

WEYMOUTH PLANNING BOARD
Tufts Library, Jones Room, 46 Broad Street
February 27, 2008 Meeting

PRESENT: Walter Flynn, Vice Chairman
Sandra Williams, Clerk
Mary Akoury
Francis Hawkins

NOT PRESENT: Paul Hurley, Chairman

ALSO PRESENT: James Clarke, Director of Planning & Community Development
Robert Luongo, Economic Development Planner

Chairman Flynn called the February 27, 2008 meeting of the Planning Board to order at 7:30PM and noted that Mr. Hurley was absent.

Discussion/Decision – On the application for Preliminary Determination of Eligibility to adopt the provisions of the Smart Growth Zoning Overlay District Program (M.G.L. Chapter 40 R) for a district known as the Clapp Memorial Smart Growth Overlay District at 203 Middle Street, Weymouth, MA.

Mr. Clarke passed out a draft of a memo to Susan M. Kay, Mayor from the Weymouth Planning Board. Mr. Clarke also passed out a draft of the December 11, 2007 minutes. Mr. Clarke stated that at the January meeting the board requested an overview of Chapter 40 R and the site proposal of the Clapp Memorial Building project with a summary of the two hearings and the staff recommendations.

The draft memo reads as follows:

The Planning Board has conducted a public hearing regarding a proposed Chapter 40R Smart Growth Overlay District for the Clapp Memorial Building at 203 Middle Street, Central Square. The hearing was held on two nights, November 13, 2007 and December 11, 2007, at the McCulloch Building, Whipple Center. The hearing is required by Chapter 40R by any municipality requesting a preliminary determination of eligibility for any proposed Chapter 40R overlay zoning district.

This memo contains a brief overview of the Chapter 40R requirements and process, discussion of the public hearing, and conclusions and recommendations regarding this proposed district.

A. Chapter 40R Overview

Chapter 40 R encourages cities and towns to establish new zoning districts as a way of encouraging affordable housing production and smart growth development. Financial incentives are provided to communities that adopt Chapter 40 R zoning and districts allowing as-of-right high density residential development.

Eligible Smart Growth Zoning Districts must meet one of three locations:

- 1. Areas near transit stations, including rapid transit, commuter rail, and bus and ferry terminals;*
- 2. Areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns, and existing rural village districts; or*
- 3. Areas that by virtue of their infrastructure, transportation access, existing underutilized facilities, and/or location make highly suitable locations for residential mixed use zoning districts.*

Characteristics: *New districts must overlay existing municipal zoning. While all residential and mixed use development must be as-of-right in a Smart Growth Zoning District, communities can use design review to regulate the physical character of the development as long as the requirements are not unduly burdensome. Twenty percent of the housing in the district must be affordable to those earning 80% or less of the median income and be deed restricted for at least 30 years. The district must provide a minimum allowable density of 8 units per acre for single-family homes, 12 units per acre for two and three family buildings, a 20 unit per acre for multi-family dwellings. Smart growth zoning districts must provide a range of housing opportunities for a diverse population including households with children.*

State Approval: *Before adopting a smart growth zoning district, communities must apply to DHCD for district approval. The Department must determine if the proposed location is an eligible site and must approve the proposed zoning regulations and design standards. Once an application has been approved by the Department, a community then adopts the zoning regulations for the overlay district. Communities that adopt smart growth zoning districts receive an approval letter from the Department. The community is then eligible for incentive bonus payments.*

Financial Incentives: *A primary purpose of Chapter 40R is to provide a financial incentive to communities to build smart growth consistent housing. Chapter 40S, passed in 2005 and recently funded provides payments for school children living at Chapter 40R developments. Four types of financial assistance are offered.*

1) Zoning Incentive Payments: *Upon local and state approval of the Smart Growth Overlay District a municipality receives a zoning incentive payment. The amount of the incentive payment is based on the potential number of new housing units that can be constructed in the district. The incentive payment is disbursed to the community after the issuance of the approval letter by the Department of Housing and Community Development. Payments range from:*

- \$10,000 for up to twenty units;*
- \$75,000 for 21-100 units;*
- \$200,000 for 101-200 units;*
- \$350,000 for 201-500 units*
- \$600,000 for 501 or more units of housing.*

This is a onetime payment.

2) Bonus payments: A community will also receive a bonus payment of \$3,000 for each new housing unit built in the district which is payable to the community once the building permit has been issued for the housing unit.

This is a onetime payment.

3) Educational Costs (Chapter 40S): In addition to these incentives additional state funding will also be directed to cities and towns that establish a 40R district, to cover the costs of educating any school age children who move into such districts. This legislation was in response to the common concern that new housing was costly in terms of municipal finances, given the imbalance of tax revenues and service costs. Qualifying communities will be reimbursed for the net cost of educating students living in new housing in smart growth districts.

The reimbursement equals the cost of educating students living in new housing in smart growth districts less an amount equal to the sum of: (a) new property taxes and excise taxes in the smart growth district multiplied by the average percent of total local spending on education across the commonwealth (about 52%), and (b) any increases in other state education funding that is directly a result of these new students. The funding is available starting in 2008.

4) Funding Preference: When awarding discretionary funds, DHCD and the Executive Offices of Environmental Affairs, Transportation and Administration and Finance must give preference to municipalities with an approved smart growth zoning district.

Clapp Memorial Smart Growth Overlay District Zoning Overview

The proposed Clapp Memorial Smart Growth Overlay District (CLSGOP) will be a one lot district containing 2.35 acres and located at 203 Middle St.

Allowed Uses:

- Residential-multi-family (20 units per acre) and 2 and 3 family townhouses (12 unites per acre).
- Office use – medical & professional.
- Open space and recreational uses.

Housing & housing affordability:

- Not less than 20% of housing units shall be affordable.
- 10% of all units built shall be 3 bedroom and 20% of the 3 bedroom units shall be affordable.
- A housing administrating agency to be designated by the town to insure the following:
 - Prices of affordable homeownership & rental units are properly computed.

- *Income eligibility of households is properly determined.*
- *Marketing and resident selection conform to all requirements.*
- *Affordable housing restrictions recorded in the registry of deeds.*

Dimensional requirements:

- *Maximum height-35 feet, 3 stories.*
- *Minimum lot frontage-60 feet.*
- *Setbacks:*
 - *Front 30 feet.*
 - *Side 20 feet.*
 - *Rear 20 feet.*
- *Maximum lot coverage) buildings – 60%.*
- *Minimum open space 9landscaping & natural area0 20%.*
- *Minimum lot area – 10,000 sq. ft.*

Parking requirements:

- *Residential- 2 spaces per unit.*
- *Office use- 1 space for each 300 sq. ft. of gross floor area.*

Site Plan Standards:

- *Set backs from lot lines.*
- *Retain existing landscape features.*
- *Enhance pedestrian environment.*
- *Limit ingress and egress.*
- *Screen parking.*
- *Review with design standards.*

Design Standards: *Any project within the CMSGOD will be subject to design standards and require design approval by the permit granting authority. The purpose of design standards:*

- *Complement nearby buildings.*
- *Consistent with Village Center Concept of the Master Plan.*
- *Respect architectural features of existing structure.*
- *Coordinated and high level of design.*

Building Design:

- *Encourage adaptive reuse of historic buildings.*
- *New construction sensitive to its surroundings.*

Massing:

- *New construction must be compatible with existing building elements (windows, doors & architectural styles).*

- *Maintain existing and historical architectural features.*

Facade Treatment:

- *New construction to minimize architectural styles.*
- *Maintain existing and historical architectural features.*

Roof:

- *New construction must complement historic construction.*

Materials & Color Standards

- *High quality craftsmanship encouraged.*
- *Use materials such as wood, brick and stone to match existing materials*
- *New materials to be durable.*

Lighting & Utility Design

- *Outdoor lighting:*
 - *Decorative lighting and bollards compatible with surrounding neighborhood.*
 - *No glare off site.*
- *Services and Utilities:*
 - *Outdoor trash receptacles screened.*
 - *Utility equipment screened as far as possible.*

Landscape Design

- *Site landscaping:*
 - *Preserve existing landscaping where possible.*
 - *Special landscaping features at site entrances.*
 - *Keep chain link or stockade fencing from public view.*

Mixed Use Design

- *Non-residential elements planned and designed to complement residential uses.*

Plan Review and Approval

- *The Weymouth Board of Zoning Appeals shall review and approve applications submitted under the CLSMOD.*

B. Site and Proposed Project Description

The Clapp Memorial Building was built in 1903 and contains approximately 10,500 sq. ft. of floor area. The building served as a recreation facility and YMCA for many years and for over the last twenty years has been owned by religious organizations. It is 2 ½ stories high (44 ft.) The total acreage of the property is

2.35 acres and is located in an R-1 zone. The building is located within the Central Square National Register Historic District and is a contributing structure to the district. The Davis Bates Clapp Memorial Building was built in 1903 in a Classical Revival/Beaux-Arts style. The Davis Bates Clapp Memorial Building is highly articulated, with its limestone detailing (quoins, keystones, and entablatures), modillions at the cornice and monumental pedimented entry surrounds.

The building is located in close proximity to a MBTA bus route and is within 1.2 miles of the East Weymouth Commuter Rail Station

Central Square is a village district in a concentrated development area containing a commercial district.

The proposed project would contain 46 units. 20% of the units (10 units)) will be affordable to families with incomes of 80% of the median for the area. Not less than 10% of all the units and 20% of the affordable units shall be three bedrooms. The development would consist of 3 buildings: the existing Clapp building which would be fully restored, a building attached to the Clapp, and townhouses to the rear of the property.

C. Public Hearing Summary

The following are bullet point notes of the public hearing. Minutes of the two meetings are attached.

1. 11/13/07 30 – 40 in attendance

- How many children might be in the development.*
- Will the developer use local and/or union contractors. Local workers will be used.*
- What guarantee is there for future state funding of 40R and 40S.*
- The town (Planning Board) should document the advantages to Central Square.*
- What is the history of 40R projects in other towns (especially Kingston).*
- Why propose a 40R project at this site.*
- There are too many subsidized housing developments in East Weymouth.*
- Schools are overcrowded.*
- How will special education costs be covered.*
- This development might have 200 residents which is too many for this area.*
- Would this project be required to adhere to the responsible employer ordinance.*
- What is the experience and background of the builder.*

- *This project should not have a project labor agreement.*
- *Could the building be used by the town.*
- *East Weymouth is overdeveloped.*
- *This would open the door to more 40R projects.*

2. 12/11/07 20 – 25 in attendance.

- *Only subsidized units count towards town's affordable housing percentage.*
- *Developer has hired Cecil Group to meet with neighbors and determine needs of Central Square.*
- *Developer estimates 99 residents at project.*
- *Board questions project approval process and how report is forwarded to Mayor.*
- *Building should have a meeting room for the public and a \$100 cap on the condo fee.*
- *Mr. Iredale describes how 40R worked in Norwood on the redevelopment of a closed church.*
- *The Historical Commission noted the significance of the building and the need to preserve it in any reuse proposal.*
- *3% down payment on mortgages could be a problem in this market.*
- *Is deed restriction 30 years or in perpetuity.*
- *Benefits to Square must be enumerated.*
- *Some money should be earmarked for Central Square.*
- *Need for info on Chapter 40S.*
- *This project encourages overcrowding, this isn't an urban area.*
- *Would all or a certain percentage of units be owner occupied.*
- *This is the start of a long process.*

D. Conclusions and Recommendations

Based upon the information presented by the project proponent and public comments during the public hearing, the Planning Board recommends that the Mayor carefully proceed with requesting a preliminary determination of eligibility for the Clapp Memorial 40R District from the state. The proposed reuse and rehabilitation of the Clapp Memorial Building and the potential for possible improvements to the Central Square neighborhood merit continued discussion of the Chapter 40R process for the site at this time.

Weymouth has experience with changing uses for former public and quasi-public properties. The town's flexibility has allowed adoptive reuse of these properties that fit in with the neighborhood and return properties to the tax rolls. In particular many closed schools from the late seventies and eighties have been reused as office sites, multi-family residential structures, and town offices. These new uses for old sites and structures can be successful if the community controls the reuse process and pays

attention to the details. New uses can help preserve a site, which allows continued

The Board wishes to highlight the following issues relative to the specific site development of the Clapp Memorial Building property if the 40R process is pursued..

- 1. The building architecture should be rehabilitated and protected.*
- 2. The siting of the building vis-à-vis Middle Street should be maintained and views of the building from Middle Street should be preserved.*
- 3. Any new structure should complement the Clapp Building architecture.*
- 4. Safe ingress and egress for the site should be provided.*
- 5. Site alterations; paving, lighting, landscaping; should be mindful of abutters concerns.*
- 6. Materials and workmanship on the site should be of high quality.*
- 7. The developer should strive to employ local workers on this project.*
- 8. State payments for Chapter 40R project approval should be reflected in improvement projects for Central Square.*

As the draft zoning overlay district ordinance is refined, many of these design concepts should be incorporated.

The reuse of the Clapp Memorial site can also have a positive impact on Central Square. The developer has committed to address issues in the neighborhood at the hearing. He has hired an urban design/planning firm and conducted one public meeting. He has also reached out to abutters, neighbors, and the District Councilor in this process.

For this project to be successful and worthy of the town's support, the Planning Board believes that this outreach must continue and tangible results for Central Square must occur. Since the visioning process for Central Square is ongoing, it might be premature to list specific recommendations to pursue. However, the addition of new residents just a short walk from the businesses in the square has the potential to increase patronage at these locations. That additional business might induce these businesses to upgrade their storefronts and spend a little more on maintenance.

The Planning Board recommends that the outcome of the design review process for Central Square should address the following issues.

- a. Potential streetscape improvements in the public R.O.W.*
- b. Safe and inviting pedestrian walkways in the neighborhood and to the businesses in the square.*
- c. Appropriate public and private signage, with particular attention to creating an image for Central Square.*
- d. Parking regulations should compliment the land uses along Middle and Broad Streets.*
- e. The project proponent should be willing to assist in getting some of these initiatives in motion.*

As the Board stated earlier, this new Chapter 40R law has potential for this site and merits more detailed examination as the process continues. The Board trusts that the hearing process has created a discussion regarding these issues and that the hearing notes and our comments help inform decisions regarding Chapter 40R and the reuse of the Clapp Memorial Building.

Chairman Flynn asked that the staff have the acronyms all spelled out. Ms. Williams requested that the January 15, 2008 comments/minutes included.

Ms. Williams made a MOTION to Put Restrictions on the development of this draft as follows: that the following requirements are attached to the development of the former Clapp Memorial Building, 40 R project:

- All low income/affordable housing units to be available to current Weymouth residents only.
- Condominium bylaws to require only owner/occupied units with no rental units. This will be enforced by a deed restriction.
- Weymouth to develop a non-favoritism impartial lottery system for low income/affordable housing unit assignments.
- All low income/affordable housing units to always remain with this designation. This will be enforced by a deed restriction.
- Developer is to abide by and utilize Weymouth's Responsible Employer's Ordinance.

Mr. Hawkins SECONDED the MOTION. Discussion on the motion. Mr. Clarke suggested the board take each item as a separate motion. Ms. Williams stated that she would like to keep them as one motion. Mr. Clarke stated the first item cannot be done. Mr. Clarke suggested the first item read "can have local preference for 70%". Ms. Williams agreed. Ms. Williams WITHDREW THE MOTION.

Ms. Williams made a MOTION that the following requirement be attached to the development of the former Clapp Memorial Building, 40 R project: 70% of all low income/affordable housing units be available to current Weymouth residents only, Mr. Hawkins SECONDED the MOTION. Discussion. Mr. Hawkins suggested adding "in perpetuity" to the motion. Ms. Akoury agreed. Mr. Clarke stated it is implied. Mr. Clarke further stated that all five of the motions Ms. Williams is beginning to make can be inserted into Part D of the draft memo at the Site Specific paragraph. Chairman Flynn suggested adding the phrase, although municipalities may, at their discretion, establish any timeframe for deed restrictions. Mr. Clarke agreed and stated he will have that phrase added to the memo. The MOTION was UNANIMOUSLY VOTED.

Ms. Williams made a MOTION that the following requirement be attached to the development of the former Clapp Memorial Building, 40 R project: condominium

bylaws to require only owner/occupied units with no rental units. This will be enforced by a deed restriction. Mr. Hawkins SECONDED the MOTION. UNANIMOUSLY VOTED.

Ms. Williams made a MOTION that the following requirement be attached to the development of the former Clapp Memorial Building, 40 R project: Weymouth to develop a non-favoritism lottery system for low income/affordable housing unit assignments, and was SECONDED by Ms. Akoury. Discussion. Mr. Clarke stated that this process was done before with Pine Grove. Ms. Williams stated that she wants the motion included due to the controversy in the Norwood case. Chairman Flynn repeated the motion. UNANIMOUSLY VOTED.

Ms. Williams made a MOTION that the following requirement be attached to the development of the former Clapp Memorial Building, 40 R project: all low income/affordable housing units to always remain with this designation. This will be enforced by a deed restriction. Ms. Akoury SECONDED the MOTION. UNANIMOUSLY VOTED.

Ms. Williams made a MOTION that the following requirement be attached to the development of the former Clapp Memorial Building, 40 R project: developer is to abide by and utilize Weymouth's Responsible Employer's Ordinance. Mr. Hawkins SECONDED the MOTION. Discussion. Chairman Flynn questioned the wording and wondered if it should read "the developer shall abide by and utilize, as a guide, the ordinance. Chairman Flynn stated that the ordinance is for town projects only and does not apply to private projects. Chairman Flynn wondered if the wording would legally be wrong. Ms. Williams stated that she feels that, after touring the Norwood site, safety is an issue and she wants to make sure all parties are licensed. Ms. Akoury suggested the board vote upon the motion and have the legal department review the wording. Chairman Flynn asked how many is a quorum for the Planning Board. Mr. Clarke stated a quorum of the board is three. Chairman Flynn advised the board should they vote the motion in, 2/3 need to vote to reconsider if needed. Chairman Flynn stated his concern with losing a member of the board and the legal problem it creates. Mr. Hawkins stated that the motion is just a recommendation and he is sure Solicitor Lane will check the wording. MOTION PASSED on a 3 – 1 VOTE. Chairman Flynn was opposed. Chairman Flynn stated that he is not opposed to the motion only the wording and the requirements of the motion.

Ms. Akoury stated that under the Conclusions and Recommendations paragraph, under "issues relative to the specific site development" item #8 she would like to change wording to:

8. State payments for Chapter 40 R project approval should be specifically used in project improvements for Central Square.

Mr. Clarke stated that the reason that he wrote item #8 the way he did is, he is not certain how a payment comes to the town. Mr. Clarke stated that what he was trying to say and what he took from the public comments and the board's comments was if the project gets approved any and all payments generated to the town those payments should be reflected in the improvements to Central Square. Mr. Clarke

stated he is willing to rewrite the item #8, but is afraid the monies cannot be "earmarked". Ms. Akoury stated that if she supports the project she would like to see the monies used for that neighborhood only. Ms. Akoury would like Mr. Clarke to tighten up the sentence. Mr. Clarke stated that he will add to the item. Ms. Akoury stated her concerns under Conclusions and Recommendations regarding 40 S and 40 R. Mr. Clarke stated that he will add a paragraph noting the board's comments and concerns. Chairman Flynn asked Mr. Clarke and Mr. Luongo to confirm that the onetime payments occur after the fact. Mr. Luongo stated: first the zoning gets approved and the town receives payment for the number of units that are permitted under the zoning. The second payment is the additional \$3,000 per unit as the building permits are issued. The third payment is when the school reimbursement comes in, when children come into the development. Mr. Clarke stated he will add to the memo these comments.

Chairman Flynn asked the board for a sense of the recommended text and asked if the board is comfortable with the text or do they want to see the revised text and review it at another meeting. Ms. Williams stated that she would like to see a revised text. Ms. Akoury and Mr. Hawkins agreed. Mr. Clarke stated that he will check on the status of the January 15, 2008 minutes and add comments to the memo as soon as possible.

Form A - Chard Street

This is a subdivision of a lot into two. There is an existing dwelling on one lot of approximately 1,300 sq. ft. and the second lot is a buildable lot. This was an approved BZA case.

A MOTION was made by Ms. Williams to ACCEPT the Form A. Mr. Hawkins SECONDED the MOTION. UNANIMOUSLY VOTED.

Mr. Clarke asked that the board put on the agenda to have a discussion regarding Form A's to give Mr. Clarke the authority to approve Form A's in the case of last minute minor requests. Chairman Flynn stated for a point of information, Roberts Rules of Order states the discrimination between large committees and small committees. In a large committee the Chairman or Moderator does not have a vote. In small committees the Chairman may make motions, etc.

Chairman Flynn made a MOTION to ALLOW the Director of Planning & Community Development be authorized, by this board, to sign Form A's. Ms. Akoury SECONDED the MOTION. Discussion. Ms. Williams stated she approves the motion as long as Mr. Clarke advises the board at the next meeting of any authorizations he has given. UNANIMOUSLY VOTED.

MINUTES

Mr. Hawkins advised Mr. Clarke that in the November and December minutes Steve Bergfors is referred to as Steve Berg. Ms. Williams advised that in the December minutes she is not listed as Clerk. Mr. Clarke advised he will correct the minutes. Chairman Flynn stated he hopes that it is not the intent of the Planning Department that the Chairman

review the minutes. Mr. Clarke stated no, that is not the intent. Mr. Clarke asked if Mr. Hurley was present at the December meeting. Mr. Hurley was not at the meeting.

NEXT MEETINGS

The board will meet on Thursday, March 13, 2008 at 7:30PM at the Whipple Center. Chairman Flynn asked Mr. Clarke if the board could have all outstanding minutes available at the March meeting for approval. Mr. Clarke said yes.

ADJOURNMENT

At 8:40PM, there being no further business, a MOTION was made by Mr. Hawkins to ADJOURN and was SECONDED by Ms. Akoury. UNANIMOUSLY VOTED.

Respectfully submitted,

Christine Callbeck
Recording Secretary

Approved by:

Walter Flynn, Vice Chairman

Date