

SSTDC Board of Directors Meeting
Applicable Subdivision Board
Conservation Commission
Variance Granting Authority
Joint Meeting with Advisory Board
Tuesday, December 20, 2011 @ 9:00am
SSTDC Town Hall, Conference Room

Directors Present: Gerard Eramo, Chairman
James W. Lavin, Clerk
John Ward
Jeffrey Wall

Directors Unable to Attend: Joseph Connolly, Vice Chairman

Advisory Board Present: Joseph Shea, Chairman
Bruce Hughes
Kevin White
Joseph Gambon
Bill Koplovsky
Gene Blanchard

Members Unable to Attend: Robert Long
Laurie Delano
Sue Abbott
Martin Pillsbury

Also in Attendance: Kevin R. Donovan, Chief Executive Officer
James A. Wilson, Chief Financial Officer
Jim Young, Project Manager
Steve Ivas, Conservation Agent
Scott Bois, Treasurer/Collector

Chairman Eramo and Chairman Shea called the Board of Directors and Advisory Board meetings to order at 9:00am.

Mr. Wilson presented an FY12 Supplemental Budget and Tax Rate, and noted that expenses in the Water and Sewer Enterprise Funds exceeded the revenue capacity, were unable to sustain themselves, and would require budget increases. The CFO also noted there were additional expenses in the General Budget for police/fire protection, legal fees, and land value certifications.

Discussion ensued on calculations performed on the East West Parkway Agreement to determine if new state revenues (2011) met or exceeded the annual debt service associated with the Project. Construction didn't begin until late 2011 and only a 3 month revenue projection was captured causing a fiscal year deficiency obligation of \$756K, in the end the liability was absolved by DOR for Fiscal Year 2012.

The CFO recommended the Board raise and appropriate \$439K from available revenues (building permits, pro forma tax, LNR entitlement fee) to repay a portion of the debt deficiency, and noted there was \$291K in a reserve account for debt deficiency. These two sources would pay the obligation in full, and would be included in the FY13 budget. This calculation will be made every year for 30 years and will require DOR certification.

The CFO then reviewed the Water and Sewer Enterprise Funds. The Corporation must submit annual rate studies on the prior years' use and charges to DOR. DOR guidelines do not allow revenues to be raised beyond what was utilized the year before. As a result, the Enterprise Funds cannot self sustain. Funds must be raised on the General Ledger side and decreased on the Enterprise Fund side in order to remain in compliance with statutes. The CFO presented 3 Board Measures for the Directors' consideration.

Board Measure 11-070 – FY12 Supplemental Budget

VOTED: Motion of John Ward that the South Shore Tri-Town Development Corporation raise and appropriate the sum \$2,060,852.00 to provide for all the expenses for the maintenance and operation of SSTTDC's several departments and activities for the fiscal year 2012 in accord with the attached Exhibit A (an increase in the operation expenses of SSTTDC of \$535,705.00) – Furthermore – That the SSTTDC raise and appropriate the sum of \$439,000 from available revenues for the purpose of funding the Parkway Deficiency (as certified by the MA DOR) less the reserves being held by the MA Department of AnF available revenues \$290,092. That said sum is to be raised as per the attached Schedule B and is to be paid only upon payment of said sums (Special Assessment, Pro-forma Tax and Entitlement Fee). This measure is intended to increase by \$974,750 the appropriation of \$1,525,102 as voted in measure 11-015 that includes a \$130K budget for overlay for abatements.

Unanimous 4-0 vote

Board Measure 11-071 – Water Department

VOTED: Motion of James Lavin, seconded by Jeffrey Wall that the South Shore Tri-Town Development Corporation raise and appropriate the sum of \$137,500 to provide for all the expenses for the maintenance and operation of the Water Department's activities for the fiscal year 2012 in accord with the attached Exhibit A. This measure is intended to decrease by \$1,400.00 the appropriation of \$138,900 as voted in measure 11-017.

Unanimous 4-0 vote

Board Measure 11-072 – Sewer Department

VOTED: Motion of Jeffrey Wall, seconded by James Lavin that the South Shore Tri-Town Development Corporation raise and appropriate the sum \$187,500 to provide for all the expenses for the maintenance and operation of the Sewer Department's activities for the fiscal year 2012 in accord with the attached Exhibit A. This measure is intended to decrease the appropriation of \$227,500 as vote din measure 11-016 by the amount of \$40,000.

Unanimous 4-0 vote

9:00AM VARIANCE GRANTING AUTHORITY PUBLIC HEARING - The Meadows at SouthFeld Highlands - IBG Highlands LLC. The Board voted to open the Public Hearing at 9:10am.

Notification and public advertising of the Hearing was published in the Patriot Ledger on Dec. 5th and 12th, 2011.... *for the VGA's consideration of the applicants request to obtain two variances from the terms of the By-Laws, for Townhouse-1 Building Form codes for proposed housing units shown on lot numbers 10, 12, 20, 22, 28 and 30 on the site plan application for parcels R2B, R2C and R2D – 1)relief on*

the 10-foot minimum/maximum front setback – and 2) relief on the 24” maximum projection into the required front setback areas on building elements such as windows, balconies and similar architectural features for Townhouse-1 units...

Mr. Mike Farias, LDD Collaborative, identified five IBG lots to be built on Parkview Street, and one lot on the corner of Parkview St. and Memorial Grove Ave that were included in the application.

Mr. Wall was informed that this variance request was consistent with the first phase of variance requests, resulting in variety and articulation between the individual units and the streetscape.

Mr. Lavin was informed that the prior approved setback variance complied with the spirit of the design guidelines.

There were no public hearing comments on the variance request of IBG Highlands LLC on the Townhouse-1 Building form code.

**VOTED: Motion of Jeffrey Wall, seconded by John Ward to close the public hearing at 9:15am
Unanimous 4-0 vote**

Board Measure 11-064 Variance Request – IBG Highlands TH-1

VOTED: Motion of Jeffrey Wall, seconded by James Lavin, to approve, subject to the terms of the Board’s decision, the variance application submitted by IBG Highlands, LLC dated October 24, 2011 by allowing relief from the required front setback associated with the proposed townhouse-1 units shown on lot numbers 10, 12, 20, 22, 28 and 30 on IBG Highlands, LLC’s approved site plan application for parcels R2B, R2C, and R2D and allowing relief from the maximum projection of building elements allowed in the front setback associated with the proposed townhouse-1 units shown on lot numbers 10, 12, 20, 22, and 28 on IBG Highlands, LLC’s approved site plan application for parcels R2B, R2C and R2D.

Unanimous 4-0 vote

9:05 VARIANCE GRANTING AUTHORITY PUBLIC HEARING - The Meadows at SouthField Highlands, IBG Highlands. The Board opened the hearing at 9:16AM.

Notification and public advertising of the Hearing was published in the Patriot Ledger on Dec. 5th and 12th, 2011 ... *for the VGA’s consideration of the applicants request to obtain relief on Townhouse-2 front setback for garden court type units to be built along Memorial Grove Avenue and Snowbird Ave.*

The Special Permit Granting Authority reviewed at length and made a finding at the November Board Meeting, that a garden court detached residential units would be regulated by the Townhouse-2 Building Form Code....

Mr. Farias identified the 8 lots involved in this variance request. A Garden Court unit concept was discussed at length during a meeting of the SPGA on November 1, 2011.

There were no public hearing comments on the variance request of IBG Highlands LLC on the Townhouse-2 Building form code.

**VOTED: Motion of Jeffrey Wall, seconded by John Ward to close the public hearing at 9:19am
Unanimous 4-0 vote**

Board Measure 11-065 – Variance Request, IBG Highlands – TH-2

VOTED: Motion of Jeffrey Wall, seconded by John Ward, to approve, subject to the terms of the Board’s decision, the variance application submitted by IBG Highlands, LLC dated October 24, 2011 by allowing relief from the required front setback associated with the proposed townhouse-2 units shown on lot numbers 15, 16, 17, 18, 23, 24, 25 and 26 on IBG Highlands, LLC’s approved site plan application for parcels R2B, R2C and R2D.

Unanimous 4-0 vote

9:10AM SSTDTC CONSERVATION COMMISSION PUBLIC HEARING – Rice SouthField LLC

The Board opened the hearing at 9:20am.

Notification and public advertising of the Hearing was published in the Patriot Ledger on Dec. 5th and 12th, 2011... *for the ConCom consideration of the Notice of Intent (NOI) submitted by Rice SouthField, LLC for the Eventide at SouthField project. Portions of the proposed project are located within buffer zones to Bordering Vegetated Wetlands (BVW), Riverfront Area and Bordering Land Subject to Flooding...*

Mr. Brian Brewer, Kimley Horn Assoc., presented the work items subject to ConCom jurisdiction for the 216 senior living apartments and 46-bed skilled nursing facility project including: structured and open parking, multi use path, stormwater treatment and landscaping.

The Conservation Agent stated he had reviewed the NOI and prepared an Order of Conditions and noted that the work in the 50-ft. buffer zone to the BVW would improve existing conditions for wildlife habitat. Mr. Ivas also noted that 75% of the plants on the landscape plan were not found on the approved plant list, however, he did not object to their use.

Mr. Lavin was informed that the peat deposits were 20 ft. deep in some areas, but averaged 5 ft. deep across the site (and below proposed buildings). A final plan for the removal of peat materials and a filling process was still pending, and the plan would be submitted to SSTDTC for approval at a later date. The Chairman was informed construction would likely begin in late 2012, and that the proposed peat removal operation would not affect runoff to French's Stream. Mr. Ivas noted that approximately 60% of the project's stormwater runoff would be treated on site, and the other 40% would be collected and discharged to the existing West Detention Pond.

Mr. Wall was informed the parking garage would intrude 20 ft. into the outer 50 ft. BVW buffer zone on the north portion of the site.

There were no public comments on the Notice of Intent by Eventide at SouthField for project locations within the buffer zones.

**VOTED: Motion of Jeffrey Wall, seconded by James Lavin, to close the public hearing at 9:30am
Unanimous 4-0 vote**

Board Measure 11-066 – NOI – Eventide at SouthField

VOTED: Motion of James Lavin, seconded by John Ward, to approve the Notice of Intent dated November 30, 2011 submitted by Rice SouthField, LLC associated with the Eventide at SouthField project. All conditions of the approval shall be as noted in the Order of Conditions prepared by the corporation's conservation agent.

Unanimous 4-0 vote

9:15AM BOARD OF DIRECTORS PUBLIC HEARING – TAX CLASSIFICATION

The Board opened the hearing at 9:31am.

Notification and public advertising of the Hearing was published in the Patriot Ledger on Dec. 5th and 12th, 2011... *for the Board of Directors to adopt a residential factor to be used by the Board of Assessors to determine the percentages of the Fiscal Year 2012 local tax levy....*

The Chief Financial Officer noted DOR certification occurred. Total value of parcels subject to taxation for FY12 was about \$56.4M. If the tax rate were to be single it would be \$19.82. If the Board votes to shift the burden between residential and commercial, the residential tax rate would be \$12.89 and the commercial rate would be \$23.89. Mr. Wilson provided a comparison of community tax rates approved by DOR for FY12 which ranked SSTDTC in third place among the split-rate communities on residential properties; and in line with other communities on the commercial tax rate. The Board was informed that the adopted tax rate would not hit maximum levy, (\$300K capacity). Mr. Lavin was informed that if

the Corporation needed the \$300K, notification would be submitted to DOR, and they would calculate and certify a different residential tax rate for 100% levy limit (probably closer to \$15).

Mr. Wall was informed of LNR's endeavors to bring in commercial development. The CEO noted LNR was considering a donation of a portion of land to spur commercial development. In a cooperative effort, the Corporation was considering a TIF arrangement in hopes of a commercial land deal.

PUBLIC HEARING COMMENTS

Ms. Hilbert, Weymouth, inquired why a TIF at SouthField and was informed of a stressed commercial market with no movement, no available money to attract business into the Base (high construction costs), and a surplus of properties outside the Base available for lease. LNR has offered land with a value of \$2M to the first commercial occupant. SSTTDC believed a TIF would provide a tax rate incentive plus credits at state level, and would hopefully propel development in the area. The Secretary of Housing and Development would work with SSTTDC and LNR in an effort to jump start commercial sales. A proposed TIF would require the Public Hearing process.

**VOTED: Motion of Jeffrey Wall, seconded by John Ward, to close the public hearing at 10:15am
Unanimous 4-0 vote**

Board Measure 11-073 – Tax Classification Shift

VOTED: Motion of John Ward, seconded by Jeffrey Wall, to accept the SSTTDC Board of Assessor's recommended classification of property, to apply a commercial factor of 1.20525 with no residential exemption, to authorize the Assessors to compile and submit the Recap Sheet to the Department of Revenue

Unanimous 4-0 vote

APPLICABLE SUBDIVISION BOARD

Approval Not Required – IBG Highlands parcel R2B, R2C, and R2D.

The Project Manager noted IBG Highlands LLC proposed to subdivide parcels R2B, R2C and R2D, the dimensions of the residential lots complied with the frontage requirements of the Zoning & Land Use By-Laws; and the proposed lots fronted on a way shown in the approved Subdivision plan.

Mr. Wall was informed that the total number of units were consistent with the recently approved site plan.

VOTED: Motion of James Lavin, seconded by John Ward that approval under the Subdivision Control Law was not required for the subdivision of Parcels R2B R2C and R2D as shown on the ANR Plan of Land dated December 1, 2011

Unanimous 4-0 vote

Fifth Revision to the Phase 1A Definitive Subdivision Plan

Mr. Brewer presented the proposed roadway and utility design plan revisions - extending Snow Bird Avenue to Memorial Grove Avenue. The revised area also included a subdivision of the garden court lots which fronted on common open space adjacent to Snow Bird Ave. The Project Manager stated the roadway, utility and drainage work were all consistent with the Master Plan. The Board was informed that LNR was working on incorporating monumentation to commemorate significant historical events that occurred at the former SWNAS (such as the Snow Bird Blimp's flight records), and that the Phase 1A Definitive Subdivision Plan would be ready for vote in January, as the technical plan review would be completed.

ADVISORY BOARD DISCUSSIONS AND UPDATES

The CEO updated the Advisory Board on several issues noting the final land transfer occurred on Dec. 15th, final price to NAVY was \$25M which included 556 EDC acres and 155 PBC acres (124 acres were held back by NAVY for continued environmental cleanup). In the past 3 years the Corporation obtained a \$30M East West Parkway Contract, a \$12.5M infrastructure bond and a completed land transfer. Hangar 1 demolition process had begun, East West Parkway Project was under construction, Residential units within Phase 1A Development Plan were under construction, 10 units were already occupied, and the Host Communities were receiving payments from LNR's land sales.

Mr. Koplovsky was informed that tax revenue generated to pay the Parkway obligation was not cumulative. Per the agreement, each year would stand alone to determine if new state revenue met or exceeded the debt service. New state revenue calculations included wages earned on the Base, materials purchased for reconstruction on the Base, and sales tax generated from that. The Corporation had to show \$1.9M in new state revenue during FY12.

A discussion ensued on the split rate tax, reaching a meaningful reduction to the residential rate, maintaining a competitive commercial tax rate, and good government incentives. Further discussion ensued on the NAVY Clean-up, the removal of all underground storage tanks, and EPA and DEP monitoring programs. Mr. Hughes was informed that the 124 acres carved out by NAVY were expected to be cleaned and transferred by 2014. Mr. Blanchard was informed that there were no Activity Use Limitations (AULs) expected on any coming acres from NAVY. LNR, DEP, EPA and SSTTDC were comfortable with the (AUL) covenants that were placed on two deeds from the first land transfer.

Mr. Shea was informed that the DOR value and tax certification was a herculean task due to a triennial year, the parkway deficiency, closed military installation values and DOR's learning process on SSTTDC's government structure (the only one of its kind in the Commonwealth). Discussion ensued on the Special Assessments for Parkway deficiencies, the goal to get into a typical municipal pattern, funding source options for Phase 2 of the Parkway project and the priority status placed on the project by the Commonwealth.

Advisory Board Members requested a master map of SouthField with street names and development construction. The Board's letter to Mr. Littlefield was amended to include his 5 years on the NASPC, a total of 16 years of volunteer service.

Advisory Board prior minutes -

VOTED: Motion of Bill Koplovsky, seconded by Gene Blanchard, to approve the minutes of April 14, 2011

Unanimous vote

The Advisory Board's next meeting with the Chief Financial Officer for budget discussion would be scheduled during the first week of February (7th, 8th, or 9th) at 6:30pm.

VOTED: Motion of Bill Koplovsky, seconded by Gene Blanchard, to adjourn the meeting

Unanimous vote

The Advisory Board meeting adjourned at 10:56am

The Board of Directors meeting continued.

VOTED: Motion of John Ward, seconded by Jeffrey Wall, to approve the minutes of Nov. 1, 2011

Unanimous vote

The Directors were informed that all Executive Session minutes dating back to 1998 would be open with the release of the following (8) dates:

VOTED: Motion of John Ward, seconded by James Lavin, to release Executive Session minutes of Oct. 29, 2010, Jan. 10, Jan. 24, Feb. 28, July 11, July 13, Oct. 11 and Nov. 1, 2011

**3-0-1 vote - Wall abstained on July 11, 2011,
Ward abstained on July 13, 2011,
Eramo abstained on Oct. 11, 2011**

Mr. Lavin thanked the CEO for the milestones accomplished in the past two years/ten months, and requested that his diligent efforts be recorded in his file.

VOTED: Motion of James Lavin, seconded by Jeffrey Wall, to adjourn the meeting

Unanimous vote

The meeting ended 11:00am

Mary Cordeiro, Recording Secretary

Gerard Eramo, Chairman

Documents reviewed at the meeting:

IBG Highlands LLC Variance Requests

Eventide at SouthField Notice of Intent and ConCom Agent Memo

FY12 Supplemental Budget and Tax Rate Shift

Water/Sewer Exhibit A

IBG Highlands LLC ANR Plan of Land dated Dec. 1, 2011

LNR Revised Phase 1A Definitive Subdivision Plans dated Dec. 6, 2011