

*Town Council Ordinance Committee
September 4, 2012
Town Council Chambers*

Present: Chairman Michael Smart
Councilor Arthur Mathews
Councilor Kenneth DiFazio
Councilor Jane Hackett
Councilor Ed Harrington

Also Present: Francis Burke, Councilor
Patrick O'Connor, Councilor
Walter Flynn, Chair Community Preservation Committee
William McKinney, Chief Financial Officer
James Clarke, Director of Planning and Community Development
Kathy Deree, Town Clerk

Chairman Smart called the Town Council Ordinance Committee Meeting to order at 7:00 PM.

12 098-Rezoning application for 203 Middle Street-Clapp Memorial Building
Application submitted by John Deady
Map 22, block 291, lot 9 from residential (R-1) to open space (POS)

Chairman Smart noted that this measure was received by the Town Clerk's office on May 24, 2012, referred to the Ordinance Committee on June 4, 2012, the committee met initially on July 12, 2012, and the joint public hearing with Town Council and the Planning Board was held on July 16, 2012. It was noted that this evening's order of business is to discuss and vote the rezoning proposal. This is not a public hearing but a public meeting. The hearing was previously held at which time approximately 25 people spoke and Mr. Deady delivered a power point presentation.

Councilor DiFazio announced his support of the rezoning request, stating that Mr. Deady did an admirable job in involving the neighborhood.

Councilor Harrington stated that Mr. Deady is selling all but three units, residing in one and renting the remaining two. Councilor Harrington would like a deed restriction for owner occupied units and requests language for inclusion in the rezoning request once the three units are vacated.

Chairman Smart clarified that this evening's vote is for the approval of the rezone, and that it is not appropriate to impose restrictions or orders of condition at this point—as the committee is not approving the project.

Councilor Harrington fears we will lose control and suggests the deed restrictions be in place now.

Councilor Mathews arrives here at 7:08 pm.

Councilor Hackett concurs with Chairman Smart as she has spoken with Jim Clark, and noted that it is not appropriate at this time to impose restrictions.

Councilor Hackett motioned for favorable action on measure number 12 098, to rezone from R-1 to Open Space, taking into consideration the Planning Board's recommendation, motion seconded by Councilor Mathews. Councilor Hackett read the following into the record "Pursuant to general law chapter 40A section 5 to amend the zoning of the property located at 203 Middle Street, known as the Clapp Memorial Building-Map 22, Block 291, Lot 9, from residential R-1 to open space"; motion was amended to include the aforementioned language.

Councilor Mathews spoke in favor of the motion noting that Mr. Deady had an open dialogue, held an open house, committed to living on site and most importantly is proposing a reduction in the development in comparison to the prior developer's proposal. Additionally, he has committed to addressing drainage issues with BZA.

Motion passes unanimously (5-0).

With no further business to attend to, Councilor Hackett motioned to adjourn at 7:15 PM- motion seconded by Councilor Mathews and voted unanimously.

Respectfully Submitted by Diane T. Hachey as Recording Secretary

Approved by Michael Smart, Chairman of the Ordinance Committee