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CITY OF AMESBURY, MA



CITY OF AMESBURY IN THE YEAR TWO THOUSAND TWENTY-ONE

SPONSORED BY: _____ **BILL No.** 2021-102
Steven Stanganelli, Councilor-at-Large

Michael Hogg, District 6 Councilor

An Ordinance to create a Town Forest Conservation Area

Summary: A measure to create and protect a Town Forest **Land Management Conservation** Area, in order to preserve open space and provide for 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, to be known collectively as the Amesbury Town Forest. 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 Town Forest and contiguous parcels on the southside of Lions Mouth Road and northside of Kimball Road have been used by Amesbury residents for passive recreation for decades; and

WHEREAS, the original purpose for the parcels comprising Town Forest as noted in various recorded deeds has been to preserve it for the use and pleasure of the residents of Amesbury; and,

*WHEREAS, the Town Forest parcels identified in this ordinance and accompanying map are contiguous to the Great Swamp, Conservation Commission Land **known historically as "Lot 17"**, property under the care of Essex County Greenbelt, and parcels of the Woodsom Farm Parkland and Conservation Area as well as the Margaret Rice Conservation Area; 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 approximately 130 acres is met by the total area of Town Forest and the Great Swamp parcels noted below; when combined with over 350+ acres of other parcels at Woodsom Farms provided with similar Article 97 protections, the City will have nearly met the recommended goal; and

WHEREAS, the Town Forest and Great Swamp area and other related parcels as enumerated in 2021-077 (as approved) were classified as high conservation priorities for natural resiliency and inland flooding mitigation purpose in the 2020-20217 Open Space and Recreation Plan;

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 following parcels and portions of the area known as 'Town Forest' as described below under the care, custody and control of its Conservation Commission or its successor entity:
 - i. **'Town Forest Parcel A', 54 Kimball Road #RR, Assessor's Map 60/5**
 - ii. **'Town Forest Parcel B', 70 Kimball Road #RR, Assessor's Map 60/1**
 - iii. **'Town Forest Parcel C', 270 Lions Mouth Road #RR, Assessor's Map 48/14**
 - iv. **'Woodsom Parcel A', 206 Lions Mouth Road #RR, Assessor's Map 61/5**
 - v. **'Great Swamp A', 26 Kimball Road #RR, Assessor's Map 62/2**
 - vi. **'Great Swamp B', 24 Kimball Road #R, Assessor's Map 62/1.**
- b. These parcels shall be preserved 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, M.G.L. c. 45, §3, as they 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 in coordination with Mayor's office or their designee;
- c. Current passive uses include but are not limited to: dog-walking, other trail-based events, mountain biking, snow-shoeing, non-motorized hobby activities, 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. Land Management

- a. For the purposes of land management of the area, the parcels so enumerated in 2021-077, an approved measure, that are contiguous or abutting, shall be considered as part of the group of parcels denoted in Section 1 (above) of this measure for management purposes. Said area shall be considered as a single administrative area for planning and management use purposes.

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>

Attachments:

Map files to be added

- Pictometry Map provided by Assessor (File Name "2021-102 Town Forest Conservation_Assessor Maps Combined View.pdf")
- Amesbury Trails Map provided by Ken Aspeslagh (File Name "2021-08 03_Town Forest Map Supplement for Conservation Proposal 2021-102.pdf")
- Merrimack Valley Planning Commission Maps (60, 61, 62)
- MVPC Draft Map for Ordinance 2021-102 denoting 101.68 acres

AMENDED MOTION:

Move to:

1. adopt the measure as revised along with the MVPC Draft Map for Ordinance 2021-102 denoting 101.68 acres, Pictometry Map, and Amesbury Trails Map;
2. with further requirement that a list of parcels enumerated in property conservation orders noted here as well as in 2021-077 and other prior measures be relayed to MassGIS so that Open Space Data Layer can be updated with proper protection status
3. the City's legal counsel review deed and boundary lines to confirm that structures visible in MIMAP pictometry map are not part of Assessor's Map 61/5 and are actually part of MIMAP parcel 62/5.