

## Drew Gardens Task Force

Meeting Minutes for  
June 30, 2016  
7:00 p.m. Room 201 Town hall  
55 Main Street  
Westford MA 01886

### Minutes APPROVED 7-14-16

Present: Andrea Peraner-Sweet, Bob Boonstra, Jane Calvin, Kate Hollister, Keith Bohne, Bob Waskiewicz, Bob Webb, Chris Burns, Juliette Mount, Joyce Minosh

Absent: Jim Geraghty, Charlie Andrews (Alternate), Zac Cataldo (Alternate)

Staff: Chris Kluchman

#### 1. Open Forum / Public Comment

Andrea Peraner-Sweet welcomed the two new members: Juliette Mount and Chris Burns. Neither had been sworn in yet so were not able to officially vote. The group decided, however, that they could informally vote that evening in order to get a complete sense of the task force.

Kate Hollister volunteered to take minutes. Jane Calvin offered to help.

Marian Harman (audience) asked if the task force had copies of Selectman Siriani's proposed charge. The answer was affirmative.

#### 2. Review minutes for June 9, 2016

Moved by Jane Calvin, seconded by Joyce Minosh to approve the minutes from 6/9/16 with no modifications. Unanimous with Andrea Peraner Sweet abstaining.

#### 3. Review Task Force history, actions and rationale

Bob Boonstra provided a history of the task force. Town Meeting approved the expenditure of \$525,000 for three agriculture preservation restriction (APRs) on approximately 9 acres in 1998. The Drew Garden Task Force was convened in June 2014 in response to a purchase and sales agreement (\$735K). The Task Force's charge was to provide the Board of Selectmen with a recommendation regarding town purchase of the property. The Task Force reviewed the APRs and developed a list of six topics for discussion and deliberation. These were:

- a. Was it a bona fide offer? The opinion was that it was not because of the relationship between the purchaser and the seller.
- b. What would the town be purchasing and what was the condition of the parcel? The property would be "as is", with dilapidated greenhouses, an unheated structure, and unknown septic system (wouldn't meet today's codes).
- c. What would the real cost be if the Town were to purchase? \$525,000 for the APRs (already paid in 1997, 1998, and 1999), \$735,000 purchase price, at least \$125,000 to rehabilitate the

property; plus the costs for soil testing, annual maintenance, administration by town staff, possible APR administration fees, \$50-60K in debt service, and lost tax revenue (~\$10K).

- d. What would the status of the APRs be if the town purchased property? Because of the Doctrine of Merger, the Town could not hold the APRs if it owned the property. The APRs would no longer be enforceable unless the Town could transfer them to a non-profit. Two or three non-profits were approached, but none were interested in administering the APRs for this small property.
- e. What would the Town do with the property? In general, the task force felt that the majority in town would wish to keep the APRs and continue active agriculture. However, to cover all bases, other committees were asked if they would be interested in the parcels. None of the following groups were interested in the property: Fire Department, Agricultural Commission, Housing, and Conservation Commission.
- f. How would the Town fund a purchase? In order to answer, a professional appraisal was obtained, and the appraised value was \$725,000. Because the appraised value was less than the purchase offer, Community Preservation funds could not be used. At the time, the town had several other urgent capital funding requests so other funding sources were unlikely.

Therefore, in 2014, the task force recommended that the Town not purchase the property, and provided the Board of Selectmen with reasons above for their recommendation. That sale did not go forward and the property remained on the market. The Town received another notice of intent to sell on 10/6/15 (\$650K) and the task force was re-convened. At two meetings in November 2015, the task force reviewed the proposal, with special discussion regarding a proposed restaurant. While there was significant concern about the scale of the proposed restaurant, the group felt that the same issues applied so it recommended (unanimously), that the Town not purchase – with knowledge that other town boards would affect the final plan during application reviews.

Bob Krankewicz (audience) asked if the task force had considered using CPC funds the second time since the offer was less than the appraised value. The answer was yes, if the Town decided to buy the property. This would have required a re-appraisal that may not have come in at a value over the P&S agreement. Marian Harman suggested a local organization could have held the APR. Maureen George asked if the Task Force intend to keep the APR. The response was that they are still in effect.

#### **4. Review and discuss updates to Task Force Charge**

Two proposed charges were provided: the one that the task force developed at its 6/9/16 meeting, and one from Don Siriani with 8 charges. The group then discussed the Siriani suggestions. Main discussions were on what were appropriate charges for the committee – which suggestions were pertinent to the APRs, which would require professional input (and costs), which would be covered during plan reviews by other boards, which pertain to administration of the current use by town staff. Juliette felt that all of Siriani's recommended items should remain. Bob Krankewicz provided supporting arguments as well. Kate, Jane, Andrea, Bob Webb, Bob Boonstra, and Chris Kluchman provided reasons why other charges were not appropriate, as mentioned above. Following discussion on each item, compromise wording was suggested and incorporated. Bob Webb moved, Bob Boonstra seconded, to remove the item (#6) that the task force compare the proposed plan to Town master plans, bylaws and regulations. The vote

was 9-1-0, with Juliette opposed. Jane also suggested that the final paragraph concerning public records be removed since this language is not in any other committee charges.

During the meeting Chris Kluchman modified the draft charge based on group input and displayed it for all to see. The language was then reviewed. Kate moved, Keith seconded, that the task force recommend the charge drafted that evening to the Board of Selectmen. The vote was 10-0-0.

#### **5. Task Force organization**

Since no one offered to chair the committee, Andrea Peraner-Sweet remains the chairman. Kate Hollister moved, Keith Bohne seconded, to appoint Jane Calvin as vice-chair. The vote was 10-0-0.

#### **6. New business**

Keith offered to ask the US Dept. of Agriculture office located in Westford to evaluate soil conditions, pending the owner's approval.

#### **7. Set meeting schedule**

The next meeting was set to 7 pm, 14 July 2016 in Town Hall Meeting Room 201, if available. Ebi will not be available, but his contractors will present the modified plan proposal. Another meeting was tentatively scheduled for 28 July.

It was moved and voted 10-0-0 to adjourn.

### **Drew Gardens Task Force Charge**

At their meeting of June 30, 2016, the Drew Gardens Task Force voted 8-0-0 to recommend to the Board of Selectmen the following Charge for the Task Force. Although two new members had not been sworn in (thus were ineligible to vote), they participated in the discussion and indicated their support for the Charge below.

#### **Drew Gardens Task Force Shall:**

1. Explore and evaluate the proposal by Westford Gateway LLC to amend one of three Agricultural Preservation Restrictions (APRs) that applies to two parcels of land at 66 Boston Road and an unnumbered adjacent parcel (Map 022 Parcels 0115 and 0116). The proposal is to amend APR Number 3 to allow for the construction of a restaurant and related improvements, which ultimately requires Town Meeting approval;
2. Include in said evaluation a review of the following sections of the APR: "Statement of Purpose", the "Prohibited Uses", "Retained Rights", "Activities Which Require Prior Written Approval";
3. Explore and evaluate impacts to agriculture on APR 2;
4. Explore and evaluate any proposed agreement between and among the Board of Selectmen, Ebi Masalehdan, and Westford Gateway LLC;
5. Document their recommendations and associated rationale, including an economic evaluation of the agricultural use of the property;
6. Submit their recommendation on the above matters to the Board of Selectmen in order to consider the matter at the 2016 Fall Special Town Meeting; and
7. Explore and investigate any "Notice of Intent to Sell" and make a recommendation to the Board of Selectmen whether or not the Town should exercise its right of first refusal to purchase the property.