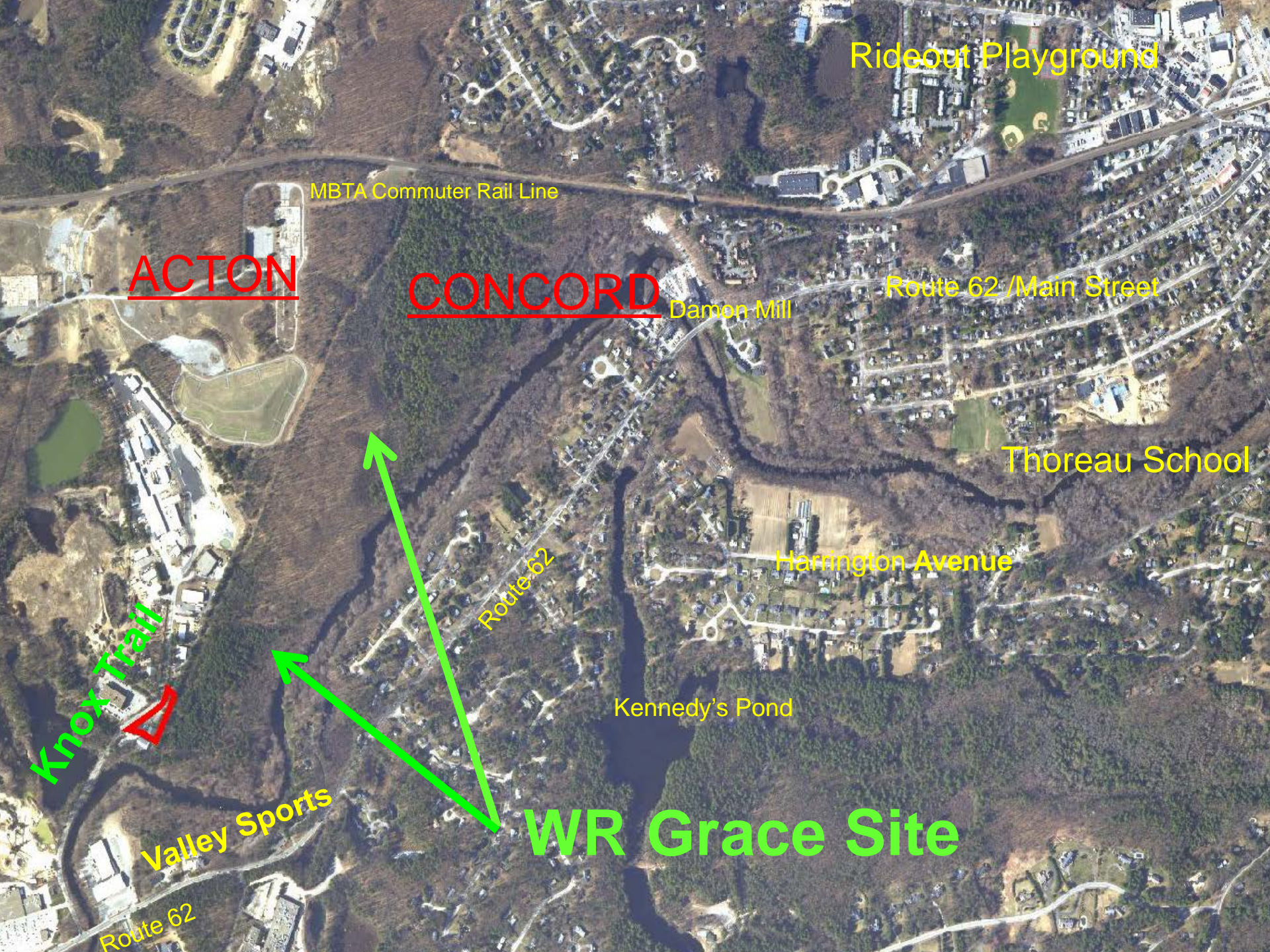


Special Town Meeting April 14, 2015
Article 1 – W.R. Grace Property



ARTICLE 1. Mr. Whelan moves: that the Town authorize the Board of Selectmen to acquire by eminent domain taking pursuant to MGL c.79, for municipal purposes, including but not limited to school transportation, solar power generation, and waste water treatment, the property in Concord located at 214Y Main Street estimated to be 79.9 acres, together with any structures, improvements, and trees thereon, shown as Map 11B, Parcel 2322 on the Concord Assessors Maps, as more particularly identified in deeds recorded in the Middlesex Registry of Deeds in Book 6883, Page 387, and as Land Court Certificate No. 61523, the cost of acquisition to be funded with the sum approved under Article 36 of the 2012 Annual Town Meeting.



Rideout Playground

MBTA Commuter Rail Line

ACTON

CONCORD

Damon Mill

Route 62 / Main Street

Thoreau School

Harrington Avenue

Kennedy's Pond

Route 62

Knox Trail

Valley Sports

Route 62

WR Grace Site

Special Town Meeting April 14, 2015
Article 4 – WR Grace Property



Negotiation History

- Fall 2011 Town's first offer to purchase
- Spring 2012 Town Meeting votes to Authorize Purchase
- Nov 2013 Town Acquires 37 Knox Trail
- Aug 2014 Company Refuses to meet
- Feb 2015 First meeting since 2011
- March 2015 Negotiations Discontinued
- April 2015 Special Town Meeting Called

Special Town Meeting April 14, 2015

Article 4 – WR Grace Property

Eminent Domain Taking



MGL ch. 79 allows eminent domain taking by towns. Public Purposes include: School Transportation, Wastewater Treatment, and Solar Power

Eminent Domain Taking

- * Requires 2/3's Vote of Town Meeting
- * Requires an appraisal of the property
- * Selectmen prepare "Order of Taking", including a statement of the amount to be paid
- * Order recorded at Registry of Deeds
- * Notice to owner – Payment within 60 days
- * Owner has three years to contest amount paid

Special Town Meeting April 14, 2015
Article 4 – WR Grace Property



ENVIRONMENTAL LIABILITY

WR Grace is liable under a 1980 Consent Decree.

Federal CERCLA Law holds WR Grace liable.

2006 Grace confirms its obligation under the law.

Brownfield laws were adopted to insulate new owners, particularly municipalities, from incurring liability for past pollution.

Special Town Meeting April 14, 2015
Article 4 – WR Grace Property



PROPERTY VALUATION

FY2015 Town Assessment:	\$1,863,500
2012 Independent Appraisal	\$1,200,000
Negotiated Sales Price	\$1,200,000
2015 Jon Avery Appraisal	\$ 800,000

Special Town Meeting April 14, 2015
Article 1 – WR Grace Property



•Property History

1800's: Operated as American Powder Mills
manufactured explosives.

1929: American Cyanamid – Explosives

1945: Dewey & Almy Chemical Co.

1954: WR Grace: produced materials to
manufacture chemicals & latex

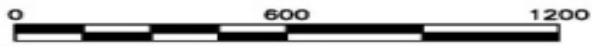
Limited Use of Concord land for Manufacturing

2006 Waste Dumped near Assabet Removed



SOURCE:

GOOGLE EARTH PRO IMAGERY, DATED JUNE 18, 2010



CLIENT:		TOWN OF CONCORD	
PROJECT:		ENVIRONMENTAL REVIEW AND SUPPORT	
TITLE:		SITE AERIAL	
DESIGNED: MJW	DRAWN: STM	CHECKED: JJT	APPROVED: MJW
SCALE:	DATE:	FILE NO.:	PROJECT NO.:



FIGURE NO.:

Special Town Meeting April 14, 2015
Article 1 – WR Grace Property



SUPERFUND HISTORY

- 1978: VOC's Detected in Water Samples
Acton Water Supply Wells Assabet 1 & 2
- 1980: W. R. Grace and USEPA Enter into
Consent Decree to Clean Up Site
- 1983: W. R. Grace Site Added to NPL
- 1985: Aquifer Restoration System Installed
- 1989: EPA Issues Record of Decision for Source
Areas Including Former Lagoons,
Industrial Landfill & Debris Areas.

Special Town Meeting April 14, 2015
Article 1 – WR Grace Property



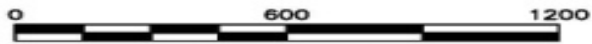
• Extensive Cleanup Completed

- 1997: Remedial Activities Completed
Excavation and Disposal of 170,000 Cubic Yards of Contaminated Materials
Capping of the Industrial Landfill
- 2005: USEPA Issued a Second Record of Decision for Site Groundwater.
- 2010: Groundwater Remedial Systems Designed, Constructed and Operational.
- 2012 GeoInsight Hired by Town to Review the Data



SOURCE:

GOOGLE EARTH PRO IMAGERY, DATED JUNE 18, 2010



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Special Town Meeting April 14, 2015

Article 1 – W.R. Grace Property



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