

December 27, 2023

Denise Galvao, Program Coordinator Division of Conservation Services Executive Office of Energy & Environmental Affairs

Subject: Submission of Busa Farm (LexFarm) CR by the Town of Lexington

Dear Denise:

The Town of Lexington's submission of the draft Conservation Restriction for the 7.47-acre Busa Farm (LexFarm) at 52 Lowell Street, Lexington, is attached for your review. The word-document version of the draft CR, showing track changes, is attached separately. This is Lexington's beautiful Community Farm and CSA, an important piece of open space in a highly developed neighborhood and a link to other protected parcels in Lexington and Arlington.

Items included in this packet are the following:

- Completed CR Submission Form
- Draft Conservation Restriction (attached separately)
- Survey Plan
- Underlying Deed, Book 1378, Page 43, Middlesex South Registry
- Community Preservation Act Vote
- Maps
 - Structures and Fields Plan
 - USGS Topo Map
 - USGS Quadrangle
 - Locus Map with Adjacent Open Space
 - Resource Map
- Ground and Drone Photographs of the Property

Please let us know if you need additional information. Thank you very much for considering this application.

Pete Westover on behalf of the Town of Lexington

Pete Westover, Conservation Works, LLC, Contractor to the Town of Lexington Copies to: Carol Kowalski, Assistant Town Manager; Karen Mullins, Town of Lexington; Jennifer Platt, Anderson & Kreiger, LLP

CONSERVATION RESTRICTION SUBMISSION FORM COMMONWEALTH OF MASSACHUSETTS DIVISION OF CONSERVATION SERVICES EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS – v. April 2023

Grantor/Grantee Information						
Grantor Name(s): Town of Lexington		Preservation, Inc.				
Primary Grantee: Citizens for Lexington Consen		Secondary Grantee:				
		ondence will go to the listed CR Contact(s)				
CR Contact #1: Pete Westover, Co.	nservation Works LLC	CR Contact#2: Carol Kowalski, Assistant Town Mgr. CR Contact#2 E-mail: CKowalski @lexingtonma.gov				
CR Contact #1 E-mail: Westover 03	@ comcast. net	CR Contact #2 E-mail: CKOWalski@lexingtonma.gov				
CR Contact #1 Phone: 413-695-4		CR Contact #2 Phone: 781 - 860 - 2219				
CR Background Information						
Municipality: Lexington	CR Street Address:	Street Address: 52 Lowell St, Lexington				
CR Acres: 7.47	Site/Project Name (if a	Site/Project Name (if applicable): Busa Farm (LexFarm) CR				
Assessors ID: Map(s) and Lot(s): (As shown or	Assessors ID: Map(s) and Lot(s): (As shown on the Board of Assessors property card) Map 20, Lots 38A, 40A, 43					
Is there Public Access? Yes □ No	CR allows Hunting ☐ Yes 🗷 No	CR allows Forest Management? ☐ Yes ⋈ No				
Premises has or will have Trails? ▼Yes □No	Premises falls within a Zone I or Zone A? □Yes ⊠No	Are their structures currently on the Premises? A Yes \(\subseteq No\)				
Please briefly describe any future projects or		(Will it be removed? □Yes \(\mathbb{E}\)No) at the Premises?				
Farm use will cont						
Is this CR an Amendment to an existing CR? Yes No If yes, please describe why the Amendment is proposed, and provide recording information and PDF of the original CR						
Is this CR required or associated with any form of permitting process? Yes No (If yes, please explain what type of permit? (Please submit relevant Documentation)						
Please indicate the recording deadline, if appliance.	cable, and provide a brief explanatio	n why?				
Will a baseline documentation report be prepared and BDR Completed Au		ated into the CR), No If no, please explain why not				
Is the Premises encumbered by one or more eximpact the easement(s) will have on the Conserv		e provide description and recording information for the easement(s), and describe the				
Does the Grantor have clear title?						
Does the CR require review by another Massa	ichusetts State Agency? □Yes ⊠No I	f yes, please provide name and email for contact person				
Funding Information – sources of go Community Preservation Act (Please provide a \$98,000		ruisition of the fee interest or CR Federal Grant (Please provide name of grant and amount)				
Conservation Land Tax Credit (Please provide	e calendar year and tax credit amount)	Other (Please provide name of grant and amount) Town borrowing:				
		Town borrowing: \$4,197,000				
State Grant (Please provide name of grant and amount)						

CONSERVATION RESTRICTION SUBMISSION FORM COMMONWEALTH OF MASSACHUSETTS DIVISION OF CONSERVATION SERVICES EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS – ν . April 2023

ATTACHMENTS:

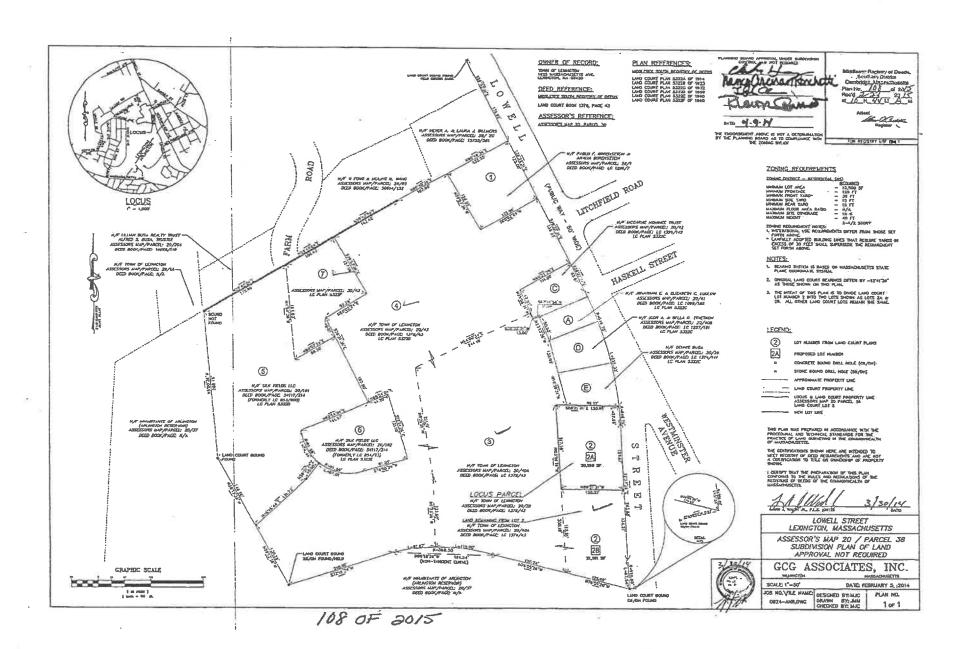
REQUIRED DOCUMENTS

•	Draft Conservation Restriction	⊠Included.
•	Metes and bounds description OR Survey plan of Premises (Please send plan as separate PDF) also, see notes on Metes & Bounds / Survey	☑ Included. yey Plan on the following page. The property of the property of the page of the page of the page. The page of the pag
•	Grantor's Deed	⊠Included.
	(Please submit a draft Deed if Grantor will acquire the fee interest simult IF APPLICABLE (if applicable, then request)	
a.	Original CR (Only if this is a CR Amendment)	□Included 図N/A
b.	Town Vote(s)/City Council Order(s) (For CPA votes or other applicable votes/orders)	⊠ Included □N/A
c.	Trustee Certificate or Other Corporate Authority (If Grantor is a Trust, LLC, or other Corporation This can be a draft)	□Included ⊠N/A
d.	Conservation Management Permit (Department of Fisheries and Wildlife)	□Included ⊠N/A
e.	Determination Letter (Department of Fisheries and Wildlife)	□Included ☑N/A
f.	Wetlands Order of Conditions C.131.§40	□Included 図N/A
g.	Zoning, C. 40A, §9 Special Permit, etc.	□Included 図N/A
ħ.	Any other Exhibits that will be attached to the CR i.e. Grant agreements, Votes, Permits, etc.	□Included MN/A
be s	If any of the above attachments are not included with the sunse explain below why they were not submitted. Please clarify in your explanaubmitted. (Note: Please try to submit complete applications with all attachmen. This will speed up the review process. Thank you.)	ation when the attachment(s) will
		1

¹ (In accordance with MGL Chapter 184 Sec. 26, the Premises description must be <u>either</u> a full metes and bounds description, <u>or</u> a recorded plan of land – an unrecorded plan may be provided with the application, provided it will be recorded before the CR is recorded)

CONSERVATION RESTRICTION APPLICATION FORM COMMONWEALTH OF MASSACHUSETTS DIVISION OF CONSERVATION SERVICES EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS – v. April 2023

MUNICIPAL CERTIFICATION						
(We) the undersigned Conservation Commission of <u>kexington</u> (The certifier/holder) hereby certify that the proposed conservation restriction is in the public interest in that it (describe public benefit):						
	To be submitted separately					
-	4					
Date:	Signed:					
	<u>*</u>					
	·					
NOTES	This certification by the conservation commission may be submitted separately from the application and filed with the submission of the executed conservation restriction, it being recognized that the applicant may want to submit the application with a draft copy of the conservation restriction for review prior to actual submission of the executed document. Conservation restriction lands which overlap municipal boundaries must be approved and certified by the appropriate officials of both municipalities. The commissioners' certification should state why the property is significant and why the conservation restriction is important.					



Deed N

Return Document to:

Howard L. Levin, Esq. Rich May, a Professional Corporation 176 Federal Street Boston, MA 02110

Number of Pages: 3

Exempt



Bk: 1378 Pg: 43 Cert#: 245506 Doc: DEED 12/04/2009 08:49 AM

Above for Registry use only

Quitclaim Deed

Dennis Busa and Gay McGarvie, of Lexington, Middlesex County, Massachusetts, and Francis Busa, of Littleton, Middlesex County, Massachusetts, for consideration paid and in full consideration of Four Million One Hundred Thousand (\$4,100,000.00) Dollars, grant to the Town of Lexington, a Massachusetts municipal corporation, having an address at 1625 Massachusetts Avenue, Lexington, MA 02420, with *Quitclaim Covenants*, all those certain parcels of land situated in Lexington, Middlesex County, Massachusetts generally known as Busa Farm and numbered 52 Lowell Street, more particularly bounded and described as follows:

1. The land described as Lots 2 and 4 in Middlesex South Registry District of the Land Court Certificate of Title No. 211688 and shown as Lots 2 and 4 on Land Court Plan No. 5322^D, the title to which currently stands in the names of Dennis Busa, Francis Busa and Gay McGarvie; provided, however, that excluded from the conveyance of said Lot 4 is Lot 6 shown on Land Court Plan No. 5322^E, filed in said Registry District at Book 641, Page 76, with Certificate of Title No. 102226, which Lot 6 was previously conveyed out by deed dated June 25, 1960, filed as Document No. 357038 and noted on Certificate of Title No. 100544.

2. The land described as Lot 7 in Middlesex South Registry District of the Land Court Certificate of Title No. 211688 and shown as Lot 7 on Land Court Plan No. 5322^F, the title to which currently stands in the names of Dennis Busa, Francis Busa and Gay McGarvie.

3. The land described as Lot 3 in Middlesex South Registry District of the Land Court Certificate of Title No. 197417 filed in Registration Book 1117, Page 67 and shown as Lot 3 on Land Court Plan No. 5322^D, the title to which currently stands in the name of Francis Busa. Rosina Busa died December 2, 1996 as indicated by Death Certificate filed as Document No. 1068375.

There is appurtenant to Lots 2, 3 and 4 a right of way on the Southerly Side of Lots 2, 3 and 4 to be used on common with others entitled thereto. Pursuant to G.L.c 64D, §1, no Massachusetts Deed Excise Stamps have been affixed hereto as the grantee is a municipality.

Said premises are conveyed subject to easements and restrictions of record, if any there be, insofar as the same remain in force and applicable, and to real estate taxes not yet due and payable.

211688 1 - Francis, Gay, Dennis

Witness our hands and seals this day of September, 2009.

Dennis Busa

Gay McGarvie

Francis Busa

11.30.09

JOVED FOR HEURI I DATING

JY THE COURT

CHREE TITLE EXAMENS

As to 1. Lot 7 on plan 5322f; new ctf to correctly reference suit plan; and

2. Exception description

THE COMMONWEALTH OF MASSACHUSELTS
Middlesex, ss.
On this day of September, 2009, before me, the undersigned notary public, personally appeared Dennis Busa, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose. Howard L. Levin Notary Public
THE COMMONWEALTH OF MASSACHUSETTS
THE COMMON WEARING OF WARRENCES AND
Middlesex, ss.
On this day of September, 2009, before me, the undersigned notary public, personally appeared Gay McGarvie, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose. Howard L. Levin Notary Public September 20, 2013
Million
On this day of September, 2009, before me, the undersigned notary public, personally appeared Francis Busa, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose. Howard L. Levin Notary Public
My Commission Expires September 20, 2013 My commission expires:

DOCUMENT 01519938

Southern Middlesex LAND COURT

REGISTRY DISTRICT

RECEIVED FOR REGISTRATION

On: Dec 04,2009 at 08:498

Posument Fee: Reseipt Total:

125.00 \$1,295.00

OLD: CERT 211688 BK 1188 PG 138 NEN: CERT 245506 BK 01378 PG 43

9:30 p.m. Members spoke in support and opposition.

Thomas Griffiths, pr7, announced as a member of the Munroe Center for the Arts Board he would recuse himself from voting.

9:42 p.m. Robert Whitman, pr.3, moved the question. The Moderator called for a standing vote, tallied as follows:

Precinct	Yes	No
1	10	6
2	6	2
3	8	4
4	14	2
5	5	9
6	11	6
7	5	5
8	11	2
9	9	3
AL	10	7
TOTAL	89	46

9:45 p.m. With 89 having voted in the affirmative and 46 in the negative,

motion to move the question Adopted.

9:47 p.m. Peter Kelley offered closing comments.

9:49 p.m. Vote on Indefinite Postponement of Article 5 Adopted.

9:49 p.m. Presented by Selectman Norman Cohen.

ARTICLE 6: LAND PURCHASE - OFF LOWELL STREET

MOTION: That: (a) the Selectmen be authorized to purchase or otherwise acquire, or to take by eminent domain, for recreation, and/or affordable housing, and/or open space purposes any fee, easement or other interest in all or any part of land shown as lots 38, 40A and 43 on Assessor's Property Map 20 on such terms and conditions as the Selectmen may determine; that the sum of \$4,197,000 be appropriated for such land acquisition, and that to raise such amount, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$4,197,000 under M.G.L. Chapter 44, Section 7 (3), as amended, or under M.G.L. Chapter 44B, as amended, or any other enabling authority; (b) \$98,000 be appropriated from the Undesignated Fund Balance of the Community Preservation Fund for debt service and related borrowing costs of the Community Preservation Fund for fiscal year 2010; and (c) the Board of Selectmen be authorized to lease to the seller all or any part of such land for farming purposes for a period not to exceed three years on such terms as the Board of Selectmen shall determine, as part of the consideration for the acquisition.

9:49 p.m. Betsey Weiss moved the Report of the Community Preservation Committee on Articles 6 & 7 be accepted and placed on file. Unanimously Adopted.

Ms. Weiss reported the unanimous support of the Committee on Articles 6 & 7, with 7-1 in support of financing and covering interest costs.

9:52 p.m. Town Manager Carl Valente presented request.

Shirley Stolz reported support of Capital Expenditures Committee. Mollie Garberg reported support of Appropriation Committee. Peter Kelley reported unanimous support of Board of Selectmen.

Charles Hornig reported support of Planning Board.

10:00 p.m. Peter Kelley responded to questions on possible property contamination.

10:03 p.m. Neighbors at 60 Lowell Street spoke in support and questioned use options.

10:06 p.m. Members questioned minority vote of Appropriation Committee, to which Richard Eurich explained insufficient time was available to review full information. Selectman Norman Cohen responded to some of Mr. Eurich's comments.

Members and neighbors continued to speak in support, questioned tax rollback and likely Community Preservation funding from the Commonwealth.

10:30 p.m. John Bartenstein, pr.1, explained intent to offer a Resolution, and moved:

RESOLUTION: AND IT IS FURTHER RESOLVED: That the Board of Selectmen form an ad hoc Busa Farm Land Use Committee, made up of five to seven disinterested residents of the Town, to conduct a master planning process for the Busa Farm land that includes public meetings and the solicitation of public input, and to make a recommendation to the next Annual Town Meeting on the use or mix of uses of the land that will best serve the interests of the town. A "disinterested resident" shall mean a person who is not a member of any board, committee, Town department or organization that is advocating for a particular use of land. The ultimate determination of the use of the land and approval of a master plan shall be made by Town Meeting.

10:37 p.m. Mr. Bartenstein explained Resolution. Motion to extend Mr. Bartenstein's time 3 minutes Adopted.

Mollie Garberg reported unanimous support of Appropriation Committee.

Selectman Peter Kelley reported unanimous opposition of Board of Selectmen.

David Kanter reported support of Capital Expenditures Committee.

Betsey Weiss reported unanimous opposition of Community Preservation

Committee to Bartenstein Resolution.

10:41 p.m. Charles Hornig reported Planning Board's opposition to Resolution.

Members spoke in support and opposition to Resolution, questioned wording and

if division is possible.

10:56 p.m. Ephraim Weiss, pr.5, moved to lay on table the main motion on Article 6.

Motion Not Adopted.

10:58 p.m. Following a question on the existence of a quorum, the Moderator called for a count of members, and confirmed with a count of 129 members the existence of a quorum.

11:01 p.m. John Bartenstein agreed to separate his motion from the main motion.

11:02 p.m. The Moderator declared a recess.

11:05 p.m. The Moderator declared the meeting back in session.

John Bartenstein moved to withdraw his Resolution. Motion Adopted.

11:06 p.m. Richard Michelson, pr.8, moved the question. Motion Adopted.

11:06 p.m. Main Motion Declared Adopted by more than the necessary two-thirds vote.

11:08 p.m. Charles Lamb served notice of reconsideration of Article 6.

11:09 p.m. Selectman Norman Cohen moved the meeting be adjourned until 7:30 p.m., Monday, May 11, 2009, Cary Memorial Hall. Motion Adopted.

A true copy,

10:37 p.m.

Attest:

Donna M. Hooper, Town Clerk

May 11, 2009 Adjourned Session of the May 6, 2009 Special Town Meeting

The second session of the May 2009 Special Town Meeting was called to order by Moderator Deborah J. Brown at 7:30 p.m., Monday, May 11, 2009, Cary Memorial Hall; a quorum of 157 present.

7:33 p.m. Presented by Dawn McKenna, pr.6.

ARTICLE 2: AMENDMENT TO PRELIMINARY SITE DEVELOPMENT AND USE PLAN, 125, 131 AND 141 SPRING STREET

MOTION: That the Preliminary Site Development and Use Plan adopted as part of the CD Planned Commercial District at the May 2004 Town Meeting for the property known as "Lexington Technology Park" be amended.

The land in said CD Planned Commercial District shall be subject to the Amended Preliminary Site Development and Use Plan (PSDUP) originally filed on March 6, 2009.

MOTION TO REFER ARTICLE 2:

MOTION: That Article 2 be referred to the Planning Board and the Board of Selectmen to further review and to report back to the next annual or special town meeting.

7:35 p.m. Steven Rice, Patriot Partners, explained requested referral.

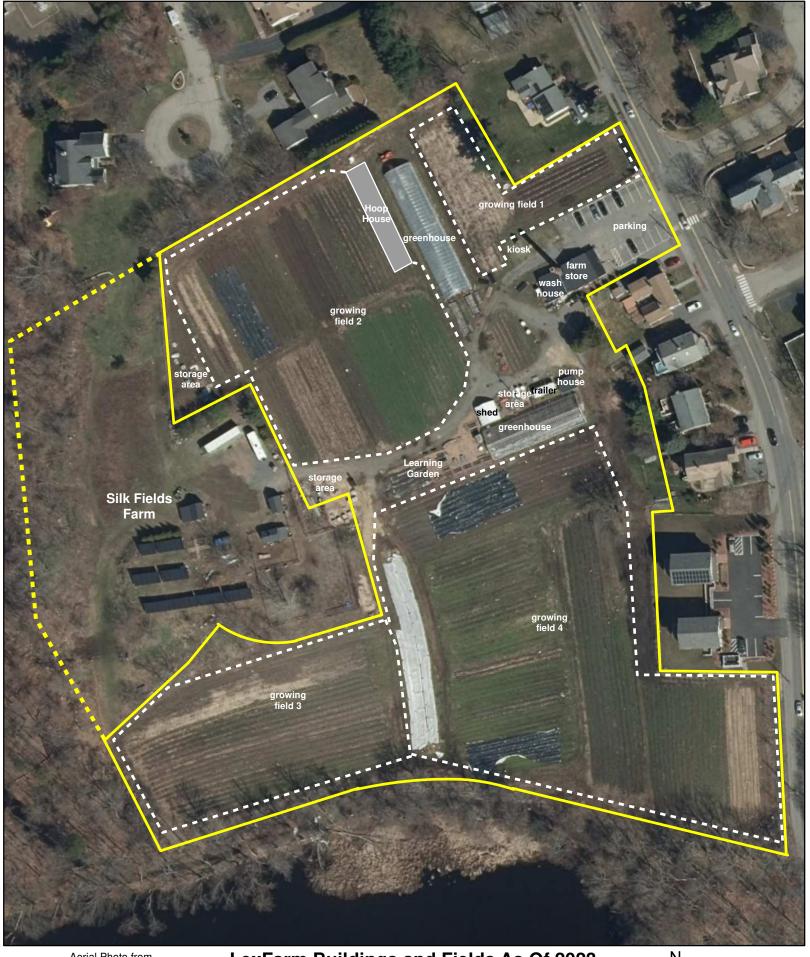
[Edmund Grant on record that he will be recusing himself from voting]

7:38 p.m. Charles Hornig reported no objection from the Planning Board members present.

Jeanne Krieger reported the unanimous support of the Board of Selectmen in this taking no action and withdrawal without prejudice.

Steven Rice responded to questions regarding reason for delay, explaining that

Patriot Partners is prepared to meet to assess needs.

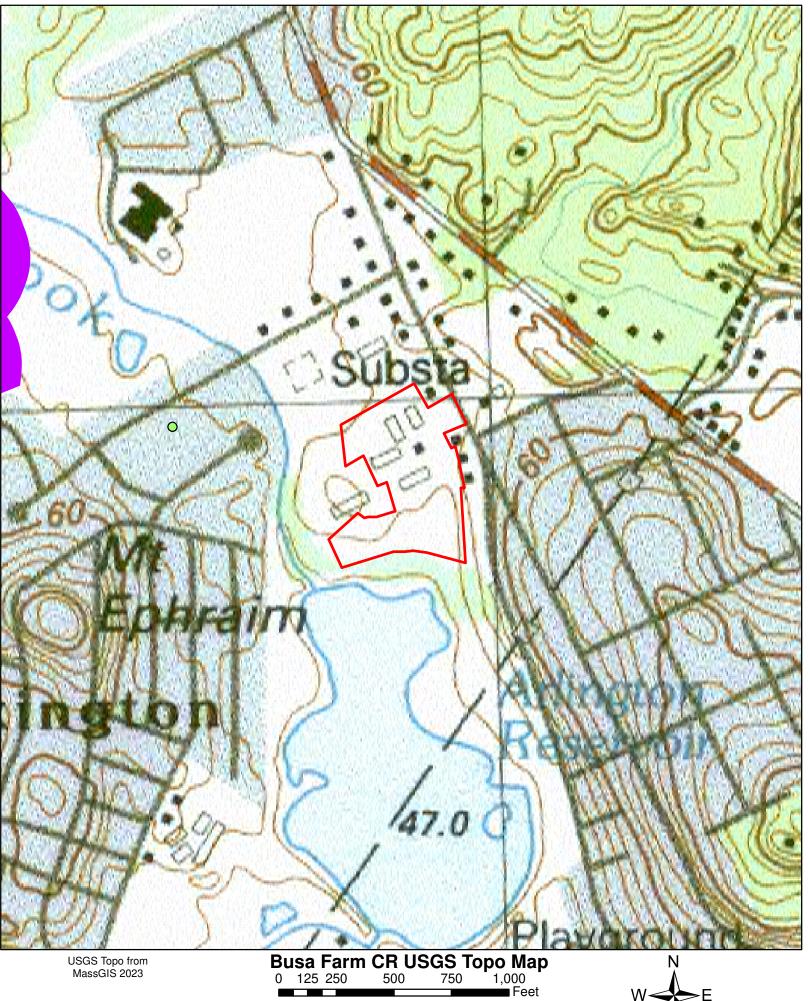


Aerial Photo from MassGIS 2021

LexFarm Buildings and Fields As Of 2023

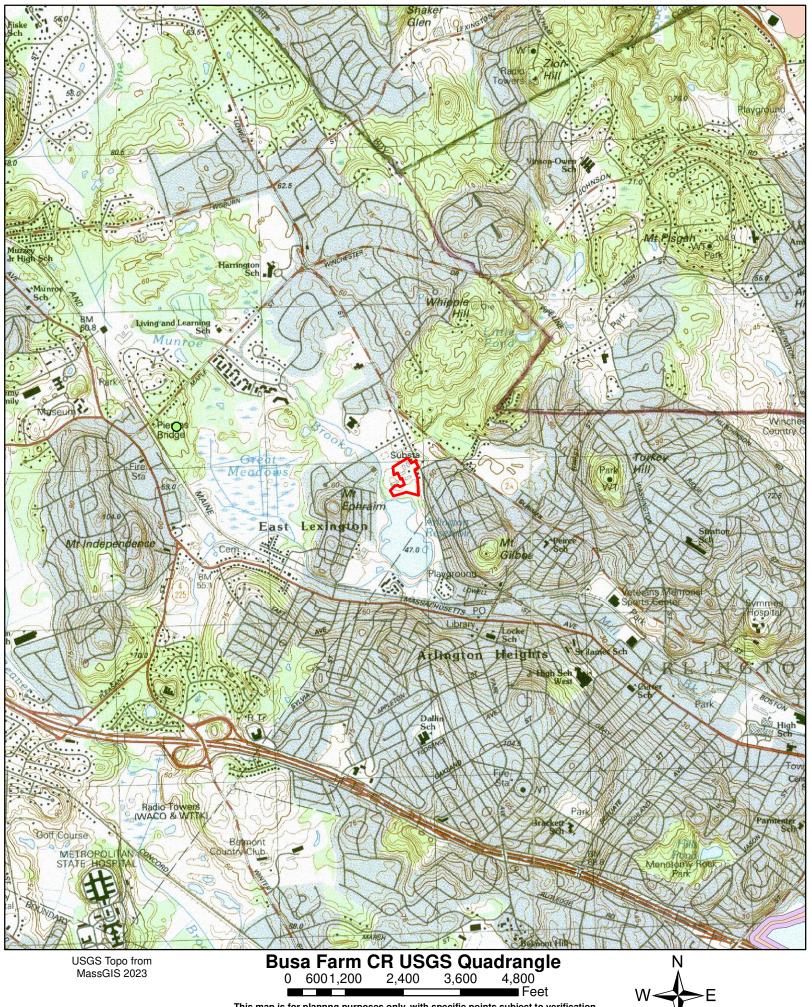
This map is for plannng purposes only, with specific points subject to verification on the ground. It is not to be used by itself for legal boundary definition. Conservation Works - August 2023





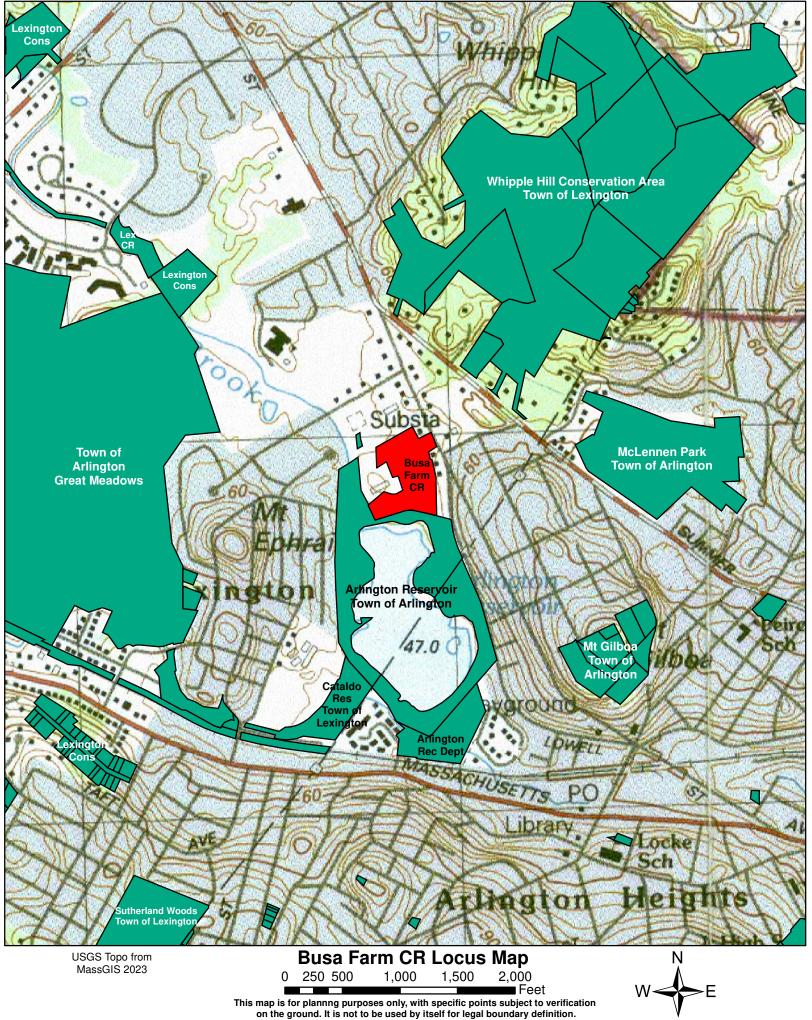
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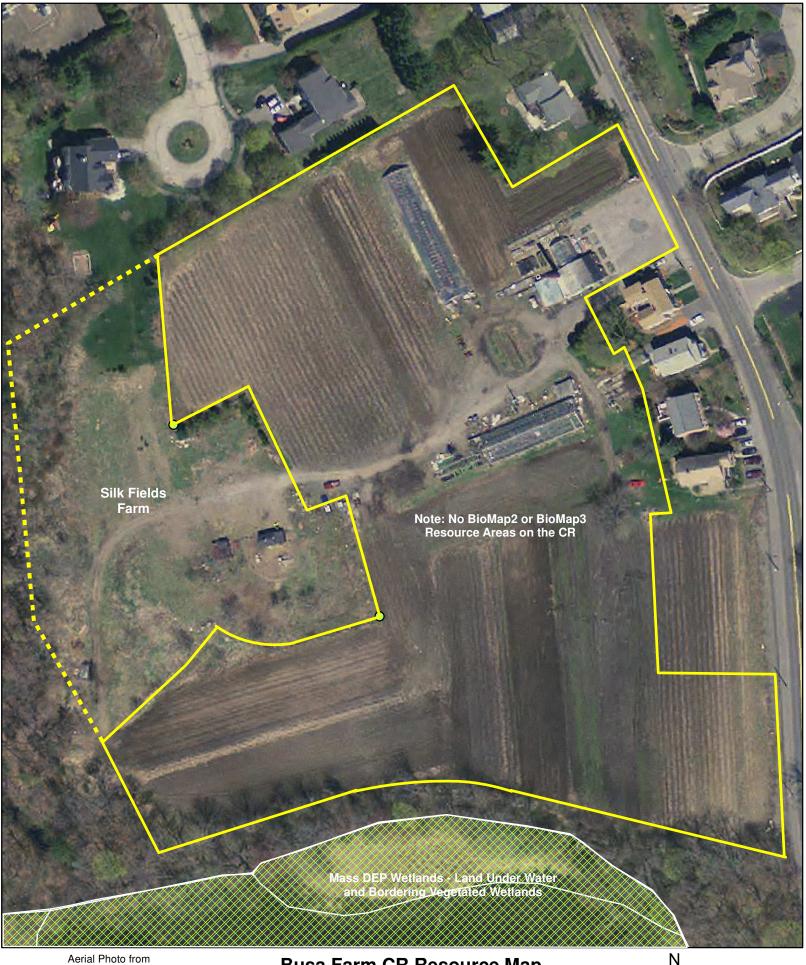


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Conservation Works - August 2023



Conservation Works - August 2023



MassGIS 2021

Busa Farm CR Resource Map 0 25 50 100 150 200 Feet

■ Feet



Documentary Photographs – Busa Farm (LexFarm) CR, Lexington

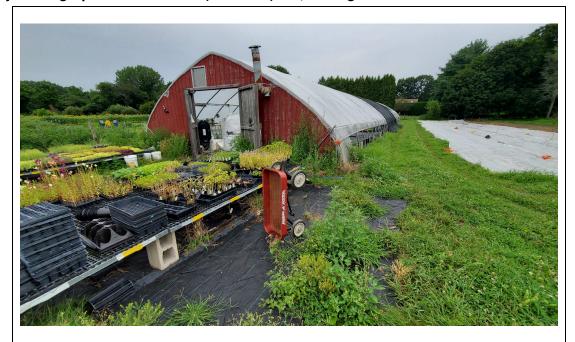


Photo 1. One of the main greenhouses and adjacent crop areas within the CR.



Photo 2. Vegetable crop area near the western CR boundary.

Documentary Photographs – Busa Farm (LexFarm) CR, Lexington



Photo 3. Drone view looking east across the CR to Lowell Street.



Photo 4. The farm and the adjacent Arlington Reservoir. Lowell Street is at left.