

**Ordinance Committee Minutes
Town Hall Council Chambers
August 7, 2023 at 6:30 p.m.**

Present: Kenneth DiFazio, Chairperson
Gary MacDougall, Vice Chairperson
Arthur Mathews
John Abbott
Lisa Belmarsh

Recording Secretary: Janet P. Murray

Also Present: Robert Luongo, Director of Planning

Chair DiFazio called the Ordinance Committee meeting to order at 6:30 p.m.

23 111-Proposed Amendment to Union Point Zoning District Map at Exhibit A of Zoning and Land Use By-Laws for Naval Air Station-South Weymouth.

Mr. Brent McDonald, Attorney, Nutter McClennan & Fish LLP appeared before the Council along with Anthony Borghi, Principal at Endeavor Capital, and Marco Crugnale, Founder and Principal, Crugnale Properties.

Councilor DiFazio stated that there is only one item on the agenda this evening, Measure 23 111. He noted that there has been a public hearing on this matter, and the public hearing is closed. He indicated that the applicant is here this evening, as they were asked to provide a clearer explanation of what they're looking for.

Mr. Crugnale gave detail regarding the type of property developments similar to what they are proposing for Union Point.

Mr. McDonald reviewed the zoning district lines. He noted that it is conceptual but that the parking will be maximized. He then discussed different plans depending on what would be developed and what the zoning would be.

Mr. McDonald reviewed plans that showed what a potential multifamily residential product, a hotel, or a restaurant would look like under existing zoning and under the proposed rezoning. He noted that all the plans show a certain number of spaces for the athletic field based on the current agreement. He noted that this agreement does not grant permanent rights, but that they are trying to be a good neighbor.

Councilor DiFazio asked if either a hotel or residence to be developed would require a special permit or could be done by right.

Mr. McDonald stated that it would not require a special permit. He stated that any non-Brookfield project of this size would require development plan approval and site plan approval

before the Southfield Redevelopment Authority (SRA) which can be done at the same time or separately. He pointed out that these are as of right uses.

Councilor DiFazio asked if approval from the SRA is required in order to complete this project, as it stands now, or even if the zoning lines are changed.

Mr. McDonald stated that SRA approval is needed under any scenario.

Councilor DiFazio asked about how many other situations are out there that have another owner like this, that wants to develop something.

Mr. Luongo stated that the only other developer is Washington Capital. He added that he believes that they are in sync with New England Development/Brookfield Development.

Councilor DiFazio asked if a project does not fit in with the master development plan could the SRA deny the application because of that.

Mr. Luongo pointed out that if the proposed zoning changes put forth by Brookfield/New England and approved thus far by the Town of Weymouth is not approved by the Towns of Rockland and Abington, he does not know what happens to the master plan. He continued that there is no doubt about the credibility of Endeavor Capital to develop something. The issue is whether it is the proper location.

Mr. Luongo questioned how the parking for the sports complex fits into this. He asked how many parking spaces there are on their site in the parking agreement with the sports complex.

Mr. McDonald stated that the sports complex is entitled to zero spaces because the parking agreement is not an easement; it is a license that could be revoked. Mr. Luongo stated that he does not want to see an active successful operation jeopardized if the applicant is saying they could revoke the license tomorrow.

Mr. Luongo stated that the Planning Board has the applicant's proposal. He questioned the rush for this change as the Massachusetts Environmental Protection Agency (MEPA) process is still underway and nothing can be built at this time because of the lack of a water source.

Mr. Luongo stated that one of the problems is he does not believe that Endeavor and Brookfield are talking.

Councilor Belmarsh questioned if what Endeavor is asking for is any different than what Brookfield asked for.

Mr. Luongo stated that this is a request to change underlying zoning. They are not asking to rezone it to the same zoning that Brookfield requested. Brookfield asked for a mixed use overlay district on all their undeveloped land.

Councilor Belmarsh reiterated that everyone still has to go through the SRA to get their development approved as well as to go through Weymouth to get building and plumbing permits. She pointed out that there is still a water moratorium, so no one's building anything until the moratorium is lifted.

Councilor Abbott asked that if the parking agreement were revoked, would that put the entire sports complex out of compliance with their permit which allowed them there in the first place?

Mr. McDonald reviewed the existing site plan with the sports complex, and a QCAP facility. He pointed out where a restaurant was in the development plan and the gym was going to be repurposed into a health center with a wiffle ball court and basketball courts. He then reviewed the parking requirements which were to be as determined by the SRA. These planned uses were intended to be a high turnover sit-down restaurant and health center.

Councilor Mathews questioned the signing of the parking agreement by Mosaic Realty Trust if redevelopment was the plan.

Mr. McDonald stated that all the permitting he was talking about with the restaurant, the wiffle ball and the sports complex happened in 2017. Endeavor through its affiliate acquired the land in 2020. At that point, they put up gates and blocked access. They were asked by the sports complex and the SRA to allow the parking as they had historically been granted rights, but Endeavor insisted that they execute indemnification and hold harmless agreement, otherwise, the gates would be put up. At that point, Endeavor was still in the process of thinking about what it was going to do with the property.

Councilor McDougall stated that one of the challenges with Union Point from the beginning, is how poorly zoned it was. He continued that although the developer has the right to request zoning changes, the town has the right to deny the request. He added that he thinks that waiting is the better option. From a zoning perspective, the potential projects do not fit into what has already been approved.

Mr. Crugnale responded that they want to start the process of putting plans together and getting applications ready. He stated that they know there are water and sewer issues to be solved. However, if they wait for the water and sewer to be solved, and then start the permitting process, and then start the construction drawings process, that is adding years on to the timeline.

Mr. Borghi stated that they have owned this property for four years. He stated that in order to get a meeting with the SRA to present a formal application it would cost approximately \$400,000. He added that this situation is something that he has not encountered previously.

Mr. Borghi noted that Brookfield was designated master developer two years ago and they were there two years before that. He added that they have a lot invested in this project. He stated that what they are asking for is not that much.

Councilor Abbott asked if there were discussions around including this property into Brookfield's zoning.

Mr. McDonald stated that they were asked not to be part of it because of this very debate over how to rezone.

He stated that they approached the Mayor several years ago about this and were asked to wait until a new master developer took over from LStar. He added that they offered to go through that process, but he believes that Brookfield did not want to be weighed down as they have a bigger project,

Councilor Mathews asked if the SRA has had their public hearing yet. It was noted that they have not. It was also noted that the SRA does not vote; they only hold a public hearing.

Mr. Luongo asked Mr. McDonald if they have signed any agreements with Brookfield as to how they are going to be worked into these infrastructure improvements.

Mr. McDonald stated that they have not signed any agreements and added that they cannot get a phone call back from them. He stated that they would certainly contribute their pro rata share of the costs.

Council Belmarsh questioned the first bullet of the Planning Board's recommendation. She noted that it feels that the property in question is encumbered by a parking agreement established as part of the special permit and to alter that agreement would require action by the SRA.

Mr. McDonald stated that he would disagree with that statement. The special permit was granted three years before this parking agreement was entered into and the sports complex was operational at that point in time.

Mr. Luongo stated that this information came from the SRA. He noted that if the applicant has a disagreement with the SRA, they should bring it to the SRA.

There being no further business, Councilor Abbott moved to adjourn at 7:45 p.m. Councilor Mathews seconded. The motion was UNANIMOUSLY VOTED.

Minutes respectfully submitted by Janet Murray as Recording Secretary

Minutes approved by Chair Kenneth DiFazio

Approved by Town Council on 2 October 2023