

Board of Selectmen Remarks  
Brian Keyes, Board of Selectmen, Chair

New Hopping Brook Realty Trust (NHBRT) aka Grafton and Upton Railroad Company

NHBRT has agreed to a purchase and sales agreement with the property owner to avoid an eminent domain process for the purchase of now two parcels 363 (Map 2 parcel 8) and 364 (Map 2 Parcel 5) West Street that will be under the Grafton and Upton Railroad (GU) Control in addition to parcel, Map 2 Parcel 1 they already own. The NET purchase price to the seller is \$1,175,000. However, the buyer is responsible for any additional expenses for MGL 61 and unpaid tax liability of ~\$24,000 for 363 West Street to be paid resulting in a higher cost than the purchase price.

If GU was not an active railroad under federal surface transportation act and/or did not have a pending DPU case to acquire the land at fair market value for interstate railroad commerce through the eminent domain process, then the buyer would follow the procedure for “right of first refusal” with Town under

MGL 61. That process has 4 action items that a yes or no vote exclusively by the Board of Selectmen is required. One of those four actions need to take place within 120 days from application submittal. The four options are:

1. Vote to exercise Town's option to buy the property at purchase price.
2. Vote to assign Town's right to purchase to Conservation organization or government.
3. Vote to notify the property owner the town will not exercise its right to purchase.
4. Do nothing, failure to act within 120 days waives town's right of first refusal

Given the collaborative working relationship of the railroad and leaders of the Town of Hopedale, the Chairman of the Select Board and Town Administrator, met with GU and to frame the following 2-part process for the Selectmen's consideration to create a win-win solution. This proposal protects the potential future municipal well locations for the town's water supply, saves the town \$1.2M it does not have and unforeseen additional cost, provides for additional tax revenue to the town for services the residents desire, and expands the

town's parklands to the Upton / Milford town line at Mill Pond (north).

We believe it is in the town's best interest and that of GU to work collaboratively with each other which all parties are attempting to do. GU has met with a member or staff of the Conservation Commission, Water and Sewer Department, Park Commission, Board of Health, and Board of Assessors. Again, the town only has the authority to act on the 4 options listed above that we are calling part one. It is important to re-iterate, the railroad can develop the land for railroad purposes based on federal railroad law.

With the Board's approval, part two will have 4 steps that will eventually require town meeting approval giving the residents a chance to vote on this proposal. **Under part 2 the first step is for the board to negotiate a Memorandum of Agreement (MOA), followed by second step having park commission approve MOA, once this is done the BOS would then put this on a warrant for town meeting (step 3), if town meeting approves the final step will be to go to the state legislature for their approval.**

At our request for the Board's consideration GU has agreed to the following Public Private Partnership Framework (PPP) we are proposing, that will be memorialized in the MOA with the Board's approval.

- Protect the 3 potential well sites identified in the September 25, 2019 study commissioned by the Water & Sewer Commission for new well locations. This protection would not allow any development on those areas until the water commission completes their study within 5 years of MOA to scientifically determine if the site is viable for a new water source. If determined to be viable then a water distribution easement along railroad "right of way" will be included. Short of minor site grading and/or a retaining wall that will not impact the well, the 400-foot radius circle will be protected in anticipation the water source is viable and feasible.
- GU as they have historically stated is willing to partner with the Town and expand the Hopedale Parkland's Corridor area. GU is offering to swap many dozens of acres of natural corridor habitat that GU will put under federal conservation protection.

This would be swapped on a 1.5 to 1 ratio in benefit of the Town resulting in a significant increase in parkland acres and increase in walking trails extending the trails to the Upton/Milford Town Line on Rt. 140 at the Mill Pond (north).

- The Selectmen/Town Administrator and GU would collaboratively work on a solution to fund an open space plan for the parklands that would be led by park commission to determine what the future of the parkland extension should be, building on what Henry Manning developed - a student of Frederick Law Olmstead. This would include additional walking trails to be constructed by GU as well as other upgrades to be given to the Town upon completion. In addition, a new Kayak launch area will be designed for Mill Pond that currently is not accessible by Hopedale residents. Further, the parties would negotiate any roll-back taxes or penalties under MGL 61 to fund these efforts.
- In exchange for GU granting the Water Well Protection and not developing that area, providing railroad easement for water distribution, GU transferring approximately dozens of acres of

corridor resources around the Mill River land including construction additional walking trails, and other items included in the PPP/MOA above we are proposing that some acres west the railroad in the parklands (away from pond) be turned over to GU for economic development to produce jobs and tax revenue for the town's long-term benefit.

The Town Administrator and I, as Chair of the Board of Selectmen, believe it is in the best interest of the town to continue these discussions and develop a MOA and we request your support to waive our right to acquire the property under Part 1 and begin Part 2.