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APPENDIX 1

LOCAL REGULATION OF FEDERAL LESSEES AND FORMER FEDERAL LANDS

Garrity and Knisely

The Problem

Around the nation there are a number of pending or threatened closings of United States army, naval and air force bases under the authority of the Base Closure and Realignment Act of 1988, 10 U.S.C. 2687 (“BRAC”). These closings will ultimately result in the transfer of actual legal title from the federal government to base land and facilities either to private parties or state authorities. The transfer procedure is, however, complex and time-consuming. In many cases, the military mission of a particular base will have been completed and the personnel stationed there transferred, long before actual transfer of legal title occurs.

During the interim period between the cessation of military activities and the transfer of legal title, use of the base property by

non-federal entities (public and private) is often authorized under various agreements with the military. For example, in some cases under the Military Housing Privatization Initiative, as amended by a new subchapter entitled “Alternative Authority To Construct and Improve Military Housing,” 10 U.S.C. §§ 2871-2885, the military has entered into long term leases with private developers of land on military bases for housing for military personnel. Often these leases provide that the developer will actually own the improvements during the term of the lease and may provide the developer with an option to purchase the land upon base closure.

It is reasonable to assume that, upon the end of the military mission and the transfer of military personnel, the developers will seek civilian tenants to rent vacant apartments or other housing units. Upon actual transfer of fee title to the realty, issues can be expected to arise over the local government’s general “police power” over the private developers and tenants, the status of the existing facilities and

uses under the local zoning and planning laws, and the extent to which those uses or facilities may be altered.

The purpose of this memorandum is not to examine each and every possible zoning, planning, and police power issue which might arise, but to provide an overview of the general principles applicable to local jurisdiction over federal lessees and purchasers of former federally-owned property. One caveat which should be mentioned at the outset, is that case law reflects that often a locality’s success or failure in attempting to impose particular zoning or planning regulations or procedures upon a federal lessee or transferee often depends on the precise language used in either the state empowering statute or the exact wording of the local regulation.

Another caveat is that this Memorandum does not address the issue of local property taxation of the interests of lessees of federal property.

Land Purchased by The United States from States Under U. S. Constitution Art I § 8, cl. 17

As developed below in this Memorandum, under the “Supremacy Clause” of the United States Constitution, the states generally do not have the power to regulate the actions of the United States government or federal instrumentalities on land owned or leased by the United States. In such cases, however, it can be generally stated that the case law supports the idea that the states retain jurisdiction over land owned or leased by the United States to the extent that the exercise of that jurisdiction does not interfere with the operations of the United States or its instrumentalities.

There is another provision of the United States Constitution which has significant bearing on the power of the states to regulate federal land, which should be considered at the outset of any analysis of local regulatory power over federal lands. Article I, Section 8, Clause 17 of the United States Constitution grants the Congress the following powers:

Article I, Section 8, Clause 17. Seat of Government; Exclusive Jurisdiction Over Places Purchased

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the

Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;...

This clause first grants Congress all legislative jurisdiction over the seat of government, which is now the District of Columbia. It is important to note that this power is not merely the power to effectuate federal purposes. The Supreme Court has stated that, by this clause, the Congress has the entire control over the District of Columbia for every purpose of government, whether national or local. *Capital Traction Co. v. Hof*, 174 U.S. 1 (1899). The Congress has all police power both of a political and municipal nature over the District of Columbia. *Shoemaker v. U.S.*, 147 U.S. 282 (1893).

More importantly, for the purposes of this Memorandum, Article I, Section 8, Clause 17 also grants Congress the power to exercise “like authority” (as it has over the District of Columbia) over all places purchased by the consent of the legislature of the state in which the same shall be “for the erection of forts magazines arsenals dockyards and other needful buildings.” If such a sale of property is made to the United States, the transaction confers upon the United States the same exclusive, plenary transfer of the police power as is the case for the District of Columbia,

with no residuary power remaining in the transferring state, unless the state reserved the power when it gave its consent to purchase by the United States. *Paul v. U. S.* 371 U.S. 245 (1963); *Lord v. Local Union No. 2088, Intern. Broth. of Elec. Workers, AFL-CIO*, 646 F.2d 1057 (5th Cir. 1981), rehearing denied 654 F.2d 723, cert. denied 458 U.S. 1106; *Vincent v. General Dynamics Corp.*, 427 F. Supp. 786. (N.D. Tex. 1977).

Property acquired under Article I, Section 8, Clause 17 is sometimes referred to as a “federal enclave.” A private lessee of property within a federal enclave is not subject to local zoning or planning regulations. *See William G. Dupuis v. Submarine Base Credit Union, Inc.*, 170 Conn. 344, 365 A.2d 1093 (1976).

That being said, certain requirements must be met before a property transfer will be deemed to be a federal enclave:

- There must be a sale of the property to the United States.
- The sale must be consented to by the selling state
- The United States must accept exclusive jurisdiction.
- The sale must be for the reasons stated in Article I, Section 8, Clause 17.

If all of these conditions are not met, the United States still owns the property, but does not have the exclusive jurisdiction over the property granted by Article I, Section 8, Clause 17, and the extent of con-

current or residual jurisdiction remaining in the state is controlled by the Supremacy Clause and the considerations discussed below in this Memorandum.

As federal enclave status precludes local zoning or planning regulation, the first analysis which must be made in addressing any question of local control over private lessees of a particular piece of federal property is exactly how the federal government acquired the property and whether the acquisition falls within under Article I, Section 8, Clause 17. The majority of federal land was not acquired through Article I, Section 8, Clause 17 of the United States Constitution. Later in this Memorandum, we will address questions that apply to federal property not acquired under Article I, Section 8, Clause 17.

Local Regulation of United States Owned or Leased Land Generally

Federal supremacy protects the legitimate activities of the United States government from regulation by state and local authorities. This principle derives from the 'Supremacy Clause', Article VI, Clause 2, of the United States Constitution which provides:

This Constitution and the Laws of the United States which shall be made in Pursuance thereof; ... shall be the supreme law of the land; ... and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

As a consequence, land owned or leased by the United States or an agency thereof, for purposes authorized by Congress, is immune from and supersedes state and local laws in contravention thereof. 4 RATHKOPF'S THE LAW OF ZONING AND PLANNING § 76:23 (4th ed.). See *Tim v. City of Long Branch*, 53 A.2d 164 (N.J. Ct. Err. & App. 1947); *U.S. v. Village of New Hempstead, N.Y.*, 832 F. Supp. 76 (S.D. N.Y. 1993); *Breeze v Bethlehem*, 151 Misc 2d 230, 573 NYS2d 122 (1991). When the legal incidence of a regulation by a state or local government is imposed upon the federal government, its instrumentalities, or its property, that regulation of federal installations is constitutionally impermissible absent a "clear and unambiguous" congressional authorization. *Environmental Protection Agency v. California ex rel. State Water Resources Control Bd.*, 426 U.S. 200 (1976)

In *Hancock v. Train*, 42 U.S. 167 (1976), the United States Supreme Court discussed the established principle of federal supremacy over the states.

It is a seminal principle of our law "that the constitution and the laws made in pursuance thereof are supreme; that they control the constitution and laws of the respective States and cannot be controlled by them" *McCulloch v. State*, 17 U.S. 316 (1819). From this principle is deduced the corollary that "[i]t is of the very essence of supremacy to remove all obstacles to its action within its own sphere, and so to modify every power

vested in subordinate governments, as to exempt its own operations from their own influence." p7.

The effect of this corollary is "that the activities of the federal government are free from regulation by any state." *Hancock v. Train*, 426 U.S. 167 (1976) For such a use to be subject to local ordinances, the federal statute creating the agency or setting forth its powers must specifically so provide in clear and unambiguous language. *Columbia Basin Land Protection Ass'n v. Schlesinger*, 643 F.2d 585 (9th Cir. 1981). The immunity enjoyed by an agency of the federal government extends even to land leased by it. However, where the interest of the government in the real property which is sought to be used in contravention of local zoning ordinances falls short of ownership or leasehold, there is no immunity conferred upon the activity. *United States v. Town of Windsor*, 496 F. Supp. 581 (D. Conn. 1980); *Outerbridge Terminal, Inc. v. City of Perth Amboy*, 432 A.2d 141 (N.J. Super Law Div. 1980); *Hill Homeowners Ass'n v. Garden State High Rise Corp.*, 374 A.2d 471 (N.J. App. Div. 1977), *cert. denied*, 379 A.2d 244 (1977); and *Mount Olivet Cemetery Ass'n v. Salt Lake City*, 164 F.3d 480 (10th Cir. 1998).

Local Power to Zone Property While Owned or Leased by the Federal Government

Although zoning ordinances cannot be enforced against the federal government, municipalities are not precluded from classifying federally-owned land as within specified zoning districts. The federal government often transfers its lands to private parties and if the zoning map shows the land as having been classified, the zoning ordinance can immediately be enforced when a private individual assumes ownership. 4 RATHKOPF'S THE LAW OF ZONING AND PLANNING § 76:23 (4th ed.). In *Lane County v. Bessett*, 612 P.2d 297 (Or. App. 1980), the Oregon Court of Appeals held that a local municipality can zone all property within its jurisdiction, even though it can't enforce its zoning while the property is under federal ownership. It can enforce the zoning action when the property is transferred to a private party.

Leases of Government Owned Property To Private Parties Generally

As stated above, zoning restrictions are generally not applicable to property either owned or leased by the state or the federal government. From time to time, however, state or federal governments have leased government owned land to private parties. The question then arises as to the applicability of zoning ordinances to the activities and interests of these private parties.

As set out in American Law Reports Annotation, "Applicability of Zoning Regulation

to Nongovernmental Lessee of Government-owned Property" 84 A.L.R.3d 1187, in analyzing whether the tenant, or lessee, of governmentally owned land would be subject to local zoning ordinances, the most common distinction that courts seem to make is that between "governmental" and "proprietary" use of the land.

"Governmental" use has been defined as that use required of the state by statute in the performance of functions generally required to be performed by the government. Other use has generally been considered "proprietary." The courts have, generally, held that where a use is purely proprietary, the zoning ordinances otherwise applicable to the land in question apply, thus necessitating the application for variances and for special permits, as the case may require. On the other hand, where a function is basically governmental in nature, being required by statute, and properly in furtherance of a statutory requirement, the zoning ordinances generally have been held not to apply, and thus special permits and variance requirements have been held inapplicable to the lessee or tenant thereon.

Leases of United States Property to Private Parties

Perhaps the leading case involving the issue of local zoning regulation of a private lessee of federally-owned property is *William G. Dupuis v. Submarine Base Credit Union, Inc.*, 170 Conn. 344, 365 A.2d 1093 (1976). There, the United States Navy had leased 1.15 acres of federally owned land

in Groton, Connecticut to Submarine Base Credit Union, Inc., a non-stock corporation organized under the laws of Connecticut. The credit union's charter provided that membership in the credit union was limited to military personnel and their families and civil service employees of the Groton submarine base. The lease ran for twenty-five years, required the credit union to construct an office building on the leased premises, and provided for the reversion of title to the building thereon to the United States unless the building could be removed before the expiration of the lease. The lease also provided that the use of the premises "will effectuate the purposes of the Federal Credit Union Act, 12 U.S.C. ss 1751-1790."

Pursuant to the lease, the credit union constructed an office building on the leased premises. The credit union neither applied for, nor obtained, a building permit or a certificate of occupancy from the local authorities in Groton. The manager and the superintendent of the company engaged in construction of the building were told, upon inquiry at the building inspector's office, that the property did not come under the jurisdiction of the town of Groton.

Prior to the completion of the building, the Groton building inspector and zoning officer (Dupuis), instituted a civil action seeking to enjoin the credit union from continuing the construction of an office building and, further, seeking an order compelling the credit union to apply to the duly designated boards and officials of the

town for permission to proceed with the construction. After the trial court declined to issue a temporary restraining order, the credit union completed construction of the building. The credit union argued that the local officials lacked jurisdiction over their building project. The trial court found for the credit union on all counts. On appeal, the Connecticut Supreme Court ordered the trial court's judgment set aside and remanded the case for a new trial.

In the case presented to the Connecticut Supreme Court, the credit union argued that it was immune from local zoning ordinances and building code provisions on two grounds. First, the credit union argued that federal ownership of the leased land vests exclusive jurisdiction over that land in the federal government. That is, the credit union argued that the government had acquired the submarine base under the Article I, Section 8, Clause 17 "federal enclave" procedure discussed above. Secondly, the credit union argued that it was furthering a governmental purpose and, therefore, the Supremacy Clause exempted them from local regulation. The Connecticut Supreme Court rejected both of these contentions. The Court first found that the Article I, Section 8, Clause 17 transaction had not, in fact, occurred when the government bought the base. The *Du-puis* Court then went on to state a number of important principles regarding the susceptibility of lessees of federal lands to local regulation which are paraphrased below (all citations omitted):

- In the absence of an acceptance of either partial or exclusive jurisdiction, the United States' possession of lands is that of an ordinary proprietor.
 - It is not unusual for the United States to own lands within a state which are set apart and used for public purposes. Such ownership and use, without more, do not withdraw the lands from the jurisdiction of the State. The lands remain part of her territory and within the operation of her laws, save that the latter cannot affect the title of the United States or embarrass it in using the lands or interfere with its right of disposal.
 - The Groton zoning ordinances and building code constituted a valid exercise of the state's police power and as such they were applicable to federal lands to the extent that they were not inconsistent with the federal purpose in acquiring the lands and were not contrary to federal statutes.
 - The defendants claimed that the acquisition of the land in question by the federal government predated the enactment by the town of Groton of its zoning ordinances and, therefore, the latter were inapplicable, citing (citations omitted). Those cases hold that, in situations where the federal government has taken exclusive jurisdiction over lands, state laws effective prior to the acquisition of jurisdiction remain in effect and state laws passed subsequent to the acquisition of jurisdiction have no effect.
- But no acquisition of exclusive jurisdiction having been shown in the present case, the cited cases are not apposite.
- The defendants did not show that the Groton building code and zoning ordinances were inconsistent with federal purposes or contrary to any federal laws. They offered a department of defense directive, which stated that it was defense department policy to make credit union facilities available to department personnel. The defendants did not explain, nor could the Court perceive, how that policy was inconsistent with a requirement that credit union office buildings comply with local building codes and zoning ordinances.
 - In the absence of exclusive jurisdiction acquired by the United States and also the absence of any conflicting federal law, the Court had no need to consider the Supremacy Clause of the United States Constitution.
 - There was nothing in the record to suggest that the credit union, except for the innocuous lease provisions, was under the control or direction of the United States or its agency. On the other hand, it appeared that the credit union operated independently, exclusive of appropriated or nonappropriated federal funds.
 - Upon the subordinate facts in the case, the credit union was a private lessee engaged in a proprietary function with no derivative right of immunity.

Sale of Lands Formerly Owned by the United States

The sovereignty of the United States and its attendant immunity from state and local regulations ends when it sells the property. 4 RATHKOPF'S THE LAW OF ZONING AND PLANNING § 76:23 (4th ed.). *State v. Stonybrook, Inc.*, 149 Conn. 492, 181 A.2d 601 (1962). The transfer of federal government land to a private party does not transfer its immunity to local zoning regulations to that party. 8 MCQUILLIN THE LAW OF MUNICIPAL CORPORATIONS § 25.16 (3rd ed.).

A key case dealing with local zoning and planning issues which might arise after a sale of former federal military housing is *Town of Coventry v. Glickman*, 429 A.2d 440 (R.I., 1981) [which was cited in an appendix to the Massachusetts case of *Durkin v. Board of Appeals of Falmouth*, 21 Mass. App. Ct. 450 (1986)]. In 1956, the United States government obtained 16 acres of land located in Coventry, Rhode Island. During 1958, the government erected thirty-two single-family houses on the property, which were occupied by military personnel and their dependents who were stationed at a missile site until 1975. The General Services Administration declared the housing complex to be surplus property in 1976 and, subsequently sold the property to Woodland Development Co.

After Woodland unveiled a plan to subdivide the 16 acres into individual lots, the town brought suit to enjoin Woodland from subdividing the property. Woodland filed a

counterclaim asking for a declaratory judgment that the complex was not subject to either the town zoning ordinances or the subdivision regulations. The Supreme Court of Rhode Island affirmed the lower court's dismissal of the town's complaint.

Although a good deal of the rationale of the *Coventry* decision turns upon the particulars of the Rhode Island statutes and local regulations regarding zoning and planning, some holdings are of more general applicability:

- First: "the United States and its various instrumentalities are exempt from those local zoning restrictions that are contrary to federal statutes or purposes."
- Second; where the houses were constructed prior to the town's first zoning ordinance, the United States possesses a legal nonconforming use;
- Third; a nonconforming use is an alienable property interest;
- Fourth: a "mere change in ownership does not destroy the nonconforming use;"
- Fifth: division of the land into separate lots does not impermissibly enlarge the scope of the nonconforming use where the basic use of the parcel will remain the same and the division will serve the needs of families who will live in the single-family units and become taxpayers of the town; and
- Sixth: subdivision regulations were not applicable to the property, in light of fact

that the property had already been developed by the government prior to the government's sale of the property.

It is important to note that the developer in *Coventry* was continuing the same property use as the military, that is for single family residential use. The developer was not seeking to vary that use, nor was it seeking other variances, special permits or new building permits. What was novel was that the developer sought to divide the single parcel on which the buildings stood into a number of single-family residential lots. There was no further construction, including road construction, proposed by the developer. There is no discussion in the case as to lot size, frontage, set-back, sideline or other dimensional difficulties with the developers' plan to divide the lots.

The Zoning Power in Massachusetts Generally

The subject of zoning in Massachusetts is set out in chapter 40A of the General Laws (the "Zoning Act"). The term "zoning," as used in that chapter, means ordinances and bylaws adopted by cities and towns to regulate the use of land, buildings, and structures to the full extent of the independent constitutional powers of cities and towns to protect the health, safety, and general welfare of their present and future inhabitants. M.G.L.c. 40A, § 1A. The Zoning Act definition of zoning does not differentiate zoning from other land use regulations adopted by cities and

towns. Thus, all land use regulation may be considered “zoning” in Massachusetts if it is (i) within the constitutional powers of the municipality and (ii) adopted pursuant to the Zoning Act. This definition works consistently with the role of the Zoning Act as a procedural statute establishing standardized procedures for the promulgation and administration of municipal zoning laws rather than as enabling legislation. See 1975 Mass. Acts c. 808, § 2A, concerning the Home Rule Amendment, Mass. Const. Amend. Art. 89. See Also M. R. Healy & J. S. Klavens: MARTIN MASSACHUSETTS ZONING MANUAL, Volume I, Chapter 2.

The intention of the Zoning Act is to permit cities and towns to adopt any and all zoning provisions which are constitutionally permissible, subject, however, to limitations expressly stated in the Zoning Act or in other controlling legislation. *Sturges v. Town of Chilmark*, 380 Mass. 246 (1980). The extensive zoning powers granted by statute to cities and towns are not to be narrowly interpreted. *Decoulos v. City of Peabody*, 360 Mass. 428 (1971).

The Zoning Act provides certain limitations to a municipality’s exercise of the zoning power. Under M.G.L. c.40A, § 3, for example, a municipality either may not regulate, or has limited power to regulate, certain classes of lands, including lands used for agricultural and religious purposes, lands in flood plan areas, day care centers, and land used by public service corporations.

The Zoning Act is generally silent, however, on the issue of the applicability of local zoning regulations to governmental land use. “The conflict between the local community in its desire to control its land uses and the mandate of state and federal governmental agencies in providing services to a broader community, has led to the judicial development of a doctrine of governmental immunity from local zoning regulations.” M. R. Healy & J. S. Klavens: MARTIN MASSACHUSETTS ZONING MANUAL, Volume I, Chapter 2.

In Massachusetts, case law provides that a state governmental unit is immune from municipal zoning regulations to the extent that it is performing an essential governmental function. In Massachusetts, this immunity extends to reasonable dimensional regulations as well. See *Town of Freetown v. Zoning Bd. of Appeals of Dartmouth*, 33 Mass. App. Ct. 415 (1992), in which the court affirmed “as a general proposition” that “the State and State instrumentalities are immune from municipal zoning regulations, unless a statute expressly provides to the contrary *Town of Freetown v. Zoning Bd. of Appeals of Dartmouth*, 33 Mass. App. Ct. at 417, See also *Inspector of Bldgs. of Salem v. Salem State College*, 28 Mass. App. Ct. 92, 95 (1989)

Land or structures owned or leased by the Commonwealth or its bodies politic and devoted to an essential governmental function are not subject to municipal zoning regulation. *County Commissioners*

of Bristol v. Conservation Commission of Dartmouth, 380 Mass. 706 (1980); *Village on the Hill, Inc. v. Massachusetts Turnpike Authority*, 348 Mass. 107 (1964), certiorari denied 380 U.S. 955 (1965) See also *Town of Bourne v. Plante*, 429 Mass. 329 (1999), wherein the Supreme Judicial Court concluded that the “scope of the commonwealth’s immunity is broad and applies not only to property and facilities owned by the entity or agency, but also to leased property and facilities . . . The immunity extends beyond the ‘essential governmental function’ to cover ‘action reasonably related to that function’ so that the agency’s or entity’s public mission is not ‘prevented by a . . . local zoning ordinance or by-law.” *Town of Bourne v. Plante*, 429 Mass 329, 332 (1999).

A private property owner, however, is not exempt from a town’s zoning bylaws on a theory that his operation of a private business (in that particular case, an airport) is a “public function,” merely by reason of the requirement that the owner obtains permits and approvals from state officials. *Building Inspector of Lancaster v. Sanderson*, 372 Mass. 157 (1977). That case also suggests, though does not specifically hold, that the Commonwealth’s immunity from regulation during its prior ownership of the land, does not extend to a succeeding private land owner. The owner of the airport argued, unsuccessfully, that as the Commonwealth was exempt from zoning at the time of the enactment of the town’s zoning by law that exemption inured to the later private owner.

In *Village on the Hill, Inc. v. Massachusetts Turnpike Authority*, 348 Mass. 107 (1964), the Massachusetts Turnpike Authority had taken some land by condemnation for street relocation purposes, determined the same to be excess, then sold it to Rivett Lathe & Grinder, Inc. The land was in a Boston residential zone. The new owner applied for and was issued a building permit by the Building Department of the City to construct a manufacturing building. The Supreme Judicial Court rejected the owner's contention that because the land had been owned by the Turnpike Authority the new owner was not subject to Boston's zoning ordinances:

That the turnpike operations of the authority are exempt from local zoning provisions does not mean that local zoning provisions are not applicable to land owned by the authority which has become wholly excess to the authority's essential turnpike function. We would be slow to conclude that the Legislature intended any such extraordinary result. See *Massachusetts Turnpike Auth'y. v. Commonwealth*, 347 Mass. —, . Certainly, after the authority has conveyed in fee to private persons excess land formerly owned by it, such land does not remain exempt from zoning provisions because once owned by the authority.

Based upon the foregoing, the SJC struck down the City's issuance of the building permit:

Upon the facts found by the judge, it seems clear that the authority had no longer, for its turnpike operations, any remaining need whatsoever for, or interest in, the area which it had agreed to sell to Rivett. After the contract of purchase and sale had been made, the building commissioner should properly have denied Rivett's application when it requested a permit to erect a building for its own private uses in violation of the zoning statute.

Regarding the applicability of local zoning regulations on the activities and property of the federal government, the Massachusetts Appeals Court in *Fabiano v. Boston Redevelopment Auth'y*, 49 Mass. App. Ct. 66 (2000), recognized the doctrine of federal supremacy and noted limitations regarding its assertion by private parties dealing with the government. In *Fabiano*, an abutter brought an action against the BRA challenging its approval of a use of part of a building, otherwise residentially zoned, as a post office and the BRA's waiver of certain zoning violations. The BRA owned the land, a private corporation owned the apartment building at issue, and the United States Postal Service was the proposed lessee of space for a post office in the building. The Postal Service was not a party to the litigation. The build-

ing owner won a Motion to Dismiss in the lower court based, in part, on the doctrine of federal supremacy. The Massachusetts Appeals Court reversed the lower court, reinstating the abutter's case. In doing so, the Appeals Court first acknowledged the doctrine of federal supremacy (citations omitted):

It is true that "[c]ourts have consistently held that the local municipalities cannot regulate the United States Postal Office regarding its opening of post offices." In the absence of clear and unambiguous authorization by Congress for such regulation, "the activities of federal installations are shielded by the Supremacy Clause from direct state regulation"... The preemption of such regulations includes zoning ordinances and related regulations.... Courts considering the issue have also generally concluded that the Postal Service's immunity would extend to the Postal Service's lessor....

Nonetheless, the Appeals Court denied the building owner's Motion to Dismiss on the basis that only the Postal Service could assert federal supremacy and the Postal Service could conceivably waive its immunity in whole or in part:

The cases upon which the motion judge relied and which FSA calls to our attention share this common feature: their focus is upon situations where the Postal Service or its lessors in fact sought to preempt local zoning laws. [T]he relevant authorities establish that the Postal

Service is not bound to observe the land use regulations of [the town].... There is no suggestion in the cases, however, that the Postal Service is somehow precluded from choosing to comply with local regulations. In *Montgomery v. Sherburne*, 147 Vt. 191(1986)], the Postal Service conditioned its signing of a lease on the lessor's compliance with local zoning ordinances, thereby pursuing "a policy of intergovernmental cooperation"... Furthermore, the Federal statutes pertinent to the powers of the Postal Service appear to give the Service quite expansive authority when establishing post offices. It would seem then that there could well be instances where the Postal Service might voluntarily not pursue a post office location which would violate local zoning laws. Otherwise put, the Postal Service might not in all instances assert its supremacy and would thereby not claim the immunity from local zoning laws to which it would otherwise be entitled.

In *Durkin v. Board of Appeals of Falmouth*, 21 Mass. App. Ct. 450 (1986), the Massachusetts Appeals Court addressed the question of whether structures or uses begun while property was under federal control, were to be considered pre-existing nonconforming uses when those properties passed into private hands and uses. In *Durkin* a private individual purchased a building which had been leased as a post office and sought a special permit to convert the building to business and

professional offices. The building was in a residential zone. The town zoning board of appeals denied the permit on the ground that the ZBA did not have the power to grant it because there was no pre-existing nonconforming use lawfully in existence prior to the change in the zoning by-laws that rendered it nonconforming. The ZBA took the position that the Federal government is "immune from zoning regulations when ... land is leased to the government by a private landowner" and, in effect, that a constitutionally immune use could not be treated as a lawful non-conforming use. The Massachusetts Appeals Court rejected the zoning board's position, holding:

We are of opinion that the board too narrowly interpreted the term "nonconforming" (with respect to uses of the locus) in appraising its powers under § 1222 of the town's by-law. A use of the locus under a lease for a proper Federal purpose may have been immune from application of the town by-law. See e.g., *Thanet Corp. v. Board of Adjustment of Princeton*, 108 N.J. Super. 65, 66-67, 260 A.2d 1 (1969). If in substance, however, a post-office use was not a permitted use within the particular zoning district because immune, it still would have been a use of the locus forbidden by the by-law, and thus "nonconforming" in fact. This would have been so even though the by-law could not have been enforced against it because of the Federal immunity.

APPENDIX 2

ADDITIONAL DETAIL: FISCAL IMPACTS TO THE TOWNS

Bonz and Company

Note: the data to follow provide a basis for comparing relative fiscal impact between the four underlying towns at a broadly conceptual level, based on a set of reasonable assumptions summarized in the main report document. For general planning purposes, the analysis offers a useful although order-of-magnitude level of comparison. This work should not be construed to be a comprehensive and highly detailed fiscal impact study of base closure impact.

The following present the results of these general analyses for each town.

Bedford

Base closure would exert no substantial impact on many of Bedford's municipal departments. Under the baseline scenarios presented herein, new expenses would involve increased street maintenance, increased public safety obligations, and

some other miscellaneous issues (e.g., mosquito-control spraying). Also, given the precedence of political boundaries, Bedford High School would sustain a decrease in student enrollment of roughly 120 to 130 students, thus reducing public education expenses.

Overall, this analysis projects a \$616,900 increase in total operating costs. The major elements of this increase include:

- Increased fire protection costs of \$408,500, which includes the cost of eight additional firefighters (including benefits) as well as increased department expenses;
- Increased police protection costs of \$179,500, representing an increase in proportion to the total amount of new land (a 7.4 percent increase) added to the town's responsibilities;
- Increased public works costs of \$225,200, representing an increase in proportion to the increase in the town's total road miles (4.4 percent);

- A net reduction in public education costs, calculated to include the town's loss of federal education reimbursement funds (\$350,000), offset by reduced costs of \$616,000 for 8.8 teachers/staff (including benefits) and one bus route.
- Other impacts include relatively small (less than \$15,000) expense increases incurred for items such as hazardous waste disposal, board of assessor's tasks, code enforcement, planning, and other such categories.

Aggregating these impacts, the total general fund would increase by \$616,900. This would represent an increase of 1.1 percent over pre-existing expense levels.

Bedford Expense Impacts over FY '05 Budget

	FY '05	IMPACT	PROJECTED
General Government	\$2,664,676	\$48,584	2,713,260
Public Safety	\$4,259,337	\$587,992	\$4,847,329
Education	\$24,716,013	(\$316,000)	\$24,400,013
Public Works & Facilities	\$8,242,272	\$230,837	\$8,473,109
Human / Social Services	\$754,198	\$0	\$754,198
Culture & Recreation	\$1,199,425	\$0	\$1,199,425
Debt Service	\$6,147,507	\$0	\$6,147,507
Miscellaneous	\$5,694,850	\$65,491	\$5,760,341
TOTAL	\$53,678,278	\$616,904	\$54,295,182

Lexington Expense Impacts over FY '05 Budget

	FY '05	IMPACT	PROJECTED
General Government	\$3,083,820	\$12,069	\$3,095,889
Public Safety	\$8,274,067	\$698,599	\$8,972,666
Education	\$67,285,942	\$0	\$67,285,942
Public Works & Facilities	\$22,129,770	\$44,241	\$22,174,011
Human / Social Services	\$397,682	\$0	\$397,682
Culture & Recreation	\$3,094,527	\$0	\$3,094,527
Debt Service	\$9,662,267	\$0	\$9,662,267
Miscellaneous	\$8,241,561	\$0	\$8,241,561
TOTAL	\$122,169,636	\$754,909	\$122,924,545

Lexington

As in Bedford, the baseline base closure scenario would involve no substantial impacts on many municipal departments. New expenses for Lexington would involve increased street maintenance, increased public safety obligations, and some other miscellaneous issues. Unlike in Bedford, under the baseline scenarios Lexington's public education system would bear no change in burdens.

This analysis projects a \$754,900 increase in total operating costs. The major elements of this increase include:

- Increased fire protection costs of approximately \$600,000. This figure represents twelve additional firefighters (including benefits), or three full shifts. This figure is higher than that allocated to Bedford. This relatively greater increase is based on not only the addition-

al obligations to be assumed by Lexington, but also by the Lexington land area that currently receives significant levels of services through mutual aid service from the Hanscom AFB fire protection unit.

- Increased police protection costs of \$98,600, representing an increase in proportion to the total amount of new commercial/industrial land. This factor of 2.31 percent is calculated by: (1) attributing police department costs to commercial/industrial properties in proportion to the commercial/industrial share of town land (10.3 percent), and then (2) multiplying this figure by the percentage increase (22.4) in commercial/industrial land area.

- Increased public works costs of \$44,200, representing an increase in proportion to the increase in the town's total road miles (2.3 percent).

Aggregating these impacts, the total general fund increase of \$754,900 would represent an increase of 0.6 percent over pre-existing expense levels.

Lincoln Expense Impacts over FY '05 Budget

	FY '05	IMPACT	PROJECTED
General Government	\$1,982,488	\$868,616	\$2,851,104
Public Safety	\$2,406,721	\$1,009,503	\$3,416,224
Education	\$10,511,875	\$9,812,825	\$20,324,700
Public Works & Facilities	\$1,105,954	\$210,454	\$1,316,408
Human / Social Services	\$131,226	\$57,496	\$188,722
Culture & Recreation	\$1,065,686	\$466,924	\$1,532,611
Debt Service	\$1,608,945	\$0	\$1,608,945
Miscellaneous	\$3,179,163	\$1,392,932	\$4,572,095
TOTAL	\$21,992,058	\$13,818,750	\$35,810,808

Lincoln

Among the Hanscom-area towns, Lincoln would have to absorb the greatest impacts of a base closure. As shown previously, Lincoln would absorb a 44 percent increase in its (non-base) households. The magnitude of this increase would be sufficient to increase costs proportionally across all city government departments. Accordingly, the analysis for Lincoln increases expenses by 44 percent for general government categories; some budget categories such as public works increase in lesser proportions, reflecting the relationship of such services to specific increases (e.g., public road mileage for public works). Overall, Lincoln’s expenses would increase by nearly \$13.8 million, or 63 percent. Notable impact categories include:

- Education: The largest share of this increase is attributable the costs of public education. Within the education cate-

gory, Lincoln’s K-8 system would absorb \$8.8 million – 90 percent – of the new costs. This \$8.8 million figure represents Lincoln’s current cost to operate the Hanscom base schools (the Town’s reimbursement from the federal government would not continue). Interviews with the public schools superintendent confirm these figures. It should be noted that costs reflect the full cost of operating two separate administrative systems. While the superintendent finds this necessary, some opportunities for expense sharing may create savings.

- Lincoln’s contribution to the Lincoln-Sudbury Regional High School comprises the other substantial educational cost increase. This contribution is determined by formulae reflecting each town’s (Lincoln’s and Sudbury’s) share of total enrollment; assuming that the pre-existing

shares remain otherwise unchanged, Lincoln’s projected enrollment increase would increase its share from approximately 14.7 percent to 21 percent of the total. As a result, Lincoln’s contribution would increase by a commensurate factor of 42 percent, or \$945,000.

- Public Safety expenses account for the next-largest increase. The police and fire departments account for combined total of \$804,000 – 83 percent of the total public safety increase – in new expenses. Of this amount, roughly \$568,000 would be attributable to staff costs; additional expenses involve amortized costs for new vehicles.
- The Miscellaneous category would also sustain a large cost increase; insurance would account for the largest portions of this increase.

APPENDIX 3

MINUTE MAN HISTORIC NATIONAL PARK

Sasaki Associates

The mission of the National Park Service is to “preserve and interpret, at Minute Man National Historical Park, the significant historic sites, structures, properties and landscapes associated with the opening of the American Revolution which lie along the route of the Battle of April 19th, 1775... and to preserve The Wayside, home of famous American authors, and interpret the 19th Century American Literary Renaissance.” Further the Park was established by Congress to “preserve, selectively restore and interpret portions of the Lexington-Concord Battle Road, as well as its associated structures, properties and sites so that the visitor may better appreciate and understand the beginning of the American Revolution.

Located 22 miles west of Boston, the 971-acre Minute Man National Park is spread across the towns of Lexington, Lincoln, and Concord, Massachusetts. The story

of the Minute Man National Park includes events that took place at Lexington Green, Concord’s North Bridge, and along the Battle Road in 1775 as well as a five-mile restored colonial landscape, a commemorative landscape at North Bridge, a restored 18th-century tavern, and the Wayside.

At present Minute Man National Historical Park is more than half way through a six year, \$11 million dollar, development and rehabilitation project which includes building the 5-mile Battle Road Trail - making 80% more of the park and it’s resources safely accessible to the public, and rehabilitation of cultural landscapes, stone walls, and historic structures. Additionally, several new lands, historic buildings, archeological sites, and visitor facilities have been added. Average annual visitation is over one million and has the potential to increase.

Currently, landscape and field rehabilitation is underway in the Battle Road Unit of the Park to return the Battle Road landscape to its historic character (95% cleared and 5% wooded land) that was largely agricul-

tural. Although this work is highly visible, it involves only 5% of the Park’s 900+ acres. Rehabilitating the historic landscapes of Minute Man National Historical Park is a lengthy and comprehensive process over the course of many years. Carol R. Johnson, Associates serves as the landscape architect, with additional consulting provided by The Olmsted Center for Landscape Preservation, the U.S. Fish and Wildlife Service, numerous historical and conservation organizations, and the towns of Concord, Lincoln and Lexington. The scope of work includes clearing a corridor for the Battle Road Trail, selective clearing to restore historic vistas, protecting archaeological resources, stonewalls and rehabilitating agricultural fields.

These rehabilitation efforts are part of a larger effort to fulfill the Congressional vision of Minute Man National Historical Park. The efforts also include reclaiming 2A from its present status as a heavily traveled thoroughfare and restoring its rural character into a parkway that better represents its historic role.

Staff

The Park is lead by a Superintendent and Assistant Superintendent. Staff is organized into four operating divisions:

- Interpretation/Cultural Resources
- Visitor Protection/Natural Resources
- Maintenance
- Administration

Staff expertise and specialties include 9 full-time park rangers, a curator/historian, a resource management specialist, a museum technician, a secretary, a facility manager, a buildings foreman, 2 carpenters/woodcrafters, a maintenance mechanic, a painter, a grounds/tree worker, an administrative officer, a budget analyst, a procurement specialist, a personnel specialist (shared with Boston NHP), a computer specialist, a management analyst, and a public affairs officer.

Park Infrastructure

Park infrastructure for accomplishing the goals described above includes: 3 visitor centers with exhibits, audio visual auditoriums, restroom facilities, interpretive literature sales, and outside amphitheaters; three auxiliary comfort stations; three historic structures open for public access/interpretation; four self-guiding trails; a 5 mile multi-use, interpretive trail; 12 miles of roadways (park, town and state owned); one central and one auxiliary maintenance facility; main park headquarters; ten employee housing units for on-site protection and management of park resources; ten parking areas and three overflow parking

areas; and approximately 150 signs for safety, directions and interpretation. During 2002-3 a fourth historic structure, the Meriam House, with an auxiliary comfort station, was added.

Although the park was established in 1959, development of visitor use facilities and comprehensive historic resources rehabilitation and preservation activities were not undertaken until 1996 due to the large number of land parcels still privately occupied. Until 1996 visitors were allowed access to only a few locations in the park: the Minute Man Visitor Center, Fiske Hill, three historic sites along Virginia Road, the Wayside and the North Bridge Unit. In fact, approximately 80% of the park, including dozens of historic sites, remained inaccessible. This was due to the need to provide privacy to residents still living in the park.

By the early 1990s only a few residents remained in the park and development of visitor use facilities and comprehensive preservation work became feasible. The development during this period fits into two broad categories: new and enhanced visitor facilities and preservation of natural and cultural resources. Visitor facilities added are part of the four phase Battle Road Trail project that includes a five mile, multi-use trail, new and improved parking areas, the addition of two comfort stations, and interpretive exhibits. The anticipated completion date is fall 2003. One additional item, a pedestrian tunnel under Hansom Drive, will be constructed during

2003. Two major preservation projects that will occur during this time are "Save Historic Structures" and "Save Cultural Landscapes." These projects consist of repair and rehabilitation work on seven historic structures and approximately 25 acres of cultural landscapes. Accomplishments in these areas have and will continue to contribute to several park goals including visitor satisfaction and understanding, and preservation of cultural and natural resources.

Visitation and Budget

Visitation to Minuteman National Park has declined slightly from 1,166,580 visitors in 2002 to 1,070,526 visitors in 2004. For the 2004 fiscal year, the Park had an annual budget of \$2,057,000.

Key External Factors

Trends Affecting Operations:

The popularity of Minute Man National Historical Park is expected to continue and present even greater challenges both in terms of cultural and natural resource preservation and visitor use. Prior to the existence of the Battle Road Trail, the majority of park visitors went to the North Bridge unit. However, visitation between the two units is now more balanced (a goal of the 1989 General Management Plan). Additional factors affecting performance include:

- The cost of maintaining and restoring natural and cultural resources is increasing.

- Adjacent development's impact, including Hanscom Field's flight operations, on the park's historic view sheds and sightlines as well as increasing traffic and noise in the park adversely affecting the quality and safety of the visitor experience.
- The implementation of new programs that emphasize wise use of limited resources and sustainable practices.
- A significant increase in the number of projects requiring compliance reviews under the National Environmental Policy Act and/or Section 106 of the Historic Preservation Act.
- The National Parks and Omnibus Act of 1998 (Public Law 105-391) established major new responsibilities for concessions management, employee training and career development, natural resources inventories and monitoring, and cooperative research studies.
- Automation/computerization of many of its administrative and management systems.
- The terrorist attacks of September 11, 2001 have lead to increased security measures at the park. Additionally, Minute Man NHP is providing commissioned rangers, for extended periods of time, to other NPS areas or Department of Interior sites, for increased security requirements.

Increased Traffic and Over Flights:

During 1999, Massport authorized Shuttle America to begin commercial flight operations from Hanscom Field with up to 10 flights a day to Trenton, NJ, and Buffalo, NY. In 2000 The FAA gave approval for Shuttle America to begin flights to LaGuardia Airport in NY. This has created a tremendous amount of concern and activism in the local towns because of the current, and potential future, environmental impacts on the communities and to Minute Man NHP. The potential impacts created by commercial aviation from Hanscom include: increased airplane and auto traffic noise; traffic congestion; potential pressure to widen Route 2A in the Park (the original Battle Road); and increased safety hazards to park visitors using Route 2A.

Route 2 Construction Impacts:

Planning continues for a major highway improvement project at the Crosby's Corner intersection near a major park entry. There is serious potential for degradation of public access and resource protection. Combined with the highway project at the eastern end of the park along Route 2A and potential air traffic expansion and or related land development adjacent to Route 2A at Massport's Hanscom Field, the Park is concerned about maintaining visual quality, historic character, and increased speed and volume of traffic through the park along Route 2A. Recently there has also been heightened concern in north Lincoln for safe pedestrian crossing of Route 2A

Community Emphasis on Conservation and Preservation:

The communities surrounding Minute Man NHP share the Parks interest in conservation and preservation of cultural and natural resources. A factor beneficial to the Park is that much of the land surrounding the park boundary is town or private conservation land which eliminates the possibility of development in much of the park's historic view shed. The Park is not opposed to outside development that protects the values and historic character of Minute Man NHP and the surrounding communities.

Community Concern About Park Changes:

Community concern was expressed about the development and opening of the 5-mile Battle Road Trail because of increased visitation and associated issues such as increased need for security, information and maintenance. In 1999 the park received a \$250,000 operating increase for the general purpose of managing the new Battle Road Trail. These additional funds were used to hire additional park rangers, maintenance personnel and support staff to provide adequate maintenance, security and informational services associated with this new facility. Some of the new programs implemented include: ranger bicycle patrol, establishment of a ranger station in the Battle Road Unit, development of a comprehensive maintenance plan for the Battle Road Unit, and increased interpretive and informational services. Additional facilities and historic structures will

be added in the coming years so the park is again pursuing additional base funding.

Current Project - North Bridge Restoration Project

Between December 2004 and Summer 2005, the Park will undertake the restoration of the North Bridge as part of a larger repair and rehabilitation project involving the entire North Bridge area of Minute Man National Historical Park. These improvements will enhance public safety and access to this part of the Park.

Other Neighboring Cultural & Natural Resources:

- DeCordova Museum
- Gropius House
- Site of Thoreau's Cabin
- Walden Pond State Reservation
- Museum of our Heritage
- Captain Parker Statue
- Buckman Green
- Hancock-Clarke House
- Great Meadows National Wildlife Refuge
- Colonel Barrett House
- Concord Museum
- Emerson House
- Wright Tavern

APPENDIX 4

MASSPORT L. G. HANSCOM FIELD

Sasaki Associates

Located about 20 miles northwest of Boston, L. G. Hanscom Field has been a major factor in local aviation since 1940, when the Commonwealth of Massachusetts acquired 500 acres of land in the towns of Bedford, Concord, Lexington and Lincoln. The airport was turned over to the Army Air Corps in 1941 and was named the Laurence G. Hanscom Field, in honor of a founding member and commander of the Massachusetts Wing of the Civilian Air Reserve, a group interested in military photography and map-making.

Military operations dominated until it became a joint military and civilian facility in the 1950s. By 1959, the Massachusetts Port Authority was formed and assumed control of the state land. In 1974, general operations and maintenance of the airfield became the responsibility of Massport,

and military operations there declined to occasional use. Hanscom field has since been managed as a regional aviation facility whose major users are a mix of commuter/commercial air services, corporate aviation, private pilots, flight schools, some charters and light cargo.

L. G. Hanscom Field Facilities

Hanscom's facilities include two full service Fixed Base Operators (FBO), which accommodate business needs, with limited regional commuter commercial service also provided. At an elevation of 133 feet, the field operates two runways; east-west runway 11/29, 7001 feet long by 150 feet wide, with full ILS/DME instrumentation for all-weather operation; and southwest-northeast 5/23, 5100 feet long by 150 feet wide. Massport maintains Hanscom Field year-round with consistent upgrading and repair. Aircraft Rescue and Fire Fighting is provided under contract with the USAF Fire Department.

Aircraft Activity

In 2004, Hanscom Field recorded the following activity levels between 7 am and 11 p.m. based on FAA data and fleet mix data and estimates:

AIRCRAFT	TOTAL
Local	60,794
Singles	63,713
Twin Piston	4,818
Turbo	10,157
Jet	33,061
Heli	7,066
Civilian Total	179,609
Military	1,195
TOTAL	180,804

CARRIER	YEARS OF OPERATION
Atlantic Air	1982-1984
Northern Airlines	1982
Command Airways	1984
Catskill Airways	1988-1989
Hub Express	1988-1989
Mohawk Airlines	1989-1990
Action Airlines (air taxi)	1993-1997
Shuttle America	1999-2004
Boston-Maine Airways	2002-present

There were also 1,195 military operations at the field, bringing the total operations in 2004 to 180,804. The table identifies 180,804 total operations for 2004, a 7.2% decrease compared to 2003. Civilian operations continue to consist of over 99% of the total aviation activity. The approximate breakdown for civilian operations, based on ESPR 2001 data, is 18% corporate, 38% pilot training, and 44% personal/recreational. Monthly totals range from 9,786 in January to 18,615 in June. In addition, there were 2005 nighttime operations in 2004 when the FAA Tower is closed, increase from 1744 in 2003.

Commercial airline service has been in operation at Hanscom Field intermittently since 1982. Shuttle America most recently brought commuter service back to Hanscom Field in 1999, but ceased operations at the airport in 2004. Boston-Maine Airways provided limited service in 2002 and 2003 and began continuous service in 2004. The two commuter airlines carried 22,078 passengers in and out of the

Hanscom airport in 2004, a 39% decrease from 2003.

Noise Abatement

Working cooperatively with local community and aviation groups, Massport has been encouraging business, commercial and private aircraft to adhere to a program of practicing safe, quiet-flying techniques and to remain aware of noise issues at the airfield. Known as “Fly Friendly,” the program is aimed at reducing noise levels in and around Hanscom Field and reaffirming the aviation community’s commitment to the National Business Aircraft Association’s (NBAA) published guidelines and the Aircraft Owners and Pilot’s Association (AOPA) recommendations. (To help users of Hanscom Field in their effort, Massport produces and distributes Jeppsen Manual Inserts, outlining voluntary noise abatement procedures for: Helicopters, Jet and Turboprop Aircraft, Piston Fixed Wing Aircraft.)

Massport’s Noise Rules prohibit 11:00 p.m. to 7:00 a.m. touch and go activity (there is a nighttime surcharge fee between these hours); prohibit touch and go activity by aircraft weighing over 12,500 pounds; and prohibit activity by Stage I Aircraft over 12,500 pounds.

Government and Community Outreach

Maintaining a connection to the local community by facilitating better understanding of regional aviation, Massport supports the Federal Aviation Administration’s Edu-

cation Resource Center located in the Civil Air Terminal (connected to a primary facility at Lexington High School) as well as the “Young Eagles” program, which encourages youth interested in pursuing aviation as a career. In addition, Massport officials regularly meet with community groups and legislators to discuss Hanscom Field initiatives and economic growth, and to receive input on local issues and concerns.

In June 2003, Massport issued the Final 2000 Environmental Status and Planning Report (Final ESPR) for Hanscom Field providing a summary of information from the previously issued Draft ESPR along with specific responses to the MEPA Certificate. Both the Draft ESPR and the Final ESPR make up the 2000 ESPR for Hanscom Field, forming the basis for future planning by presenting and evaluating the cumulative environmental effects of Moderate and High Growth scenarios for 2005 and 2015.

The ESPR provides a comprehensive assessment of potential future environmental conditions including: ground transportation; noise; air quality; wetlands; wildlife; water quality; cultural and historical resources; and sustainable development. Many of the abatement and mitigation recommendations were addressed when Massport initiated a Fly Friendly program in 2001. The program encourages the uses of the quietest flying techniques. Massport is also in the process of upgrading a 1990 noise monitoring system. Massport

has begun preparing an RFP and MEPA recently issued its Scope for the 2005 ESPR.

Massport also prepares The State of Hanscom, an annual report of the aircraft activity levels for the previous calendar year, and the financial performance for the previous fiscal year. The State of Hanscom reviews recent accomplishments and outlines ongoing projects and airport improvements proposed for the coming year. General news and information on the airport is also provided quarterly through The Hanscom Beacon newsletter.

Traffic Generation

According to the 2000 ESPR, Hanscom Field generated 161 vehicle trips during the morning peak hour (7:45 to 8:45 am) and 159 vehicle trips during the afternoon peak hour (5:00 to 6:00 p.m.) in 2002. Hanscom Field made up only 12-13% of the traffic volume on Hanscom Drive. Only 3-4% of the peak hour traffic volumes along Route 2A were Hanscom Field-related. Two of the three intersections evaluated operated at level of service (LOS) D or better. The third intersection, Hanscom Drive/Route 2A, operated at LOS F in the morning peak hour.

The authorization and approval for commercial flight operations has created a tremendous amount of concern and activism in the local towns because of the current, and potential future, environmental impacts on the communities and Minute Man National Historic Park.

APPENDIX 5

TRANSPORTATION CONDITIONS AND ISSUES

Sasaki Associates

Regional Context

Hanscom Air Force Base (HAFB) lies within a network of major state routes: Route 95/128 on the east, Route 2A on the south, Route 62 on the northwest and Route 4/225 on the northeast. Direct access to HAFB is currently limited to two gates: the Vandenburg gate (Gate 1) from Hanscom Drive, and the Hartwell gate (Gate 4) from Hartwell Avenue. Gate 3 (the MIT gate) is also used for access between the Base and Lincoln Labs on Wood Street. Gate 2, the Marrett or Airport Road gate, was formerly used during peak weekday hours, but has been closed in the aftermath of September 11, 2001.

Traffic conditions in the Hanscom area have been the subject of concern and study for over twenty years. Among many, the most significant transportation studies have been:

- 1984: Hanscom Area Traffic Study
- 1987: Hanscom Area Traffic Study Phase II
- 1988: Hanscom Field Generic Environmental Impact Report
- 1997: 1995 Hanscom Field GEIR Update
- 2003: 2000 L. G. Hanscom Field Environmental Status and Planning Report

In addition to these studies, focusing on traffic conditions and mitigations, a number of reports and coordination efforts have sought to identify and implement regional improvements in transit, paratransit and ridesharing, to manage the growth in demand for single-occupant vehicle travel in the area.

Traffic Conditions

The 2002 draft of the 2000 L. G. Hanscom Field Environmental Status and Planning Report (ESPR) provides the most recent comprehensive assessment of traffic conditions in the HAFB area. Figures 1 and 2 show and compare average weekday traffic volumes on the major roads around HAFB.

The ESPR also provides AM and PM peak-hour turning movement volumes at the following fourteen Intersections:

- Rte. 2A/Massachusetts Ave.
- Rte. 2A/Old Massachusetts Ave.
- Rte. 2A/Airport Rd.
- Rte. 2A/Hanscom Dr.
- Rte. 2A/Bedford Rd.
- Rte. 2A/Brooks Rd./Cambridge Turnpike Cut-off
- Rte. 2A/Old Bedford Rd.
- Hanscom Dr./Old Bedford Rd.
- Old Bedford Rd./Virginia Rd.
- Old Bedford Rd./ Rte. 62
- Rte. 62/Hartwell Rd.
- Hartwell Rd./South Rd.
- Rte. 62/Rtes. 4 & 225
- Rtes. 4 & 225/Hartwell Ave.

Level-of-service analysis was only presented in the ESPR for a small subset of these intersections, at which more than ten per-

cent of peak-hour traffic was deemed to be generated by Hanscom Field. The data is available, however, to calculate levels of service at all intersections. The 1995 GEIR Update, finalized in 1997 using 1996 traffic data, provided the levels of service at the same intersections as were later analyzed for the ESPR.

Issues

General

HAFB's contribution to the volume of traffic on Route 2A is significant. Approximately 15-20 percent of PM peak-hour traffic on Route 2A west of Hanscom Drive, and 30-35 percent east of Hanscom Drive, is HAFB generated. This proportion would likely change significantly if the base were to close and be reused. There are currently about 9,000 employees/enlistees on the base, and about 850 housing units, whose residents are presumably all engaged on-site. In terms of off-base traffic generation, base residents are subtractive from, rather than additive to, the total 'work trips' generated by employees/enlistees. However, if on-base residence were to be disassociated from on-base employment, the numbers of home-based work trips both to and from HAFB would increase.

No data have been made available as of now regarding the local or regional distribution of HAFB traffic. Conversations with base public affairs representatives suggest that the two gates receive approximately equal amounts of traffic. The other currently available source

Route 2A corridor. As the accompanying figures show, the Route 2A corridor does not carry as much traffic as does Routes 4&225 west of Hartwell Ave., or even Hartwell Avenue itself. Nonetheless, traffic conditions on Route 2A have been the issue of greatest concern for the Hanscom Area towns, primarily because of the historic and recreational character of the Battle Road. As traffic has grown in the corridor, mainly due to growth in commuter traffic, efforts have been made to address the situation, focusing to a disproportionate degree on the relatively minor impact of Hanscom Air Field.

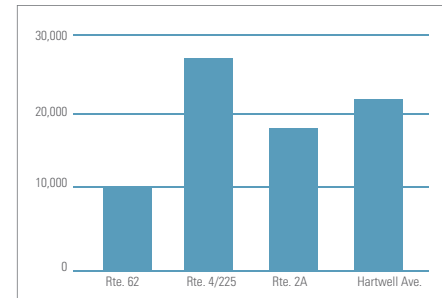


Figure 1.
Comparison of Weekday Traffic Volumes

Figure 2.
Average Weekday Traffic Volumes (2002)



APPENDIX 6

INFRASTRUCTURE UTILITIES

- Base utility demands generally far below capacity and contractual agreements
- Some services extended to Massport such as fire and domestic water, fire fighting services, sanitary sewer, and some electric
- Services cross Base, irrespective of Town boundaries; inter-municipal agreements or legislation may be required

Water—Domestic

Supply Source:

- > 95% supplied by Town of Lexington (MWRA/Quabbin Reservoir)
- < 5% supplied by Town of Bedford

Quantity Allocated:

- 2 MGD maximum based upon agreement with Lexington

Demand:

- total demand rarely goes over 1_{MGD} ('03)

Third Party Usage:

- Massport purchases water from the Base; historically has used 7,000 gpd–16,000 gpd

- Maximum estimated capacity at Massport ('03): 65,500 gpd average daily demand

Infrastructure:

- 10-inch main in Hartwell Avenue
1,000,000-gallon elevated water storage tank on Katahdin Hill
- 12-inch main in Wood Street
- 20 miles of distribution lines from 2-inch to 16-inch

System dates to 1940's

Some piping is cast iron, majority is asbestos requiring replacement

'98-'03 asbestos pipe replaced with cast iron in housing areas along Ent Road, Hickham Lane, Hill Terrace, Nellis Terrace and Poe Terrace; work also resolved rusty water issues

Water loop under development around B-1100 area – to be completed summer '05

- Chlorinated (system required upgrade as of '98)

Water—Fire

Supply Source:

- Fire suppression water supplied by Lexington (MWRA/Quabbin Reservoir)
- On Base fire department maintained by HAFB; located within Bedford's town boundaries; reciprocal agreements in place with surrounding towns for back-up service

Capacity:

- Adequate pressure to accommodate moderate growth according to '98 General Plan

Third Party Usage:

- Contract with Massport to meet FAA Aircraft Rescue and Fire Fighting (ARFF) requirements and structural fire protection
- Fire service provided at two locations to Massport

Infrastructure:

- 21 buildings have sprinkler systems

Maintenance:

- Random checks of fire hydrants
- Sprinklered buildings checked and monitored on a quarterly basis

Sanitary Sewer

Discharge Source:

- MWRA

Quantity Allocated:

- 1,500 gpm or 2.16 MGD maximum based upon agreement with Town of Bedford.

Capacity:

- 1,725 gpm exiting HAFB via 12-inch forcemain in Hartwell Avenue

Discharge:

- Not metered
- Previously estimated at 70% of water usage ('03 ESPR)

Third Party Usage:

- Massport discharges into HAFB system

Infrastructure:

- Lower Pump Station (1983), collects approximately 75% of average daily flow. Three 40-horsepower pumps with a total pumping capacity of 1,000 gpm.

- Upper Pump Station (1987), collects all flow. Two 35-horsepower pumps and one 125-horsepower pump; these cannot be run in tandem. Two wet wells with a combined storage capacity of 250,000 gallons.
- 12-inch forcemain in Hartwell Avenue (1996) connects to a 20-inch forcemain (not HAFB) from the Bedford Great Road Pump Station.

Maintenance:

- Plan to overhaul pumps in Upper Pump Station
- Plan to replace pipes at Research Labs area, Buildings 1503, 1521, 1210, 1240, and 1414, Barksdale Street, the Civil Engineering Compound, and Ent Road.
- Need to replace pipes in housing area (Scott Circle, and Pope, Hill and Clark terraces), and around Buildings 1100 and 1300. Lower Pumping Station needs minor repairs.
- Recently replaced pipes on Kirtland Street.
- I/I problems still appear to exist.

Electric

Supply Source:

- NStar
- MIT Lincoln Labs has separate substation from NStar

Capacity:

- 151 million kWh

Demand:

- 71.1 million kWh ('03 General Plan)

Third Party Usage:

- Massport is primarily served separately. Exceptions are power supplies to some navigational aids.

Infrastructure:

- Supplied at 14.4 KV through three sets of 500 MCM cables to HAFB substation (Station 319).

Tel/Data

Supply Source:

- N
- o constraints

Gas

Supply Source:

- KeySpan

Capacity:

- 884 million cubic feet

Demand:

- 552 million cubic feet of interruptible gas ('98)
- 140 million cubic feet firm gas ('98)

Third party usage:

- Massport served off same high pressure main

Infrastructure:

- 4-inch high pressure main
- interruptible natural gas provided to Power Plant (bldg 1201)

- Firm natural gas provided to the family housing areas for heating, domestic hot water heaters, gas ranges and dryers; also serve other buildings
- 24-inch Tenneco gas transmission line: 30 foot easement in place since 1951

Maintenance:

- Routine maintenance; no major repairs have been made recently
- Scott Circle lines may be in need of repair
- When all four boilers at Power Plant are online, demand drains gas from housing areas
- KeySpan was conducting study (in '98) to determine if separate line should be provided to boilers

Stormwater

Infrastructure:

- Closed system with several Detention Basins
- Discharges primarily to Shawsheen River
- NPDES Permit current—regulating water quality

Maintenance:

- Flooding problems which might have been present in past are no longer an issue.

Heating & Cooling

Supply Source:

- Steam/Chilled Water: provided by existing Power Plant
- Single Plant generally services single user
- Could be a resource to a local power company

BASE CLEAN-UP

- IRP: Installation Restoration Program
- If the base closes, it is in the best interest of the Towns to administer the clean-up effort
- Five official IRP clean-up sites, two falling under EPA lead
- Two sites are landfill areas
- Three sites have groundwater and soil contaminated by historic petroleum releases
- Sites 6, 8, 13, 21 & 22 are official Base IRP sites
- Sites 6 (capped) & 8 (no contaminant detection) are landfills
- Remaining three have groundwater & soil contamination
- Site 21: treatment & monitoring in place, EPA lead

APPENDIX 7

SUMMARY OF PUBLIC MEETINGS

Four public meetings were held during the project. Summaries of these workshops are shared below.

Public Meeting 1

February 15, 2005

Sasaki Associates (Sasaki) and David Knisely (Garrity and Knisely) were the key presenters at Public Meeting 1, with Dick Paik (Bonz and Company) in attendance. The agenda for the meeting was as follows:

A. Purpose of the Pre-BRAC Study and Introduction to the Team

B. Presentation of Initial Findings, including zoning, land use, transportation initiatives, and municipal boundaries; discussion of the likely benefits of the pre-BRAC project; and discussion of literature review and initial research.

C. Description of BRAC Process and Governance Models, including the new Department of Defense Principles, the BRAC public benefit disposition hierarchy, the economic development transfer protocols, the designation of a Local Redevelopment

Authority (LARA), reuse planning process, and environmental clean-up issues.

During the Question and Answer period, three primary themes were raised: First, discussion of current information and publications available to the project team. Second, the schedule of both the study and Department of Defense BRAC process. And, third, discussion of likely conveyance strategies, including possibilities for public benefit conveyance and EDC conveyance, and tools the towns can consider to implement a master plan.

Public Meeting 2

March 24, 2005

Sasaki, Dick Paik, and David Knisely were the key presenters at Public Meeting 2, and the agenda was as follows:

Following the presentation, breakout groups were formed to assign priorities to likely community impact topics that could result from closure or realignment; and to identify reuse planning goals and principles that could be used to guide subsequent reuse planning.

The summary of these groups by breakout group is as follows:

Group #1

- Existing HAFB mix of land uses is important to maintain
- Goal should be no negative fiscal impacts from potential closure for each and all of the four towns
- Traffic impacts are a concern (no net negative traffic impacts from expansion)
- Quality/type of employment opportunities are important
- HAFB is a unique location with proximity to Hanscom Field, I-95/Route 2 and major educational institutions. The location is ideal for premier R&D center.
- No net negative impacts to the Minute-man National Historic Park (MMNHP)
- Consider regionalization of municipal services as a way to mitigate service costs/cuts
- No net increase in housing at Hanscom

Group #2

- No Hanscom airfield expansion
- Commitment to “no fiscal harm” to four towns over time. No net fiscal impacts to each and all towns (i.e., hold towns harmless from resulting fiscal impacts)
- Protect MMNHP from traffic impacts
- Concern about impacts on Town of Lincoln schools and municipal services
- Transportation/traffic impact concerns such as:
 - Environmental impact of potential new I-95/Hartwell Avenue interchange
 - Support for grade separation improvements at Bedford Road/Hartwell Avenue “jug handle,” but concern for neighborhood impacts

Group #3

- Advocate need for strong and meaningful role for the four towns (i.e., local role) in governance structure for reuse/realignment or expansion. Importance of cooperation between the towns in reuse planning process.
- Need for “balance and equity” between the four towns in community impact and reuse planning
- Consider sustainable development in reuse planning
- Reuse planning should be related to “limits” on Hanscom Field
- Consider historic nature of the area around Hanscom

- Affordable housing is a concern to all four towns

Group #4

- Towns need to work together to form a strong LRA for local control of reuse planning process
- Towns need to quickly start the reuse planning process
- Need to understand the importance of MMNHP and whether MMNHP wants to expand
- Preserve existing open space at Hanscom and connect it to adjacent open space systems (i.e., consider a north-south open space system connection through Hanscom)
- Concern about expansion/impacts from Hanscom Field, particularly traffic impacts
- Concern that the idea of new connection road through Hanscom would contribute more to cars and trucks to road system
- Concern about housing impacts (i.e., senior housing, social services)

Group #5

- Hanscom could be model area for Transportation Demand Management (TDM) planning
- Consider need for affordable and senior housing
- “Progressive” reuse planning should be considered
- Concern about impact on Bedford High School

- No net increase in traffic
- Employment opportunities are important. Try to link employment to sustainable development and “green” design
- Link and connect open spaces, paths and bikeway
- Consider need for cultural and artistic uses
- Limit development/impacts from Hanscom Field
- Consider opportunities for shared service between the four towns (i.e., regionalization of services)
- Create village/small town character through “live-work” facilities and putting housing close to employment (i.e., walkable community)

Public Meeting 3

April 28, 2005

Sasaki and David Knisely were the key presenters at Public Meeting 3, and the agenda was as follows:

- A. Playback of March 24th Workshop, including a review of existing land use conditions, existing underlying zoning, and preliminary base reuse principles from the March 24th workshop including shared vision, multi-town core values, preferred uses, and redevelopment guidelines.
- B. Reuse Principles for Consideration, including current planning and design standards and practices, and three broad reuse concepts: the Defense Technology Initia-

tive (base retention and expansion concept), Illustrative Mixed Use Community Concepts 1 and 2.

C. Organizational Options for Hanscom: Short and Long Term, including the immediate imperative of establishing a Local Redevelopment Authority (and practical options for doing so), future land use management options and general approaches to governance.

D. Group Discussion, testing the emerging reuse concepts and building consensus to be reflected in the project report. The discussion that emerged centered on the following issues:

Transportation

- It is difficult for residents of Bedford to access to the Air Force Base land now—no roadways lead directly to the Base.
- Questions of traffic volumes; what is the distribution based on? (ESPR for airfield)
- Some traffic could be captured on site (rather than regionally) if live-work districts can be created.
- Is through-traffic encouraged through a straightening of the ‘main street’ through the base? If so, are there traffic calming techniques that can be employed?
- In addition to having potential shuttles to Concord Station, also consider linking to Alewife Station.
- How many additional persons would be employed in the new building space being

proposed? How does this translate into good transportation planning and what does the increased percentage of traffic mean? Would Concord be the correct transportation or Alewife?

- Want analysis of what type of traffic pattern would emerge with new employment.
- Clarification that base is the ultimate live/work environment with respect to traffic.

Land Use

- How might the Village 1 and 2 concepts accommodate the 3.4 million gsf or 1.7 million gsf of additional building space in order for Lincoln to reach fiscal neutrality?
- New housing under privatization is much more valuable. The schemes could be dramatically altered with the new housing plan. What is the strategy until the outcome of the contract is realized? Or, what happens if the developer chooses not to build housing?
- Is there any scenario where the contract with the housing private developer (American Eagle) could be amended?
- Would the new town center steal revenue from other town centers?
- Good model is from San Antonio.
- Important qualities in the region are its rural and natural quality. Would like to see these qualities embraced in a future plan, including reuse of old Bedford Road.
- Plenty of R&D space in area; can more

be absorbed if built on the Base?

- The need in the region is additional housing. \$1m houses now being built on Wood Street.
- Village concept is attractive. The question: is there political will to unify the four towns?
- With future redevelopment—particularly housing—noise from the airport will be a factor.
- How, over time, do you make a live/work arrangement really function (how do you motivate a live/work situation to be stable)?
- Big challenge: how to integrate with world outside the boundaries.

Town Services and Zoning

- How will the towns accommodate new costs?
- Is the educational cost for Bedford taken into account in the event that all students are educated in Lincoln in the future?
- Zoning: do the towns have zoning in AFB? What happens if AFB closes?
- When does local zoning take effect? When does title transfer? When does mission end? Find out how acquired land initially.
- Could the town boundaries be re-aligned?

Governance

- In terms of government structure would want the government partner to provide the financial support and to work with the towns to share and balance benefits or burdens
- The Base will first be offered to federal agencies, then state agencies, then “up for grabs.”
- How much we know about other federal agencies interested in this land.
- Are there other examples where there are multi-jurisdictional issues?

Public Meeting 4

May 12, 2005

This meeting was a special briefing to planning board members in advance of the BRAC announcement on May 13th. A summary of the April 28th presentation was made by Sasaki with discussion following, focusing on needed future steps in the event of base closure with question and answer with Sasaki and David Knisely.

APPENDIX 8

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APPENDIX 9

RESOURCE ABSTRACTS

Sasaki Associates

Below is a summary of the most pertinent plans, studies, capital facilities document, inventories, and other sources related to Hanscom Air Force Base that the team has received to date.

2000 ESPR

The 2000 Environmental Status and Planning Report submitted by the Massachusetts Port Authority in May 2003 presents the status of activity levels, environmental conditions and mitigation initiatives at Lawrence G. Hanscom Field for the year 2000.

Key topics covered by the planning report include:

- Ground transportation
- Noise
- Air quality; wetlands, wildlife and water quality
- Cultural and historical resources
- Sustainable development

Along with the Draft ESPR and the Executive Summary, the Final ESPR provides planning information, technical analyses, and supportive data regarding the conditions and operations at Hanscom Field. As an adjacent use and major stakeholder in the area, the operations and future growth plans for the Air Field have a large impact on the potential uses of Hanscom Air Force Base.

Hanscom Field GEIR Update 1995

The 1995 Hanscom Field Generic Environmental Impact Report submitted by the Massachusetts Port Authority in April 1997 presents the environmental impacts of operations at Hanscom Field for public review. The Update focuses on the impacts of Hanscom Field operations on the surrounding area and whether those impacts require mitigation, now or in future scenarios. Key topics covered by the Update include:

- Traffic
- Air Quality
- Noise
- Water quality

The document is not intended to be a planning study of the area around Hanscom nor a study of all environmental impacts in the area, however it the documentation contributes to the understand of the operations and impacts in the Hanscom Air Force Base area.

2002-2006 Vegetation Management Plan

The 2002-2006 Laurence G. Hanscom Field Vegetation Management Plan was submitted by Massachusetts Port Authority in March 2002 to comply with FAA regulations and Massachusetts General Laws regarding vegetation removal and management in protected airspace. The plan identifies the airport protective zones and proposed management areas within the protective zones. It also identifies and prioritizes future vegetation removal projects. The Vegetation Management Plan is a guide for current and future vegetation removal projects at the airport, which may impact the land adjacent to the Hanscom Air Force Base.

Hanscom Area Towns Draft Master Plan

Representing the Towns of Bedford, Concord, Lexington, and Lincoln, The Hanscom Area Towns Committee (HATS) completed a Master Plan for Hanscom Field and the surrounding area. Prepared between November 1996 and June 1997, the Master Plan provides a planning framework and vision for the area including and surrounding Hanscom Field. It identifies common and conflicting positions for the area held by the four towns.

The four public forum/workshops and numerous meetings with representative groups provided the basis for which the plan was built upon. Topics included:

- Development and economics
- Historic and natural resources
- Transportation, circulation, and noise
- Plan implementation

The public participation process and visioning exercises have laid the groundwork for the Community Advance Planning Grant to continue exploring options in the event of a base closure.

Hanscom Air Force Base General Plan

The October 1998 Hanscom Air Force Base General Plan was created to assist Hanscom AFB decision-makers achieve community planning goals. The plan explains the nature of installation and informs key decisions about development. The major components of the plan include:

- Constraints and opportunities
- Infrastructure
- Land use
- Capital improvements

The plan provides a thorough analysis of the current conditions of the base and an overview of local surroundings. The plan also presents a capital improvements program identifying and defining programs, projects and proposals that will guide future physical development on the Base.

MAGIC Subregional Area Study

The Central Transportation Planning Staff initiated a Subregional Area Study in response to a Minuteman Advisory Group on Interlocal Coordination (MAGIC) request for traffic information. The Study updates and summarizes current activity in the eleven-town subregion study area, which includes Bedford, Concord, Lexington, and Lincoln. Published in 2002, Phase 1 of the report presents the data-gathering and review efforts. Key topics include:

- Growth
- New and proposed developments
- Traffic volumes
- Transit and paratransit services and usage
- Perceived needs for transportation improvements and studies

Published in May 2004, Phase 2 looks at four works tasks selected during Phase 1:

- Remote or satellite parking near existing MAGIC-area commuter rail stations
- Shuttle service connecting remote parking lots with rail stations
- The feasibility of a trail on an unused rail right-of-way in Concord and Sudbury
- Limited traffic signal analyses for two intersections in Lexington.

The Study looks at current and future demand for traffic in the area surrounding Hanscom Air Force Base, providing a basis for the examination of traffic issues regarding the possible base closure.

Hanscom AFB Draft Finding of No Significant Impact

The relocation of approximately 880 off-Base personnel prompted an environmental evaluation of the impacts. Moving the acquisition management personnel from facilities located in Bedford to Building 1614 on the Base lead to the need for a transportation demand management program. The Transportation Improvement Program is outlined in the document listing mitigation techniques, responsibilities, monitoring methodology and reporting, and implementation.

Hanscom Air Force Base Housing Privatization Forum

This document is the participant notebook for the housing privatization forum lead by the U.S. Air Force and held October 17,

2002. The forum was a pre-proposal conference for the privatization of Hanscom Air Force Base family housing. It was an effort to solicit feedback from potential private industry partners. The notebook includes the biographies of the speakers, PowerPoint printouts of the presentations, military housing privatization initiative legislation, a fact sheet, construction and renovation requirements, and an explanation of Basic Allowance for Housing (BAH).

In addition to the participant notebook, there is a folder containing housing privatization related materials including the U.S. Department of the Air Force Request for Proposal for the privatization of military family housing and a memo from the Town of Lincoln to Colonel Darrell Jones regarding the housing privatization and BRAC.

State Of Hanscom March 2005

Each year, Massport presents the State of Hanscom to the Hanscom Field Advisory Commission, a legislative body comprised of representatives from the aviation community, the neighboring residential areas, Hanscom Air Force Base, the FAA, and Minute Man National Historic Park. The document reviews the airport's operational activity, financial performance, economic benefits, accomplishments, and future plans. It also allows for the discussion of the airport's role in the region and objectives for the facility. The document outlines aircraft activity by month, user, and type of plane.

Electronic Systems Center

The Electronic Systems Center (ESC) Air Force Material Command Data Book & Economic Impact Calculation was published for the 2003 fiscal year. The ESC is the Air Force's center for the development, acquisition and integration of command and control systems. The Data Book & Economic Impact Calculation profiles the Hanscom Air Force Base workforce, identifies general facilities and equipment data, and funding and contractor information. The book documents the ESC's impact on the State of Massachusetts including payroll, contract awards, profit summary, and employment information. It further identifies the various working groups within the organization and their structure and mission. The document is extremely useful when considering the impact the ESC has on the local and regional communities.