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Town and Burnett House owner reach agreement in principle

Town Meeting voters will have final say over fate of historic property at 84 Main Street

SOUTHBOROUGH – The Town of Southborough and the owner of the historic Burnett House have reached an agreement in principle to preserve the house and property in perpetuity while restoring the historic property to its 19th century splendor, which includes a deed restriction that would ensure that the four structures on the property are never demolished and the overall parcel never subdivided.

The Board of Selectmen, after discussing the matter with residents Tuesday night, met in executive session later that evening to hammer out final details of an agreement that will have the Town purchase all development rights to the parcel for \$750,000 in Community Preservation Act funds, all of which would be reinvested in restoring the property. In addition to the demolition prohibition, owner Jon Delli Priscoli would agree to a deed restriction that negates in perpetuity all rights to subdivide the parcel, currently approved for four lots and appraised at \$2.1 million.

The agreement will still have to be approved at a Town Meeting, which could be scheduled some time after January 15, 2015, allowing for the meeting to be properly noticed and advertised at least 45 days in advance.

“This is a win, win situation for the Town and for my family that saves an irreplaceable cultural and historic resource for all time,” Delli Priscoli said. “I hope that the majority of Southborough residents see it that way.”

“Based on the reaction to plans announced by a potential buyer earlier this summer, we know there is broad support in Town to keep this property intact,” said Selectman John Rooney.

Selectman Paul Cimino added, “Our tremendous historical assets in Southborough, like the Burnett House, all help define what makes our Town special. But people can differ on the question of preserving this property, so ultimately the final decision is exactly where it should be, in the hands of Southborough voters.”

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Negotiations between the Town and Delli Priscoli started earlier this summer, after Delli Priscoli rescinded the sale of the house to a Westborough developer intent on tearing the house down and building four cottage style homes on the property. Talks concluded this week when the board informed him of the final details of the agreement by phone.

Town counsel and Delli Priscoli's attorney will now put the details into a proposed contract subject to Town Meeting approval. Anticipated features of the agreement are as follows:

The Town would receive:

1. Ongoing property taxes on the property at the normal rate – no special deal.
2. A comprehensive Preservation Restriction covering the entire property evidenced on a recordable deed, existing in perpetuity:
 - a. Permanent prohibition against demolition of any structure on the property;
 - b. Permanent prohibition against subdividing the land (to remain a single large lot);
 - c. Owner waives all present and future development rights;
 - d. Permanent open space restriction protecting historical view of grounds and structures;
 - e. Permanent prohibition of unnecessary cutting of monumental trees, except upon consultation of owner's arborist and Town tree warden at Owner's expense;
 - f. Town to have right of first refusal on any future sale of the property outside Owner's immediate family, which Town would be allowed to assign to a non-profit or charitable entity .
3. Additional contractual commitments by Owner, as follows, at Owner's expense:
 - a. Complete period restoration of the exterior and interior of main House over the next 48 months. Chapel, carriage house and Summer Cottage to follow;
 - b. Relocation of Summer Cottage to original position overlooking aqueduct, pending Town approval;
 - c. Pending DCR and Conservation Commission permission, complete removal of invasive species and other vegetation along aqueduct to restore entire bank to 19th century appearance;
 - d. Exterior landscape to be in the spirit of the original 19th century Frederick Law Olmstead design;
 - e. Permanent maintenance of isolated grass area on corner of Deerfoot and Main, including placement of a low-lighted historical marker and house sign;
 - f. Cooperation with Town on the Main Street reconstruction project, as it relates to curb cuts, sidewalks, landscaping and stone walls;
 - g. Access to the House for educational visits by Southborough Schools, Historic Commission and other specific agreed upon events;
 - h. All proceeds received by Owner must be used for restoration and invested into 84 Main Street.
 - i. Owner agrees to seek necessary use variances to allow use of the main House as an 8-unit B&B and/or Carriage House as an antique shop.

The Owner would receive:

1. \$750,000, which would be drawn from currently-available Community Preservation Act funds, pending CPC and Town Meeting approval.
2. Cooperation of Town in obtaining DCR and Conservation Commission permission to remove all invasive plants/brush along aqueduct to 19th Century appearance.
3. Approval from Town to relocate Summer Cottage to original location at rear of main House.
4. Assistance from the Town to list the house on the National Register of Historic Places.

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