

TOWN COUNCIL MINUTES
Ordinance Committee
June 15, 2023

Present: Ken DiFazio, Chair
Gary MacDougall, Vice Chair
John Abbott, Councilor
Lisa Belmarsh, Councilor
Arthur Mathews, Councilor

Also Present: Richard McLeod, Town Solicitor
Robert Luongo, Director of Planning
Owen MacDonald, Traffic Engineer
Lt. Brian Morse, WPD
John Twohig, N. E. Development
Tim Sullivan, Goulston & Storrs

Recording Secretary: Mary Barker

Chair DiFazio called the meeting to order at 6:32 PM.

Councilor MacDougall motioned to take measure 23 070 out of order and Councilor Belmarsh seconded. Unanimously voted.

23 070- School Zone (20 MPH Speed Limit) on Portions of Pleasant, Commercial and Washington Streets

This measure was referred to committee on April 24, 2023. Scheduled for public hearing on June 20, 2023. Chair DiFazio asked Lt. Morse and Mr. MacDonald if any changes were made since it was presented to the committee on May 30th. There were none. MassDOT changed the rules last November about where it can be placed and expanded the program from grades K-8, and it includes all schools, public and private. MassDOT has offered the town speed feedback sign at either end of the zone. It was determined a Priority 1 by the School Department. Mr. MacDonald reviewed the locations and signage. Councilor Mathews asked the presenters to have the information on slides for the public at the hearing. Councilor Mathews pointed out to the chair he wasn't consulted when the agenda was prepared for the Special Town Council meeting for the 26th, and which shows the Ordinance Committee chair reporting out on all three measures. Chair DiFazio confirmed it will be voted after the public hearing has closed.

23 092-Traffic Regulations – Lane Beach Vicinity

This measure was referred to committee on May 15, 2023. A revision to the measure was submitted by Owen MacDonald on June 7, 2023.

Councilor Belmarsh thanked the administration for having parking and speed limit signs installed already. People are noticing and slowing down.

Mr. MacDonald went over the revisions made to the measure. Last summer temporary signs were put up and there were a lot of complaints about the corner parking to the point where it became a hazard with the crowding and narrowing that stretch of roadway and emergency vehicles in and out of Weymouthport. They came up with this revision as a more permanent solution. Mr. MacDonald pointed out that extending the parking restriction would impact a wider area. Councilor Burga had explained in her comments that the street parking wasn't as much an issue as the corner parking between Regatta and River. The revised slides were reviewed. Councilor Belmarsh reported she shared the new plan with some of the residents and they are happy with it. She expects there will be less about that from residents during the public hearing. The sign is up for parking in the lot- it is available for daily parking. Chair DiFazio agreed this is a good revision.

23 022- Zoning and Land Use by-Laws and Map for South Weymouth Naval Air Station, as Amended

The measure was referred to committee on April 3, 2023. The committee met on May 2, May 16, and May 30, 2023. A public hearing was conducted on May 1, 2023. On May 23, 2023, the Weymouth Planning Board voted unanimously to support the zoning change.

The chair asked the solicitor that since the committee has concluded its review of the ordinance, they are now at a point of asking general questions about the project and coming up to the vote deadlines. He asked the solicitor what votes they could take, and the action that will result from each. Solicitor McLeod responded that although MGL 40a plays a role, it's governed by Chapter 291 of the Acts of 2014. The full council needs to vote by June 26th and requires a two-thirds vote to approve to amend the zoning. In the event the council votes unfavorable action, the council would not be able to reconsider this for a period of six months, as set forth in §14(c) of Chapter 291. The two-year provision does not apply to this. If the council does not take a vote, it is tantamount to a no vote.

The chair invited the proponents to the table. Councilor Abbott pointed out another measure was submitted to the council for a zoning change on the property. He asked for clarification from the administration that this change is separate and apart from this one currently under review. Mr. Luongo concurred. The newest measure was submitted by an attorney representing Endeavor Capital. When LStar was the developer, it mortgaged properties to raise revenue that have since been foreclosed and this one was acquired by Endeavor. It is not a part of the rezoning Brookfield is proposing. The underlying zoning remains. This one pertains to two parcels that were combined and involves the old gymnasium by the sports complex, in existing town center overlay and a separate process. They want to consolidate the zoning into the It will go through the regular process.

Chair DiFazio asked how many other landowners are there that could do the same. Mr. Luongo said there is Endeavor Capital, Washington Capital, (Carpenters' Union funding), the SRA and Brookfield. Mr. Twohig added that there are existing agreements

with SRA for several pieces, including the Navy land and Coast Guard. If that weren't the case, there could be multiple filings. No one else can do it without their agreement. With the passage of this ordinance, the ENA or DDA stays in place, and everyone must come through the master developer. If not, there could plausibly be a hundred potential filings. They don't have water or sewer and may have existing permits, but he can't speak to their parts. They own it, but it doesn't guarantee it's developable.

Councilor Belmarsh asked for confirmation on their three options when voting. Solicitor McLeod explained them again. She pointed out prior legislation included a wastewater treatment plant. From conversations here, that is not planned. Mr. Twohig responded they will discuss the viability in their filings. They're determined it does not solve the issue. It also has a plume of PFAS on the site, which was not known back when the legislation was passed. Councilor Belmarsh responded that a number of pipes leading in and out of the base into Weymouth are need substantial infrastructure rebuilds. That it is part of the MEPA consideration is different from it being a consideration of MWR? Mr. Twohig responded that there is a sewer issue and a water issue. They will be separate discussions in their filing. There are significant issues that would have to be dealt with in the Weymouth system to be able to accept more gallonage. They are taking 300,000 gallons out of the system by working with the SRA and some of the pipe improvements were related to Route 18 before it was closed up, and they worked and provided the funding to get those pipes fixed/replaced. There are other things in the Weymouth system to deal with, and I/I and excess flows. Councilor Belmarsh asked Director Luongo if the MEPA application comes before the council? Director Luongo responded the council as a body, or each member individually may submit comments on it. Mr. Twohig added when they submit water/wastewater solutions or alternatives they will have to have the support of the administration or department heads. They will have to make certain commitments as to how those commitments are funded and what they are, and it will all be a part of the discussion. Councilor Belmarsh asked that the Town Council be made a part of all of these conversations if this zoning is passed. She believes the council was shortchanged and should have been involved far sooner in the process. Mr. Twohig responded that the members of the council have been clear. He explained what happens going forward with the filings. They can commit to inclusion by the city in all infrastructure input and if one of the preferred solutions is the MWRA, it obviously need's the council's involvement. Coordination with department heads is in front of the council. They will be happy to come in and present to the full council as requested even if it means submitting it in written form outside of the council's session. Some of what they will do is driven by the MEPA certificate. As a team, it doesn't make sense to present an outline when they can come in and make a presentation. Councilor Belmarsh asked about mitigation. One of the big items mitigated for Union Point was the funding of the reconstruction work in Columbian Square, that is now being funded by ARPA money- over \$7 million. It seems like the town is not getting the mitigation. Mr. Twohig responded that he can't commit to what was agreed or paid in mitigation. There are significant mitigation funds that will go out for 37 different intersections and transportation, their contributions toward water and sewer. There're tens of millions of dollars in mitigation in work that has to be done in this project to make it work. They submitted a fiscal report to the town to show that if the town makes this investment, then it can generate certain mitigation through tax dollars,

and on a net what can those dollars be used for other things in the community. MWRA pipe costs are about \$85 million, and the sewer improvements, depending on when they would have to be done, could be anywhere from \$27-78 million. The roadway improvements could run \$10-25 million. All of these must be able to be dealt with to be able to move forward. They are drafting provisions now what those will be to mitigate the project. It's not appropriate to say there won't be mitigation; it just may be a different type. There is a tremendous amount of mitigation associated with this project. Councilor Belmarsh responded that it's not as black and white as paying for Columbian Square. That's \$7 million that could have been used to potentially fix the Tide Mill Creek. She also brought up her uncertainty about the Abington and Rockland pieces and not knowing what they will do. That's why the "no" option interests her. Should Weymouth wait until after Abington and Rockland do their parts and then come back to Weymouth for a vote when Weymouth, which really has the biggest impact, knows what they are signing? Mr. Twohig responded that the biggest risk is that both of those towns are town meeting. if the town doesn't act, the developer loses the schedule- yes, the biggest impact is Weymouth. How do you go to communities that don't have sophisticated staff. They can't go forward and have a legitimate discussion with Abington or Rockland without Weymouth. If Weymouth doesn't act or acts negatively, then they are off schedule for six months, and then the 90-day filing period, they wouldn't make the spring town meetings in those towns. What it affects is their agreements with the SRA, agreements that backstop the eminent domain on the land at the Coast Guard, etc.; all of those will expire, and there will be no master developer going forward. Another piece is what kind of message does that send. It sends the message that it's a failure. The developers' group in New England is small and word spreads. For the residents, they won't get security that NE Development is currently funding through agreement with the SRA. Bonding- there are over \$50 million in bonds. They have been able to deal with the Administration and Finance with the state and keep them at bay with commitment to funding in the future. A&F will want to know who is going to pay those bonds. They will charge them off to the communities. The Navy agreement with the mortgage – they have allowed them to take the money, put in an escrow account, build a treatment plant and work with PFAS. If they are not there – they aren't signatories to that agreement- it goes away. He does not know what will happen – the Navy is owed money. Looking at it all, if Weymouth does not go forward, it will become the wild, wild West without the expectation that this project can move forward. All of the things that could be held off over the last few years come due and all of the issues with permits that they have identified will come to roost. The state agencies are aware of them. It's a bad thing if it doesn't move forward. If Weymouth has the lion's share of what can be done there. If they chose not to act, people should be aware of the risks.

Councilor Mathews pointed out he brought out the lack of capacity on the wastewater side in a prior meeting. He is not a fan of getting rid of the wastewater treatment plant. Weymouth does not have the capacity to take flows from Rockland or Abington portions of Union Point. He is still adamant. The mayor made a presentation on another measure before the Public Works Committee to apply for admission to MWRA for water. It alluded to a "partial hookup" and not the entire town. As a Weymouth representative, he will not agree to provide water to Abington's or Rockland's portions now or at some

future time. Outside of Union Point, he would not want to restrict Weymouth's redevelopment. A partial hookup, segregating North Weymouth, through the emergency hookup that was put in when the power plant was built. The maximum from that hookup would be about 1.2 million gpd, and it would require pumping stations, etc., but a partial will not get anything close to what is needed. Mr. Twohig responded they have looked at this- he thinks the only way the MWRA works for Weymouth, as a whole, is a full hookup. It's what is being looked at. Incremental solutions will not work, nor happen. Councilor Mathews asked what if the town council gets a \$100 million bond request for it? What will that cost the tax or ratepayer? He may not be willing to support it. It was mentioned in the mayor's presentation.

Councilor MacDougall said he believed mitigation was included in the agreement and he would like to see what it entails. A massive buildout will have impacts that must be mitigated to help the community. He has not seen what that is. He would like to see specifics. It seems like Weymouth is losing a lot. They want to get it done, and they have a plan. They want to find the best solutions, but he wants to see it. Weymouth as the first community allows the two other towns to use as a mitigation bargaining strategy and is not necessarily the best for the community. He is concerned about 2400 units hooking into their water system with water loss of over 20% and major pipe bursts in aging infrastructure. The benefit of the project is the revenue for the town, but he isn't seeing a commitment to offset the added usage. He worries Weymouth will be hit with the invoice at some future time, and the cost will be massive to Weymouth.

Councilor Abbott pointed out that the measure before them is the zoning. They have gone through it. It's been clear from the first meeting if traffic, water, sewer and other issues are not resolved, to the developer's satisfaction, the developer is not moving forward. If they aren't resolved to the town council's satisfaction, this council will have the ability to take the deal negotiated by the administration and vote no on it. If that invoice comes and the town council feels it is left holding the back, it's within their power to vote no on any bond request if they feel they are being unduly held responsible for something that is only benefitting Union Point. All of those scenarios would have to come before this council. What is important is there is no "Plan B." There is no backup plan, or alternative development, nor Speaker Mariano bringing them \$100 million for environmental mitigation and make it Wompatuck Park, Weymouth. It's not an option. The site has sat empty for 30 years with environmental catastrophe written all over it, where there is enormous amounts of unwanted activity that impact all of the residents in Weymouth; not just Union Point. That's what will continue if this doesn't move forward. It's not a best-case scenario where Weymouth comes out perfectly. What they will have is another 10-maybe longer- years of abandoned runway in their back yard that they have little to no power over because of the way the legislation is set up. All of the desire to change the legislation is for the purpose of redeveloping the base in support of the master developer. If the master developer goes away, the impetus and the need for that legislation to change goes away. It's no longer a priority for the state so the towns of Weymouth, Abington and Rockland are once again held hostage by out of date, obsolete legislation, with no mechanism to change it. Again, all this spells is another 10-15 years of an abandoned runway sitting in their neighborhoods. He appreciates that he has been on this council a

shorter time than others, but in his two years, he has never seen such universal support for an ordinance measure. The sheer volume of people who've come to the public meetings, the SRA meetings, the community meetings; the public hearing here filled with three rooms of people, all of them willing to speak and stay late into the night in support of this- universally in support of this. Many of the councilors have received comments this week. He stopped counting at 40 this morning and more in support of the zoning. These are not lobbyists, not political hacks; these are residents of Weymouth. These are taxpayers in Weymouth and these are voters in Weymouth. They have universally and unanimously come forward in numbers in favor of this plan because they know and believe as he does that this is the plan right now. If they don't move forward with this plan, the plan will fail and the base will fail, and the base will continue to fail for another extended period of time, with no end in sight. He appreciates the concerns. It's a lot to ask of council. This is a big undertaking, a big project. They will be asked of more; when that bill comes, it is going to probably be big, but it is important. In the entire time he's lived in Weymouth, it's never been should they develop the base, it's how should they develop it. What's the best way to develop the base. It's a little disheartening in 2023 to be having this conversation when the base closed in the mid-90's, and now, finally, they are on the precipice of getting some development on the base, to go all the way back to square one. If they vote no, now, they are saying they are not able or willing to develop the base. It's not something he wants to tell his constituents who live on Union Point, or move forward with, as he works with Bob Luongo on other projects in town, because he doesn't think that's the message this council want to send, or what he wants to send to people. Ask as many questions as they want, get as much clarification, and he wished he knew what the bill was, or a list of intersections that would be fixed at the end of this. He wished he had that certainty. He understands it's a big ask. They don't have that certainty and they won't; but holding out until they get that is killing the project. He appreciates everyone coming out tonight; he appreciates the residents and he appreciates those at Union Point for having their voices heard. He looks forward to a resolution on this tonight.

Chair DiFazio asked if there is anything Rockland and Abington could realistically do that would hurt Weymouth. Mr. Twohig responded that the zoning Weymouth is voted is in Weymouth. Abington and Rockland will be asked to vote exactly the same thing- the map and the zoning by-law that's before Weymouth's council. They do not know what the sewer issue is, and won't before it's voted because the time it takes to develop the improvements. They have a sense- a chart with 6 different locations earmarked, and with rough cost estimates. If the sewer improvements are more than what they pay, they may ask the city to bond the difference. That will come to the council for vote. If the council says no and they can't get the sewer improvements done that creates the gallonage, then, they don't go forward. The zoning allows them to create the structure from which they then develop the utilities and the other matters. The improvements will come when they have full commitment in dollars. Any requests for funding over what they agree to and that benefit the overall project in Weymouth will have to come before them. The proposer is at tremendous risk; they can get all the MEPA filings done, and propose the solution, and Weymouth could balk at sharing costs. they'll have two choices if so; either fully fund or not go forward. It's a risk they take as understanding the water, sewer and

transportation improvements that have to happen. Understanding that if it's not supported in the community, it's no different in Abington or Rockland. They don't know the final solution. The mayor proposed MWRA and they don't know the final path of that, of whether Weymouth or the council will support it. They are taking a risk going forward assuming that over the next year or so, they will be able to get resolution. If any one falls out, they won't go forward.

Councilor MacDougall added that if Rockland and Abington don't want to support the zoning, it kills the project. There is the scenario that the zoning passes, building on the property begins and be allowed to get water and sewer from Weymouth, without MWRA. Mr. Twohig responded that there would not be sufficient quantity for the total buildout, but they don't want to piecemeal the project. Mr. Twohig responded they may want to do some, to start, but Weymouth does not have enough water for anticipated for Weymouth overall, but not nearly enough for the base at full buildout. Given all the costs, mitigation, bringing all the services, the debts and bonds already, LStar's default (pension costs) that still have to be paid, there is no way to do this project in pieces and ever be able to pay all of the costs. They can't afford to. It's not a zero-sum game. They will see what has just come forward- uncoordinated zoning in bits and pieces and for whatever use they can come up with. It would be the worst thing on a planned community on a base closure project. The council will have the opportunity to support or not whatever solutions they bring before it, and that is the risk they take. Councilor MacDougall said what he is hearing is that the project is agreed to but doesn't move forward without a water and sewer solution and that could be MWRA. Mr. Twohig responded that is one of the solutions; there are others. It is in the MEPA filing for water to look at Aquarion. It's another solution that's a viable opportunity. They are a private entity and they do have the water. In one way or another, there has to be a water and sewer solution to build the project. There is no way to deal with the issues without building a project of some size.

Chair DiFazio added that they have reviewed water capacity both in this and the Public Works Committee and it's clear that's Weymouth's capacity will be reached in 2 years, without changing the amount used from its own sources. Councilor MacDougall suggested 4-8 years before getting that infrastructure in place.

Councilor Mathews asked if there are significant changes in this plan that what is currently in place? Mr. Twohig responded there are multiple zones, and overlay zones and uses. it's probably the most significant change. Councilor Mathews noted the water solution was original supposed to be paid for by the master developer. The MEPA certificate from 2007 talks about it being maintained by the SRA (back then it was Tritown). Phase I of the MEPA certificate was that wastewater would temporarily be hooked up to Weymouth until a wastewater treatment plant was built, and then redirected the flows to it. Those are two significant changes. The housing component from that certificate called for 2855 units. Zoning was changed to allow a 1000 increase in age-restricted homes for senior housing. In this proposal, with flex zoning, at a minimum they plan to build another 7300 units. Mr. Twohig disagreed with the numbers. In the 2017 certificate, the numbers were not realistic- they plan to raise the housing number and lower the commercial piece. He outlined the traffic impacts in the 2017 certificate were

inaccurate. Yes, there are significant changes. Councilor Mathews responded that he voted on every single iteration of this, going back to town meeting days. When he voted in 2005 (after the mall plan), one of his commitments to the citizens of Weymouth was to join the Citizens Advisory Committee where he served while a peer review took place. It was a committee made up of several interests, from the three towns. Given the number of changes, he believes there should be another Citizens Advisory Committee formed and a peer review. He explained the process. A lot of the initial work has been done. This committee, working with the state, was how a lot of the protections that were put in place came to be, and its purpose was to protect the citizens of Weymouth. He asked Mr. Twohig would he be opposed to another citizens advisory committee formed, given the time it will take to get the water, if the MWRA is the option ultimately chosen? He would again volunteer to serve on it, to make sure Abington's and Rockland's wastewater flows are not going into Weymouth's system. Mr. Twohig responded that if this was starting from ground zero and hadn't already gotten the approval of the numbers that went in 2017, he would support it. Given where they are now, unless the secretary felt or feels that reconstituting a Citizens Advisory, determined it was appropriate, he would prefer to do the traditional MEPA process: identify the impacts, preparing Section 61 and commitment letters, rather than it. It's not a blank slate. They have to make a decision whether or not to support. If they choose not to, they have made the decision. Councilor Mathews responded that what he is suggesting is a Notice of Project Change- they are asking to change the housing units number to more than what exists in the entire town of Rockland. That's bigger than a Notice of Project Change. This is significant. Without certainties about water, sewer, etc. the best protection, in his opinion, would be an agreement to have a CAC reestablished to put protections in place. He is uncomfortable that the proposer is not willing to support it. Mr. Twohig responded that he does not believe this is set up for it. They would probably need to consider refile as an ENF, starting over – it's a very different approach. He understands the desire to have input, but they'd have to consider what it means from a regulatory standpoint, because it could set the project back years. Councilor Mathews responded that a peer review would take less than two years, and given the framework in place currently, it would likely take less time. A lot has already been done. What's left is not that difficult; the biggest part will be ascertaining where the water will come from. The MEPA certificate will be done before any pipe permitting will be done to Union Point. Mr. Twohig responded that a commitment to go forward must be in place, or at least, the alternatives have to be studied. From a regulatory framework, it's a robust Notice of Project Change. Councilor Mathews disagreed; it's more than that. In his opinion, it gives the peer review that he and his colleagues seek. It can be done and will assure the discomfort they have with it. It puts the protections in place, and he is unsure why they wouldn't agree to do it.

Chair DiFazio noted that with the new plan, the water usage and traffic impacts are the same or less than what was predicted before. The only adverse impact is wastewater without an onsite plant, so he is unsure he favors Councilor Mathews' recommendation. Councilor Mathews responded that is why there is a MEPA certificate- it depends on the type of commercial development and the water usage, because it's flex zoning. Mr. Twohig responded that they used the original numbers from the study and determined the numbers will be less with their plan and using DEP's guidelines. Even an onsite

wastewater treatment plant did not solve the impacts. Mr. Sullivan added that regardless of whether a MEPA certificate or a peer review is done, all of the material is going to be submitted to the state level will be submitted to the department levels who will be reviewing off of it. There is the baseline from the old filings that will be compared to; each of the state departments will look at that, review, and compare those. Going through MEPA and a Notice of Project Change is not a lesser review; just different. Councilor Mathews disagreed. His signature on a letter, as a member of a CAC, held more authority than a councilor commenting on a Notice of Project Change. The first letter of the MEPA certificate actually thanked the members of the CAC.

Councilor MacDougall at the last meeting had asked about peer review- SRA is doing one but it isn't complete yet. He is happy with the level of transparency from the proposers but the common thread with the failure of the last developers was related to not having the water and sewer turnkey ready. The current proposer doesn't have it solved yet. Mr. Twohig responded that a developer has to determine what streams of work have to be accomplished and what is the MEPA certificate expecting to see. They were also asked to study what was good for the overall community and not just the base. They are trying to solve a community-wide issue. Is there a way that the base can be part of the solution. Also, PFAS conditions were not an issue years ago but they are now. What actions will they have to take to move the project forward. It involves several entities and it will take time to get all of them in place.

Planning Director Luongo asked the proponents to walk through process for Notice of Project Change and how Weymouth's comment come into play. Mr. Sullivan responded that they would file the Notice of Project Change that would go in the Environmental Monitor. It would not a letter requesting clarification. It would have volumes and binders to MEPA. It is followed by a comment period that all agencies would submit to and would be reflected in the certificate. Some of it would have to be responded to in the interim, but all of it goes into the certificate. That is the process and it's a robust process. Mr. Twohig responded that before they can file, for example, they have already reached out to MassDOT, which will review the historical information, what has already been submitted and they will have to make a presentation and fully mitigate it. They will ultimately have a final certificate that includes which intersections, what has to be done, and what are the requirements to fully mitigate. The same will happen with Natural Heritage. Director Luongo asked if they would be willing as they prepare to submit the Notice of Project Change to present it to the council before submitting it, and commit to pay for a peer review for a consultant chosen by Weymouth to review the submittal. Mr. Twohig responded yes to both.

Councilor Mathews suggested that given the amount of information alluded to, it is more than a Notice of Project Change in his opinion and having independent unbiased, independent peer review and having constituents have be involved is a better approach. All they will be allowed to do as councilors is to make comments that can be superseded by others. If the administration disagrees with position, it's overruled. There is more authority with a group and it's an easy ask.

Councilor MacDougall is struggling, because once this goes through, it's done. He asked for peer review. One of the concerns is that it will be figured out in the long run, and it will be not a comfortable thought.

Chair DiFazio announced another meeting will be scheduled to sum the discussion up and deliberate.

ADJOURNMENT

At 8:11 PM, there being no further business, Councilor MacDougall motioned to adjourn and was seconded by Councilor Belmarsh.

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Ken DiFazio as Ordinance Committee Chairman
Voted unanimously on 31 July 2023