

Rockland Open Space Committee Meeting 10/12/2023, 6:30 p.m. Chaffee Meeting Room, Town Offices

Attending: Donald Cann, Chair; Mike Bromberg, Vice-Chair, George Anderson, Joanne Donnelly, Pam Titus, Kathy Kirby

Select Board Chair, Mike O'Loughlin; Town Administrator, Doug Lapp

Robert Galvin, Esq. for the Town of Rockland and the Southfield Redevelopment Authority

Dennis Murphy, Esq., counsel for the Town of Rockland for Town Meeting (late arrival)

SRA Board members, Tom Henderson and

Goulston and Storrs, Tim Sullivan, Esq., counsel for New England Development/Brookfield Properties, BPD

Paul Cincotta, John Twohig, Bob Daylor for BPD

Mr. Cann opened the meeting. Ms. Titus moved to accept, Ms. Donnelly seconded, approval of the minutes of the meeting of 10/3/2023. Voted unanimously.

Mr. Cann discussed the status of the Whitman land in Rockland that formerly was a Girl Scout camp and the plans presented by Select Soccer for the property that include a parking lot and playing fields on the Beech Street side. Mr. Lapp said that he had a conversation with Steve O'Donnell of the CPC about the land.

Mr. Cann discussed some concerns regarding the proposed rezoning of the former SWNAS and Mr. Bromberg noted that the list of permitted and prohibited uses should remain as it was with the prior agreement with LStar.

Mr. O'Loughlin stated that some issues have been raised by the committee that are not in line with community goals and the committee should not be dealing with other communities about the rezoning matter that affects towns other than Rockland. He noted that he has received complaints from officials in other towns that the committee was pressuring people in Abington about the rezoning project and that he should get the committee in order. Mr. O'Loughlin stated that the role of the Open Space Committee is purely advisory. Mr. Cann noted that members of the Abington Open Space Committee had attended Rockland OSC meetings, but that no one had put any pressure on them to do so. Mr. Cann read excerpts from the Rockland Master Plan and said that the committee is doing what that plan specifies are the committee's functions.

Ms. Kirby said that, after the developers' formal presentation to the committee on 8/14/2023, the developers suggested having a working meeting, just one of which occurred 9/15/2023. Mr. O'Loughlin said the developers were present to answer any questions. Ms. Kirby asked exactly where the permanently protected open space would be and if there was a map that shows its location. Mr. Twohig said that all but 106 acres are to be open space and that he's at a loss to understand why the committee doesn't support the project as they are proposing more land be protected. Ms. Kirby noted that the

MUDD is all designated as “developable” and it is not clear that any of it is permanently protected and could not be offered for off-site mitigation. Mr. Twohig said that this is misleading, that they cannot ignore state restriction and that the bulk of the land is restricted. He said that the 1007 acres of open space called for in earlier plans never existed. Mr. Bromberg questioned why the Natural Heritage process has not been completed before asking the Town to vote. Mr. Twohig said that Natural Heritage is in favor of the developers’ proposals and that they couldn’t go to Natural Heritage until they had an arrangement with the Southfield Redevelopment Authority to control the land and that Natural Heritage cannot certify the plan until the MEPA process is completed, which cannot happen before zoning is addressed. Mr. Henderson of the SRA was adamant that they are out of options at the base and that this developer has the best plan.

Mr. Lapp introduced Attorney Dennis Murphy who arrived late. He is new counsel for Rockland at the November 6 Town Meeting. The matter of Attorney Galvin representing both the SRA and the Rockland Planning Board at the Planning Board meeting of 9/26/2023 was discussed, it being noted that the Planning Board members were not aware that they do not have final planning authority over projects in Rockland land at the base, that the only authority remaining to the Town was the issuance of building certificates. The SRA, which had already approved the rezoning proposal, was on the stage with the Rockland Planning Board during the developer presentation to that board. Mr. Henderson objected to the idea that Rockland’s interests would not be protected by the SRA and said that the Planning Board could offer its opinions.

Mr. Cann and Mr. Bromberg discussed the experiences of working with prior developers, LStar in particular, and noted that the committee wants written commitments. Mr. O’Loughlin said that the developers can’t put something in writing, that we need to trust them. Mr. Bromberg said that that isn’t the way business is done and Mr. O’Loughlin said that, if members can’t get beyond the past, maybe they shouldn’t be on the committee.

Mr. Twohig clarified for Mr. Cann that the restricted area will be expanded, but that the developer doesn’t know where the line will be. He said the grasslands are worthless to Natural Heritage because of debris and predators. Mr. Murphy said he is very familiar with the conservation process and indicated that, if the pink area on the map is a record CR, it is much more protected. Mr. Galvin said it is permanently protected and requires a rigorous process to change, zoning, MEPA, Natural Heritage, in that order.

Mr. Galvin was upset that his representation of both the SRA and the Town raised concerns and that he had received information from minutes (not those of the Open Space Committee) of this issue having been discussed by the committee. He did note that he had gone to the Town in June or July to say that he thought his representation of both entities might present the appearance of impropriety. Ms. Kirby noted the committee’s experience in 2016 where Mr. Galvin’s advice was sought during the MOU process with LStar and it received no indication that Mr. Galvin had read the committee’s submissions for the MOU and he appeared very late to the meeting at which it was discussed. Ms. Titus noted that counsel had not made progress on parcels that remain to be recorded that were taken by the Town some time ago. Mr. Galvin said that some parties are deceased and this slows the process.

Attorney Murphy said that Natural Heritage will give the proposal a full and fair review.

Mr. Cann asked the committee for its comments and Ms. Donnelley said that she initially was concerned about the large parcel considered “developable” but she is more comfortable seeing the area outlined in pink that will be protected. Ms. Titus agreed. Mr. Anderson stated that his biggest concern is trust and that he has watched prior plans get changed after being committed to by developers and the Town. A major concern for him is flooding in major storms, noting water flowing into the George Anderson Town Forest from large storms. Mr. Murphy said he had reviewed that storm water plan and all DEP regulations need to be met. Mr. Henderson and Mr. Galvin said that the proposed plan would result in a reduction of the current flow of water into Rockland. Mr. Daylor said that the proposed plan shows significant reduction in loads to the current system.

Mr. Galvin said that now is not the time to ask the developer for a Memorandum of Understanding, that it should occur after zoning is changed. He noted that the Navy is owed tens of millions of dollars and, if this legislation doesn’t pass and this developer leaves that the entire area may be developed. Mr. Twohig noted that if the new zoning is not approved the towns the developer will abandon the project and the towns may be responsible for monies owed.

Mr. Cann reviewed page 24 of the plan and the uses allowed in open spaces. Mr. Galvin said this language is common, Mr. Henderson said that language had previously been agreed to. Mr. Galvin noted that the placement of cell towers is approved by the Federal Government and that isn’t time to talk about uses permitted in open spaces. There will be negotiations of the Conservation Restriction and the committee will have a seat at that discussion. Ms. Kirby noted that members of the committee met with the developer on 9/15/2023 and made a good start discussing elements of items to be included in the plan such as an agreement that there would be no new access roads and that the developer would consider funding additional inspectors for the Town during periods of peak construction. Mr. O’Loughlin said that it’s up to the Town to decide, that zoning will be first, then the town decides what will be in the zoned area. Mr. Galvin noted that the developers may propose a change in zoning but that doesn’t change the permanent CR. That will change only if the Commonwealth wants it and then the Town will be involved with MEPA and Natural Heritage process. Mr. Twohig said that the original figure of 1007 acres of open space was a fiction as it was not based on an accurate survey. The actual figure is more like 885 and Ms. Kirby asked if all of that will be open space. Mr. Galvin said that if the zoning doesn’t pass nothing will happen. Mr. Lapp stated that he is in favor of more development than the plan calls for and his focus is approval of the rezoning proposed.

Mr. Henderson expressed his appreciation for the committee’s work and said he wouldn’t agree to the developer’s proposal if he didn’t think it was positive for the town. He said he trusts the developers and they can verify what they’re doing. The group discussed concerns regarding the question of the developer’s building practices and Mr. Henderson stated that all programs at the base are peer reviewed and an engineer inspects construction projects for the SRA.

Mr. Bromberg raised the subject of amenities and Mr. Twohig stated that, when appropriate, this can be discussed. Until bigger problems, such as water and sewer are resolved, development cannot occur. Mr.

Galvin said that the developer has an agreement to propose an amenities plan. Mr. Henderson said that the developer will make recommendations, then he and Mr. O'Loughlin will go to the Town for agreement.

Mr. Cann confirmed that, within the "pink" zone, Natural Heritage will decide about what is and will remain restricted. Mr. Twohig said that they already had met with Natural Heritage six times. Mr. Galvin said the committee may file comments during the MEPA process and that he already is working on responding to many Town comments. Mr. Cann said that he hopes that the developer works to protect habitat in Rockland and that, if the "green" area shown on the developer's map of the base remains protected, this would be a success. Mr. Murphy stated that, if the "green" area remains protected, this would be an "unmitigated victory." Mr. Cann asked if this can be legally documented and Mr. Twohig said that, because the committee is advisory only, there cannot be any legal agreements. Mr. Galvin noted that the SRA doesn't even have a binding agreement. Mr. Twohig said that only the developer is taking risk.

Note: Attached is a copy of a plan showing the "green" area, which the writer believes to be the same area as shown on the map presented by the developer at the meeting. The writer does not have a copy of the map showing the "pink" area.