



Town of Hamilton, Massachusetts
Land Acquisition Policy
Adopted November 2, 2015

Policy Description: This policy establishes a set of procedures and criteria for acquiring interests in land for open space preservation, water supply protection, recreation, housing or other municipal purposes. This policy shall also apply for accepting gifts of land. This policy does not apply to interests in property acquired by the Hamilton Conservation Commission under its statutory authority.

Policy Objectives: The reasons for having an established procedure and set of criteria are to:

1. provide a clear and uniform method for acquiring interests in real property for open space preservation, water supply protection, recreation, housing or municipal purposes.
2. ensure that decisions regarding the acquisition of real property interests are well-considered and address the concerns and needs of all relevant Town departments and boards, as well as the general citizenry.
3. assist the Town to timely and efficiently respond to opportunities to acquire interests in real property when presented.

Priority List: The town shall maintain a list of candidate parcels on a "List of Properties of Priority Interest" on file with the Town Clerk. If other parcels become available that are not on the existing list then they may still be considered, however, the opportunity should be considered in context of how well that land meets the Town's objectives relative to properties already on the existing priority list for those same objectives. The list will be delineated into separate subcategories for each of the four purposes outlined above. The list shall be updated every two years. Board of Selectmen shall hear input in public meetings before voting to accept the initial and all subsequent priority lists, and shall add or subtract parcels from the list.

The initial "List of Properties of Priority Interest" shall:

1. include all Chapter 61, 61A and 61B and other properties that are potentially subject to town's Right of First Refusal, and
2. any properties that have been specifically identified for acquisition in the Town's Master Plan, Open Space and Recreation Plan, or Recreation Master Plan, and
3. include other properties identified by either the Planning Board, Conservation Commission, Community Preservation Committee, H-W Joint Recreation Committee, Hamilton Development Corporation, or Board of Selectmen that have been voted by the Board of Selectmen onto one of the subcategories of this list.

Interests: "Interests" includes conservation restrictions, agricultural preservation agreements, development rights, easements, or the purchase of title or fee interest in the land.

Procedures:

1. The procedure for considering the acquisition of an interest in land identified on a "List of Properties of Priority Interest" may be initiated in any of the following ways:
 - a) Property owner or agent offers interest in land to the Town through the Town Manager or the Board of Selectmen.
 - b) A notice of intent to change the use of, develop, or sell for development property subject to Chapter 61, 61A, or 61B is transmitted to the Town in accordance with the requirements of those Chapters of the M.G.L.
 - c) The Board of Selectmen vote to instruct the Town Manager to initiate discussions with a property owner relative to the possible acquisition of a land interest. To the extent permitted by State Law, the Board may conduct some of this discussion in executive

session to protect the privacy of the property owner or for other reasons cited in the relevant statutes.

- d) The Town Manager, after guidance discussions with the Board of Selectmen, initiates discussions with a property owner relative to the possible acquisition of a land interest. The Town Manager shall keep the Board of Selectmen updated as to what properties are being actively pursued in this category.
 - e) The Planning Board, Conservation Commission, Community Preservation Committee, H-W Joint Recreation Committee, or the Hamilton Development Corporation vote to request the Board of Selectmen to consider acquisition of a land interest.
2. For properties identified under 1a) or 1b) or 1e) the Board of Selectmen shall, within fourteen (14) days of receiving an offer or notice of intent, refer the offer or notice to Town Manager for review and recommendation with reference to the criteria set out in paragraph 4.
 3. The Town Manager shall transmit its comments and recommendations to the Board of Selectmen within thirty (30) days of the Selectmen's request, or within a shorter period of time if specifically requested by the Selectmen. In the event of a Chapter 61, 61A or 61B property the Town Manager and Board of Selectmen may act on a faster schedule and may work with non-profits as envisioned by M.G.L..
 4. In deciding whether or not to recommend to the Town Meeting to acquire an interest in a specific parcel of land, the Board of Selectmen shall consider the recommendation of the Town Manager, as well as the following:
 - a) Environmental Due Diligence for Hazardous Materials. Has an environmental site assessment been conducted for the property? If not, does the Board of Selectmen believe that such a study is warranted? If site assessments identify existing or potential environmental problems, the Board of Selectmen must make a determination whether or not the benefits of obtaining the property outweigh the risks.
 - b) Title Investigation. Has the property owner provided the Town with title documents to ensure that they are the legal owner(s), and have any liens, mortgages, or other encumbrances been uncovered that may affect the transaction? Is it necessary for the town to obtain title insurance?
 - c) Property Evaluation. A review of whatever reports are available on the specific property as prepared by the Town Manager, Director of Planning & Inspection, the Land Acquisition Committee and other Town boards and committees.
 - d) Topographical Survey. Depending on the proposed use, the Town Manager and the Board of Selectmen should strongly consider requiring a topographical survey so that the access and suitability of the site for the proposed use can be thoroughly evaluated.
 - e) Lowest Cost Option. Does the recommended manner of protection/acquisition achieve the objectives of the policy in the most cost effective manner possible? If the objective is open space preservation, can the town partner with other organizations or assign its rights to conservation or other organizations to achieve the purpose?

- f) Consequences of No Action. Has the Board of Selectmen considered the consequences of the Town taking no action regarding this particular property?
5. Prior to discussions with property owners about acquiring an interest in land identified on a "List of Properties of Priority Interest", the Board of Selectmen may hold a public hearing. The Board of Selectmen shall consult the Town Manager regarding whether a public hearing will adversely affect negotiations with a property owner. Notice for the hearing shall be pursuant to Board of Selectmen regulations, M.G.L. Chapter 30B and any other applicable requirements and shall also include a written notice of meeting to the requestor, abutting property owners and any other individuals/organizations with interest in said property, as determined by the Board of Selectmen.
 6. If an interest in land is proposed for a property not on the list, then the property must first be voted by the Board of Selectmen to be placed in one of the subcategories on the "List of Properties of Priority Interest". Citizens may also write the Town Manager or Board of Selectmen with recommendations for inclusion on the list. The Town Manager will evaluate the citizen recommendation with the Director of Planning & Inspections and may refer the property to the Board of Selectmen for further consideration.

When properties are placed on the list, the listing should include sufficient detail as to what the purpose/objective that property is expected to meet.

Criteria:

In making recommendations to the Board of Selectmen regarding the acquisition of land interests, the Town Manager shall:

1. Consider (i) the scoring system developed by the Land Acquisition Committee, (ii) the level of imminent threat to the property, (iii) outside funding opportunities, and (iv) whether the Town's purpose can be achieved by other organizations rather than the Town, and (v) other criteria relevant to the specific property (e.g., status of abutting parcels).
2. Solicit comments from various groups and organizations, which shall include town boards & committees (e.g. Planning Board, Conservation Commission, Historic District Commission, Community Preservation Committee, ZBA, Land Acquisition Committee), town departments (e.g., Planning & Inspections, Finance, Utilities, DPW, Recreation), and outside organizations (e.g. HWOLT, Essex County Greenbelt Association, The Trustees of Reservations, Mass Audubon).
3. Property scorings within a category should be considered for guidance purposes only.

Objectives:

The Town of Hamilton already has many established documents which have their own public processes to establish policy objectives which may include the acquisition of properties. Among these documents, which may be revised from time to time, are the town's Master Plan, Recreation Master Plan, Open Space and Recreation plan, and Housing Production plan. The Board of Selectmen should consider the objectives outlined in these and other similar plans, such as H-W Regional School District plans, when considering acquisitions.

Initial Land Acquisition Committee:

The Director of Planning & Inspections, along with an adhoc Initial Land Acquisition Committee appointed by the Board of Selectmen, within three months shall, develop a scorecard evaluation system for guidance purposes which may be applied to all of properties or easements that should be considered for acquisition.

Example of Initial List of Properties of Priority Interest

Initial List of Properties of Priority Interest			
Open Space Preservation	Water Supply Protection	Recreation	General municipal purposes
1.	1.	1.	1.
2.	2.	2.	2.
3.	3.	3.	3.
4.	4.	4.	4.
5.	5.	5.	5.
6.	6.	6.	6.
7.	7.	7.	7.
8.	8.	8.	8.
9.	9.	9.	9.
10.	10.	10.	10.