

*Town of Weymouth
Massachusetts*

Robert L. Hedlund
Mayor

75 Middle Street
Weymouth, MA 02189



Office: 781.340.5012
Fax: 781.335.8184

www.weymouth.ma.us

MEMORANDUM

20 021

TO: TOWN COUNCIL
FROM: MAYOR ROBERT L. HEDLUND
RE: CPA FUNDING REQUEST FOR ACQUISITION OF LAND FOR AFFORDABLE HOUSING
DATE: FEBRURAY 13, 2020

2020 FEB 13 AM 10:22

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

I hereby submit the following measure to Town Council for its consideration and action:

"That the Town of Weymouth appropriate the sum of \$200,000 for the acquisition of 13 acres of land for affordable housing as described in the request put forward by the Town Solicitor, from the Fund Balance Reserved for Community Housing Account (4906-321006)."

This measure requires a legal notice and public hearing.

*open all
3 PH 2 gether*

See the attached supporting documentation provided by Town Solicitor, Joseph Callanan

At the time of this submittal, the balance in the Fund Balance Reserved for Community Housing Account is \$692,698.64.

Referral Dte. _____ PH Dte. _____
Comm. Referral _____ TC Vote _____
Comm. Vote _____ TC Vote Dte. _____
Comm. Vote Dte. _____

Weymouth
Town Council

2020 FEB 13 AM 10:48

RECEIVED

Department of Planning and
Community Development

Robert J. Luongo
Director of Planning and
Community Development
email: rluongo@weymouth.ma.us
(781) 340-5015

*Town of Weymouth
Massachusetts*




Robert L. Hedlund
Mayor

75 Middle Street
Weymouth, MA 02189

www.weymouth.ma.us

MEMORANDUM

TO: Mayor Robert L. Hedlund

FROM: Robert J. Luongo, Director of Planning & Community Development 

DATE: February 7, 2020

SUBJECT: Request for Funding - CPA

At the February 6, 2020 meeting of the Community Preservation Committee, the committee reviewed and discussed the application put forward by Joe Callanan, Town Solicitor, in the amount of \$200,000. The request is for the acquisition of 13 acres of land behind 420 Washington Street. These costs will include paying for the cost of purchasing the mortgage on the land, legal costs to foreclose, and the services of a real estate consultant who helped facilitate the transaction. Please see attached application for funding.

After review and discussion, the following motion was approved unanimously;

Motion to appropriate and fund \$200,000 for the acquisition of 13 acres of land for affordable housing as described in the request put forward by the Town Solicitor, from the Fund Balance Reserved for Community Housing.

The Community Preservation Committee appreciates your review and action on this recommendation.

ATTACHMENT: Funding Request submitted by the Town Solicitor dated January 31, 2020

CC: Pat Cook, Town Accountant
Christopher Hannan, Chairman, CPC

WEYMOUTH
Community Preservation Committee
Application for Funding

Name Mayor Robert L. Hedlund Date January 31, 2020
Phone c/o Joe Callanan, Town Solicitor, 781.789.2669
Email jcallanan@weymouth.ma.us
Address Weymouth Town Hall, 75 Middle St., Weymouth, MA 02189
Affiliation/Organization (if applicable) _____

Project Name: Acquisition of 13 acres of land for affordable housing
Amount: \$ \$200,000

Purpose
(please select all that apply)

- ☐ Historic Preservation
☐ Open Space & Recreation
☒ Affordable Housing

Description

Please provide a written narrative with detailed data; including cost estimates, schedule, budget, maintenance plan, if any and implementation strategy. Include other funding sources and the amounts of funding. Attach separate sheets as needed.

We request not more than \$200,000 to acquire 13 acres of land behind 420 Washington Street. These costs will include paying for the cost of purchasing the mortgage on the land, legal costs to foreclose, and the services of a real estate consultant who helped facilitate the transaction. See attached map for location of the parcels.

Describe how this this project helps to preserve Weymouth's character.

Please provide a written narrative including the goals of the project, who benefits, and how the project relates to planning documents such as the Town's Master Plan. Describe the nature of support and outreach for the project. Attach separate sheets as needed.

The goal of the project is to purchase 13 acres of land for affordable housing purposes that would protect the Town's 40B safe harbor protection due to 1.5% of the Town's land area being devoted to affordable housing. After this acquisition, the Town would be at least an acre over even the state's new guidelines calculations.

Applicants are encouraged to be creative and consider projects that will benefit the community; including, but not limited to; projects which may not receive typical funding from traditional sources.

Submit to:
Community Preservation Committee
c/o Dept. of Planning & Community Development
75 Middle Street, Weymouth, MA 02189

January 1, 2007

*Town of Weymouth
Massachusetts*

Joseph Callanan
Town Solicitor

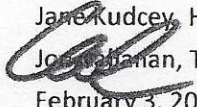
Town of Weymouth
75 Middle Street
Weymouth, Massachusetts 02189

jcallanan@weymouth.ma.us
(781) 682-3503



Robert L. Hedlund
Mayor

Town of Weymouth
75 Middle Street
Weymouth, Massachusetts 02189

TO: Members of the Community Preservation Committee
cc: Robert L. Hedlund, Mayor
Ted Langill, Chief of Staff
Robert J. Luongo, Director, Planning & Community Development
Kate Marshall, Community Development Planner
Jane Kudcey, Housing Coordinator
FROM:  Joseph Callanan, Town Solicitor
DATE: February 3, 2020
SUBJECT: CPC funding request to acquire 13 acres of land for affordable housing purposes
420 Rear Washington Street, Parcels 25-328-4, -10, -11, and -12

I write to request not more than \$200,000 to acquire 13 acres of land behind 420 Washington Street. The funds will pay for purchasing the mortgage on the land, legal costs to foreclose on the property, and the services of a real estate consultant who helped facilitate the transaction. See attached map for location of the parcels. Also included are a previously approved subdivision plan and a development plan approved by two Town boards in the 1980s.

As some of you may know, the Town of Weymouth is probably the only community in the state protected from the state's affordable housing law, chapter 40B, because more than 1.5% of the Town's land area is devoted to affordable housing. In September 2003, the state's Housing Appeals Committee (HAC) ruled the Town proved the minimum 1.5% land area safe harbor applied to Weymouth. This land area safe harbor, different from the more well-known 10% of housing stock safe harbor, means the Town does not need to entertain unfriendly 40B projects as many communities must face.

But, new rules from the state threaten that protected status. We argue these rules do not apply to us because the methodology of the 2003 HAC decision controls. The state's response to our argument has been that the Town should acquire more land for affordable housing. While we will continue to fight to protect our already established safe harbor, we also want to work with the state on their terms. Acquiring these 13 acres should place us at least one acre over the land area safe harbor, even under their new rules that we say do not even apply to us.

The Town's efforts to promote affordable housing. Instead of unfriendly 40B projects, Weymouth has been better able to control production of affordable housing rather than relying upon private developers and the state to dictate to local officials and residents what is best for the Town. Under Mayor Robert L. Hedlund, we produced a Housing Production Plan (HPP) that the Town Council and the state's Department of Housing and Community Development (DHCD) approved. We completed the plan, which

contains substantial public input, including more than a thousand responses to our survey. The HPP outlined needs, goals, strategies, and specific areas for smart development, which we are currently implementing.

We also changed local zoning to include mixed commercial and residential developments in our commercial corridors, such as portions of routes 3A, 18, and 53. The state designated the Town a Housing Choice Community based on production of over 1,000 housing units in past five years. Lately, we have been studying Lakeview Manor for possible redevelopment of affordable units and creation of new housing, including working with the Housing Authority to issue a request for proposals (RFP) that is presently open to respondents.

The land to be purchased. This funding request is the next step in the Town's effort to effectively produce and control affordable housing in the Town. Thirteen acres of vacant land behind 420 Washington Street, near the intersection of Route 18 and 53, is a large formerly approved subdivision where a developer previously proposed 165-units of mixed income housing. The Board of Zoning Appeals (BZA) and Conservation Commission (ConComm) approved the affordable housing project in 1988.

However, the project never went forward. The bank foreclosed on the property, and then sold the land. The new owner then fell behind on their taxes. For the last four decades, the land has been vacant with no great interest by anyone in developing the property. We do not want a another decade of nothing happening on this property.

The unpaid taxes are now more than \$1.3 million. The extent of potentially hazardous waste contamination from suspected Fore River Shipyard dredge spoils is unknown. Estimates based on the preliminary assessments for clean-up costs are several millions of dollars. Those two expenses make a typical development on the site extremely unlikely. The Town anticipates applying for Federal or state funding for an environmental assessment. But, the developer would be responsible for final clean-up costs after we complete initial assessments.

Why acquire the land. We would acquire this land to develop more affordable housing. We have no set development plan and no identified developer. We intend to have community meetings to hear from residents, abutters, and community leaders about what type of development Weymouth would like to see on this land as well as take into consideration the recommendations detailed in the HPP. We would then include those concerns as conditions in a future RFP for later development of the land.

We could envision a development plan similar to, but not exactly like, the affordable housing proposal from the 1980s. We realize things are different in Town than they were more than thirty years ago, which is why we are committed to a public planning process and a robust, competitive, and informed RFP process. A proposed project would include a mix of incomes with at least 25% of the units being affordable to households earning up to 80% of the area median income.

By making the land only available for affordable housing, we would probably protect our 40B safe harbor, even under the state's new rules. We will continue to argue before the state that the 2003 decision, and its methodology applies, as opposed to the new rules. This acquisition of more land for affordable housing shows the state that we are listening to their concerns, so they should also listen to ours.

This acquisition shows the state, once again, the Town favors affordable housing. We simply oppose affordable housing that ignores local concerns.

Why the Town's safe harbor is threatened. Weymouth argues that the 2003 HAC decision controls how to calculate how much landowners use for affordable housing. DHCD found the Town satisfied the 1.5% land area safe harbor, according to a method that we argue should still apply.

HAC actually found in 2003 the Town had 1.9% of its land area used for low and moderate income. According to our calculations, slightly more land in Town is now dedicated to affordable housing than in 2003—148 acres as opposed to 146 acres. But, DHCD changed how to calculate land devoted to affordable housing.

We opposed these newly proposed guidelines since they introduced several new calculations; including, the "directly associated area" that could reduce our percentage by more than 1/3. This concept of "directly associated area," is not in chapter 40B, was not considered by HAC in its 2003 decision, and was not introduced by regulation but rather only by guidelines issued after the HAC decision. Thus, we argue these changes cannot apply to Weymouth.

Nonetheless, we have worked together with the state to see if Weymouth would qualify under DHCD's "new" guidelines. Preliminary calculations over the past two years show Weymouth is less than ten acres short of the 1.5% minimum, using the new guidelines. Acquiring thirteen acres should place us over, even under the new guidelines.

How will the money be spent. The request is for not more than \$200,000. The costs include purchasing the existing mortgage on the property, which would be \$150,000 to be shared with the lender and a real estate consultant, who facilitated the transaction and acted essentially as a real estate broker. The remaining \$50,000 would be spent on legal fees to foreclose on the mortgage, draft documents related to the transaction, such as an affordable housing restriction and an order of taking to clear title after the mortgage foreclosure. Therefore, the costs would be the following:

<u>Purpose</u>	<u>Cost</u>	<u>Total</u>
Purchase existing mortgage on property, pay lender for the mortgage, and real estate consultant for his services;	\$150,000	
Legal services to foreclose on property and prepare legal documents related to the transaction;	\$50,000	
		\$200,000



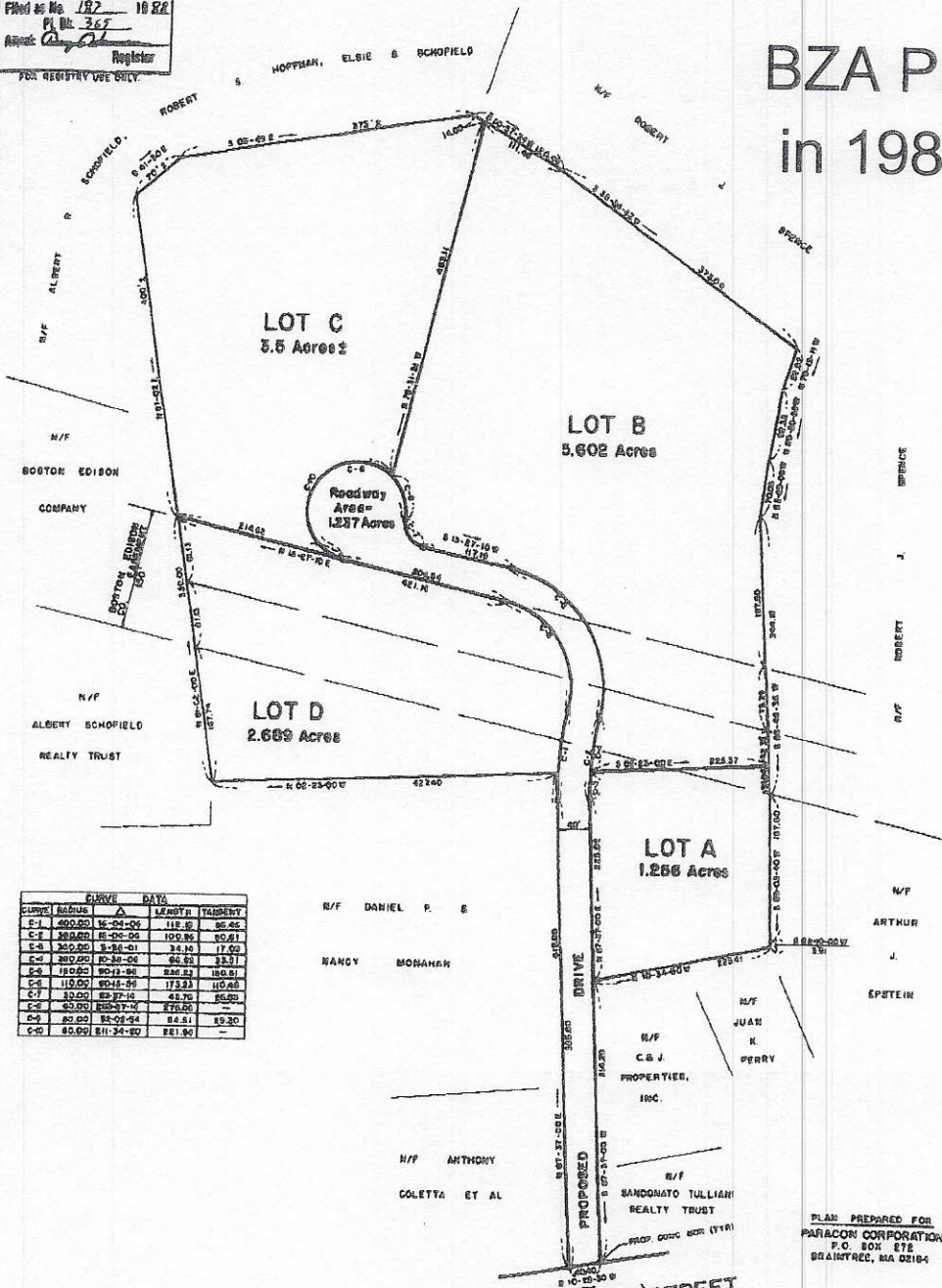
Acquisition would include
right-of way to
Washington Street

197-82

North Registry of Deeds
Dorchester, Mass.
Received Nov. 1, 1987
W/PA [Signature]
Town of Weymouth, Mass.
Basis Limited Partnership
Filed as No. 182 10 82
Pl. No. 367
Approved [Signature]
Register

FOR REGISTRY USE ONLY

BZA Plan approved
in 1987



CURVE	RADIUS	Δ	LENGTH	TANGENT
C-1	400.00	10-00-00	118.9	96.46
C-2	300.00	10-00-00	100.86	80.81
C-3	250.00	9-34-01	84.40	67.02
C-4	200.00	10-30-00	66.93	52.91
C-5	150.00	10-10-00	50.82	40.61
C-6	100.00	10-10-00	37.23	29.40
C-7	50.00	09-37-16	18.70	14.80
C-8	40.00	09-37-16	14.80	11.60
C-9	30.00	09-37-16	11.60	8.90
C-10	20.00	09-37-16	8.90	6.70
C-11	10.00	09-37-16	4.45	3.35
C-12	5.00	09-37-16	2.23	1.67

WASHINGTON STREET
(PUBLIC-VARIABLE WIDTH)

PLAN PREPARED FOR
PARACON CORPORATION
P.O. BOX 278
BRAINTREE, MA 02104

COMPILED SUBDIVISION
PLAN OF LAND
IN
WEYMOUTH, MASS.

SCALE: 1" = 60' OCTOBER 6, 1987

ROSS ENGINEERING COMPANY
CONSULTING ENGINEERS - LAND SURVEYORS
818 WINTER STREET
DORCHESTER, MASS. 02101



I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMANCE WITH THE
RULES AND REGULATIONS OF THE
REGISTER OF DEEDS.

DATE 10-1-87



Paul J. Minich
PROFESSIONAL LAND SURVEYOR

THIS SUBDIVISION PLAN HAS
BEEN APPROVED BY THE
WEYMOUTH BOARD OF
APPEALS PURSUANT TO
CHAPTER 40B, SECTION 10-23.

DATE 1-21-89

[Signature]

[Signature]

[Signature]

JH 182

ConComm plan approved in 1988



PLAN PREPARED FOR
PARAGON CORPORATION
P.O. BOX 212
BRAINTREE, MA 02104

CONSERVATION COMMISSION PLAN THE AERIE RESOURCE MAP

TOPOGRAPHIC
PLAN OF LAND

IN
WEYMOUTH, MASS.

SCALE: 1" = 40' APRIL 5, 1987

ROSS ENGINEERING COMPANY
CONSULTING ENGINEERS - LAND SURVEYORS
1318 WINTER STREET
BOSTON, MASS. 02108

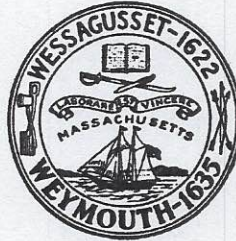


THIS PROJECT HAS BEEN APPROVED UNDER A COMPREHENSIVE PERMIT ISSUED
BY THE TOWN OF WEYMOUTH, BOARD OF APPEALS OF OCT 14, 1987
A SILTATION FENCE TO BE PLACED ALONG THE BOWLING VEGETATED WETLAND
WETLANDS WERE PLACED IN THE FIELD BY BOSTON CITY FROM MAY 1987
ECOLOGICAL SERVICES, INC. BETWEEN OCTOBER 17, 1987 AND JAN. 1, 1988

Daniel I McCormack
Weymouth Health Department
Director of Public Health

Robert L. Hedlund
Mayor

*Town of Weymouth
Massachusetts*



75 Middle Street
Weymouth, MA 02189
Tel. (781) 340-5008
Fax. (781) 682-6112
www.weymouth.ma.us/health

TO: Town Council
cc: Robert L. Hedlund, Mayor
Ted Langill, Chief of Staff
Joseph Callanan, Town Solicitor
Robert J. Luongo, Director, Planning & Community Development
Kate Marshall, Community Development Planner
Jane Kudcey, Housing Coordinator
FROM: Matthew Brennan, Assistant Health Director
DATE: February 11, 2020
SUBJECT: Environmental Assessment Information -
Rear Washington Street, Parcels 25-328-4, -10, -11, and -12

The Town Solicitor asked the Health Department to provide the Town Council with the history and an environmental overview of the 440R Washington Street property. As a result, I have compiled the following information from public records for your review.

Site History

According to Goldberg-Zoino & Associates, Inc. (GZA), an environmental company asked to perform an environmental site assessment on the property, the property was undeveloped until at least 1907. In the 1940s, an electric utility constructed a 115 KV (kilovolt) transmission line cross the site. In 1962, sand and gravel was removed from the southwest portion of the site and then the entire site was subsequently filled until 1983.

Some of the major fill materials placed throughout the site include:

- **sand and gravel material** from the Great Pond Reservoir excavations (1969);
- **demolition debris** from the old Weymouth High School (1971);
- **pulverized cork material** from Armstrong Cork Company (1968 - 1972); and,
- **topsoil** stripped from the Ricciardi Reservoir in Braintree, screened and spread on-site (1974).

In addition to those major fill materials, **dredged marine sediment mixed with creosote-treated wood piles and reinforced concrete** from the General Dynamics Shipyard was placed and spread over most of the site in 1972-1973, and **blasted rock or boulders** from several sources were placed in the north central portion of the site in 1982-1984.

According to a previous owner, about one-half of the estimated 200,000 cubic yards of fill material consists of the dredged marine sediments. The side slopes of the marine sediments were covered with a 1-foot-layer of topsoil during the fill and grading operations. The filling ceased in 1984.

Conclusions of Previous Assessments

A preliminary site assessment was originally conducted at the 440R Washington Street property in 1988. At that time, the assessment concluded the following:

- Screening analysis of twelve soil samples indicates the presence of **low levels of volatile organic compounds** at various locations on the site.
- Screening analysis of nine soil samples indicates the presence of aromatic hydrocarbons believed to be constituents of creosote and constituents typical of plasticizers in the fill materials. The **aromatic hydrocarbons** primarily occur in the marine sediments **generally at low levels**, except one area (TP-6, TP-7) in the northeast portion of the site where levels are higher. **Plasticizing compounds were detected** only in the "cork" material in the northeast section of the site, **at high levels**.
- Screening analysis of nine soil samples for **Polychlorinated Biphenyls (PCBs) and pesticides** indicate the presence of **low to trace levels of PCBs**. Natural soil at TP-12 exhibited trace levels of PCBs believed to be due to mixing with overlying marine sediments during excavation and sampling. **Low to trace levels of pesticide compounds** were detected in the "cork" material.
- Screening- analysis of four soil samples for priority pollutant metals indicates **elevated levels of Lead and Mercury** in the marine sediment sample at TP-3, a **slightly elevated level of Mercury** in the sample from TP-3, and **elevated levels of Antimony and Zinc** in the "cork" material at TP-II.

Therefore, GZA concluded that based on their studies and observations **oil or hazardous materials have been found at the property in the form of creosote, plasticizers, PCB's, Lead, Mercury and common pesticides are present**. However, they do not represent a spill or release of hazardous materials at the site. Rather, they are believed to be contained in fill materials brought to the site. Based on the limited information available and the character of the contaminants identified, it was GZA's opinion there was **limited potential for these constituents to migrate** under present site conditions. This opinion is further based on the observed conditions that the contaminated fill material is above the water table, and is generally covered by clean fill and therefore not exposed to the atmosphere.

Mass DEP Actions

The Massachusetts Department of Environmental Protection (**Mass DEP**) **audited the results** of the environmental assessment in 1990 and found them inadequate and requested additional analysis. As a result, GZA responded to Mass DEP with the following:

- Contaminants have **not been found migrating** with groundwater.
- The following information is known regarding marine sediments deposited on-site due to knowledge about similar dredged material in the Boston area (NUS report):

The **observed sediment contamination** along the river shoreline and in the Shipyards' wet basins is typical of sediments associated with industrial activities and are **generally comparable to levels elsewhere in Boston Harbor**.

No Volatile Organic Compounds (VOCs) were detected in sediment samples collected by NUS. **Poly-Aromatic Hydrocarbons (PAHs) were detected** at total levels ranging from <0.2 to 30 mg/kg for four of the eight sediment samples collected.

In general, the **metal concentrations** in these earlier reports of the Weymouth Fore River sediments are similar to levels measured throughout outer Boston Harbor. Earlier sediments analyses detected **measurable quantities of mercury lead and zinc**, but were **within the range normally occurring** in soils. These earlier testing **did not analyze for other priority pollutant metals**. This data also indicated maximum levels of **zinc and lead** exceeded reported levels for Boston Harbor, but in each case **only one sample** had a **concentration that exceeded the normal range** of values. Polychlorinated biphenyls (**PCBs**) were reported in sediments from all wet basin areas within the Shipyard. However, according to the laboratory data sheets included in the NUS report, one sample contained 1.1 mg/kg, while the remaining PCB levels were below the method detection limits (<0.24 to <0.54 mg/kg). Reported Boston Harbor levels range from 0.07 to 0.33 mg/kg, with higher levels occurring in Quincy Bay.

Petroleum Hydrocarbons (**PHCs**) ranged in concentration from 23 to 1,100 ppm, with the highest levels detected in samples collected in one location at 1,100 ppm and another at 520 ppm. This report also included historical **oil and grease** data for the Weymouth Fore River in a range between 60 to 13,700 ppm that indicates that oils have been in the sediment for many years.

- Lastly, a previous owner **attempted to obtain additional information regarding the composition of the cork tile** waste at the site. However, the data was not received by the Mass DEP.

Conclusions of Mass DEP

Again, the Mass DEP audited the information given to it by the previous owner in 1990 and concluded again that the information provided was insufficient. In summary, the Mass DEP needed additional groundwater monitoring data, additional characterization of waste materials deposited on-site, specifically the "green cork material" and dredge spoils from the former General Dynamics Shipyard, additional investigation of potential off-site migration of oil/hazardous material contamination originating at the site, additional soil gas sampling/monitoring program to assess volatile organic compounds, and additional precautions (Activity and Use Limitation) due the potential future development of the site as residential condominiums.

GZA responded to the Mass DEP multiple times in 1990. However, the responses did not address all of the issues raised. The Mass DEP then requested additional volatile organic compound characterization to supplement the assessment. GZA subsequently performed a GC headspace screening and detected elevated methane levels in two of the five monitoring wells onsite.

Recent History

In 1995, the previous owner of the property notified the Mass DEP that no further response actions would be conducted at this site. The owner stated he was unable to obtain an allocation of Low Income Housing Tax Credits. Subsequently, on April 26, 1995 BayBank foreclosed on the property and sold it at public auction. Since then, the property was transferred multiple times and has remained vacant and abandoned.

To better understand the contamination at the property, the Town intends on applying for the Environmental Protection Agency's (EPA) Targeted Brownfields Assessment (TBA) program which, helps municipalities minimize the uncertainties of contamination often associated with Brownfield sites. This program supplements other efforts under the Brownfields program to promote the cleanup and redevelopment of brownfields. TBAs are not grants, but services provided by an EPA contractor for an eligible entity. Services include site assessments, cleanup options and cost estimates, community outreach, and average \$100,000.

However, the Town cannot successfully apply for this EPA grant without first gaining possession of the property through foreclosure or other means. It is our hope that the foreclosure on this property combined with the EPA's TBA grant will spur the future clean-up and development of this property.

Environment Site Assessment
Exploration Location Plan
April 1988

