

TITLE 11

BROWNFIELDS TAX ABATEMENT AGREEMENTS

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I. PURPOSE

It is the intent of the City of Woburn to encourage the adaptive reuse of abandoned and underutilized industrial and commercially zoned properties which have been subject to a release of oil or hazardous material, by providing the opportunity to execute tax abatement agreements with eligible persons as an incentive to continued environmental cleanup and redevelopment.

II. DEFINITIONS

11-1 For the purpose of this Ordinance the following words shall be defined as meaning:

A. Brownfields – A property or portion of a property contaminated by a release of oil or hazardous material.

B. Eligible Person – An owner or operator of a site or a portion thereof from or at which there is or has been a release of oil or hazardous material who did not cause or contribute to the release of oil or hazardous material from or at the site and did not own or operate the site at the time of the release.

C. Eligible Property – A property which meets all of the following conditions:

1. The property is a site or portion of a site from or at which there has been a release of oil or hazardous materials;
2. The property is owned by an eligible person, as that term is defined in G.L. Chapter 21E, Section 2;

3. The property is located in the one of the following zoning districts as defined by the 1985 Woburn Municipal Code, as amended, and as it is amended from time to time:
 - a. B-N, Neighborhood Business District,
 - b. B-H, Highway Business District,
 - c. B-D, Downtown Business District,
 - d. B-I, Interstate Business District,
 - e. I-P, Industrial Park District,
 - f. IP-2, Industrial Park Two District,
 - g. I-G, General Industrial District,
 - h. S-1, Mixed Use District,
 - i. O-P, Office Park District,
 - j. OP-93, Interstate 93 Office Park District, and
 - k. Any other commercial or industrial district which the City of Woburn may adopt from time to time by amendment of the Zoning Ordinances.

D. Hazardous Material – Material including but not limited to, any material, in whatever form, which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed.

III. ABATEMENT AGREEMENTS

- A. The Mayor is hereby authorized to negotiate agreements from the abatement of real estate taxes (hereinafter “Abatement Agreements”) with owners of eligible properties, the terms of which Abatement Agreements shall be subject to approval by a 2/3 vote of the City Council.
- B. Abatement Agreements may allow for reductions in outstanding taxes, interest, and/or penalties.
- C. Abatement Agreements shall include, but nor be limited to:
 1. The amount of outstanding real estate taxes;
 2. The percent of interest to accrue if determined applicable by the Mayor;
 3. The description of quantifiable monthly payments;
 4. The inception date of monthly payments;
 5. The date of the final payment;

6. The late penalties to be imposed;
 7. A plan for remediation of the oil or hazardous materials which is the subject of the agreement;
 8. A finding by the Mayor that the reduction in outstanding taxes, interest, and/or penalties provided in the Abatement Agreement is necessary for the successful completion of the remediation plan; and
 9. Any and all other contractual terms as arranged between the Mayor and the property owner.
- D. All Abatement Agreements shall be signed by the Mayor and the property owner, whose signatures shall be notarized, and attested to by the City Clerk.
- E. Such Agreements shall contain any other provisions as may be required by law, ordinance, or regulation of the Massachusetts Department of Revenue.
- F. Copies of all Abatement Agreements shall be provided to the Massachusetts Department of Environmental Protection, the United States Environmental Protection Agency, the Massachusetts Commissioner of Revenue, the Woburn City Council, the Woburn Board of Assessors, and the property owner.

(added 4/10/2002)

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