

**Landlocked Parcel Study Committee
Minutes
Monday, September 15, 2008**

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

1. PLEDGE OF ALLEGIANCE

Mr. Glantz opened the meeting with the Pledge of Allegiance at 7:03 p.m.

2. CHAIRMAN'S REPORT

Chairman Glantz reported that the Board of Selectmen had stated at their September 7, 2008 meeting that, as custodians of the Landlocked Parcel (LLP), they were not ready for any RFP's on the LLP. The Selectmen voted unanimously to recommend rejection of the September 2008 Town Meeting Articles 14 and 15. The LLP study committee agreed that a presentation will still be presented at Town Meeting.

3. CITIZENS' TIME

No comments.

4. UPDATE ON OUTSTANDING ACTION ITEMS

a. Map of Egress Area for Site Access Bridge (Mr. Buckley)

Mr. Buckley stated that the prior week's material included approximate locations for proposed northern and southerly access.

b. Open Space – Center Area vs. Perimeter Trails (Mr. Buckley)

Mr. Buckley briefly reviewed the breakdown of acreage for natural open space as well as additional, created walking trails in and around the campuses of the two proposed buildings.

c. Facts on Affordability of Erickson for Burlington Seniors (Ms. Ellis)

Ms. Ellis said she requested information from the Burlington Housing Director in an effort to ascertain the Burlington Housing Authority's position regarding the affordability of the Erickson Retirement Communities. She was not able to get that information in time for the meeting.

d. Discuss Possibility of Partial Sale (Mr. Glantz, Ms. Ellis)

Mr. Glantz asked if a partial sale of the property was possible, and Mr. Rice replied that for both economic and access funding issues, both businesses were necessary, but they are open to the possibility of partial purchase of the property, with Erickson located on the north portion and the life sciences industry located on the south portion, and leaving the center, open space area as Town owned. Northern access will be created first. The southern access would be much more complicated, and if it is possible to build, it would occur at a later date.

e. Review Draft Presentation for Town Meeting

The members reviewed the draft presentation. Some slides discussed in detail were:

- Warrant Article 14: The members discussed at great length the amount being placed on Warrant Article 14. As written the article addresses further investigation of the development proposal of Patriot Partners and to raise and appropriate the sum of \$50,000 to pay for technical and professional services to complete the tasks associated with this article.
- Time Line: Missing information from the milestones on the timeline section will be inserted.
- Patriot Partners' Concept Plan: Development of senior housing life sciences campuses and the correct numbers for the breakdown of acreage.
- Watershed Protection: Information on hazardous waste will be included in final slide. Water Zone maps will be paired with watershed protection slides.
- Results of 2004 Town Survey on Open Space and Recreation: The percentage of residents who took the survey should be included on the slide.
- Commercial Space: Discussions included that life sciences have specific height, space and zoning requirements. Many existing buildings cannot be retrofitted to meet these requirements. However, it was recommended that the slides include information that other sites are actively marketing biotech as a major client with reports indicating that Burlington is a suitable area for life sciences industries.
- Recreation Plan: It was cautioned that reference to Mary Cummings Park be avoided on the slide. A long discussion was held regarding recreational use on conservation land. The types of conservation lands discussed were 1) deeded, 2) zoned and 3) parcels where Conservation has legal jurisdiction. The specific breakdown of properties was not prepared and would not be included on the slide. This subject could be further reviewed if the study committee continues.
- Site Access:
 - More information recommended for slide with regard to the timing of the two access areas and the possibility that it may not be possible to build proposed southern access.
 - A comment should be included on slide regarding essential roadways through wetlands in order to gain access to southern portion.
 - Clarification from Town Counsel still necessary with respect to construction vehicles gaining access from Lexington or Bedford. Access may be impossible since those towns took land surrounding the LLP by eminent domain to protect the land from being developed.

5. OLD BUSINESS

a. Breakdown of Expenses for Possible Next Phase

i. Tasks Needed for Article 14

If Town Meeting votes to pass Article 14 to and the study committee is allowed to investigate Patriot Partners' proposal further, necessary tasks would be broken down at expected approximated cost for the next phase. The \$50,000 amount would be for technical and professional services to seek out engineers and consultants. That cost would not include the subsequent potential phases for engineering studies and consultants:

- Engineering Studies:

- Surface and ground water (hydrogeologist)
- Natural resources
- Study on power lines
- Land value

- Consultants:

- To study site and available information
- To confirm above engineering studies needed Study on power lines
- To map out details of studies needed
- To assist the Town with hiring and/or writing RFPs

ii. Costs of Tasks for Article 14

The committee members had a lengthy discussion on the dollar amount placed on the warrant article with some stating that \$50,000 was not realistic.

Ms. Ellis, as a point of clarification, said that when the committee voted on the warrant article, there was no dollar number mentioned, and she strongly believes that at this point the committee does not know what or how much is required. She suggested removing the dollar amount from both Warrant Article 14 and 15. She added that the dollar amounts could be discussed at the January 2009 Town Meeting.

It was decided to leave the dollar amount as is.

MOTION: To request \$50,000 for expected costs for next phase to hire experts to assist the Town to write the necessary RFP studies, etc. required to analyze the Landlocked Parcel (Mr. McSweeney; second: Mr. Cohen).

Discussion: Mr. Glantz will generate back up for Town Meeting.

APPROVED: 6-3-0

iii. Tasks Needed for Article 15

The purpose of this article is to see if Town Meeting would vote to reauthorize the already appointed LLP Study Committee to seek out and explore alternative uses in addition to those proposed by Patriot Partners. The committee would attempt to ascertain the community's desires, brainstorm, and develop a conceptual plan for the site.

iv. Costs of Tasks for Article 15

Survey and Other Costs: Mr. Glantz commented that Town Meeting may suggest that a survey be taken to gain further insight from the community through online and mail surveys, with well-defined objectives focusing on relevant information brought forward and discussed at committee meetings. The figure of \$10,000 was suggested to conduct an online and mail survey. It would also cover the cost for a recording secretary if the study committee is continued.

MOTION: To request \$10,000 for online and mail survey for information gathering from community as well as for funding for recording secretary (Mr. Cohen; second: Mr. Impemba).

Discussion: Mr. Cohen suggested this motion be withdrawn, and Mr. McSweeney agreed stating they he did not think the committee should do this motion. Mr. Glantz suggested it be brought forward in the event a survey is requested by Town Meeting.

MOTION FAILED: 3-6-0

Table Article 15: The members next discussed the Land Use Committee as well as a motion to request that Town Meeting members vote to table Article 15 until the January Town Meeting.

MOTION: To request Town Meeting to table Article 15 until the January Town Meeting (Mr. McSweeney; second: Mr. Fay).

Discussion: Ms. Ellis commented that it is the desire of the Land Use Committee to work with and involve all Town Boards to develop a process to identify the general sentiment of the community regarding the future use of all Town owned properties that are not being utilized by the Town in order to better evaluate future proposals for these sites

APPROVED: 6-3-0

Warrant Article 15 will be requested to be withdrawn.

b. Deliberations on Committee's Recommendation to Town Meeting

A lengthy discussion was held on the optimum method of presenting to Town Meeting both the individual study committee statements as well as the final recommendation. It was agreed that each member would give their statement tonight, with it being recorded in the minutes, after which time a vote on the proposal would be taken. The final vote would be included on the PowerPoint Presentation along with a very brief explanation of the major basis for the final vote. The following is a synopsis of the statements of the members.

Mr. Conley: Vote on Proposal – No

Mr. Conley commented that Patriot Partners has a lot of value to bring to property, but he is not in favor of building on northern and southern portions. He said that after speaking with his constituents, he has discovered that there is no interest in such a large build out. He would feel more comfortable if only the southern portion were built upon leaving the rest as open space.

Ms. Ellis: Vote on Proposal – No

Ms. Ellis said she firmly believes that other alternatives for the site need to be investigated.

Mr. Cohen: Vote on Proposal – No

Mr. Cohen stated that a discussion that needs to take place is whether or not this land should be placed in permanent protection and preserved for perpetuity so that the natural beauty and aesthetics of the land are available for future generations. He added that a good portion of the land drains towards the Town's watershed and the water supply is precious. Also, he said, rather than destroying the natural forest, it is in the Town's best interest to make every attempt to redevelop existing commercial space. The retirement community appears to be expensive, and he is not comfortable that there is no growth on the principal on the refunded deposit money.

Mr. Fay: Vote on Proposal – Yes

Mr. Fay reported that he spoke with a good deal of people who would like to see the Town do something with the land. The charge of the study committee was to make the report and to let Town Meeting make the ultimate decision. His constituents have commented that it is disappointing that it is landlocked against different uses. The Town has lost a good deal in revenue since the taking of the land and there is no potential funding for access to the site from Burlington. New revenue from the sale could assist the Town with other sites such as the Wildwood School property. He agrees that the proposal could be downsized leaving more open space. He added that the Selectmen may never agree to any RFPs on the property.

Mr. Howard: Vote on Proposal – Yes

Mr. Howard said that people have told him that they would like the tax revenue. He believes the Erickson Retirement Community appears to be affordable and is a good idea for Burlington. He also is in favor of a life sciences industry and does not think it would affect traffic. With the sale of the land, the Town would have the option to satisfy many of the Recreation Department's needs. In conclusion he stated that it is not up to the study committee to make a decision to not bring the proposal to Town Meeting and that this proposal was the best thing for the Town and has merit to go before Town Meeting and the Selectmen.

Mr. Impemba: Vote on Proposal – No

Mr. Impemba stated that to some degree the community needs to access the property, but the Town took the land by eminent domain to protect the water supply. The current proposal, he said, is not compelling enough to overrule the dictates of the previous administration. He added that the density is too high and perhaps the Town could revisit a scaled down proposal, but to say yes to building on the property with this proposal would be a contradiction to the former litigation issues that took place many years ago.

Ms. Roussell: Vote on Proposal – No

Ms. Roussell said that after reviewing all the research, she does not believe the proposal should be accepted. Although at first many residents were interested in receipt of tax revenue from the sale of the land, she has since been inundated with phone calls and letters asking that the proposal not go forward. She would like to see better access to the site, but not with this particular proposal. Also of concern, she said, are the water supply and the loss of the land and forest that can never be replaced once built upon.

Mr. McSweeney: Vote on Proposal –Yes

Mr. McSweeney stated that this is the first time a proposal of such magnitude has come before the Town where the Town can put all the resources, conditions, and recommendations necessary to protect the water, land and aquifer along with the completion of all proper, necessary engineering and consultant studies.

Mr. Glantz: Vote on Proposal – No

Mr. Glantz commented that the Erickson Retirement Communities appears to be a first-rate, commendable operation. With respect to the life sciences industry on the site, this plan does not appear to honor the prior taking by eminent domain to protect the water supply. He is also concerned that building a life sciences complex would have a detrimental effect on similar planned businesses, while possibly hurting the commercial base in that part of Town.

Patriot Partners, Mr. Glantz continued, would be a good partner for the Town, and they did commendable work on the proposal as well as amendments to the proposal. Their flexibility was appreciated, but he believes the Town should give up as little of the parcel as possible.

The projected tax revenue would be a positive factor because of the many improvements needed within the Town's infrastructure; however, once this land has been built upon, it can never be returned to forest or field. He added that it is very difficult to put a dollar value on this space when viewing the needs of the community.

Continued community input and deliberations are necessary with respect to studying access to nature trails on this site, and perhaps it will be necessary to sell a very small portion of the property, but he does not believe it is necessary to build out on such a large portion of the site.

MOTION: To vote in favor of Patriot Partners' proposal and Article 14 (Mr. McSweeney; second Mr. Fay).

Discussion: If the motion is defeated, a presentation will still be made to Town Meeting.

MOTION FAILED: 3-6-0

Mr. Glantz thanked the study committee for their tireless volunteer hours to studying the Patriot Partners' proposal for the LLP. He also thanked Patriot Partners and Mr. Buckley for their patience and cooperation.

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

(See Mr. Cohen's comments above.)

6. NEW BUSINESS

None discussed.

7. NEXT STEPS

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

Although the final recommendation was to vote against the proposal presented by Patriot Partners, the committee will go forward with the PowerPoint Presentation to Town Meeting. Mr. Glantz said he would finalize the report with comments made from this meeting.

b. Actions for Follow Up

None discussed.

8. APPROVAL OF MINUTES

AUGUST 11, 2008

MOTION: To approve the minutes of August 11, 2008 as submitted (Mr. Fay; second: Ms. Roussell).

APPROVED: 8-0-1

SEPTEMBER 8, 2008

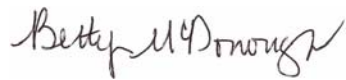
MOTION: To approve the minutes of September 8, 2008 as submitted (Mr. Howard; second: Ms. Roussell).

APPROVED: 6-0-3

9. ADJOURNMENT

MOTION: To adjourn at 11:00 p.m. (Mr. McSweeney; second: Ms. Roussell) **APPROVED: 9-0-0**

Respectfully submitted,



Betty McDonough
Recording Secretary