

**Landlocked Parcel Study Committee
Minutes
Monday, August 11, 2008**

Committee Members Present: Nolan Glantz, Chair; Dick Howard, Vice-Chair; Larry Cohen; Tom Conley; Shari Ellis; Al Fay; Joe Impemba; Phyllis Roussell

Not Present: Terry McSweeney

Representing Patriot Partners: Attorney Robert Buckley, Senior Partner, Riemer & Braunstein; Stephen Rice, Principal, Mohawk Partners; John Connery, Principal, Connery Associates; Scott Hayward, Erickson Retirement Communities

1. PLEDGE OF ALLEGIANCE

Mr. Glantz opened the meeting with the Pledge of Allegiance at 7:02 p.m.

2. CHAIRMAN'S REPORT

Mr. Glantz stated that two different acreage numbers (247 and 270) have been discussed in documents and newspaper articles and clarification was required.¹ Mr. Rice explained that there is a utility line easement controlling the difference, and their proposal discusses the remaining 247 acres.

Mr. Glantz next commented that consideration to reopen discussions with both Lexington and Bedford should be discussed with the Town Administrator, with respect to Burlington residents accessing the property.

3. CITIZENS' TIME

Planning Board member and resident, Paul Raymond, said he did not believe the Landlocked Parcel (LLP) study committee was a good idea. The vote to form the committee was not the majority of Town Meeting. The standard, orderly Town government process by the professional people in Town, is working in reverse. The proponents are on a time table, thus placing pressure on this committee. He recommended the committee not be rushed to judgment. He also urged the committee to consider the potential affect on the Town's water supply adding that the land taking had been done to protect the water supply after wells in the area were found to be polluted.

Mr. Howard countered that it was the decision of Town Meeting to create a committee to view and discuss the proposal and make a recommendation to Town Meeting. He believes the committee is capable of doing so.

Dan DiTucci, Town Meeting Member, stated that he favors redevelopment and is not in favor of the proposal for new development on the LLP. Also to be considered, he said, is the great deal of redevelopment projects already underway at this time. Mr. DiTucci next commented on Article 8, which, he said, stipulated that the panel should only be viewing and discussing the Patriot Partners proposal, with the full Town Meeting making a final recommendation on the proposal.

Mr. Conley stated that it is proving difficult to consider just the proposal at hand for a recommendation to Town Meeting without first being able to measure it against alternative suggestions for the site.

Gary Kasky, resident and Town Meeting member, voiced his disappointment and concern that other Town Meeting members are not taking advantage of the various tours being offered in conjunction with the proposal.

4. UPDATE ON OUTSTANDING ACTION ITEMS

a. Funding

See Funding under Old Business.

¹ e.g. *Town Archive report, in part: "15 April 1977 ... Board signed eminent domain papers to acquire 270 acres of land locked land to remain undeveloped to recharge aquifer."*

b. Patriot Partners' Website and Town's Website

Mr. Glantz commented that the above two websites are up and running. Mr. Buckley stated that their site continues to be improved and recommendations have been incorporated. He added that documents under discussion will be made available on their website, and the site now includes a page to submit questions, and they are researching the suggestion for a community forum.

c. Site Visits

Mr. Glantz reported that there was a recent tour of the Lip's northern section and streams, abandoned vehicles and forest was observed. Mr. Howard suggested that all members of the study committee join the tours of the LLP, the life sciences campus, and the senior retirement community.

d. Summary of Allowed and Disallowed Uses in Zones 2 & 3 (led by Cohen)

Mr. Cohen read his report on, "*Uses Allowed in Aquifer and Water Resources District*" dated August 11, 2008. The report stated that the LLP is approximately 70 percent in the Water Resources Overlay District, and no portion is currently in the Aquifer District. Mr. Cohen explained the attached Zone Bylaw table of uses, and added that in 2003, the DEP had performed a source water assessment on drinking water supply and the susceptibility to contamination was rated "HIGH" based on the presence of high threat land uses within protection area.

Mr. Cohen's report stated that although protective zoning is in place, there should not be a false sense of security that the water supply is fully protected from sources of contamination.

Mr. Glantz asked how the wetlands would be protected during the construction process. Mr. Cohen explained that Conservation would require redirection of any changes to the water flowing to wetlands.

Mr. Howard asked if anything on the current proposal was not allowed in the district, and Mr. Cohen replied that because of the life sciences industry, the Planning Board would request a zoning change because this industry would be involved with chemicals that generate hazardous waste materials. Mr. Fay added that if the proposal moves forward, the various boards would be putting the proponents through a strict permitting process.

5. NEW BUSINESS

a. Citizens' Suggestions for Uses of Site

Bela Hasek, resident and President of Burlington Youth Soccer, stated that land is very precious in Town, and sports organizations are having a difficult time finding playing field space in Burlington. He urged the committee to recommend incorporating field usage and other recreational outdoor activities into their plan. Kim Tsatsarones and Alexis Carlson, residents, were in favor of leaving the land as conservation. Ms. Carlson also recommended that the 2004-2005 Burlington Open Space Plan be reviewed for open space suggestions.

Ms. Ellis read a letter addressed to the committee from Martha Simon of the Friends of the Landlocked Forest which stated that it appears the open space area being left for the residents is comprised mostly of wetlands. She recommended preserving the land and strongly suggested that Burlington residents take the opportunity to visit the parcel.

Ms. Roussell said she spoke with various people and some were interested in development and others suggested it be left alone.

b. Financial/Economic Analysis from Patriot Partners

Mr. Buckley introduced John Connery, Principal, Connery Associates who discussed the fiscal impact analysis for the development of the LLP and how it would affect the Town financially. Mr. Connery explained that the numbers on the study do not include the one-time benefit from the negotiated sale price of the land.

The overview explained development assumptions for the retirement community, workforce housing and a life sciences campus. It is expected that the timeline for completion of the entire project would go out

ten to twelve years, commencing in 2010. The retirement community would be done in phases, as needed. Patriot Partners would pay the Town \$1 million per year in addition to permit fees until the property tax yield exceeds \$1 million.

For their analysis report, Mr. Connery said they used comparable regional commercial projects, current tax rates and appropriate assessed valuations. It is their opinion that the fiscal benefits to Burlington would be approximately:

- Net annual fiscal benefit in 2023: \$12 million
- Accrued net fiscal benefit by 2023: \$82 million
- Long-term cost to revenue ratio of 0.20
- Building permit fees: \$10.6 million
- At stabilization in 2023, net fiscal benefits accrued: \$82 million (in excess of \$10,000 per household).

The project, he said, would build in value with every step being positive. Mr. Rice added that Patriot Partners is willing to guarantee \$1 million to the Town as soon as they are granted title to the land.

i. Town Tax Revenue

Upon questioning from Mr. Conley and Mr. Cohen about the expected revenue numbers, Mr. Buckley explained that they used very conservative numbers.

ii. Impact on Town Infrastructure, Services, and Traffic

Mr. Buckley said that Patriot Partners is planning a presentation on environmental impacts and transportation infrastructure at the August 25 meeting.

Mr. Connery explained that part of the permitting process will include comments and recommendations from the fire and police departments. The roadways would be privately built, owned, and maintained. Since the retirement facility will have an on-site medical center, the Town would be reimbursed for any ambulance calls.

Mr. Conley asked about potential large water consumption from the two facilities. Mr. Connery replied that the life sciences would be heavy users, and this issue would require a great deal of assessment. One alternative, he said, would be to tap into the MWRA.

Mr. Glantz asked Mr. Connery if the schools would be impacted. He replied that there would be a small “echo” effect created by the sale of homes by the seniors. If required, the details and breakdown from Hingham’s Lyndon Pond could be provided.

Mr. Rice commented that if the public is against workforce housing, this component could be removed.

iii. Road Access Costs

Mr. Glantz asked if there would be a component for infrastructure improvement if there is a significant increase in services for the Town. Mr. Rice replied that traffic studies would be done, and they are hoping to receive infrastructure assistance from the state for the Route 3/128/I-95 corridor.

iv. Cost Assessment for Living in the Senior Facilities, Focused on Affordability of Burlington Residents

Scott Hayward, of Erickson Retirement Communities, presented an overview of the potential fiscal benefits for the Town and addressed affordability for Burlington residents. Mr. Hayward said the typical number of units built is 1500, built out in sections over ten years, as needed. Mr. Hayward next reviewed the eligibility process of applying to live at the facility.

Mr. Hayward explained the returnable entrance deposit, which is used to maintain the facility as well as the monthly fee designed for middle income, healthy seniors, depending on services. The deposit, he said, is not an investment, and no interest would accrue upon its return. A small percentage of residents in financial need will be allowed to tap into a benevolent care fund if their deposit runs out.

With respect to Burlington residents being able to afford the retirement community, Mr. Hayward stated that after reviewing housing structure rates and the median, it appears that a high percentage of residents would qualify. When asked about increases in the monthly fee, Mr. Hayward replied that it would be in accordance with cost of living adjustments.

Mr. Buckley added that Patriot Partners made a presentation at a Burlington Housing Authority board meeting, and Mr. Glantz said that he would attempt to get comments from the BHA.

Questions and Answers from Public

A question was asked about square footage, and Mr. Hayward replied that although the final square footage of the complex has not yet been established, each unit is expected to be approximately 700 s.f.

The proponents were asked to provide information to better understand where the bridges will begin and end and how they will impact the existing Route 3 area, and the proponents agreed to include this information in their presentation at the next meeting.

c. Update on Subcommittee Progress with Historical Documents

Historical Data: Ms. Ellis informed the committee that she had reviewed the Town-wide referendum for the LLP with three choices on ballot: Public self-supported use/golf course, Passive recreation using tax payer funds, and 3) Leave land in its natural state. The vote on the referendum was that the golf course was preferred. Town Meeting later voted to leave the land in its natural state.

Survey Data: Mr. Impemba and Ms. Roussell stated they would have information for the next meeting.

Mr. Howard reiterated that it is not the purpose of this committee to view the golf course proposal or any other proposals. The purpose of the committee is to view the submitted proposal by Patriot Partners and to report back to Town Meeting on the merits of the proposal. Mr. Fay agreed stating that the Town cannot look at other options until the Patriot Partners option expires, and at this time the current proposal is all that Town Meeting has asked the committee to review and discuss.

Ms. Ellis responded that open dialog on alternative proposals or suggestions may be necessary to make the appropriate recommendation and that perhaps clarification would be required from Town Meeting.

Mr. Glantz asked for a discussion regarding two options: 1) Give Town Meeting a recommendation on the proposal as presented by Patriot Partners or 2) Submit what has been accomplished thus far and inform Town Meeting that the committee needs more time to further research the history and surveys on file.

Mr. Cohen advised the body that he had formed a judgment as to the merits of the proposal and read his prepared *Statement on Patriot Proposal* dated August 11, 2008. A synopsis of his report follows:

Five highest level of criteria (numbers are approximate):

- 1) 200 acres out of 250 acres are proposed for development leaving 50 acres called "open" space. Remaining 50 acres are vernal pools and wetlands thus cannot be built upon. Buffer zone also takes away from useable "open" space. How much lost value should we assign to the loss of 200 acres of true open space?
- 2) 65 to 70 percent of the land is designated as Water Resources District. How much lost value should we assign to the loss of assurance of watershed protection for this portion of the land?
- 3) Patriot Partners projects an attractive revenue stream, but the Town receives investment value from property appreciation. Sole development path with Patriot denies the Town the opportunity in the process to compare other development options. It could also affect competing project developers causing the Town to lose alternative economic assessments.
- 4) Between Nordblom and Gutierrez there are 3.85 million s.f. of planned redeveloped office space. There is also a proposal to build and occupy areas of Sun Microsystems over the next ten years.

- 5) Five hazardous waste sites have been identified under buildings at Northwest Park. Cleanup will be delayed if the redevelopment effort is slowed due to not having committed tenants. Does it make any sense for Burlington to create competition that hurts our own interests?

Other items mentioned in Mr. Cohen's statement:

- No deadline for the Town to make a decision regarding the LLP. The expiration of the proponent's option has no bearing on the Town's decision on what to do with the LLP;
- This sole proposal is not the right project at this time;
- The process in place is not how things are done in Burlington;
- Burlington should make residents aware of the legal access to the LLP
- Burlington should promote the use of the land to schools, camps, scouting organizations, and the Recreation Department.
- Discuss the possibility of a standing Town Meeting Committee to evaluate a land use plan.
- If development is recommended in the future, it should be on the portion of the LLP that would not affect the source of drinking water.

Mr. Cohen was thanked for his statement on the proposal. Mr. Buckley said that he did not agree with the acreage numbers on the report. Since the members did not receive a copy of the statement before the meeting, Mr. Glantz recommended tabling any comments on the statement until the next meeting.

The members had an extensive discussion on the report to be submitted by the study committee to Town Meeting and the vote to be presented. Mr. Glantz commented that a warrant placeholder had been requested to request that the Landlocked Parcel Study Committee continue after Town Meeting in the event a final decision had not yet been made by the committee. The public would have full access to any recommendations and warrants going before Town Meeting on the Town's website.

More dialog was had with respect to the wording of two warrant articles to be submitted for the September 2008 Town Meeting:

- 1) to see if Town Meeting would like the Landlocked Parcel Study Committee to continue investigating the proposal after the close of September Town Meeting, and
- 2) to see if Town Meeting would reauthorize the Landlocked Parcel Study Committee if it is the desire of Town Meeting to have the committee investigate other possible uses for the site.

MOTION: To submit a warrant for the September 2008 Town Meeting with wording to include: "To see if Town Meeting, based on the report submitted by the Landlocked Parcel Study Committee, would like the option agreement for the so-called "Landlocked Parcel: located on the southerly side of Route 3 and bordered by Route 128 and Route 62, Burlington, Massachusetts, or to act in any other manner in relation thereto." (Ms. Roussell; second: Mr. Conley).

APPROVED: 7-1-0

Mr. Glantz distributed a draft warrant article for the September 2008 Town Meeting with respect to the potential "Reauthorization of Landlocked Parcel Exploration Committee." It was suggested that the word "land use" be added prior to "plan for the site."

MOTION: To submit a warrant article for the September 2008 Town Meeting, "Reauthorization of Landlocked Parcel Exploration Committee," with wording to include: "To see if Town Meeting will reauthorize the already appointed Landlocked Parcel Committee to seek out and explore alternative uses in addition to those proposed by Patriot Partners for the so-called 'Landlocked Parcel,' located in Burlington, MA bordered by Route 3, Route 128, Route 62, and Lexington and Bedford, and to make a recommendation to the Town on a potential land use plan for the site, or to act in any other manner in relation thereto." (Mr. Conley; second: Mr. Cohen).

APPROVED: 8-0-0

6. OLD BUSINESS

a. Funding

Mr. Glantz commented that funds are still needed to be approved by the Board of Selectmen for website costs and the LLP Study Committee recording secretary. In the event these funds are not approved, a warrant placeholder has been requested for Town Meeting approval.

Mr. Fay suggested that Mr. Glantz bring to Ways and Means once again the request for a reserve fund transfer for these funds. Mr. Glantz said he would discuss this with Ways and Means.

b. Possible Expert/Consultant Studies

None at this time.

7. NEXT STEPS

a. **Subcommittees:** See new subcommittees in 7.b.

b. New Actions Items for Follow Up

8/11/2008	Owner	Due
Contact B. Mercier re: possibility of Selectmen re-opening discussions w/Bedford and Lexington	Glantz	25-Aug
Provide comments from Burlington Housing Authority re: BHA's meeting with Patriot	Ellis	25-Aug
Provide conceptual/layout ideas for access point(s) and expected impact on sites adjacent to the property (e.g. across route 3)	Buckley	25-Aug
Provide electronic copy of L. Cohen summary memo	Cohen	25-Aug
Review L. Cohen memo for next meeting	ALL members	25-Aug
Provide electronic copy of Patriot's Power Point Presentation and related material	Buckley	25-Aug
Provide electronic copy of L. Cohen memo on Zones II & III	Cohen	25-Aug
Provide warrant article wording for TM warrant to Town	Glantz	25-Aug
Subcommittee to review financial analysis provided by Patriot on expected future incoming property tax revenues from site	Glantz, Roussell	25-Aug
Subcommittee to review additional historical golf study information	Howard, Glantz	25-Aug
Subcommittee to briefly review wind farm concept	Roussell, Conley	25-Aug
Subcommittee to briefly review leaving the site as is, but just providing access and passive recreation (e.g. just trails)	Cohen, Ellis	25-Aug
Subcommittee to briefly review past study on Route 3 rest area prepared by L. Cohen	Cohen, Fay	25-Aug
Subcommittee to briefly review concept/ideas for playing fields and/or active recreation (parks, etc.)	Conley, Ellis	25-Aug

8. APPROVAL OF MINUTES

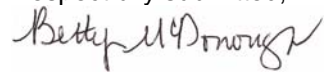
MOTION: To approve minutes of July 21, 2008 with minor correction (Mr. Cohen; second: Ms. Roussell).

APPROVED: 8-0-1 (Mr. Impemba abstained)

9. ADJOURNMENT: MOTION: To adjourn at 11:45 p.m. (Mr. Cohen; Mr. Conley).

APPROVED: 8-0-0

Respectfully submitted,

A handwritten signature in cursive script that reads "Betty McDonough".

Betty McDonough
Recording Secretary