

**Landlocked Parcel Study Committee
Minutes
Monday, August 25, 2008**

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

Not Present: Al Fay

Representing Patriot Partners: Attorney Robert Buckley, Senior Partner, Riemer & Braunstein; Stephen Rice, Principal, Mohawk Partners; Richard Alfonso, Director of Land Development Services and Michael Billa, L.S.P, Tetra Tech Rizzo; Donald MacKinnon; President, Atlantic Development

1. PLEDGE OF ALLEGIANCE

Mr. Glantz opened the meeting with the Pledge of Allegiance at 7:00 p.m.

2. CHAIRMAN'S REPORT

MOTION: to cease debating issues at 10:00 p.m. for the purpose of preparing to adjourn (Mr. McSweeney; second by Mr. Howard).

Discussion: Mr. Glantz stated that this could be considered, but with a very full agenda and only a small number of meetings remaining before Town Meeting, the committee should take as much time as necessary to digest all of the information. Ms. Roussell and Mr. Cohen suggested 11:00 p.m. as an alternative.

MOTION FAILED: 2-5-1

Mr. Glantz commented that a new conceptual site plan had been received from Patriot Partners which included areas for ball fields and an amphitheater for recreational purposes.

3. CITIZENS' TIME

Town Meeting Member and Ways and Means Committee member, Tom Killilea, commented that there is no reason to rush on a decision for the Landlocked Parcel (LLP) and that there is time to explore alternative suggestions. George Doble, resident, stated he is against development and there are other worthwhile projects in Town on which to concentrate. Rosalie Blum, resident, reviewed the various environmental issues within the LLP to consider. Renee McDonough stated that Burlington has no natural areas on which to hike or bike and also suggested a nature reserve be considered to protect wildlife and plants. Once the land is gone, she added, it's gone. Jim Patterson, Town Meeting and Land Use Committee Member commented on the confusing zoning issue involved, and Ernest Zabolotny stated that he was impressed with how the committee was collectively reviewing all previous records of the LLP on file. Martha Simon, part of the group, Friends of the Landlocked Forest, stated the importance of making the land more accessible and known to Burlington residents. There is legal access to the site from Lexington, she said, and there are environmental issues to consider, and the Town would do justice to the site by not selling to a developer. Resident, Joanne Frustaci, stated the site is unique and the plan is complex, and selling the land to developers could create bitter feelings among residents of Burlington and surrounding communities. Virginia Mooney is concerned about protecting the aquifer and infrastructure, and water supply. Paul Mooney added that he is only in favor of re-development, and although the efforts of Patriot Partners are appreciated, he is in favor of leaving the land alone.

4. UPDATE ON OUTSTANDING ACTION ITEMS

a. Funding

Mr. Glantz said that although Patriot Properties had offered to fund the account for the recording clerk, the Selectmen would prefer to bring the matter to Ways & Means to request a reserve fund transfer.

b. Gathering Community Input via Website/Survey

Mr. Buckley stated that when questions are submitted through their website, a response is sent back. He added that Patriot Partners is willing to discuss any suggestions that are put forward, including fields for recreation activities, as so noted on the new conceptual plan. Mr. Glantz added that after the September Town Meeting, an on-line survey is being considered for the Town's website.

c. Comments from Burlington Housing Authority

At recent LLP meetings and at a presentation made to the Burlington Housing Authority (BHA), Patriot Partners stated that Erickson Retirement Communities offers affordable retirement living for middle-income seniors (income in the mid-\$20,000 range). They also stated that the majority of Burlington seniors could comfortably afford to live at the proposed Burlington Erickson community.

Ms. Ellis reported that members of the BHA have stated that, from their experience, most residents will not be able to afford the deposit and the monthly fees. Mr. Austin agreed stating that what is being called "affordable housing" is not affordable for most Burlington residents.

Mr. Glantz suggested that documentation be provided indicating how Patriot Partners came to the conclusion that it was affordable for most Burlington residents.

d. Plan and Costs for Access, Environmental Impact – Patriot Partners/Tetra Tech Rizzo

Representatives of Tetra Tech Rizzo, a firm that provides services in land planning, addressed natural resources, groundwater and highway infrastructure. Richard Alfonso stated that they attempted to come up with a plan for more open space ideas within the proposed business campuses. Their breakdown of estimated use of the 247 acres:

Open Space:

- 20 acres of wetlands (utilizing Mass GIS)
- 100 acres of community accessible space and
- 50 acres within the senior housing and life sciences

Non-Open Space

- 40 acres at senior housing campus
- 37 acres at life science campus

NATURAL RESOURCES

- ▶ **Wildlife and Vegetation:** Mr. Alfonso reviewed wildlife species and vegetation stating that neither appears to be rare. Since wildlife is found throughout suburban areas, a well-designed development should not adversely impact wildlife and their habitat. Both Mr. Cohen and Mr. Glantz disagreed with that statement. Mr. Cohen also stated that it is not known if there are any rare species inhabiting the vernal pools.

Mr. Cohen asked if any unusual vegetation was observed. Mr. Alfonso replied that the vegetation was typical of that seen in other wetland areas. Mr. Cohen noted that the developers had mentioned Smart Growth concept, and he stated his concern about potential high density buildings, referencing Arborpoint as an example.

- ▶ **Water and Wetland Resources:** Mr. Alfonso explained that MassGIS identified approximately 20 acres of wetland resource areas on the site. There are four certified vernal pools. Mr. Alfonso explained that the current Mass. Wetlands Act does not prohibit development within a 100-foot buffer zone to vernal pools, and if development does occur, it is not presumed to alter vernal pool habitats. Mr. Cohen responded that although that comment may be true, it does not make it right.

Mr. Alfonso continued that there will be landscaped areas around the two campuses, with the overall goal being to preserve an extensive amount of the existing forest. Part of the plan includes a four-mile bike trail around the entire parameter of the site.

Mr. Buckley explained that the power easement lines and potential recreation facilities would be factored into the plan at a later date, and if development of the LLP is approved by Town Meeting, Patriot Partners would request recommendations from the Town.

With respect to the additional 50 acres of open space added to the new conceptual plan within the campus areas, Mr. Glantz commented that these acres should not be added in as part of the overall open space concept since these proposed areas would have newly planted small trees within landscaped areas. He added that people will not walk within the open space areas of the campuses. Mr. Buckley replied that all members should visit the similar development, Lyndon Ponds, in order to better understand how the campuses will blend with the natural density of the surrounding forest.

Comments and Questions:

Mr. Alfonso had stated that building on the site would not necessarily affect wildlife adversely since most species are found widely throughout suburban areas. Mr. Cohen disagreed with this comment, and Mr. Glantz added that it would be foolish to think there would be no impact.

Mr. Cohen next voiced his concern that the final product will not be what is promised. The plan, he said, is very optimistic but there is the substantial likelihood that the Town will not get what they are expecting. Ms. Roussell agreed with Mr. Cohen stating that prior to development at Wayside Commons, Patriot Partners had promised cafes and many trees with a park-like feel with the final result being not much greenery and benches in the middle of a parking lot. Mr. Buckley replied that Patriot Partners' attempt is to do the right thing.

Ms. Ellis asked if both campuses would have portions gated, and Mr. Buckley stated that they would.

As a point of information, Mr. Cohen said that the 50 acres he quoted in this August 11, 2008 "Statement on Patriot Proposal," was received from the Boston Globe. The Globe said they were quoting Mr. Buckley. Mr. Buckley responded that he did not give that information to any reporter.

Members of the public asked about access to bike trails and responsibility for caring for playing fields. Mr. Glantz explained that those types of issues are addressed during land sale negotiations.

GROUNDWATER

Zones II and III: Mike Billa, hydrogeologist, Tetra Tech Rizzo, reviewed the history of Zone II, the aquifer testing done in 1990's, geologic regimes, bedrock units and contributions to the aquifer. With respect to Zone III, he commented that the central lowland area is not part of development plans stating that its runoff to the Vine Brook Aquifer should remain unchanged.

Three important questions that remain, he said, are whether or not Zone II extends into the LLP, will development adversely affect Zone III, and how will development affect any pre-existing hazardous waste sites.

With regard to the concern of pre-existing hazardous waste sites, Mr. Billa stated that would be no impact to management of the MCP sites in the vicinity of the LLP. Mr. McSweeney

commented that these areas are continually reviewed and assessed by the Board of Health and its Environmental Engineer.

HIGHWAY INFRASTRUCTURE

Chris Callahan, Tetra Tech Rizzo, stated that at present there is no legal vehicular access to the LLP.

- ▶ **Northern Access:** Proposed plans include a northern access at a cost of approximately \$10-15 million which would include a two-span continuous bridge over Route 3, approximately 250 feet in length with a center pier support in the median of Route 3. There will be sidewalks and shoulders for bicycles. They are proposing a connecting roadway to Middlesex Turnpike.
- ▶ **Southern Access:** This access, he said, is more difficult because of ramp terminal spacing standards and a distributor roadway may need to be considered. They are presently proposing ramps to Route 3 with connections from 2nd Avenue. They will seek a connection from this access to the northern portion of the site as well. Improvements for Northwest Park and Middlesex Turnpike to alleviate traffic will also be considered. Mr. Buckley added that an underground tunnel from this portion may have to be considered. They expect that the potential magnitude of construction costs to be in the range of \$15-40 million. If development of the LLP, with the life sciences facility is approved and area projects continue, representatives are hopeful that the State would assist with infrastructure costs.

Comments and Questions:

Mr. Cohen expressed his concern with regard to the maintenance of runoff treatments. Also of concern, he said, are the chemicals stored and used at the life sciences center. He stated his objection to the comments from Patriot Partners that the plan can be developed safely, because, he said, there is always the chance of accidents and the risk of hazardous chemicals entering the water, no matter how many permits and conditions are in place.

Citizens stated concern regarding potential increase in traffic on Terrace Hall Ave because of the close proximity of the bridge egress. Patriot Partners was asked to provide a map to indicate approximate locations of egress to bridges.

5. SUBCOMMITTEE REPORTS

a. Review Financial Analysis from Last Meeting

Mr. Glantz stated that the Fiscal Impact Overview submitted by Connery Associates appears to be satisfactory, with the caveats that it does not address possible adverse affects on the tax rates and thus the town's tax revenue that may be caused by the increased development, and that it does not address possible instances of this project causing the Town to exceed thresholds in the existing infrastructure (schools, police, fire, roads, water/sewer, etc).

b. Review Historical Study on Golf Course

Ms. Ellis reviewed the April 5, 1997 non-binding question on the ballot which asked residents what they wanted to do with the LLP: 1) public, self-supporting multiple-use recreational facility, including a golf course; 2) passive recreation utilizing taxpayers funds; or 3) leave the LLP in its natural state with no access. The residents chose a recreational facility by approximately a 2-1 margin. She next reviewed the summary and preliminary design recommendations which had been prepared for Town Meeting, including maps and alternative uses for the land. Town Meeting voted 45-45, not reaching the necessary two-thirds needed to proceed with the golf course, and thus the land was left alone. Mr. Glantz suggested that members review this material.

c. Wind Farm Concept

Mr. Conley reported that he received a response from Mass. Technology Collaborative regarding the possibility of a Municipal Wind Project on the LLP. Their letter stated that, based on forecasted project financial performance, they did not envision that this project would attract interest from a private developer, even when the benefits of the wind production tax credit and accelerated depreciation are considered.

d. Leaving Site As Is, but Provide Access and Trails

Ms. Ellis reviewed a previously prepared survey, 2005 Open Space and Recreation Plan. She stated that the consensus on the survey was to leave the site as is. Many residents expressed interest in natural access areas and trails and some did not know where the LLP was located. Other comments: too much development in Town; Town needs to create public awareness.

e. Route 3 Rest Area

A rest area for Route 3 was next discussed for the purpose of using it to gain access to the parcel on the south-bound side of Route 3. Mr. Cohen said that a logistic issue is the safety of allowing cars to pull on and off relatively close to the Route 128 exit ramp. The rest area would have to be built as close as possible to the Route 62 exchange, and Mass. Highway could possibly not approve the request. Another matter of concern is the safety issue of a rest area. Mr. Cohen had done a report on a rest area in the past, and Mr. Glantz asked that a copy be provided for the members.

f. Recreation/Fields/Parks

Director of Recreation, Don Roberts, was present to give a report on the shortage of outdoor athletic facilities. He mentioned that there is a big shortage of athletic fields and their facilities are over played and inadequate. At present the Mitre Corporation is allowing the Town to use their athletic fields. It is hoped that the Boston Property/Cummings Park will be made accessible for recreation purposes. They have also requested approval to use the grounds of the former Wildwood School. If allowed to build on the LLP, some of Recreation Department's suggestions would be:

- A complex with at least four multi-purpose fields with parking and restrooms
- A complex with four baseball/softball fields with parking and restrooms
- At least three artificial turf fields
- Six additional tennis courts
- A stand-alone recreation center and maintenance facility
- Walking trails

6. NEW BUSINESS

a. Discuss Mr. Cohen's Position Memo from Previous Meeting

Tabled for a future meeting.

b. Deliberations on Format of Committee's Recommendation to Town Meeting

The members agreed to have a special meeting on September 8, 2008 to discuss the format of the final presentation to be made to Town Meeting. The regularly scheduled meeting of September 15 will still be held.

7. OLD BUSINESS

a. Costs of Possible Consultant Studies in Next Phase for Warrant

Tabled for a future meeting.

8. NEXT STEPS

MOTION: To adjourn at 11:08 p.m. (Mr. McSweeney; second: Mr. Howard)

Discussion: Although it was after 11:00 p.m., Mr. Glantz stated the importance of continuing the meeting in order to form the process and the subcommittees for the PowerPoint Presentation and to review the Action Items.

a. Process for Creating Text for Committee's Report to Town Meeting

Subcommittees were formed to compile information for a brief overview/summarization of had been learned so far, in the form of a PowerPoint Presentation, including ideas for pictures and diagrams. Items for possible inclusion in the presentation will be discussed at the September 8 meeting. The names of documents alluded to in the presentation should be made available for Town Meeting.

Subcommittees for PowerPoint Presentation:

- Natural resources (including habitat and vernal pools) (Cohen, Impemba)
- Office space/available space (Conley, Roussell)
- Watershed protection (Cohen, McSweeney)
- Traffic impact (Impemba, Ellis, Buckley)
- Recreation (Roussell, Howard)
- Probability of partial sale of land (Conley, Glantz)
- Site access (Ellis, Cohen)
- Revenue (Conley, Glantz)
- History (Ellis, Glantz)

It was also suggested that members describe their views and/or interpretations on the concepts for the uses that Patriot Partners is proposing, i.e., life sciences/retirement community/open space.

A long discussion ensued with Mr. Impemba commenting that subcommittee members may not be qualified to get the correct information. He added that there may be many relevant issues that the committee may have missed. Mr. Cohen agreed.

Mr. Impemba said the committee appeared to be going beyond what Town Meeting had requested. Mr. McSweeney agreed and suggested that a vote of the opinions of the committee members be taken at this meeting. Mr. Glantz responded that it would not be fair to take a vote at this time.

b. Subcommittees and c. New Actions for Follow Up

8/25/2008	Owner	Due
Gather factual regarding affordability of Erickson in relation to current income of Burlington senior citizens – contact BHA Director re: available documentation	Ellis	9/15
The Option Agreement is for 247 acres, but some documents and references describe 270 or 271 acres – how much land does the Town own? And if it is the higher number, where is the excess property? Get legal opinion fro Town counsel.	Glantz	9/15
Provide map of access area near Terrace Hall Ave for bridge	Buckley	9/15
Provide electronic version of L. Cohen’s memo re: rest area	Cohen	9/15
Gather numbers & prepare memo on existing office space in town; include in this research to get the information Mr. Buckley has	Conley, Roussell	9/15
Explore possibilities of a partial sale of the property	Glantz, Ellis	9/15
Prepare material for TM presentation	All	9/8

9. APPROVAL OF MINUTES


Minutes of August 11, 2008 were tabled until the next meeting.

10. ADJOURNMENT

Previous motion to adjourn accepted at 11:47 p.m.

APPROVED: 8-0-0

Respectfully submitted,



Betty McDonough
Recording Secretary