

References to Landlocked Parcel in selectmen/town meeting minutes. 1971-1997. Years of major activity

10 May 1971 Selectmen Request to Sen. Ronald MacKenzie to place home rule amendment regarding landlocked land on House bill #3344.

17 May 1971 Meeting sought with Lexington officials regarding status and plans for landlocked parcel.

12 July 1971 The Board directed the Executive Secretary to contact Ed Gaffey and Frank Baxter to find out if there is any further discussion from the problems regarding the land locked industrial land.

23 August 1971. Selectmen requested report from the Planning Board regarding the status of the Landlocked Parcel.

7 February 1972 Selectmen voted 4-1 supporting bill regarding Route 3 land. Selectman Wislowski requested that the engineering department put together a letter reporting on the water retention capacity of the land.

12 June 1974 Town Meeting. Vote 44-13 to seek authorization to create access to Landlocked Parcel from town.

9 January 1978 Selectmen. Atty. Jack Moss complained to the court about no access to the Landlocked Parcel and asked the Board of Selectmen to join him in complaining.

9 May 1978 Mr. (Roger) Nordblom discussed the land locked land on Route 3 and his views on the area.

12 February 1979. Board updated on MAPC meeting regarding Landlocked Parcel.

7 May 1984 Selectmen voted to request Town Counsel to explore legal steps necessary to rezone landlocked parcel to conservation land and requested Town Administrator to seek information on tax levies on land during previous ten years.

13 August 1984 The Board discussed the 200 acres of landlocked land. Selectman Melchionna moved to contact Metcalf and Eddy and have them give a quote on what it would cost to determine the extent to which the entire land locked parcel contributes not only to recharging the aquifer but in addition what the impact would be on our ability to recharge the aquifer if that parcel were fully developed because it is zoned industrial. Seconded by Selectman Gallagher and unanimously voted.

23 May 1985 Selectmen voted to support article for \$25,000 for appraisal fees for landlocked parcel.

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24 June 1985 Town Administrator (Mercier) authorized to begin talking to appraisal firms for landlocked land and to set up discussions with firms in executive session.

12 August 1985 Selectman Melchionna said he had discussed Burlington's plans and goals with chairmen of Boards of Selectmen in Bedford and Lexington and reported that both boards were supportive of Burlington's goals.

28 August 1985 (Selectmen, Vote on Town Meeting articles).

23 September 1985 Special Town Meeting. Article 12. "The Article was moved and seconded. There was a lengthy discussion and a presentation by the Cadillac Fairview representatives. A motion to adjourn was moved, seconded, and failed. Debate continued. Town Counsel addressed questions from the body. A motion to move the question was made, seconded and unanimously voted. There was a division of the house and tellers were sworn in. BY A VOTE OF 61-11 the Town voted to authorize the Board of Selectmen to take the land described in Article 19 Eminent Domain and identified as the Landlocked parcel," for purposes of preserving open space and protection of the Town's Water Resource District and Aquifer and furthermore to transfer from available funds the sum of \$810,000 to pay for such taking same to be spent under the direction of the Board of Selectmen."

18 November 1985 Selectmen directed Town Administrator to begin process of executing land taking.

6 January 1986 Town Administrator's Report. Mr. Mercier reported that he had received correspondence from Billie Gilfilan stating that the transportation bond passed but that there was a problem with the open space money. He suggested that we begin work with the other town on the land locked parcel being kept as open space. Mr. Mercier was directed to send copies to Bedford and Lexington asking for a written response from the boards.

The Planning Board met and postponed any action until the 16th of January regarding rezoning the land locked parcel. Town Counsel is concerned about rezoning before the parcel is taken. The title search has commenced but they do not know exactly how much this will involve. Selectman Wilde asked that Don Paige be invited to the next meeting to give an update on the title search and find out how much the search will cost.

27 January 1986. The survey team of Harry Feldman is working on the land locked land. They expect that it will take to mid April before the work is complete. The title search is expected to be completed this week.

Selectman Wilde reported his conversation with Mr. Hunnewell of CF regarding the land-locked land titles.

13 May 1986. Article 3 – Land Survey and Title Search. \$30,000 transferred to cover costs associated with land survey and title search of land locked parcel in connection with taking.

Selectmen 2 June 1986 Discussion with Town Counsel re: land taking process.

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15 April 1987 Discussion of Board's accomplishments in previous year, in part "The Board has signed eminent domain papers to acquire 270 acres of land locked land to remain undeveloped to recharge the aquifer."

10 August 1987. Landlocked parcel referenced in discussions of additional water sources.

25 January 1988 Town Meeting Article 6. The article as it appears in the Warrant was moved and seconded by the Ways and Means Committee. VOTED that the Town transfer from free cash the amount of \$50,000 to fund the services of special counsel for the purpose of negotiations relative to the "landlocked," parcel, same to be spent under the direction of the Board of Selectmen.

11 May 1988 Special Town Meeting. The article as it appeared in the warrant was moved and seconded. Special Counsel, Mr. Francis X. Bellotti reported to the Town Meeting.

It was moved and seconded that no funds be spent by Special Counsel to monitor the City of Boston land. That motion failed.

UNANIMOUSLY voted that the Town transfer from free cash, the sum of \$100,000 to provide further funding for the services of special counsel for the purpose of continuing negotiations relative to the "Landlocked parcel," same to be spent under the direction of the Board of Selectmen.

Selectmen, 18 July 1988 Town Administrator Gladstone reported that he had received a letter from the Bedford Town Administrator stating that Bedford would join Burlington in petitioning for relief in the acquisition of land locked land along with Lexington but that neither town will commit funds.

Town Meeting 19 September 1988 Bellotti addressed the body on the issue of the "Landlocked," legal case. The meeting was notified of the Board of Selectmen's decision to appeal the case.

Selectmen, 24 April 1989 Landlocked Parcel Study Committee formed

Selectmen 8 May 1989 Update on Landlocked parcel litigation.

Town Meeting 10 May 1989 Article 4. "The Article as it appears in the Warrant was moved and seconded. VOTED that the town transfer from free cash the sum of \$50,000 for the payment of additional legal fees resulting from the Town's appeal of the court judgment in the "landlocked parcel," case, same to be spent under the direction of the Board of Selectmen.

17 May 1989 Mr. Francis X. Bellotti Special Counsel for the Landlocked Parcel taking case, reported the status of the appeal to the meeting. He recommended entering negotiations to settle the case if the Town Meeting had no objections. There was no debate on the issue.

22 May 1989 Landlocked Parcel Study Committee appointed.

12 July 1989 Update on landlocked parcel progress. Executive session.

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11 September 1989 Selectmen voted to support articles for \$8.2 million for acquisition costs and \$75,000 for bond counsel and related costs.

Town Meeting 18 September 1989 Article 12. The article was moved and seconded by Ways and Means who were 9-1-1 in favor. Mr. Francis X. Bellotti made a presentation to the meeting regarding the events of this land taking case. Unanimously voted to appropriate the sum of \$8,200,000 for acquisition of a landlocked parcel off of Route 3 for open space and water supply protection purposes; and to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$8,200,000 under G.L. C44, S7(3).

Article 13. Bond fees. \$75,000 approved.

Selectmen 18 December 1989 Update from Landlocked Parcel Study Committee to selectmen. Feasibility study authorized.

22 January 1990 Planning Board member Ernest Covino stated that he would like to cooperate with the Landlocked Parcel Study Committee and would make the Planning Director available when needed.

23 March 1990 Selectman Ferguson expressed his personal feelings relative to the landlocked land and what it has cost the town. He noted he did not feel the construction of a stadium or convention center would be detrimental to the area.

7 May 1990 Support for expenses for expert witnesses in Landlocked parcel case.

9 March 1992 Selectman Ferguson requested the Board's endorsement to send a letter to the Governor and our Representatives to look at the land locked land as a possible location for a sports complex. Selectman Wilde stated that he felt this was an item for a Planning Session discussion. Town Administrator Owen noted the land locked land is in litigation at the moment and cautioned Board members about discussing any particular uses of the parcel while the litigation is on-going.

Town Meeting 14 May 1990 Article 3. Confirmatory Vote on Landlocked Land Settlement.

The Article as printed in the warrant was moved and seconded by the Ways and Means Committee who were 7-2-1 in favor. UNANIMOUSLY VOTED to authorize nunc pro tunc, confirm and ratify, any and all documents, and instruments executed and actions taken by the Selectmen of the Town of Burlington for the purpose of implementing the vote with respect to Article 12 of the Warrant of the Special Town Meeting of Burlington on September 12, 1989 (hereinafter the "Vote") to appropriate \$8,200,000 for the purpose of making a final payment for the acquisition of land consisting of approximately 221.07 acres acquired by the Town pursuant to an Order of Taking dated June 2, 1986, which was recorded in the Middlesex South Registry of Deeds at Book 17159, Page 318 and filed with the South Middlesex Land Court District of the Land Court as Document 713394 (hereinafter "land") and further to resolve certain litigation remaining thereto and to grant to P.C. Burlington, Inc., a Delaware corporation and successor to the rights of C.F. Burlington, Inc., a plaintiff in said litigation, or its nominee, an option for the purchase of the subject land. Without limiting the generality of the foregoing, the execution and delivery of the agreement entitled "Settlement of Amount Owing for an Acquisition of Land and

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Release Agreement,” dated as of September 15, 1989, among the Town of Burlington (by its Selectmen); P.C. Burlington, Inc., successor to the rights of C. F. Burlington, Inc., Middlesex Turnpike Industrial Trust; and Route 3 Associates (hereinafter “Agreement,”) by the Board of Selectmen, pursuant to said prior vote is hereby ratified and confirmed and authorized nunc pro tunc.

Pursuant to said vote and authority the Selectmen were and are authorized, and such and such authority is hereby ratified and confirmed, to execute and deliver the “Option Agreement,” attached to said Agreement as Exhibit B and a Notice of said Option Agreement, to be recorded in the appropriate Registry of Deeds office of the Land Court, and to grant said P.C. Burlington, successor to C. F. Burlington, Inc., a plaintiff in the aforesaid litigation, as part of the settlement thereof, the option to purchase the aforesaid land in the circumstance and subject to the terms and conditions set forth in said Option Agreement.

Article 11. The Article as printed in the Warrant was moved and seconded by the Ways and Means Committee who were 6-3 in favor. VOTED to transfer from free cash the sum of \$65,000 to authorize the Selectmen of the Town of Burlington to hire Martin Coleman , Jr., of Waltham, and such other expert(s) as needed to advise, consult, and/or testify on behalf of the Town of Burlington for the purpose of litigating Civil Action No. 89-6448(L) Town of Burlington v. Town of Bedford, (the “Litigation,”), and to pay to said Martin Coleman , Jr., as payment for services rendered by him and his company, Coleman & Sons, in connection with such litigation, same to be spent under the direction of the Board of Selectmen.

22 March 1994 Board discussed landlocked parcel with Sen. Havern.

Selectmen, 19 April 1994, 25 April 1994. Discussions of warrant article feasibility study for Landlocked Parcel. Article withdrawn.

20 June 1994. Landlocked Parcel Study Committee appointed. Members included: Edward Schuler, Planning Board, Mark Pare, Recreation Commission, John Crosby, Conservation Commission, Jack Lyons, Ways and Means Committee, Juliet Perdichizzi, Town Meeting Member/Land Use Committee, Richard Hennessey, resident, Stephen Logan, Nordblom Co., Robert Marrano, Gary Gianino, both ex officio.

18 January 1995, Access to landlocked parcels listed as one of 12 high-priority goals in 1995 for the town.

27 February 1995 Selectman Marrano reported on meeting of the Landlocked Parcel Study Committee at which access to the parcel was discussed with state DPW representatives.

24 April 1995, Selectmen voted to support \$10,000 for Landlocked Parcel feasibility study warrant article.

Town Meeting 15 May 1995. Article 8. The article as it appears in the warrant was moved and seconded by the Ways and Means Committee who were 10-2-0 in favor. The Land Use Committee voted 6-0 in favor. A motion to add the words “specifically including the issue of the protection of the town water supply,” after the words “Landlocked Parcel,” was seconded and voted. The main motion as amended carried. MAJORITY VOTED to raise and appropriate the

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sum of \$10,000 for the purpose of providing a feasibility study of the landlocked parcel, specifically including the issue of the protection of the town water supply, same to be spent under the direction of the Board of Selectmen.

Selectmen 21 August 1995 Contract voted to Golf Realty Advisors re: development of landlocked parcel for recreational use.

Town Meeting 8 January 1996 Article 6. The article as it appeared in the warrant was moved and seconded by the Ways and Means Committee who voted 9-2-0 in favor. The Land Use Committee voted 6-0 in favor. After some debate a motion to move the question was seconded and voted. MAJORITY VOTED to transfer from free cash the sum of \$17,500 to fund the completion of a feasibility study of the recreational development of the Landlocked Parcel, same to be spent under the direction of the Board of Selectmen.

Selectmen, 26 February 1996. Report on report of consultants on the golf course concept.

11 March 1996 Chairman Marrano reported the land Locked Parcel Study Committee had a meeting with the Conservation Commission and presented Phase II of their study looking at the market feasibility and demand. This will be discussed Thursday at the public meeting.

16 May 1996. Selectmen voted 3-2 to spend \$50,000 for environmental study of landlocked parcel warrant article.

28 May 1996. Presentation of golf course concept to Board of Selectmen by Landlocked Parcel Study Committee. Selectmen approved concept. Gianino voted no. Marrano, Impemba, Judge and Wilde voted yes.

17 June 1996. Ways and Means met in joint session with the Board of Selectmen regarding the golf course concept and associated financing. Three articles under discussion at this meeting, one to change the use of the property, one to rezone it and one concerning financing. Selectmen voted in favor of rezoning and use change articles and \$500,000, financed by short-term borrowing, for permitting and related development issues.

Town Meeting (Special) 17 June 1996. The Moderator declared that Articles 1, 2, and 3 would be discussed together and voted separately. The articles as they appeared in the Warrant were moved and seconded.

Presentation was made by the Board of Selectmen, the Landlocked Parcel Access & Use Study Committee, and Golf Realty. The Board of Selectmen voted 3-2 in favor, Ways and Means voted 2-5-1 in opposition to Article 3 but 9-2 for a recommended amount of \$500,000. Land Use Committee voted 7-0 in favor, Planning Board voted 6-0-1 in favor, Board of Health took no position, as they received the material 6/11/96 and had some serious concerns, the Conservation Commission voted 5-0 in favor of the Ways and Means recommendation and the Recreation Commission voted unanimously in favor.

After considerable debate a motion to move the question was seconded and unanimously voted. There was a division of the house and tellers were appointed.

Article 1 (Change of use of parcel)

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By a vote of 45 in favor and 45 opposed the article failed to receive the required 2/3 vote.

Article 2 (Amend Article II, Section 2.33)

A motion to postpone indefinitely was seconded and so voted.

Article 3 (Fund Golf Course Development)

A motion to postpone indefinitely was seconded and so voted.

Selectmen 16 September 1996. Article 6, \$200,000 for hydrogeological study of Landlocked Parcel as presented by Board of Health. Approved 4-1.

Article 7. Environmental Study of Landlocked Parcel as presented by Board of Health. Approved 3-2

Town Meeting 30 September 1996

Article 6 (Hydrogeological Study of Landlocked Parcel)

The article as it appeared in the warrant was moved and seconded by the Ways and Means Committee who voted 4-7-0 in opposition. The article was defeated.

Article 7 (Environmental Study of Landlocked Parcel)

The article as it appeared in the warrant was moved and seconded by the Ways and Means Committee who voted 4-6-0 in opposition. The article was defeated.

30 December 1996 Ballot question on non-binding use change referendum question discussed, deferred.

Selectmen, 13 January 1997. Discussion of proposed ballot question about Landlocked Parcel.

10 February 1997 More discussion of proposed ballot question.

5 April 1997. Non-binding ballot question.

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