

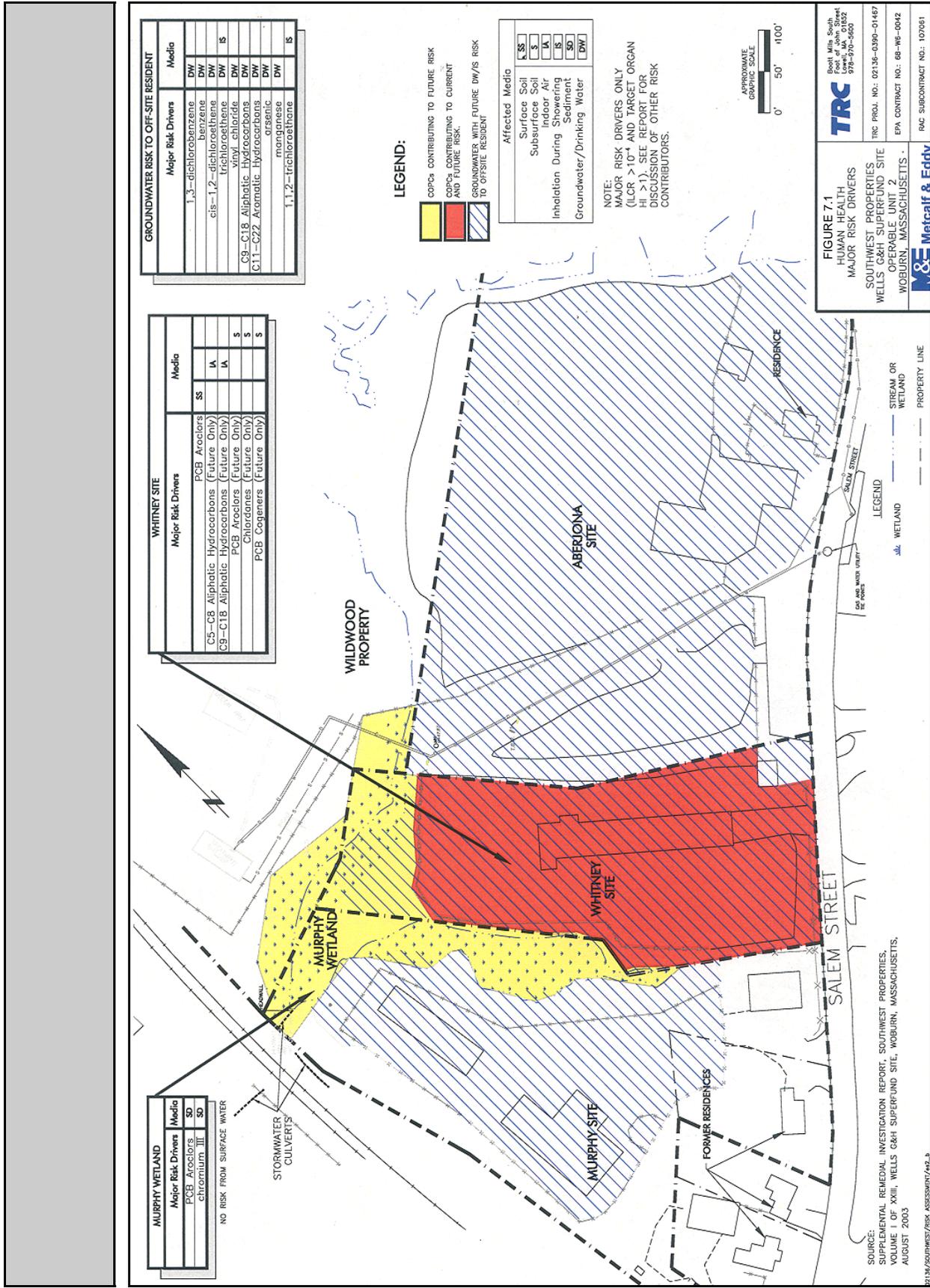


## 7. SOUTHWEST PROPERTIES/ABERJONA AUTO PARTS

The Southwest Properties are a group of seven properties which are located at the southwest corner of the Wells G&H Superfund Area, which lie west of the Aberjona River. To the north of the properties is the source property owned by the Wildwood Conservation Trust, the real estate trust set up by Beatrice Foods to hold ownership to the contaminated parcel identified by the EPA as one of the principal origins of the Wells G&H Area contamination. Table 7.1 on the page 143 lists each of the Southwest properties. The majority of these sites are or have historically been engaged in some type of material recycling. Murphy's Waste Oil is now operated by Clean Harbors Environmental Services, Inc., the environmental and waste management services company based in Braintree, Massachusetts. Two of the businesses, Whitney Barrel and Aberjona Auto Parts, are now inactive. Whitney Barrel acquired and cleaned 55 gallon steel industrial drums for reuse; Aberjona Auto Parts was an auto dismantling/used auto parts business. Both of the businesses are now inactive, although the Aberjona Auto Parts inventory of rusting automobiles remains scattered throughout the premises. The Aberjona site is partially occupied today by an auto repair business, but the Class 3 auto recycling license originally held by Aberjona Auto Parts has lapsed without renewal.

A Baseline Risk Assessment (BRA) was completed for the EPA by the firms of Metcalf & Eddy and TRC Environmental Corporation in March, 2004. The BRA found PCBs and various other COCs at levels which posed a future threat to human health in the soils on all of the properties except the Aberjona Auto Parts property. Groundwater underneath all of the properties was found to contain TCEs, hydrocarbons, and other COCs at elevated risk levels. Figure 7.1 on page 144 is from the BRA Executive Summary, and shows the various locations of various COCs and related risks for the Southwest Properties.

**1. Aberjona Auto Parts:** The existing uses at the Southwest Properties would suggest conditions ripe for redevelopment, both in terms of the nature of the current land uses, and the current intensity of development as reflected by the Floor Area Ratio. The FAR overall and for each property was below the Committee's .15 threshold for consideration as a likely development site. However, the Committee chose for purposes of this plan to focus primarily on the Aberjona Auto Parts property at 280 Salem Street. At the time of the Committee began deliberations, the Aberjona property was for sale, and was being considered for purchase by a number of local developers. The property was also the largest, containing nearly half of the land area in the Southwest Properties area. The most important factor inhibiting the development of the site is the Aberjona River and adjacent wetland fen located at the eastern edge of the property. This essentially placed approximately one-fifth of the property off-limits to actual construction, under the Wetlands Act and the



GROUNDWATER RISK TO OFF-SITE RESIDENT		Media
Major Risk Drivers		DW
1,3-dichlorobenzene		DW
benzene		DW
cis-1,2-dichloroethene		DW
trichloroethene		DW
vinyl chloride		DW
C9-C18 Aliphatic Hydrocarbons		DW
C11-C22 Aromatic Hydrocarbons		DW
arsenic		DW
mercurous		DW
1,1,2-trichloroethane		DW
		IS

WHITNEY SITE		Media
Major Risk Drivers		SS
PCB Aroclors		IA
C5-C8 Aliphatic Hydrocarbons (Future Only)		IA
C9-C18 Aliphatic Hydrocarbons (Future Only)		IA
PCB Aroclors (Future Only)		S
Chlordanes (Future Only)		S
PCB Cogeners (Future Only)		S

MURPHY WETLAND		Media
Major Risk Drivers		SO
PCB Aroclors		SO
chromium III		SO

NO RISK FROM SURFACE WATER

**LEGEND:**

COPCs CONTRIBUTING TO FUTURE RISK  
 COPCs CONTRIBUTING TO CURRENT AND FUTURE RISK  
 GROUNDWATER WITH FUTURE DW/IS RISK TO OFFSITE RESIDENT

**Affected Media**

Surface Soil	SS
Subsurface Soil	S
Indoor Air	IA
Inhalation During Showering	IS
Sediment	SO
Groundwater/Drinking Water	DW

NOTE: MAJOR RISK DRIVERS ONLY (ILCR > 10<sup>-4</sup> AND TARGET ORGAN HI > 1). SEE REPORT FOR DISCUSSION OF OTHER RISK CONTRIBUTORS.



**TRC**  
 Booth Mills South  
 Lowell, MA 01852  
 978-790-9600

**M&E Metraif & Eddy**

FIGURE 7.1  
 HUMAN HEALTH  
 MAJOR RISK DRIVERS  
 SOUTHWEST PROPERTIES  
 WELLS C&H SUPERFUND SITE  
 OPERABLE UNIT 2  
 WOBURN, MASSACHUSETTS

TRC PROJ. NO. 00138-0390-01487  
 EPA CONTRACT NO. 68-W6-0042  
 RAG SUBCONTRACT NO.: 107861

SOURCE: SUPPLEMENTAL REMEDIAL INVESTIGATION REPORT, SOUTHWEST PROPERTIES, VOLUME I OF XXII, WELLS C&H SUPERFUND SITE, WOBURN, MASSACHUSETTS, AUGUST 2003

<b>Table 7.1 The Southwest Properties</b>					
<i>Address</i>	<i>PID Number</i>	<i>Business</i>	<i>Lot Area</i>	<i>Building Area</i>	<i>FAR</i>
246 Salem Street	370509	Northwest Tree Service	21,200	2,546	.12
248 Salem Street	380101	Single Family Residence	12,550	1,268	.10
250 Salem Street	380102	Murphy's Waste Oil	23,532	2,112	.09
252 Salem Street	380103	Murphy's Waste Oil	158,816	1,4272	.09
256 Salem Street	380104	Whitney Barrel Co.	116,305	10,164	.09
280 Salem Street	380105, 06*	Aberjona Auto Parts*	283,575	22,925	.07
TOTAL			613,978	53,287	.09
Aberjona Auto Parts is made up of two adjacent parcels					

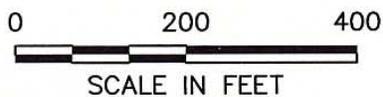
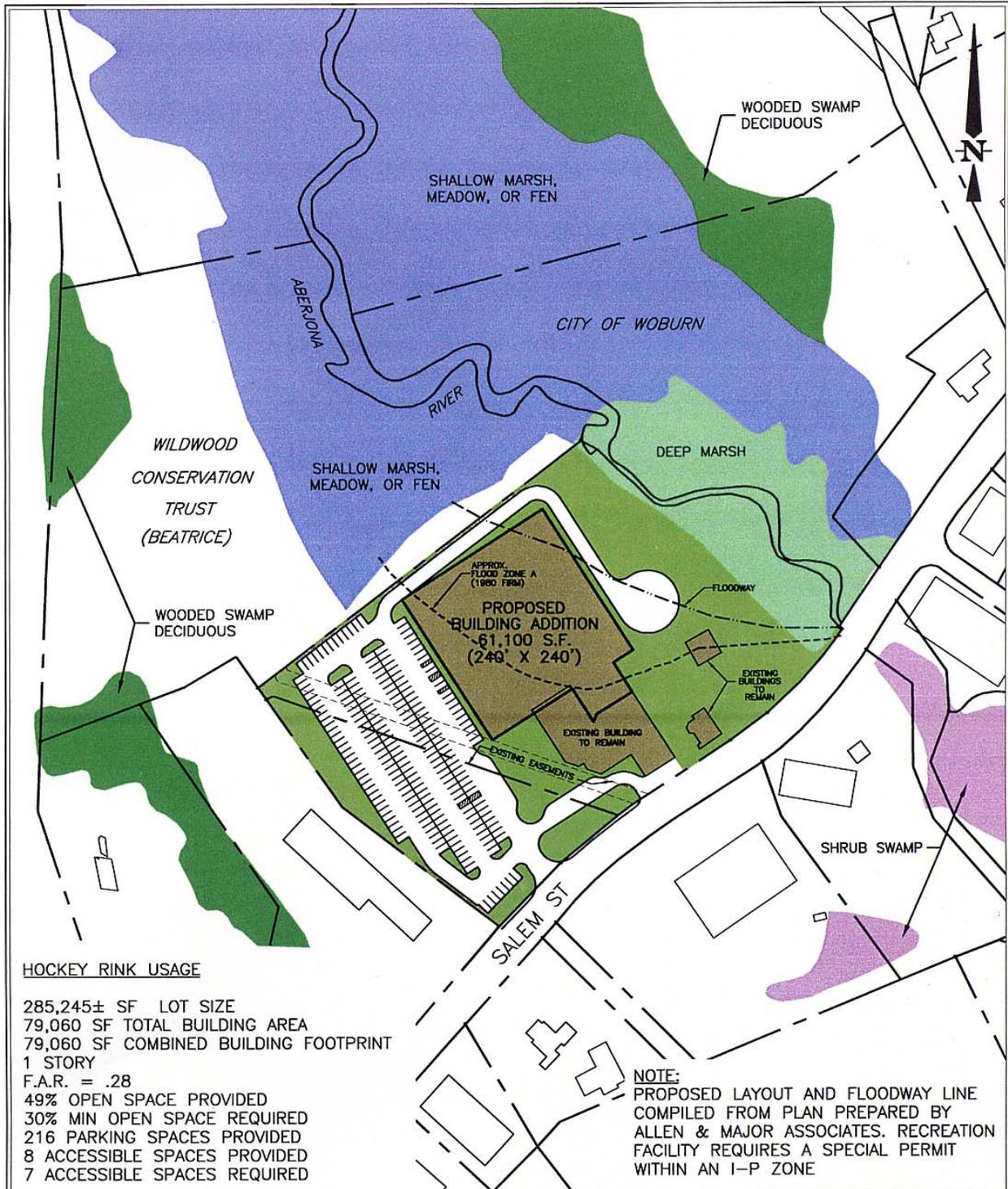
Rivers Protection Act.

In early 2002 the Aberjona Auto Parts property was purchased by a local auto recycler. In February, 2002, the new owner, Robert Holland, presented a preliminary redevelopment plan to the Advisory Committee, which proposed construction of a new skating rink facility, attached to and utilizing the existing masonry block structure on the premises. The new owner stated that his proposal was intended as both a business venture, and a civic contribution. He noted that there was serious shortage of "ice time" to serve the various hockey leagues in the north suburban area. Mr. Holland told the Committee that while he was in the auto recycling business, he did not intend to request a reinstatement of the Class 3 auto recycling license for the premises.

The Committee members generally agreed that the concept would represent a significant improvement over the current use. Members noted that in the proposed site plan, the new rink construction would lie substantially within the riverway portion of the flood plain. It was suggested that the City of Woburn be approached to relocate the municipal sewer line which runs through the southwest portion of the property. Figure 7.2 and 7.3 illustrate the original site plan proposed by the owner, and the suggested revision by the Advisory Committee. In both plans, the total building square footage is approximately 79,000 square feet, representing a Floor Area Ratio of .28. Both plans incorporate 216 parking spaces, and approximately 50 percent of the site dedicated to open space.

Overall, the Advisory Committee determined that the proposed use as a skating rink would be very compatible with the passive recreation/conservation use being proposed by the Committee for the nearby Wells G&H site owned by the City of Woburn.

The owner subsequently revised the redevelopment proposal, and submitted a final plan which incorporating the Committee's suggestions to avoid development in the riverway and wetland. The Woburn Engineering Department and the Department of Public Works agreed to cooperate in the relocation of the municipal sewer line, where required. The final building design included multiple stories, so a variance from the FAR limit was requested and granted by the Board of Appeals. In September, 2004, the Woburn City Council approved the necessary Spe-



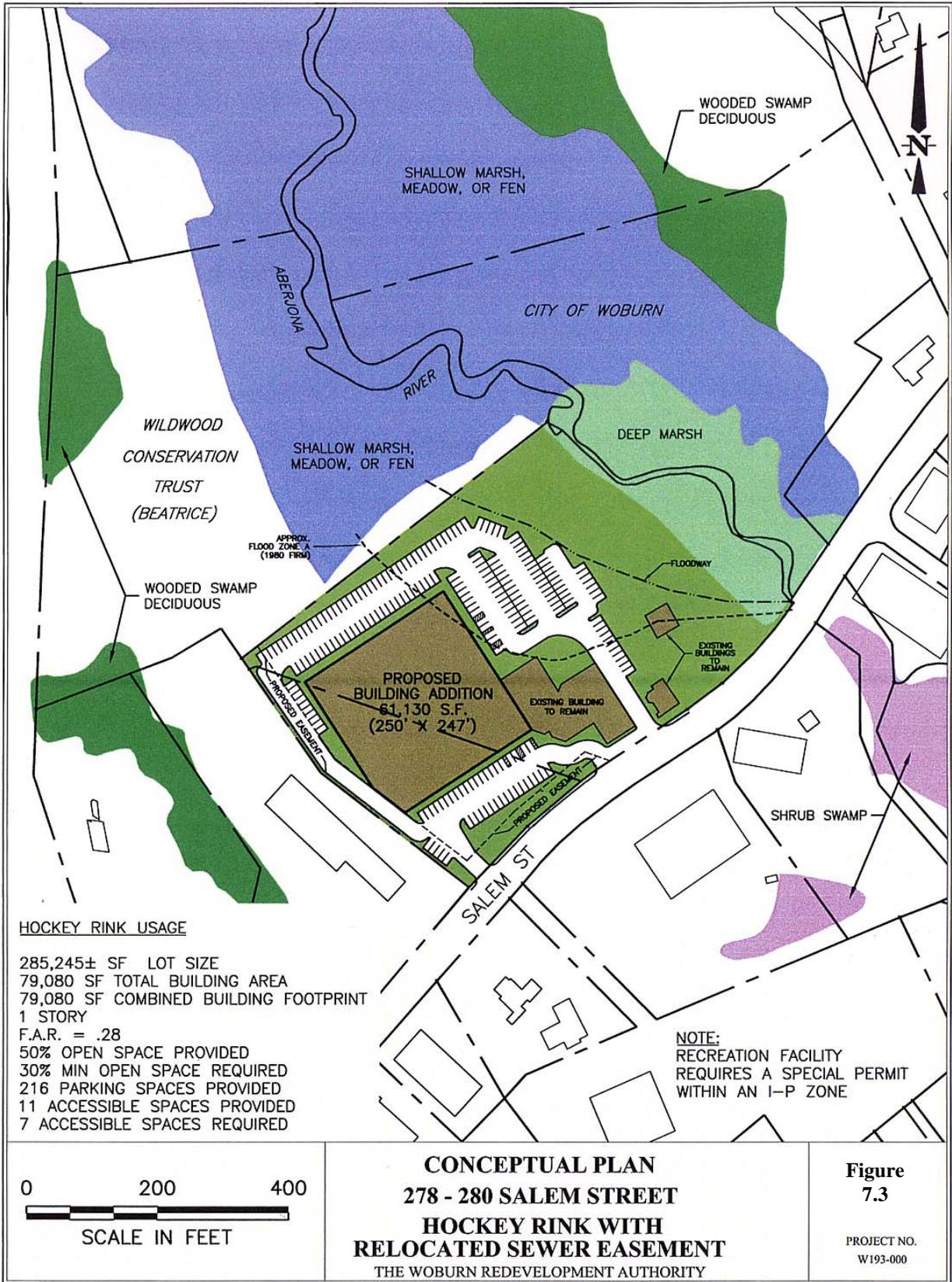
**CONCEPTUAL PLAN**  
**278 - 280 SALEM STREET**

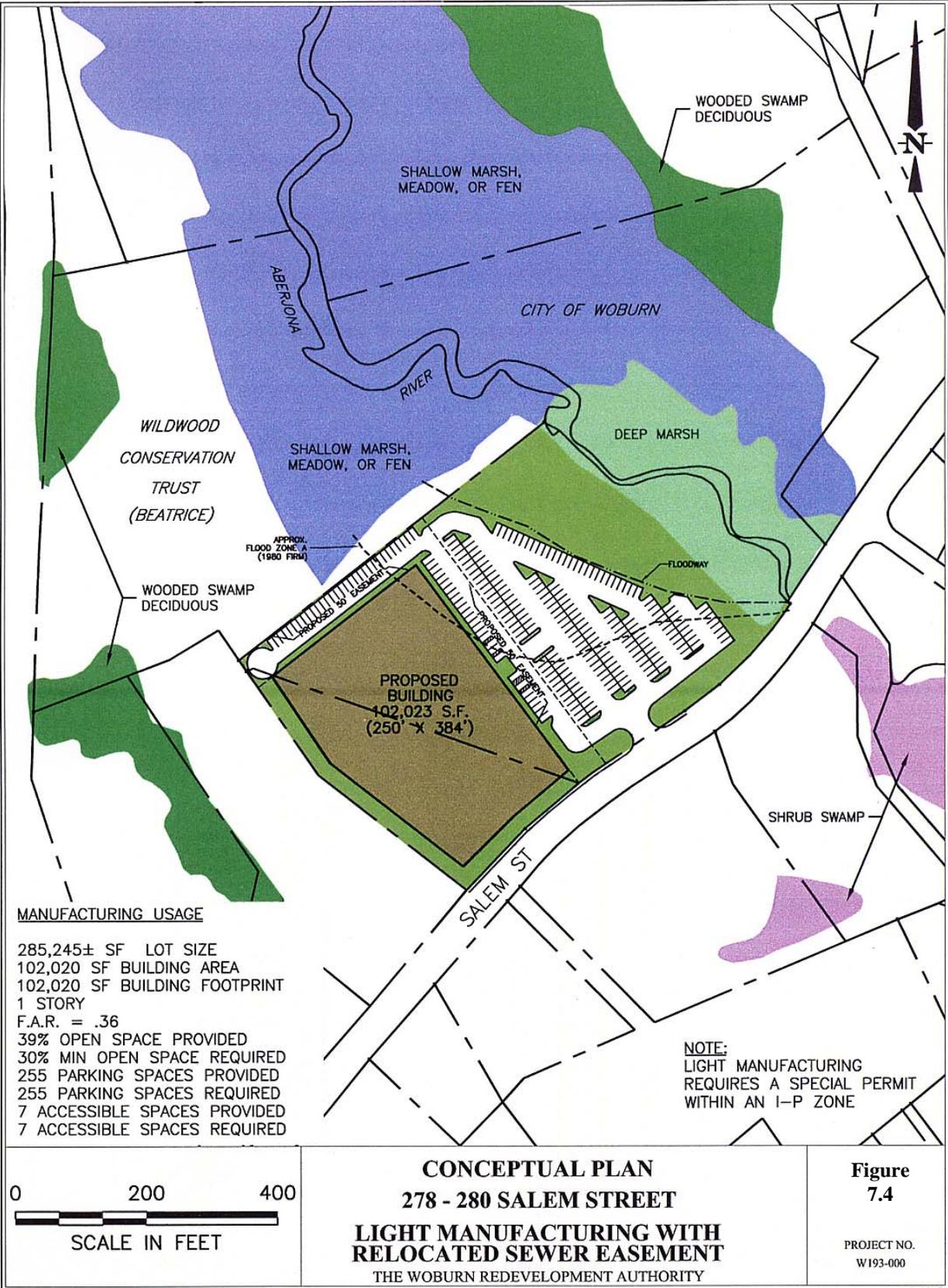
**HOCKEY RINK**  
THE WOBURN REDEVELOPMENT AUTHORITY

**Figure**  
**7.2**

PROJECT NO.  
W193-000









cial Permit for the proposed development. A neighbor to the site subsequently filed an appeal, which is still pending.

In the event that the owner's skating rink proposal does not move forward, the Advisory Committee also requested that ESS Group prepare a conceptual plan for light industrial use. This is shown as Figure 7.4 on the previous page. Based upon the ESS Group's analysis, the site could accommodate a 100,000 square foot building, with an FAR of .36. A total of 255 spaces would be required. This scenario would keep the developed area outside of the riverway, but would also require the relocation of the City's sewer easement.

**2. Other Properties:** While the BRA found lifetime health risks in soils to be "lower level risks within or below federal prescribed risk ranges" for the Aberjona Auto Parts property, this relatively optimistic finding does not extend to the other Southwest Properties. In particular, elevated health risks were found in soils on the Whitney Barrel property, and within wetland sediments found on the Murphy's Waste Oil property. The higher costs of remediation, coupled with the need to assemble the development site through acquisition from a number of disparate owners, makes the near future redevelopment of the Southwest Properties problematic. Thus the current uses of these other properties are likely to remain in place indefinitely, despite the sites locational advantages, without more proactive public intervention.

Public support for redevelopment of the Southwest Properties could take the form of local/state tax incentives or other forms of financial support, but financial incentives alone may not be adequate to stimulate redevelopment. The light industrial or mixed-business uses most likely in the

current real estate market would not support the high cost associated with a multiple parcel assemblage, much less the excessive site preparation costs due to the presence of soil contamination. The Southwest Properties are not likely to be redeveloped unless the individual parcels are assembled first by the public sector. The most direct way to accomplish that goal would be through the preparation and implementation of an urban renewal plan by the Woburn Redevelopment Authority. However, preliminary planning for such a major undertaking is well beyond the scope of this planning effort, and will require further analysis and discussion before a decision to move forward can be made.



## 8. Future Actions

**1. Next Steps:** The Wells G&H SRI Advisory Committee identified three properties under this planning process which were considered priority sites for redevelopment, and recommended preferred land uses for each parcel:

- Wells G&H City-Owned Property: Public Passive Recreation/Open Space;
- W.R. Grace Property: Hotel or Prime Office Development; and,
- Aberjona Autoparts: Public Skating Rink/Light Industrial.

In addition, the Committee recommended that over the long term, the City of Woburn and the Woburn Redevelopment Authority consider the preparation of an urban renewal plan, to stimulate the redevelopment of the remainder of the Southwest Properties. In order to accomplish these goals, the following action steps should be undertaken:

*a. Wells G&H City Owned Property:*

- 1) Work with the EPA to complete testing and analysis of the surface soils in the upland area, either as part of the Superfund regulatory process or through further assistance under the Superfund Redevelopment Initiative;
- 2) Prepare an inventory/survey of existing plant and animal species in Wells G&H area through review of existing wetland and ecological reports, and through field investigation if necessary. It may be possible to use volunteers for the latter.
- 3) Obtain funds for the preparation of a detailed landscape plan for the Wells G&H Passive Recreation/Open Space improvements, incorporating any remediation, restricted access, or buffering zones which may be required as a result of the analysis, above, and previous planning; and,
- 4) Identify funding sources for the completion of the proposed improvements. See the discussion below for a list of possible sources.

*b. W.R. Grace Property:*

- 1) Open a dialogue with the W.R. Grace Co. regarding the redevelopment of the property at 369 Washington Street, proposing the possibility of a public/private development partnership with the Woburn Redevelopment Authority, and the use of tax increment

financing.

*c. Aberjona Autoparts:*

- 1) Continue to support the owner's proposal to develop a public skating rink.

*d. Other Southwest Properties:*

- 1) Review the Baseline Risk Assessment in detail, to determine the nature and extent of environmental obstacles to redevelopment;
- 2) Prepare a report establishing the blighted, decadent or substandard conditions of the properties, according to the MGL Ch. 121B statute and regulations; and,
- 3) Complete a financial analysis of the feasibility of undertaking an urban renewal effort for the remaining Southwest Properties, and identify the level and types of public subsidies which would be required.

**2. Sources of Public Support:** As part of this planning effort, the WRA and the Committee reviewed and identified public programs which could be utilized to further the development of the land uses to be proposed in the Plan. The most programs considered the most relevant were as follows:

- a. City of Woburn Development Impact Ordinance,
- b. Tax Increment Financing (MOBD),
- c. Mass. Economic Development Incentive Program (EDIP),
- d. Mass. Brownfields Redevelopment Fund (MassDevelopment),
- e. Mass. Brownfields Redevelopment Access to Capital Program (MBDC),
- f. Mass. Public Works Economic Development Program (EOTC),
- g. Mass. Community Development Block Grant Program (DHCD),
- h. Massachusetts General Laws Chapter 121B Urban Renewal Program,
- i. Land and Water Conservation Fund (DEM), and,
- j. I-93/I-95 Interchange Impact Mitigation.

In the discussion below, each of these programs is briefly summarized, and evaluates as to its relevance to the implementation of the Comprehensive Land Use Plan.

*a. City of Woburn Impact Fee Ordinance:* In October, 1999, the Woburn adopted an ordinance which requires that requests for municipal approval of all substantial improvements or alterations to real estate must be accompanied by a Development Impact Statement, which outlines the traffic and utility impacts of the project, and proposes mitigation improvements to be undertaken by the proponent. The proponent may implement those improvements directly, or, at the discretion of the City, make an in lieu payment to a Traffic Safety and Infra-

structure Fund, equal to 3 percent of the total development costs. According to section 18 of the Zoning Ordinance, a substantial alteration or improvement is one which will add 10 percent to the gross floor area, or require the addition of 10 or more parking spaces, and will result in a total gross floor area of 15,000 square feet of space or more.

The Lowes developer at Commerce and Mishawum completed approximately \$2.5 million under the ordinance (although part of the incentive was the abandonment and reversion of title to municipal rights of way), and the JPI development on Cedar Street completed approximately \$400,000 in traffic improvements. On Commerce Way, approximately \$1.5 million in improvements were completed related to the Genuity and Target developments. The developers of the Marriott on Commerce way opted to make a cash payment of \$400,000, in lieu of direct construction of improvements.

Section 18.7(3) specifically stipulates that moneys in the Mitigation Fund must only be spent on traffic and infrastructure improvements, and further, only “on mitigation measures related to said development, specified in the Project Mitigation Statement, and specified as conditions in the special permit.”

The Development Impact Mitigation ordinance has clearly had a substantial impact on the Washington Street corridor. This Wells G&H Land Use Plan recommends additional priorities for future mitigation improvements for key locations within the Wells G&H area.

It should also be pointed out that Section 18.8 of the ordinance specifically authorizes the granting of a waiver, if it is found that “the granting of a waiver will not create conditions which are substantially more detrimental to the neighborhood in which is the site is located...” Further, the Section 18.8(2) states: “As the basis for its decision, the SPGA (the Planning Board or City Council, depending on jurisdiction) shall consider other positive impacts of the project upon the project impact area not measured by the Development Impact Statement, such as, but not limited to, the substantial remediation of an environmentally contaminated site. A full or partial waiver for the redevelopment of the W.R. Grace or Aberjona Auto Parts properties could prove to be a substantial incentive to steer the reuse of those parcels to the desired outcome, particularly if other public resources could be tied in which could finance traffic mitigation improvements.

*b. Tax Increment Financing:* Tax Incremental Financing (TIF) was first introduced in Massachusetts through legislation passed by the Massachusetts legislature as Ch.19 of the Acts of 1993, which set up the Economic Development Incentive Program (see below). While most of the benefits of Ch. 19 require the designation of the community by the Commonwealth as an Economic Target Area, TIF projects can be approved if the Massachusetts Office of Business Development determines that the project is an “exceptional economic opportunity.” A TIF Agreement exempts some or all of the *increased value* that would normally be added the property assessment upon the completion of the substantial redevelopment of a property. The TIF Agreement is negotiated with the municipality, but must be approved by MOBD before it can take effect. The current assessment in place just prior to redevelopment serves as the base, and generally the additional valuation is phased in, according to a schedule driven by the financial needs of the project, not to exceed 20 years. TIF works best when the redevelopment will

result in a substantial increase in the value of a parcel, and the assessment is likely to undergo a major adjustment.

The W.R. Grace property, if substantially redeveloped as a hotel, for example, would be a prime candidate for Tax increment Financing, because the assessed value would almost certainly see a major increase. Cash flow saved from the tax relief could be diverted, for example, to pay for the cost of environmental liability insurance, to indemnify the seller or developer from future litigation.

*c. Economic Development Incentive Program:* The Massachusetts EDIP program was introduced under Ch. 19, mentioned above. The act was codified as MGL Chapter 23A, Section 3. Projects which are approved, or “certified,” under the program are eligible for both local TIF, and for a five- percent state Investment Tax Credit for all tangible, depreciable assets. In order to use the program, the municipality must be approved by the Economic Assistance Coordinating Council as an Economic Target Area (ETA). Within the ETA, the community then designates specific target areas, known as “Economic Opportunity Areas.” Certified projects must be located within one of those areas. A 10 percent Abandoned Building Tax Deduction is available to qualified projects within an EOA, regardless of whether the project is actually “certified.”

To be eligible as an ETA, the municipality, or the portion of the municipality to be designated, must meet certain statutory criteria for economic distress. It is possible, and the Commonwealth encourages, multi-community ETAs, and as long as the aggregate indicators meet the criteria. Thus, Burlington was able to create an ETA for Sun Microsystems, by linking with more distressed portions of Billerica. Woburn does not meet any of the basic distress criteria, such as poverty level, unemployment, or the percentage of low and moderate income households, but we may be able to establish eligibility under MGL Ch.23, Section 3D(D) if we can document a gross job loss of 2,000 or more within the last four years. The WRA is currently working with the City and the Town of Burlington to have the Woburn included within the current Burlington ETA. The Burlington ETA was also designated based upon the job less criteria.

*d. Massachusetts Brownfields Redevelopment Fund:* The Brownfields Redevelopment Fund was set up under the Chapter 206 of the Acts of 1998, the Massachusetts Brownfields Act. Administered by the Massachusetts Development Finance Agency, the \$30 million fund provides up to \$50,000 as a pre-development loan, and up to \$500,000 in reduced-interest financing for actual remediation activities. The pre-development loan is paid back at closing if the project moves forward, but is forgiven if the project is not implemented. Thus, it is designed to work with a prospective, rather than existing owner.

To be eligible for funding under this program, a project must be located in an ETA, or an “economically distressed area,” which is basically an area which meets the criteria for an ETA, but is not actually designated. The EACC has taken a broad view of this requirement, interpreting the statute to allow for hypothetical, multi-community combinations to establish economic distress. Using this interpretation, the EACC determined that Woburn was an economically distressed area, for purposes of this program.

*e. Massachusetts Brownfields Redevelopment Access to Capital Program:* Another programmed authorized under the Brownfields Act, the Redevelopment Access to Capital Program ((BRAC) is an environmental insurance program administered by the quasi-public Massachusetts Business Development Corporation (MBDC). The \$15 million insurance fund will cover mitigation cost overruns, various unknown or unforeseen conditions, and third party liability claims.

*f. Public Works Economic Development Program:* The PWED program provides direct grants to local municipalities for the construction of public streets and other public improvements which support local economic development. The maximum grant is currently \$1 million. Several successive PWED grants were used by the City of Woburn to construct the Commerce Way extension, which was necessary for the success of the Industriplex project. The program is administered by the Massachusetts Executive Office of Transportation and Construction. Under current practice, projects need to have construction plans completed, and all land under municipal control, to receive grant funding.

*g. Massachusetts Community Development Block Grant Program:* The CDBG program is a HUD funded grant program which for municipalities under 50,000 is administered through the Massachusetts Department of Housing and Community Development. While the program has a number of smaller components, most of the funds are in the Community Development Fund (CDF).

To be eligible for funding, a project must be among the list of eligible types of projects, and must also meet one of two national objectives: 1) the project must provide a benefit to low and moderate income persons, or 2) the project must serve to eliminate conditions of slums and blight. Economic development projects and brownfields redevelopment projects can be eligible activities, if one of the above objectives is met. CDBG funds, for example, could pay for the non-federal share of a Land and Water Conservation Fund grant (see below), or for handicapped access costs associated with the construction of the observation decks in the Wells G&H area.

*h. Massachusetts Urban Renewal Program:* It is still possible in Massachusetts to have an urban renewal project financed and approved. While general discretionary funds have not been appropriated to the program by the legislature in decades, specific projects have been earmarked for funding by the legislature. The Worcester Medical Center project in downtown Worcester is a notable example. It also possible to have an urban renewal project approved with other types of financing. Under MGL Chapter 121B, the urban renewal statute, the local redevelopment authority must draft an urban renewal plan, which must be approved by the local municipality (the Mayor and Council), and by DHCD. The plan must document that the area meets the statutory definition of “blighted, decadent, or substandard,” and demonstrate that the plan is financially feasible. The redevelopment agency must demonstrate that “but for the intervention of the public sector,” the area would not likely be redeveloped.

The advantage of urban renewal, of course, is that it provides eminent domain powers to the local redevelopment authority for properties specified for acquisition in the approved urban renewal plan. Acquisition within a target area is generally very selective, however, as wholesale

acquisition is usually unnecessary, and would be very difficult to finance. The superfund status of the Wells G&H area alone likely constitutes a condition of blight, as interpreted under the statute. However, due to its radical nature, urban renewal should be seen as a tool of last resort.

*i. Federal Land and Water Conservation Fund:* This program is administered in Massachusetts by the DEM Division of Conservation Services. The program will provide 50 percent of the cost of land acquisition, and park, recreation, and conservation development projects. The maximum grant is \$250,000. A related program is the Massachusetts urban Self-Help Program, which will provide up to \$500,000 for outdoor passive or active recreation projects. The grant share is between 50 and 72 percent of costs, depending on the community. This program is administered by the Division of Conservation Services in tandem with the Land and Water Conservation Fund. The community must have an updated Open Space Plan on file with the Division.

*j. I-93/I-95 Mitigation Improvements:* While not a program per se, the Massachusetts Highway Department's planning and design effort for the new I-93/I-95 Interchange will eventually have to consider mitigation improvements to deal with congestion during the extensive course of construction. MassHighway was already giving very serious consideration to the reconstruction and widening of the Washington Street overpass, which would certainly help to alleviate congestion along the corridor. Other mitigation improvements may prove feasible, if they can be associated in some way with the interchange project.

The above list of funding sources is not intended to be all inclusive. A number of other programs may also prove relevant to stimulate the successful redevelopment of sites in the Wells G&H area. Additional funding sources worth investigating might be the DHCD Community Development Action Grant Program, and the EPA Sustainable Development Grant Program.