

Southfield Redevelopment Authority
Board of Directors Meeting
SRA Conservation Commission
December 8, 2014 @ 7:00pm
Conference Room, 223 Shea Memorial Drive

Directors Present: Walter Flynn, Chairman
William Minahan, Vice Chairman
Chris Aiello, Clerk
Kelli O'Brien-McKinnon
Pat O'Leary
Robert Rizzi
John Brewer
Ralph Rivkind
Lyndsey Kruzer

Also Present: Jim Young, Project Manager
Scott Bois, Treasurer/Collector
Steve Ivas, SRA Conservation Agent
Matt Feher and Fran Gershwin, Legal Counsel
Gene Raymond, IBG Cottages, Inc.

The Chairman called the meetings of the Board of Directors and Conservation Commission to order at 7:00pm.

Minutes

VOTED: Motion of Bill Minahan, seconded by Robert Rizzi, to accept the minutes of the Board of Directors meeting held on November 24, 2014
8-0-1 vote Aiello abstained

PUBLIC HEARING – 7:00pm

VOTED: Motion of Bill Minahan, seconded by Lyndsey Kruzer to open the Public Hearing
Unanimous vote

The Chairman noted the legal notice was published in the Patriot Ledger on November 21st and 28th; and listed the documents to be reviewed to bring them into compliance with the new Legislation: Administrative Rules and Regulations, Affordable and Workforce Housing Regulations/Plan, General Municipal Codes, Health Regulations, Architectural and Urban Design Standards, Sustainability Standards, Subdivision Rules and Regulations, Wetland Protection Rules and Regulations and Zoning and Land Use By-laws.

Mr. Young distributed a sheet of clarifications prepared by Burns & Levinson based on comments received from Mr. Brewer and Mr. Rivkind prior to the meeting, to be included into the Zoning and Land

Use By-Laws. The Chairman recommended the Board consider all the changes, and complete the public hearing process during this meeting. The Board agreed to vote on all the final drafts at the Dec. 15, 2014 meeting.

Mr. Brewer was informed that the section in Article 4 of the Zoning By-Laws related to retail and restaurant uses on the first floor of residential buildings located in the Main Street Overlay District was removed and incorporated into Article 7. He recommended that the Board restrict all changes to just those required by Legislation.

Mr. Rivkind was informed that the Zoning By-Laws and Regulations applied to the whole redevelopment project (the Central Redevelopment Area and the Perimeter Area) which is referred to in most documents by its geographic location "NAS South Weymouth".

VOTED: Motion of John Brewer, seconded by Ralph Rivkind, to include all the amendments distributed at the meeting into the SRA Zoning and Land Use By-Laws
Unanimous vote

A lengthy discussion ensued on various sections of the By-Laws and Regulations.

The Project Manager provided background information/details for the rationale behind some of the suggested changes to the Administrative Rules and Regulations, the General Municipal Code and the Architectural and Urban Design Standards and Guidelines. The Board did not object to the suggested changes to the Administrative Rules and Regulations or the General Municipal Code, but did not advocate for any of the suggested material changes to the Architectural and Urban Design Standards.

PUBLIC HEARING COMMENTS

Lenore White, Independent Wetlands Observer, stated that appeals to decisions under a local Wetlands By-Law would go to Superior Court, not to DEP.

Mr. Doyle, Southfield resident, was informed that the Building Forms were still included in the SRA Zoning By-Laws with no changes proposed.

Mr. Pries, Weymouth, cautioned the Board to make sure that the intent of all agreements remained intact as they made changes to comply with Legislation.

Ms. Parsons, Rockland, sent in her written comments and the Chairman directed they be attached to the Public Hearing minutes.

Ms. Hilbert, Weymouth, was informed that the Legislation directed the Town of Weymouth to accept completed roadways in the Southfield project on or before January 1, 2015.

Mr. Galluzzo, Weymouth, voiced concern over the lack of parking available to support a retail or restaurant business located in the first floor commercial space of existing residential buildings. Mr. Young noted there were no changes being proposed to the uses allowed or the parking standards for the Village Center District or Main Street Overlay District.

VOTED: Motion of Bill Minahan, seconded by Chris Aiello, to close the Public Hearing

Unanimous vote

The Public Hearing closed at 7:50pm

Conservation Commission

Mr. Young provided background information on the Order of Conditions issued to IBG Cottages, LLC on July 29, 2013. Mr. Ivas, SRA Conservation Agent, noted there were 64 conditions within the Order and recommended that two conditions be carried forward to ensure that the project's erosion controls were left in place until spring.

Mr. Brewer and Mr. Thorp, both owners of IBG Cottages, were informed that IBG would be responsible for the cleanup of the site in the spring, and that the quality of foundation backfill material surrounding the cottages was not a Conservation Commission matter.

VOTED: Motion of Chris Aiello, seconded by Ralph Rivkind, to issue a Certificate of Compliance for the Cottages at Hollybrook Project (MassDEP File # SSE081-1121) with two continuing conditions (#'s 29 and 52)

Ms. White voiced concern that there was no contingency to insure plant survival through the winter and recommended adding another Condition to evaluate the plants in the spring. Mr. Ivas noted that IBG had overplanted in 2014 in anticipation of extensive deer browsing damage, and that Condition #48 did include a report at the end of the dormancy break in spring. Mr. Raymond, IBG, stated he was happy to comply and noted he could not control the deer browsing.

VOTED: Motion of Ralph Rivkind, seconded by Robert Rizzi, to amend the motion to issue a Certificate of Compliance for the Cottages at Hollybrook Project (MassDEP File #SS#081-2212) by adding continuing condition #48 to conditions #29 and 52

7-1-1 vote – Aiello opposed and Brewer abstained

The Chairman expected the Board and LNR/Starwood to receive the draft DDA later in the week. Mr. Feher noted the Legislation required the DDA be re-negotiated and re-executed consistent with the Act, and was not intended to shift risk or amend the agreement beyond what was required under the Act. The Board would reserve the right to further comment, but in the essence of time, it was pertinent to provide LNR/Starwood a copy of the draft DDA given the Dec. 18th deadline for execution.

Mr. Minahan was informed, if LNR/Starwood did not respond or take action by the deadline; that the Board would continue to operate under the existing DDA. Mr. Feher stated the DDA was not one of the contingencies for the Towns or LNR/Starwood to take over their responsibilities and obligations as per the Legislation. There was no penalty under the Act if they chose to take no action.

Mr. Feher stated the statute was clear that the Board shall not make changes to the DDA beyond what was required under the Act. He wished the Board could do more because it was a lopsided agreement; and that LNR/Starwood knows what their obligations are under the Legislation.

Public Comment

Mr. Galluzzo, Weymouth, was informed that LNR/Starwood still had not paid their outstanding taxes; that a tax lien and foreclosure process could not legally begin until the end of the fiscal year, and that

Weymouth's obligation to provide municipal services commencing Jan. 1, 2015 was still intact. Mr. Galluzzo was appalled.

Mr. LeMott, Southfield resident, was informed that the State expressed a willingness to start construction of the Parkway extension in 2015 but had not yet decided on the exact appropriation. The State would require demonstrated traffic studies to support future funding needs for east side connectivity or final configuration of the connection to Route 18.

Mr. Doyle, Southfield resident, was informed the Mass Law that allowed a Board to delay permit applications and hearings until payment of all outstanding taxes, was found in Chapter 40 Section 57.

Mr. Ryan, Rockland Selectman, stated that State Legislators were the people to complain to if LNR/Starwood failed to work with the SRA in accord with the new Legislation, and to ask the State Representatives and Senators to put pressure on LNR/Starwood to pay their taxes.

Mr. Galluzzo made many disparaging remarks about Starwood's unprofessional behavior. He was informed that Starwood's development plan was expected in February 2015, as per Legislation.

Ms. Pries, Weymouth, repeated her concerns that the Board upholds the intent of all the Authority's Regulations and NAVY's BRAC laws; and not be pushed to accept anything Starwood puts before the Board.

**VOTED: Motion of Robert Rizzi, seconded by Pat O'Leary, to adjourn the meeting
Unanimous vote**

The meeting ended 8:30pm

Mary Cordeiro, Recording Secretary

Walter Flynn, Chairman of the Board