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AMESBURY CITY CLERK

## CITY OF AMESBURY IN THE YEAR TWO THOUSAND EIGHTEEN

SPONSORED BY:

Steven Stanganelli, Councilor-at-Large

BILL No. 2018-086

Matthew Einson, Councilor, Vice President & Councilor, District 3

### An Ordinance to create a Woodsom Farm Parkland and Conservation Area

**Summary:** A measure to create and protect a Woodsom Farm Parkland and Conservation Area, in order to preserve open space and provide for active and passive recreational use that promotes the quality of life of Amesbury residents and for the preservation of natural resources, under the provisions of M.G.L. c. 40, §8C, as it may hereafter be amended; M.G.L. c.45 §3, as it may hereafter be amended; and of Article 97 of the Massachusetts Constitution, as amended. Land would be placed under the care and custody of the Conservation Commission and the Parks and Recreation Commission, as designated in a "Woodsom Farm Plan" sketch plan, included as part of this measure. Land would also be retained for general municipal purposes, also as reflected in the sketch plan. Current uses would continue.

*WHEREAS, the Woodsom Farm property, purchased in 1989 (See Essex South Registry of Deeds Book 9963 Page 330), represents the largest contiguous open-space parcel in the City's possession; and*

*WHEREAS, the Woodsom Farm property is utilized for a variety of active and passive recreational uses by residents and groups including the Boy Scouts, Amesbury Youth Services, Amesbury High School, and Amesbury Soccer Association; and,*

*WHEREAS, the original purpose for the purchase of the Woodsom Farm by the City in 1989 was to protect it from potential development, and to preserve it for the use and pleasure of the residents of Amesbury; and,*

*WHEREAS, the Woodsom Farm property is referenced in the 2004 Town of Amesbury Master Plan (EO 418 Community Development Plan) as a Natural Resource element in section NR-8; and,*

*WHEREAS, the Master Plan indicates that Woodsom Farm "is the largest parcel of public land set aside for conservation and passive recreation (see NR-2 Natural Resources Element);" and,*

*WHEREAS, the National Recreation and Park Association (NRPA) and the Cooperative Extension Service standards suggest that 43 acres of recreational open space is needed per 1000 population (Master Plan, NR-7 Natural Resource Element); and,*

*WHEREAS, given the current population of Amesbury of approximately 17,000 persons, then this standard suggests open space of approximately 731 acres of which 379 acres is met by the total area of Woodsom Farm; and,*

*WHEREAS, the Woodsom Farm Committee surveyed 29 organized user groups and individuals and prepared the Woodsom Farm Committee's Recommendation to the Amesbury Municipal Council (published June 1999 and referenced in the Master Plan at NR-8), which recommended broad-based use of the farm that balanced maintaining the area's historic and scenic significance with uses that reduced the long-term impact and promoted sustainability including preservation of open space; and,*

*WHEREAS, Woodsom Farm is prime nesting habitat for several threatened species of grassland birds, including the Bobolink and Eastern Meadowlark (the latter of which has lost over 75% of its habitat in the Commonwealth since 1979, according to the Massachusetts Audubon Society), and development of Woodsom Farm will have a negative effect on the ability of these species to thrive; and,*

*WHEREAS, a portion of the land indicated for the proposed Project site at Woodsom Farm (identified as "Woodsom I" on a Plan entitled "Plan of Land in Amesbury, Massachusetts Prepared for Woodsom Trust", dated March 21, 1989, scale 1"=80', prepared by W. C. Cammett Engineering, Inc., 297 Elm Street, Amesbury, Massachusetts with a plan reference number of 89009-A recited thereon, recorded at the Essex South Registry of Deeds as Plan Book 251, Page 36), was established as open space specifically in order to satisfy the minimum requirements for a Rural Cluster (RC) Subdivision located along Lion's Mouth Road, created concurrently with the town's purchase of the surrounding property from the Woodsom Trust on April 13, 1989 (See Essex South Registry of Deeds Book 9963 Page 322); and,*

*WHEREAS, the Woodsom Farm Committee's report further concluded that recreational playfields should be an allowed use and constructed in the areas proximate to the Cashman Elementary School; and,*

*WHEREAS, as approved with 2013-122, the City of Amesbury currently leases approximately 10 acres of Woodsom Farm (as a part of the lot specified in Assessor's Map 37, Parcel 4) to the Amesbury Soccer Association under the terms of a 20-year lease for the purpose of developing and maintaining graded soccer fields; therefore,*

**Be it Ordained by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:**

1. Conservation Park Land:

- a. That the City of Amesbury shall place the portions of the area known as 'Woodsom Farm' as reflected on the plan sketch "Woodsom Farm Plan" and as described in 1(a) (i.)-(v.) under the care, custody and control of its Conservation Commission or its successor entity for conservation purposes, for the promotion and development of natural resources, for passive recreation, and for the protection of the watershed resources of the City of Amesbury, under the provisions of M.G.L. c. 40, §8C, as it may hereafter be amended and of Amended Article 97 of the Massachusetts Constitution. The range of current passive recreation and land use practices shall continue to be allowed and may be altered from time to time by the Conservation Commission.
  - i. **Woodsom Parcel A:** 206 LIONS MOUTH ROAD, Assessor's Map 61/5  
**Woodsom Parcel B:** 27 ELIZABETH STREET, #R, Assessor's Map 62/27
  - ii. **Woodsom Lot AB:** 166 LIONS MOUTH ROAD, #RR, Assessor's Map 63/16
  - iii. **Woodsom Lot B:**
    1. 254 LIONS MOUTH RD, Assessor's Map 35/3
    2. 222 LIONS MOUTH RD, Assessor's Map 36/10
    3. 214 LIONS MOUTH RD #RR, Assessor's Map 61/3
  - iv. **Woodsom Lot A:**
    1. 219 LIONS MOUTH RD #RR, Assessor's Map 37/4 (as portioned on the sketch plan as 'Lot A, Section I')
    2. 235 LIONS MOUTH RD #RR, Assessor's Map 36/11
    3. 235 LIONS MOUTH RD #RR, Assessor's Map 36/7
    4. 249 LIONS MOUTH R, Assessor's Map 35/5
    5. 178 WHITEHALL RD, Assessor's Map 10/4
    6. 176 WHITEHALL RD, Assessor's Map 22/1
    7. 174 WHITEHALL RD, Assessor's Map 22/2
    8. 172 WHITEHALL RD, Assessor's Map 22/3
    9. 170 WHITEHALL RD, Assessor's Map 22/4
    10. 168 WHITEHALL RD, Assessor's Map 22/5
    11. 176 WHITEHALL RD, Assessor's Map 22/6
  - v. **Unlabeled Parcel:** 130 WHITEHALL Road #R, Assessor's Map 37/6
- b. Current passive uses include but are not limited to: haying, fireworks viewing, dog-walking, organized running and other trail-based events, mountain biking, cross-country skiing, snow-shoeing, sledding, hobby activities (such as model plan, drone, and kite flying as well as amateur rocket launches), bird watching, trail running and walking, and other low-impact activities. Activities requiring the use of motorized vehicles are hereby prohibited unless otherwise specifically authorized under separate City ordinances/legislation. The previous sentence shall not be construed so as to prohibit the use of authorized municipal maintenance or emergency response vehicles.

2. Active Recreation Park Land:

a. That the City of Amesbury shall and hereby does place other portions of the area known as 'Woodsom Farm' as reflected on the plan sketch "Woodsom Farm Plan" and as reflected below in 2.a. under the care, custody, and control of its Parks and Recreation Commission or its successor entity for active recreational purposes for the City of Amesbury, under the provisions of M.G.L c. 45, §3, as it may hereafter be amended and of Amended Article 97 of the Massachusetts Constitution. The range of current active recreation and land use practices shall continue to be allowed and may be altered from time to time by the Parks and Recreation Commission.

i. **Woodsom Lot A:** 219 LIONS MOUTH ROAD #RR, Assessor's Map 37/4 (as portioned on the sketch plan as 'Lot A, Section II')

b. This area shall be available for graded soccer fields as proposed by the Amesbury Soccer Association as noted in the exhibits accompanying the executed lease agreement dated August 8, 2014, as well as for other current uses and for other playing fields and active recreation uses as may be allowed by the Parks and Recreation Commission.

c. Current active recreational and other uses presently include but are not limited to the following: haying, soccer play fields, fireworks staging, and passive recreational activities detailed above in Section 1.b.

3. General Municipal Purposes Land: And further, that the City of Amesbury retain a portion of the area known as 'Woodsom Farm' as reflected on the plan sketch

'Woodsom Farm Plan' and as described below in 3.a. for general municipal purposes

a. **Woodsom Lot A:** 219 LIONS MOUTH ROAD #RR , Assessor's Map 37/4 (as portioned on the sketch plan as 'Lot A, Section III')

4. 'Woodsom Farm Plan' sketch plan is incorporated herein by reference.

5. Nothing in this provision shall be interpreted to change the terms of a lease between the City of Amesbury and the Amesbury Soccer Association as authorized in Bill Number 2013-122 approved on December 10, 2013 and memorialized in a lease agreement executed August 8, 2014.

References:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40/Section8C>

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter45/Section3>

<https://malegislature.gov/Laws/Constitution#partTheFirst>

<https://malegislature.gov/Laws/Constitution#amendmentArticleXCVII>