

Board of Directors Meeting  
Conservation Commission  
Variance Granting Authority  
Monday, February 10, 2014 @ 4:00pm  
SSTTDC Town Hall, Conference Room

Directors Present: Joseph Connolly, Chairman, John Ward, Vice Chairman, Gerard Eramo and Jeffrey Wall

Also Present: Kevin R. Donovan, Chief Executive Officer, James A. Wilson, Chief Financial Officer, and Jim Young, Project Manager

The Chairman called the Board of Directors, Conservation Commission and Variance Granting Authority meetings to order at 4:00pm and asked for a moment of silence in memory of James W. Lavin, Director/Clerk of the Corporation. He passed away on Saturday, February 8, 2014.

Variance Granting Authority

**VOTED: Motion of Gerard Eramo, seconded by Jeffrey Wall, to open the Variance Granting Authority Public Hearing at 4:02pm**

**Unanimous 4-0 vote**

The Project Manager noted the IBG Cottages variance application pertained to tax parcel 90/597/258 (IBG lot 28), and introduced Gene Raymond, IBG, to present the request. Mr. Raymond identified the phased cottage construction, and alleyways, and the utility work done by the Master Developer. A conflict was discovered on lot 28 between an active sanitary sewer manhole (located on eastern property line) and the cottage footings to be dug. IBG proposed moving the footings 18 inches (westerly) away from the alleyway property line. This shift would require a Variance to the front setback as per the By-Laws, whereby the new front setback of 8.5 feet would be less than the minimum front setback (10 feet) required. The Board was informed that the Project Manager reviewed the application and noted that the resulting location of the foundation in relation to the alleyway would be similar to the abutting units. Mr. Young recommended approval of the application.

There were no public comments.

**VOTED: Motion of Gerard Eramo, seconded by John Ward, to close the Variance Granting Authority Public Hearing at 4:10pm**

**Unanimous 4-0 vote**

Board Measure 14-002

**VOTED: Motion of John Ward, seconded by Jeffrey Wall, to approve, subject t to the terms of the Board's decision, the application for Variance submitted by IBG Cottages, LLC related to assessor's parcel 90/597/258**

**Unanimous 4-0 vote**

Conservation Commission

The Project Manager noted that a response to Rockland Conservation Commission comment letter and a discussion with Rockland Conservation Commission's consultant was still pending.

**VOTED: Motion of Jeffrey Wall, seconded by Gerard Eramo, to continue the Conservation Commission Public Hearing on the Amended Notice of Intent regarding the proposed replacement of the TACAN Outfall Drainage Ditch Weir to March 10, 2014 @ 4:00pm**

**Unanimous 4-0 vote**

#### Starwood – Proposed Legislation

Mr. Ward updated the Directors on a recent Board of Selectmen's Meeting in Rockland with discussions that took place with Starwood representatives and SSTTDC Directors. At the meeting Mr. Ward stated several reasons why the proposed legislation would be a great deal for Starwood but a bad deal for the towns; (his comments are attached). Mr. Eramo noted that the Rockland Board of Selectmen did not embrace Starwood's proposed changes.

Directors Wall and Connolly stated they were opposed to the draft legislation recently presented by Mr. Kimball, Chairman of Rockland Selectmen; that it was not a good deal for the Town of Weymouth. Directors Eramo and Ward stated they stood together with the Weymouth Directors in opposing Mr. Kimball's draft legislation. Mr. Eramo noted it was Mr. Kimball's intent to open up discussions to get the project moving; unfortunately it didn't work out that way.

The Directors all agreed it was their job to protect the interests of the Host Towns. Directors Wall and Connolly were scheduled to discuss Starwood's proposed legislation at a Weymouth Town Council meeting later in the evening.

#### Starwood – Outstanding Receivables

The CFO noted LNR South Shore LLC had two major outstanding receivables. A special assessment in the amount of \$375,686.35 was overdue for their portion of the East West Parkway Claw Back Provision. The terms of the Parkway Agreement required a lien to be placed on the property and if it remained unpaid, foreclosure would occur. The CFO indicated he would make a presentation on the parkway assessment at the next meeting.

The second outstanding receivable amounted to \$77,742 that LNR owed to the Water/Sewer Enterprise Fund. Mr. Wilson noted the amount due represented 10% of the enterprise fund budget, and that those outstanding receivables may represent a 10% shortfall in revenues which would require a lien on the property and/or foreclosure of all properties under LNR's name. The Board was informed that the laws creating enterprise funds required accounts to be solvent; unpaid invoices dating back to July 2013 must be collected from the other paying customers with rates increased to reflect the unpaid amount.

Mr. Wall was informed the Parkway Assessment was 101 days overdue and the largest unpaid water/sewer balance was 180 days out. The CFO noted that a demand letter would be sent to LNR on the water issue.

Mr. Wall was also informed that LNR/Starwood did not contact anyone at SSTTDC regarding the Corporation's request to meet and discuss solutions, nor did they respond to the receipt of the legal notice finding LNR in default of the DDA.

Mr. Barry, LNR/Starwood, had just arrived at the meeting and was asked about the unpaid bills. He was unaware of unpaid water bills and thought the special assessment was due in June. Mr. Barry assured the Chairman that he would follow up with the CFO to clarify and rectify any payments overdue.

Mr. Wall inquired about the abatement process for Eventide Homes and was informed that they had filed Appellate Tax Board petitions for both 2013 and 2014, and that Eventide had a 2 year old building permit that had been extended every 6 months at their request.

#### Minutes

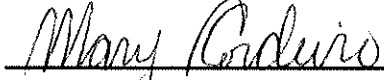
**VOTED: Motion of John Ward, seconded by Gerard Eramo, to approve the minutes of January 13, 2014**

**Unanimous 4-0 vote**

**VOTED: Motion of Gerard Eramo, seconded by John Ward to adjourn the meeting**

**Unanimous 4-0 vote**

The meeting ended at 4:30pm



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Mary Cordeiro, Recording Secretary

Joseph Connolly, Chairman of the Board

Documents reviewed at the meeting:

IBG Variance Request application

Responses to comments on TACAN Outfall

Summary of LNR outstanding receivables

John Ward Comments - Rockland BOS 2/3/14 - Starwood Legislation

Starwood's proposed legislation is a great deal for Starwood and a bad deal for the towns.

1. Starwood will be the designated developer by legislation. They cannot be removed without an act of the legislature.
2. Their legislation eliminates the reuse plan that was voted by the towns.

Their legislation eliminates any requirements the communities have over the developer. It gives them unfettered rights.

The developer will have no requirement to complete the project.

The current, balanced phasing of residential and commercial development that protects the towns is eliminated.

Starwood wants a scaled down version of Tri-Town to act as a hybrid planning board that can sign off on bonds and take title to any remaining land conveyed from the Navy.

Currently the law says:

Any changes to the plan should be done with the approval of the town meetings in Abington and Rockland and the Town Council in Weymouth - not legislation proposed by the developer.

3. There is a \$12.5 million infrastructure bond that expires in 2040. Starwood wants the Town of Weymouth to assume the bond obligation.

The bond is a formal agreement between the bondholders and the debtor as to the terms of the debt. The debtor is Tri-Town.

The debt service for the bond comes from tax revenue collected by Tri-Town.

You need to look at the January 24th report from Bond Counsel.

It is obvious that Starwood did not explore the full ramifications of attempting to transfer the responsibility for the bonds. They took a similar approach with tax revenues and the municipal costs that each town will face due to their proposal.

4. Agents of LNR/Starwood have stated that the project is stalled. The truth is Starwood stopped development on the project last January. An entire year of development has been lost because of LNR/Starwood.

All along, LNR/Starwood has had the ability and right to build 398 units in Phase I. There is sufficient water and sewer for Phase I. We have not seen any development plans for the past twelve months.

For years, their representative has spread cash and in-kind contributions around the political landscape at the local, state, and federal level. He has been attempting to buy political influence with some members of the Weymouth Town Council. You can Google: Comm. of Mass., Office of Campaign Finance to view the political contributions of William Ryan of Weymouth.

LNR/Starwood has proposed solutions. We agree with thirteen of their solutions and believe they can be accomplished without legislation. However, LNR/Starwood refuses to meet with the Tri-Town CEO and the BOD. The five members of the BOD are the legal representatives of the three towns.

LNR/Starwood states that the availability of water and sewerage is a problem. We agree and would readily assign the task to pay for the water and sewer to LNR/Starwood, as they have requested. A water and sewer solution can be accomplished without legislation.

The original legislation was adopted in 1998. It took a collaboration of a great many people from the three towns. Those people came together and voted to approve the reuse plan and the legislation that established Tri-Town. Lennar had been selected as the master developer. They helped develop a plan for an economic engine that promised commercial and residential development, jobs for the future, and recreational amenities - not a housing project. Starwood is not acting as the development partner of the South Shore Tri-Town Development Corporation. In my opinion, Starwood is placing their corporate profits ahead of the interests of the people of the three towns.

Any proposed changes to the redevelopment plan must first be submitted to town meetings and if approved be submitted to the legislature. To do anything less, is subverting the rights of the people of Abington, Rockland, and Weymouth to have their say in this matter.

There is no question that we need to move the project forward.

There are options we can consider:

- 1 We can move the existing plan forward with Starwood and include some modifications.
- 2 We can move forward with Starwood completing Phase 1 and seek a new development partner to complete the project. (You may recall that Mr. Glantz from Starwood told the BOS in Abington and Rockland that if their legislation was not approved, they would complete Phase 1 and leave.

Personally, I favor Option1 but I am prepared to recommend Option 2 and terminate Starwood as the development partner.

We need to see Starwood's Master Plan in order to evaluate if it is appropriate for the benefit of the three towns and the region.

I ask the BOS reaffirm your support for Tri-Town and that you recommend Starwood works with Tri-Town and its' BOD to move the project forward.

Concerned citizens should contact members of your BOS:

State Representative Rhonda Nyman  
617 722-2210  
rhonda.nyman@mahouse.gov

State Senator John Keenan  
617 722-1494  
john.keenan@masenate.gov