

AN ACT TO PROMOTE THE SUSTAINABLE ECONOMIC DEVELOPMENT OF THE
FORMER SOUTH WEYMOUTH NAVAL AIR STATION FOR THE BENEFIT OF THE
TOWNS OF ABINGTON, ROCKLAND, AND WEYMOUTH, THE NAS SOUTH
WEYMOUTH REGION AND THE COMMONWEALTH

Emergency Preamble – providing for Act to take effect upon its passage.

Section 37 of Chapter 303 of the Acts of 2008, the South Shore Tri-Town Development Corporation (“SSTDC”) Enabling Act (the “current Enabling Act”) is restated and revised in its entirety, with the following changes made to the existing statute:

Section 1. Various changes to summary of Act’s purposes, to reflect events occurring since passage of current Enabling Act, to conform with changes elsewhere in Act, and to provide revised mission statement (i.e., overcoming economic, legal, governance and structural forces which have stymied goals of current Enabling Act, through: reconstitution of the SSTDC Board; reinforcement of municipal control over land-use and development decisions; and stronger alignment of interests among SSTDC, the three Towns (Weymouth, Abington and Rockland) and the Master Developer).

Section 2. Deletions reflecting rescission of 1998 Reuse Plan, other than those provisions specifically continued in effect, all as provided in Section 14.

Section 3. Make Rockland eligible for assistance from Massachusetts School Building Authority (Weymouth already so-eligible), and make both Weymouth and Rockland eligible for state transportation assistance, in connection with the NAS South Weymouth Redevelopment Area (“Tri-Town area”). Modifications to reflect Towns’ assumption of traditional municipal services (police, fire, schools, roadways, etc. but not curbside trash collection) within the Tri-Town area, in return for (i) Towns’ immediate receipt of property tax revenues allocable to Tri-Town real estate and (ii) Towns’ eligibility for state educational and transportation assistance, all as provided in Section 19. Deletion of reference to Reuse Plan.

Section 4. New and revised definitions reflecting substantive changes elsewhere in the Act. Key changes include definitions related to: the transfer of property tax assessment and collection responsibility to Towns, as provided in Section 19, including “*Base Rate*,” “*Base Revenue*,” “*Pledged Revenue*,” “*Tri-Town Rate*,” and “*Tri-Town Revenue*”; the enforcement of the requirement for a certain amount of commercial development and senior housing within the Project, including “*Commercial Development*,” “*Dedicated Commercial Zone*,” and “*Senior Housing Minimum*”; the reconstitution of the SSTDC Board of Directors as provided in Section 9, including “*Commonwealth Appointees*,” “*Resident Appointees*,” “*Town Appointees*,” and “*Executive*”; the new allocation of zoning power between SSTDC and the three Towns, including “*Major Zoning Revision*” and “*Minor Zoning Revision*”; the identification of the “*Master Developer*” for various purposes, including the transfer to Master Developer of SSTDC’s contractual obligation to create a “*Permanent Water Supply and Wastewater Capacity*” pursuant to Section 15.

Section 5. Updates geographic description of NAS South Weymouth Redevelopment Area by reference to plans and descriptions previously recorded in the Plymouth and Norfolk Registries of Deeds.

Section 6. Modifies SSTDC's powers as follows:

- Listed powers to be subject to limitations imposed elsewhere in the Act.
- SSTDC powers not to include construction of infrastructure improvements or Project-related facilities.
- SSTDC no longer responsible for steam plant.
- SSTDC authorized to collect assessments for wastewater and sewage treatment and disposal on behalf of the Master Developer consistent with Master Developer's obligation to procure and finance same, as provided in Section 15.
- SSTDC no longer authorized to develop water, wastewater or sewage infrastructure, reflecting Master Developer's responsibility to procure and finance same, as provided in Section 15.
- SSTDC no longer authorized to enter into contracts with Towns or private entities for provision of traditional municipal services (police, fire, schools, roadways, etc.) within the Tri-Town area, reflecting Towns' assumption of responsibility for these services, as provided in Section 19.
- Delete reference to appointing, prescribing qualifications for, and setting of salaries for SSTDC's corporate officers and agents, consistent with deletion (in Section 12) of reference to retention of executive director and chief financial officers, reflecting more limited role of SSTDC and goal of reducing SSTDC expenses.
- SSTDC powers not to include mortgaging, pledging or creating a security interest in the Project; delete outdated reference to obligations assumed by SSTDC from the Naval Air Station planning committee.
- SSTDC powers not to include assessing and collecting of fees in connection with construction of the Project.
- Deletions reflecting rescission of 2005 Reuse Plan, other than those provisions specifically continued in effect, all as provided in Section 14.
- Modification to reflect new allocation of responsibility between SSTDC and Towns for changes in zoning by-laws, consistent with Section 14.
- Modification to reflect new allocation of responsibility between SSTDC and Towns for licensing, permitting and inspection activities, consistent with Section 14.
- Deletion of authorization for SSTDC to issue alcoholic beverage licenses within the Tri-Town area, consistent with transfer of that authority to towns of Weymouth and Rockland, as provided in Section 14.
- SSTDC powers no longer to include pledging of its tax revenues to pay bond debt service or to support borrowings.

- Delete authority of SSTDC to establish, construct and discontinue public ways, consistent with intended transfer of public ways to Towns, as provided in Section 19.
- SSTDC's powers not to include providing for education of children residing in the Tri-Town area, consistent with Towns' performance of that function, as provided in Section 19.

Section 7. Delete authority for SSTDC to enter into agreements to provide services to federal properties of a kind that SSTDC provides elsewhere, reflecting Towns' assumption of municipal services under Section 19.

Section 8. Delete obsolete references to the transitioning to SSTDC of certain real estate transactions to which the Naval Air Station Planning Committee or the Government Land Bank were original parties.

Section 9. SSTDC Board reconstituted and powers to be limited by specific provisions of the new Act. Board expanded to nine members (from current five members, which five to be appointed as under current law except that appointments by Weymouth Mayor to require consent of Weymouth Town Council): two new members to be appointed by the Commonwealth; and two new members to be residents in the Tri-Town area ("Resident" Board members), selected by the Mayor of Weymouth and approved by the Weymouth Town Council from among four nominees proposed by the Southfield Neighborhood Association. Resident Board members required to maintain residence in Tri-Town area (or be automatically disqualified from further service on Board). Five town appointees required to maintain residence in their respective town of appointment (or be automatically disqualified from further service on Board). Qualifications of Town-appointed Board members to include expertise, education and experience in real estate development, housing, finance, planning or engineering. Qualifications of at least one of the Commonwealth Board members to include expertise in large-scale real estate development; other Commonwealth Board member to have expertise in housing, finance, planning, environment, transportation or municipal government. Current Board to be dissolved no later than 60 days from effective date of Act, but with current Board members eligible for reappointment to reconstituted Board. Board members to serve for three (rather than five) year terms, with initial terms staggered. Town appointees may be removed by the appointing Town's board of selectmen or the Mayor of Weymouth (with consent of Weymouth Town Council), as applicable. Quorum increased to five (from four) members, minimum of four (rather than three) affirmative votes required for any action of the Board. SSTDC employees (in addition to Board members) cannot also be elected officials (other than town meeting members) in any of the Towns.

Section 10. A Resident Board member shall not be deemed to have a disqualifying conflict of interest solely because the member resides in the Tri-Town area, or because a member of his/her immediate family resides in the Tri-Town area.

Section 11. SSTDC Advisory Board empowered to approve the hiring and compensation of SSTDC employees.

Section 12. Delete current requirement that SSTDC Board appoint executive director and chief financial officer, while authorizing Board to hire other employees—subject to approval of the

SSTDC Advisory Board—and to engage consultants or vendors as necessary; reflecting more limited role of SSTDC and goal of reducing SSTDC expenses. Delete mistaken reference to non-existent statute.

Section 13. SSTDC Advisory Board to approve SSTDC’s hiring, compensation and fixing of duties and qualifications for employees and establishment of personnel policies.

Section 14. Terminate existing Reuse Plan and Master Plan, while specifically preserving their core elements, including requirements for: development of a minimum amount of commercial space and senior housing, and a limitation on total amount of residential units (except allowing senior development to exceed this limit); creation of affordable and workforce housing (but at reduced percentage of 10% rather than 20% of units constructed); smart growth and sustainable design principles; and establishment of recreational amenities of the type envisioned in the Reuse Plan, but with no obligation to construct a golf course.

Transfer responsibility for making major revisions to the Zoning Bylaws from all three towns collectively to only that town or towns in which the land affected by the revision is located. Major revisions defined in Section 4 to track definition of “substantial revisions” in existing zoning bylaw. The applicable Town Executive, the Master Developer, the applicable Town Planning Board, the Town Council (in the case of Weymouth) or the owner of affected land may petition for major zoning revisions.

Restate SSTDC’s responsibility for making minor revisions to the Zoning Bylaws, with minor revisions defined in Section 4 as all revisions not considered “major.” Require SSTDC to maintain a current codification of the Zoning Bylaw, and make technical revisions to the existing Zoning Bylaws as necessary to conform to the Act. Revise procedures for SSTDC’s exercise of its zoning amendment powers.

Make certain deemed changes to the Zoning Map in order to facilitate each Town’s separate authority to make major zoning revisions, and obligate the Master Developer to collaborate with the applicable Town or Towns in the establishment of the Dedicated Commercial Zone.

Remove obsolete references to the Reuse Plan. Remove provision requiring all determinations and approvals of SSTDC to be filed with each Town’s clerk, and subjecting all such determinations and approvals to appeals lodged within 20 days in the Land Court or Superior Court, and replace with a provision making all filing and appeal procedures subject to applicable provisions of the General Laws.

Reallocate the 15 alcoholic beverage licenses granted to the Tri-Town area in current Enabling Act by authorizing the Town of Weymouth to issue 13 alcoholic beverage licenses within its portion of NAS South Weymouth, and the Town of Rockland to issue 2 such licenses within its portion of NAS South Weymouth, in each case without reducing the number of such licenses that can otherwise be issued within said towns.

Clarify that previously issued environmental permits and approvals relating to the Project are unmodified and remain in effect.

Section 15. Delete existing section regarding SSTDC's setting of property tax rates, administration of a property tax assessment and collection process, prohibiting the towns from taxing property within NAS South Weymouth, and relieving the towns of any obligation to provide municipal services to NAS South Weymouth, with all such provisions replaced by new taxing and service arrangements as provided in Section 19.

Replace with new text obligating SSTDC to revise and reissue all of its existing rules and regulations, and revise its existing agreements with the Master Developer, solely for the purpose of conforming to the Act. Revised Disposition and Development Agreement between SSTDC and the Master Developer to obligate the Master Developer to take responsibility for SSTDC's contractual obligation to procure and finance Permanent Water Supply and Wastewater Capacity (subject to the modification of existing agreements regarding the funding and construction of the Parkway and East-Side Connectivity Improvements, as provided in Section 34) and not include any penalties if Master Developer elects not to develop a golf course.

Section 16. Relieve SSTDC of a role in facilitating state-level licensing and permitting for development activities within NAS South Weymouth, reflecting more limited role of SSTDC.

Section 17. No change from current Enabling Act.

Section 18. Modify deadline for establishing special assessments for the payment of infrastructure bonds from one year following completion of construction to a reasonable time following completion of construction to provide more flexibility for future bond issuances. Establish the parameters for the amount of betterments, special assessments, fees and charges to be equal to debt service, required reserves, and costs of repairs and renewals of infrastructure, while also allowing SSTDC to establish betterments, special assessments, fees and charges at levels sufficient to meet any covenant requirements contained in bond documents. Clarify that the Corporation has exclusive liability for any reimbursement payments owed in connection with the abatement of property taxes assessed prior to the transition of property taxation powers to the Towns, as provided in Section 19.

Section 19. Provisions implementing new arrangements by which the towns will administer real property taxation assessment and collection systems within their respective borders, retain a portion of the tax revenue, and remit a portion back to SSTDC. Following a transitional period, property taxes to be assessed at the rate otherwise applicable within the Town ("Base Rate"), plus rate sufficient to raise operating revenue for SSTDC ("Tri-Town Rate"). Resulting Base Revenue to be retained by the Towns, and resulting Tri-Town Revenue to be remitted quarterly to SSTDC (as well as "Pledged Revenue" as defined in Section 4). Tri-Town Revenue not to be counted towards Towns' levy limits under Prop. 2 ½. Land and buildings newly added to each town's tax base to be counted as "new growth" in first fiscal year for purposes of Prop. 2 ½.

Towns to assume responsibility for delivering certain municipal services to their respective portions of NAS South Weymouth, including schools, but not including sewer and water service and curbside trash collection except as currently obligated by agreement. Existing agreements pursuant to which Towns provide services to SSTDC (other than waste and wastewater services)

terminated. School children living within NAS South Weymouth to be counted in each Town's determination of state assistance under Chapter 70 and other applicable law.

Towns' obligation to administer property tax collection system and deliver municipal services within and to their respective portions of NAS South Weymouth contingent on modification of existing agreements regarding the funding and construction of the Parkway and East-Side Connectivity Improvements, as provided in Section 34.

SSTDC and Master Developer to transfer control and responsibility for all existing and future public ways within NAS South Weymouth to the Towns, except for the East-West Parkway. Towns to independently confirm that newly constructed ways have been built in accordance with the SSTDC's standards. Towns eligible for state assistance for the maintenance and repair of such ways pursuant to Chapter 90. Master Developer to retain responsibility for the Parkway.

Section 20. Allow SSTDC to finance and refinance infrastructure costs. Allow SSTDC to finance costs of infrastructure owned by it, as well as infrastructure that is transferred to the Towns pursuant to Section 18. Prohibits SSTDC from issuing bonds secured by ad valorem taxes and makes corresponding changes to reflect this limitation. Establish a limit (which previously did not exist) on bonds secured by betterments, special assessments, fees, and/or charges at \$175 million total issuance.

Section 21. Technical changes and eliminate references to SSTDC's construction or equipping of infrastructure or capital projects, reflecting more limited role of SSTDC.

Sections 22 and 23. No change from current Enabling Act.

Section 24. Eliminate references to SSTDC's construction or equipping of infrastructure or capital projects and to its collection of property taxes, reflecting more limited role of SSTDC and transfer of property taxation authority to Towns.

Section 25. Grammatical change; no substantive change from current Enabling Act.

Sections 26-29. No change from current Enabling Act.

Section 30. Changes to reflect re-numbering in other sections; no substantive change from current Enabling Act.

Section 31. No change from current Enabling Act.

Section 32. Eliminate reference to Reuse Plan and replace with appropriate internal cross-reference.

Section 33. Modify deadline for issuing special assessment infrastructure bonds from completion of redevelopment of NAS South Weymouth Redevelopment Area to one year following completion of same to provide more flexibility for future bond issuances. Make

changes to the dissolution and termination agreement between SSTDC and the Towns to reflect changes to SSTDC's authority contained elsewhere in the act.

Section 34. Directs SSTDC, the Secretary of Administration and Finance, the Secretary of Transportation, and the Master Developer to amend the existing agreement governing the financing of the first phase of the Parkway to relieve SSTDC of its data collection and debt service reimbursement obligations, and to provide for Commonwealth financing of the Parkway's second phase and East-Side Connectivity Improvements starting no later than calendar year 2015.

Section 35. Delete in entirety, eliminating town control over new SSTDC bond issues after the year 2030, and eliminating obsolete cross-reference to the General Laws.