
the cost of the cleanup of this lot to allow it to be developed as a single-family
lot is $650,000 but that cleanup would entail significant loss of the trees and
rhododendrons. The FY2019 assessed value, which assumes it’s clean and that
there is no preservation restriction is $788,600. A 2006 appraisal indicated a
value diminution by the preservation restriction of $145,000. So these rough or
out-of-date estimates indicate that the current value “As Is” is less than $0.
These estimates could be updated at a cost of about $15,000 including an
appraisal (with and without a conservation easement) to get more accurate and
up-to-date numbers.
   c. **Parcel 7** is also encumbered with an A.U.L. A very rough estimate of the clean-
      up of the entire 14.8 acre parcel is $3,000,000 (or more). The plan for this
municipal parcel is to hold it for potential future municipal use – most likely for
the replacement of one of the school buildings on the Case Campus many years
from now. This would allow the existing building to be used until a new building
is ready and then the existing building would be demolished and the site turned
into a playing field. In this case, the clean up would be done in advance of and in
connection with the construction of the new building – saving the cost of
regrading and re-landscaping – and the cleanup may not be required of the
entire 14.8 acres.
Exhibit 1: Case Estates Parcel Map

The 9 Parcel Plan for the Case Estates

Approved at S.T.M on 11/08/06

Parcels 1 & 2 & 6a:
to be acquired as
Open Space with
CPA funds

Parcels 7 & 8:
to be
considered for
municipal use.

Parcels 3,4,5,6 & 9:
to be sold for
residential use if
private funds to
preserve them as
open space cannot
be raised.

The Case Estates Review Committee’s 2005 plan for the then Harvard-owned property, done at the CERC’s direction by landscape architect Carol Johnson, showing the “Hillcrest Corridor”
Harvard directed and paid the firm of Hailey & Aldrich to clean up the areas shown in PINK and LIGHT BLUE prior to the sale to Weston in June 2016. The process was inspected weekly by Jim Luker, L.S.P., Weston’s Environmental Consultant. The clean up was also filed with and accepted by MassDEP prior to the closing.

At the closing, the areas in GREY were encumbered by Activity and Use Limitations (A.U.L.). The A.U.L.s limit use to passive recreational uses which have minimal soil disturbance and thus do not expose users to the residual pesticides containing lead and arsenic lying several inches below the soil surface.
## Exhibit 3: Allocation of the Case Estates Purchase Price

**ALLOCATION OF THE MAY 2015 SETTLEMENT PRICE AND COST REDUCTION**

### ALLOCATION TO SUBPARCELS

<table>
<thead>
<tr>
<th></th>
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<td>1</td>
<td>Hillcrest Corridor North</td>
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<td>2</td>
<td>Hillcrest Corridor South</td>
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<td>Barn &amp; School House Lot</td>
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<td>North ANR Lot</td>
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<td>Pine Woods*</td>
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<td>Alphabet Lane Parking</td>
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<td>9</td>
<td>Ash Street Parcel</td>
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<td>$(1,137,333)</td>
<td>$4,142,667</td>
<td>5</td>
<td>$(1,142,667)</td>
<td>$3,000,000</td>
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| TOTAL:   | 62.5                      | $22,500,000               | $(3,000,000)                      | $19,500,000                         | 19                               | $(5,759,800)                    | $13,740,200                        |

**C.P.A.:** $(1,185,667) $7,459,333 $(859,333) $6,600,000

**MUNICIPAL:** $(1,814,333) $12,040,667 $(4,900,467) $7,140,200

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*Land with use limited to passive recreation with an A.U.L. was valued at $300,000 per acre. The value of unencumbered land is based on market comparable sales recognizing the value of buildable lots, the cost of infrastructure and the sell-off timing.*
### Exhibit 4: Costs Paid and Incurred to date

**CASE ESTATES, WESTON, MA**  
**Costs to Date and Other required Costs**

Compiled by Michael Harrity with assist from Susan Kelly and Charlie Young

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<tr>
<th>Category</th>
<th>CPA Funds</th>
<th>Municipal Funds</th>
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<tr>
<td>Nov 8, 2006 STM Appropriation</td>
<td>$8,920,000</td>
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<td>Rescinded AT Nov 23, 2010 STM</td>
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<td><strong>NET APPROPRIATION</strong></td>
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<td>Approved Debt not yet Issued</td>
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<td>($6,065,000)</td>
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<td>Acquisition Price</td>
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<td>Closing Costs &amp; Adjustments</td>
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<td><strong>TOTAL ACQUISITION COST</strong></td>
<td><strong>$6,601,812</strong></td>
<td><strong>$7,183,109</strong></td>
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**OTHER COSTS PAID TO DATE:**

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<td>Appraisals</td>
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<td>Legal Costs</td>
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<td>Environmental Consulting Fees</td>
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<td>Architectural Fees</td>
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<td>Landscape Design Fees</td>
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<td>Engineering Consultant Fees</td>
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<td>Surveys</td>
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<tr>
<td>Demolition of Outbuildings</td>
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<td>Stabilize Existing Buildings</td>
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<td>Environmental Clean-up Costs</td>
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<td>Clearing Trees &amp; Invasives</td>
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<td>Moving &amp; Field Maintenance</td>
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<td>Tree Plantings</td>
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<td>Legacy Trail Contract Documents</td>
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<td>Interest on Deposit</td>
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<td><strong>TOTAL OTHER COSTS PAID TO DATE</strong></td>
<td><strong>$333,216</strong></td>
<td><strong>$819,558</strong></td>
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**Paid as of November 30 2018:**  
**CURRENT BALANCE:**  
CPA Funds: $6,935,028  
Municipal Funds: $8,002,666  
**$799,305**  
**$412,334**

**OTHER REQUIRED COSTS**

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<tr>
<th>Category</th>
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<td>Legacy Trail Contract Documents</td>
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<td>Environmental Consulting Fees</td>
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<td>Signage</td>
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<td>Reserve for Maintenance &amp; Repairs:</td>
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<tr>
<td>Other</td>
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<td><strong>TOTAL OTHER COSTS INCURRED</strong></td>
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<td><strong>$82,000</strong></td>
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**UNCOMMITTED BALANCE:**  
CPA Funds: $682,305  
Municipal Funds: $330,334
Exhibit 5: Parcels 4 and 5

Current Lot Configurations

Proposed Lots 4 & 5 Configuration
Exhibit 6: Possible Sale to Abutter at 226 Ash Street

Ash Street side of the Case Estates with the dividing line between Parcels 2 and 9 per the 11/09/2006 STM vote

Parcel 2

Parcel 9

Revised Parcel 2 / parcel 9 dividing line

9,224 SF added to parcel 2

10,426 SF of municipal land proposed for sale to owners of 226 Ash Street
Exhibit 7: Survey showing Wellesley Street portion of the Case Estates with Parcel 3 and Roadway Easement

Existing legal lots at the Case Estates

Proposed lot configuration as per 11/09/2006 STM vote

R.A. Cameron Surveyors

Parcel 3

Access easement retained by the Town of Weston for possible future Case Campus access/exit road.
Exhibit 8:
Weston Assessor’s Map #32 including Case Estates Wellesley Street Side

Yellow hatching on Case Estates represents the approximately boundary of the AUL

Parcel 6
with conservation easement
Exhibit 9 – Masterplan for the Case Estates – Thomas Wirth Associates
Exhibit 10 – Howard Stein Hudson plans for the Legacy Trail and the paths across the Case Estates connecting the Case Campus to the Reservoir