

## SUSAN A. BERNSTEIN, Attorney at Law

Environmental, Real Estate, Land Use Law

200 Highland Avenue, Suite 306  
Needham, MA 02494-3035  
Tel: 781-290-5858  
Fax: 781-247-4266  
email: [susan@sabernlaw.com](mailto:susan@sabernlaw.com)

PROFILE

PRACTICE AREAS

PUBLICATIONS

CONTACT



### Publications



#### Busa Farm land deal sealed

Lexington - Lexington will lease the land it purchased this year back to the property's original owners in an agreement that leaves questions about the long-term use of Busa Farm.

The Board of Selectmen signed a purchase-and-sale agreement for the Busa Farm on Lowell Street Monday.

The town agreed to pay about \$4.1 million for the 7.85 acres, located at 52 Lowell St., and as part of the agreement, will lease it back to the Busa family, who will continue to farm it until at least Dec. 31, 2010.

The land was purchased with Community Preservation Act funds, authorized by Town Meeting earlier this year. A previous draft of the purchase and sale agreement included language that indicated the land would be used for specific purposes like open space, housing or recreation. However, the language was deleted after some abutters to the land objected.

In addition, it "didn't serve any purpose, so we just removed it," said Town Manager Carl Valente on Tuesday.

#### The lease

The lease is still under negotiations and has not yet been signed by the board. The draft states the tenants will be Dennis Busa, Francis Busa and Gay McGarvie, who are the current owners of the land, and rent will be \$1,500 per year.

In addition, the tenants are also responsible for removing a number of structures, including the underground irrigation system, all farm equipment, the existing farm stand and the greenhouses when the lease expires.

**Susan Bernstein, an attorney representing two of the abutting families** — the Borenszsteins at 60 Lowell St. and Tsvetkovs at 42 Lowell St. — said Monday her clients' concerns have not been fully recognized.

"They feel that there are protections that as citizens of this town, as taxpayers who are helping to pay for this purchase, that the town has an obligation to make sure that these direct abutters' properties are not adversely affected," **said Bernstein.**

#### Many stakeholders

The two families are not the only ones concerned about what will happen to Busa Farm once the lease is up. At a previous meeting, other abutters and Lexington residents asked the selectmen to consider using the land for community farming rather than recreational or residential purposes.

**Bernstein** said her clients are also seeking further clarification on some items, and asked the town take their points of view into consideration when it came to outlining what will be permitted in the lease.

"My clients are looking to the town for a recognition that they realize that [her clients are] part of this town, and they shouldn't just be brushed aside and made to feel as if they don't have any rights here," she said.

Selectman George Burnell said he thought the board has been more than accommodating to the abutters when drawing up the lease. "I think we've gone overboard in preparing the lease, and I don't think we should have to cross every T and dot every I," he said. "We are in fact a fairly responsible body and I think maybe you ought to put a little faith in it."

### Highlights

- C. 21E and CERCLA Hazardous Waste
- Environmental Due Diligence
- Waterfront Permitting
- Wetlands and c. 91
- Zoning and Planning Boards
- Condominium Formation
- DEP Negotiations
- Board of Health
- Land Use

The selectmen will further discuss the lease agreement with the Busa family and abutters and will take up the issue at their next meeting Monday, Aug. 3. The property's closing date is Thursday, Sept. 17.

Reporter Meghan B. Kelly can be reached at [mkelly@cnc.com](mailto:mkelly@cnc.com).

[Go to Publication Source Page](#)

© 1997 - 2010 Copyright, Susan A. Bernstein Esq., All Rights Reserved -- [Disclaimer](#) -- [Design by AEDIS](#)