

TOWN COUNCIL MINUTES
Joint Meeting Ordinance Committee & Planning Board
March 17, 2022 - Thursday

Present:

Ordinance Committee: Kenneth DiFazio, Chair
Gary MacDougall, Vice Chair
John Abbott, Councilor
Lisa Belmarsh, Councilor
Arthur Mathews, Councilor

Planning Board: Ben Faust, Member

Absent: Sandra Williams, Chair
Paul Rotondo, Member
Gregory Agnew, Member
Rob Christian, Member

Also Present: Robert Luongo, Director of Planning
Eric Schneider, Principal Planner
Owen MacDonald, Traffic Engineer
Lt. Brian Morse, WPD

Recording Secretary: Mary Barker

Chair DiFazio called the meeting to order at 6:30 PM. A quorum of Planning Board was not present.

22 015- Parking Restriction- Vicinity of 12 Columbian Street

This measure was referred to the Ordinance Committee on February 7, 2022. The committee met on February 17, 2022 and a public hearing was conducted and closed on March 7, 2022. Lt. Morse, and Planning Department were both present.

Councilor Mathews, reported that at the public hearing, it was brought to their attention that residents of a nearby apartment building were using the area for overnight parking, which is not allowed. He cited the pertinent ordinance, asked Lt. Morse if he was aware, and advised him that if it is a problem, to have WPD address and enforce it. Councilor Mathews agreed that enforcement is needed, but not using sector cars that have more important infractions to go after. 20-minute parking is not covered in the Code of Ordinances, so if this moves forward, a new section will need to be established.

There was a brief discussion as to whether 30-minute parking might be more beneficial and the difficulty trying to determine a long-term solution for an area that will soon be under major construction. Another area proprietor has contacted the Council office requesting incremental parking for his establishment.

Chair DiFazio asked how soon a sign would be installed if the measure was to pass and the response was that it's a function of DPW and dependent on their schedule. The Code of Ordinances would be updated to add the new section. Lt. Morse noted that no one knows who had the prior sign installed or when it was done.

Councilor Abbott asked if there is any current plan to have angled parking less than 2 hours? He suggested there could be a dedicated zone in Columbian Square. Councilor Shanahan had suggested this during the public hearing. Vice Chair MacDougall noted that by the time the signs are there and installed, the spots will be going away. Director Luongo noted that there should be 2 spots designated in the new parking plan. There is no spot in front of this establishment in the final plan. He also reiterated that by the time the sign is up (if this is voted) it will soon be coming down.

Chair DiFazio asked if this is not passed, if there is any other way to offer help to the business owner as they are dependent on the on-street parking. Councilor Mathews responded that policing the overnight parking might remedy the situation. Councilor Belmarsh noted that overnight parking is not enforced in Weymouth. Lt. Morse responded that the department does not have the means to go to every street every night, so enforcement is driven by complaint. There will be significant changes in Columbian Square which will affect parking. She asked if the department ever used meter maids, or similar dedicated full-time staff specifically for parking enforcement. She suggested it might be an appropriate investment and a potential for more revenue. She is inclined to support the measure. Vice Chair MacDougall agreed with her and noted this business could be in trouble for the next 3-6 months. The chair noted they already have an additional request from another business, and if they say yes to one, they will have to say yes to all. Councilor Abbott responded that it could spread to the other commercial districts, resulting in a high enforceability liability. He noted that he is more inclined to wait; that it's more appropriate to address this once the results and recommendations from the Columbian Square Parking, Land Use and Marketing Plan Survey are in and analyzed.

Councilor Belmarsh motioned to forward measure 22 015 to the full Town Council with a recommendation for favorable action and was seconded by Vice Chair MacDougall.

Councilor Mathews suggested he would like to help out the business owner, but is concerned with the precedent it sets. The traffic analysis will be done, then the whole thing will be redesigned, so this is premature. He would prefer to do it all together. The timing isn't great. He will not support the measure at this time. In the meantime, he again advised that WPD enforce the overnight parking ban.

Councilor Abbott agreed with Councilor Mathews that this is not the right time. He is not against the idea of incremental parking, but after the parking study is done and the recommendations from it have been reviewed.

Chair DiFazio asked if this measure was brought forward by the Mayor, or had the proprietor requested it from the administration? The response was that the proprietor brought the request directly to the Planning Department.

Councilor Mathews emphasized that this predicament is a direct result of someone who wasn't authorized who put up a sign that didn't belong. He read the language from the Code of Ordinances (13-103). He wants to find out who authorized it, to make sure it doesn't happen again. This is solely the role of the Town Council to approve.

Vice Chair MacDougall said at first, he was inclined not to support this, but looking at how the businesses were challenged, and how many were lost because of COVID, he wants to see this survive. He worries this business will not make it.

Councilor Mathews responded that while he agrees with the sentiment, he is concerned with the enforcement. Councilor Belmarsh added that there is a budgetary way to address enforcement if it is a problem.

Vote failed, 3-2 (Councilors Mathews, Abbott and Chair DiFazio – no).

22 035- Proposed Zoning Change in the Jackson Square Village Center

This measure was referred to the Ordinance Committee and Planning Board on March 7, 2022, requesting that the Town of Weymouth, through Town Council and with the approval of the Mayor, hereby amends the Town of Weymouth Ordinances in the following manner:

Section 1. Amend the Town of Weymouth Zoning Map by removing the following three (3) parcels from the B-2 District and adding the same to the Neighborhood Center District.

1. Map 19, Block 253, Lot 35 (1540 Commercial Street)
2. Map 19, Block 253, Lot 24 (1530 Commercial Street)
3. Map 19, Block 253, Lot 23 (1516 Commercial Street)

Section 2. Add a new Article VII D entitled Jackson Square Overlay District to the Town of Weymouth Zoning Ordinance as follows:

§120-25.37. Purpose.

The Jackson Square Zoning Overlay District is an overlay zoning district. Parcels within the overlay district are first subject to the additional regulations of the overlay. In cases where there is a conflict, the regulations of the overlay zoning supersede the underlying zoning district.

The purpose of the Jackson Square Overlay District is to support a vibrant, mixed-use village center that protects and enhances the significant natural resource of Herring Run Brook and connects the village and the brook to existing open space and recreational resources, including Lovell Field, Stephen J. Rennie Park, Iron Hill Park, and the Back River Trail. Existing public transit (bus and commuter rail), proposed improvements to

encourage walking and biking, and municipal parking (on-street and off-street) provide multi-modal transit options connecting the surrounding neighborhoods to Jackson Square. These goals are consistent with the Town's commitment to Complete Streets, the Weymouth Master Plan and the Jackson Square Land Use Plan.

It is hereby declared to be the intent of the Jackson Square Overlay District to establish reasonable standards that permit and control mixed-use residential, commercial, governmental, institutional, and office uses in the Town of Weymouth. New development or substantial additions to or rehabilitation of existing buildings should accomplish the following goals:

- A. Be sympathetic to the massing and form of existing built structures and the architectural detailing of historic structures.
- B. Enhance the public realm by creating outdoor open spaces linked to existing open spaces, proving, over time, a continuous network of publicly accessible space along the Herring Run Brook.
- C. Support amenities for pedestrians and bicyclists, including public seating in areas of shade and sun, bicycle storage, and active, welcoming ground-floor façades.
- D. When feasible, adapt existing historic structures for new commercial uses that support the adjacent neighborhoods.
- E. Increase the variety of housing including ownership/rental models, different levels of affordability, and different sizes and layout to accommodate housing needs for a wide range of ages, incomes, and levels of mobility.
- F. Reduce the amount of impervious surface by reducing parking requirements by use, encouraging shared parking spaces and parking access, and using low-impact development techniques to capture stormwater on site, preventing surface water run-off into the Herring Run Brook or the Town's stormwater sewer system.

This article is intended to be used in conjunction with other regulations as adopted by the Town, including historic district guidelines, design guidelines, site plan review, and other local ordinances designed to encourage appropriate and consistent patterns of village development.

§120-25.38. Establishment of Subdistricts.

The Jackson Square Overlay District is further divided into the following three (3) subdistricts as formally delineated on the Town of Weymouth Zoning Map.

1. Lower Jackson Square (LJSD)
2. Upper Jackson Square (UJSD)
3. Upper Commercial Street (UCSD)

§120-25.39. Applicability

- A. Within the Lower Jackson Square District (LJSD) three story projects of 50 feet or less adhering to the criteria contained within this Article, are permitted as of right with Site Plan Review per Article XXIVA and the additional guidelines of this Article. A Special Permit may also be granted by the Board of Zoning Appeals for missed-use buildings of up to 4 stories and 60 feet comprised of

commercial use(s) occupying 51% or more of the ground floor and office and/or residential on the upper floors.

- B. Within the Upper Jackson Square District (UJSD) mixed-use or commercial projects of three stories and 50 feet or less in compliance with the stated goals and criteria of this Article, are permitted as of right with Site Plan Review per Article XXIVA.
- C. Within the Upper Commercial Street District (UCSD) low density residential development including detached and attached townhomes with a maximum of 2.5 stories and 35 feet are permitted as of right provided that the lot(s) consist of 15,000 square feet or more. All such proposals require Site Plan Review per Article XXIVA. Any proposals on lots containing less than 15,000 square feet require a Special Permit from the Board of Zoning Appeals.

§120-25.40. Intensity of use.

No structure shall be erected, altered or moved, except in conformity with the following overlay district requirements:

A. Front yard setback:

- 1. The principal façade shall be set back no further than the setback of one of the adjacent buildings or the average of both unless the front yard setback includes publicly accessible open space, such as a small plaza, as an integrated component of the overall development. If no building is adjacent to the parcel, then the measure is the closest building on the same side of the principal street.
- 2. Parking and loading shall not be allowed in the front yard setback.
- 3. Porches, porticoes, stoops, bay windows, and other architectural protrusions integrated into the principal façade are allowed within the front yard setback by may not extend into or over the public right-of-way.
- 4. The area between the principal façade and the public right-of-way shall be appropriately landscaped.

B. Rear or side yard setback:

- 1. Minimum of 20 feet from an abutting single-family residential use.
- 2. Minimum of 20 feet from Herring Run Brook whether the brook is visible or below the surface of the lot. To accomplish the purposes of this article, the Board of Zoning Appeals is authorized to grant a special permit reducing the required setback upon a showing that the proposed development has made a significant effort to address the goals of the Jackson Square Land Use Plan (2021) with respect to one or more of the following: (1) expansion of the Herring Run Pool Park; (2) removal of invasive species from the banks of the brook; (3) daylighting the brook with appropriate channeling and plantings; and (4) elimination of the surface water run-off from the site into the brook. The 20-foot minimum setback is for zoning purposes only and does not supersede the requirements of the Massachusetts Wetlands Protection Act and the

Weymouth Wetlands Regulations as enforced by the Weymouth Conservation Commission. Where applicable, a separate application to that Commission will be required.

3. Where appropriate, rear and side yard setbacks shall connect to public open space and be used for active and passive public uses such as outdoor dining and retail, seating areas (shaded and open), bike racks, and other amenities designed to support local businesses and reinforce community pride and connections.

C. Maximum height:

1. Within the Upper Commercial Street district, a maximum of 2.5 stories and 35 feet is permitted.
2. Within the Upper Jackson Square district, a maximum of three stories and 50 feet is permitted.
3. To accomplish the purposes of this article, the Board of Zoning Appeals may issue a special permit to proposals within the Lower Jackson Square District (LJSD) to allow an increase in the height of structures either in existence, as reconstructed or as new construction to four (4) stories and 60 feet. The relaxation of this requirement shall be allowed subject to a finding that the additional height is required to meet the development criteria for this zoning district.
4. The floor-to-floor height of the ground floor shall be between 12 feet and 15 feet, suitable for retail and restaurant uses, consistent with current practice for such uses.

D. Maximum lot coverage: 80% (buildings and parking).

- A. To accomplish the purposes of this article, the Board of Zoning Appeals is authorized to grant a special permit to allow a higher lot coverage for structures either in existence, as reconstructed, or as new construction. The relaxation of this requirement shall be allowed subject to a finding that the additional lot coverage is required to meet the site and design criteria for this zoning district.

Off-street parking spaces within the Jackson Square Overlay District shall be provided in accordance with the following minimum requirements. All other requirements related to parking shall be defined in Article XVII Off-Street Parking.

- A. Residential: a minimum of 1 parking space shall be provided for each studio housing unit. A minimum of 1.5 spaces are required for all other unit types.
 1. The use of offsite parking and/or shared parking to meet the minimum requirements of this Ordinance can be considered in the following circumstances:
 - a. A written agreement, with a minimum of a 5-year duration, between the Applicant and a property owner, including the Town and/or the MBTA, to lease overnight parking spaces to meet the required minimum. Space must be located within 1,000 feet of the lot line. If

the conditions for shared parking become null and void and the agreement is discontinued, this will constitute a zoning violation for any use approved expressly with shared parking. The property owner must then provide written notification of the change to the Zoning Enforcement Official, and within 60 days of that notice, provide a remedy satisfactory to the Board of Zoning Appeals or other relevant regulatory body.

- b. Demonstrated that the mix of uses on site allows for the sharing of parking spaces based on the anticipated peak demand for each use.
- B. Eating and drinking establishments: 1 space for each four (4) seats
- C. Retail, office and other commercial: 1 space per 400 square feet of gross floor area.
- D. Charging stations for electric, hybrid, or similar type vehicles shall be installed with the below frequency based on parking spaces:
 - 1. One to 10 spaces: none
 - 2. 11 to 25 spaces: one
 - 3. 26 to 50 spaces: two
 - 4. 51 to 100 spaces: three

§120-25.42. Special permit standards and criteria.

In addition to the specific criteria regarding the granting of a special permit in Article XXV, the Board of Zoning Appeals shall issue a special permit only after consideration of all the following:

- A. Impact on the neighborhood visual character, including architectural design, views and vistas.
- B. Degree to which the proposed use will share an access driveway and/or parking with an adjacent use and avoids new curb cuts.
- C. Compliance with the site and design standards in this zoning article.
- D. Degree to which the proposed project complies with the goals of the Jackson Square Land Use Plan (2021), the Weymouth Master Plan, and the provisions in this article.

§120-25.43. Site and design standards.

The following development standards shall be used for all applications requiring site plan approval from the Zoning Board of Appeals and/or the Director of Planning and Community Development

- A. Criteria for the Entire Overlay District
 - 1. The principal façade shall be oriented toward the principal street. The main building entrance shall face the street and clearly connect to the public sidewalk.
 - 2. Ground floor retail, restaurant, and other commercial uses shall be oriented with their primary entrance and window(s) facing the principal street. The relationship of these uses to the principal façade shall maximize pedestrian activity and the visibility of the businesses along the length of the principal façade.

3. A minimum of 60% of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor nonresidential space or product display areas. The bottom edge of such windows shall be no lower than three feet above the adjacent sidewalk and the window shall be no less than four feet in height.
4. In both the Upper and Lower Jackson Square Districts, the commercial use, including restaurant, retail or other active use that serves the public, must be a minimum of 51% of the gross floor area of the floor at street level.
5. The principal façade shall be articulated every 60-80 feet. All facades shall be treated with equal care in terms of design. Blank walls are prohibited.
6. Building and site lighting shall be designed to prevent light overspill or glare onto adjacent properties and shall be shielded at 75-90-degree cut-off.
7. Underground utilities for new and redeveloped buildings are required unless physically restricted or blocked by existing underground obstructions.
8. Parking and loading/unloading shall be prohibited from the front yard setback between the principal façade and the street.
9. Access to rear parking shall have clearly marked and lit pedestrian access to the public sidewalk.
10. Bicycle storage shall be required at a ratio of one bicycle storage space for every twenty parking spaces.
11. The number of curb cuts onto the street shall be minimized and shared parking across multiple parcels shall be strongly encouraged.
12. New construction or significant rehabilitation shall retain all stormwater on-site, using rain gardens, bioswales, or other method to allow stormwater to infiltrate rather than washing into Herring Run Brook. Applicants shall discuss the proposed maintenance of these low-impact development installations with the Board to ensure continual effectiveness of the operations.

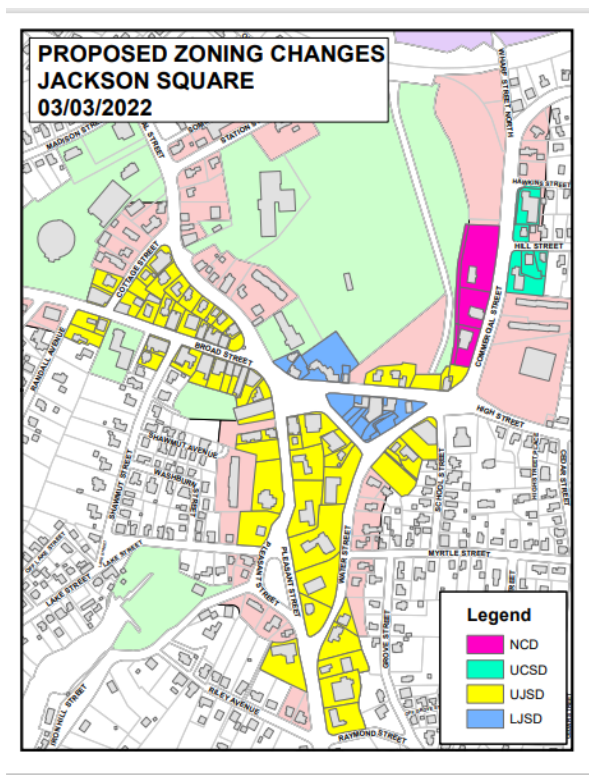
B. Criteria for Lower Jackson Square District

1. Curb cuts shall not be allowed on the south side of Broad Street, between Pleasant Street and Water Street.
2. New construction or additions on the north side of Broad Street between the two intersections with Commercial Street shall provide one or more view corridors into Lovell Field.
3. New Construction or additions on parcels adjacent to Herring Run Brook shall require new publicly accessible open space which connects existing publicly accessible space next to the brook (including Herring Run Pool Park, Stephen Rennie Park, and any future daylighted areas) and provide direct pedestrian connections from this open space to the public sidewalk and to parking, if appropriate. Such open space shall have a combination of landscape, hardscape, and amenities including, but not limited to benches and bicycle racks.

4. New construction or additions on parcels adjacent to Lovell Field shall require a new publicly accessible open space to the Field and provide a direct pedestrian connection from the public sidewalk on Broad Street to Lovell Field.
5. It is encouraged that the top floor of the building be stepped back to minimize massing and a cavern effect.

C. Criteria for Upper Jackson Square District

1. New development in the Upper Jackson Square District shall match one of the existing setbacks on either side of the property of the average of both unless a deeper setback is required for outdoor dining or retail display.
2. In this area, buildings over two stories generally have a narrower principal façade with a pitched roof. New development shall respect this pattern in the building form and massing.
3. It is encouraged that the top floor of the building be stepped back to minimize massing and a cavern effect.



Councilor Mathews cautioned that a quorum of the Planning Board was not present for this discussion.

Director Luongo reported that the Planning Department will present this at an informational public meeting prior to the public hearing on April 4, 2022. He explained that most of Jackson Square is zoned B-2, which allows mixed use, up to 6 stories and a FAR of 3.0 and 2 parking spots. Most wanting to redevelop these properties can't meet

the requirements. The Planning Department proposes the overlay zoning- this will result in existing rights in the underlying zoning are not taken away, or making existing uses nonconforming. He and Eric Schneider reviewed the proposal for the committee. The properties identified as magenta (Jackson Square Tavern, Brady's Package Store and Dunkin Donuts) all back up to the Herring Run and any redevelopment must be respectful of that. All are longstanding businesses in the square, and the department is not encouraging replacement of them. Councilor Mathews asked if they had reached out to those property owners? The response was that the owner of Brady's was at the meeting in the Library, but not the other owners. It wouldn't affect them- they are changing the zoning but not the use. Councilor Belmarsh asked who designated the areas "upper" and "lower" Jackson Square? Mr. Schneider responded that it is their vernacular, and a way to differentiate the sections, as Commercial and Broad Streets intersect at two places.

Section 2 shows the actual overlay district. A lot of information is a result of meeting with the Herring Run group. To encapsulate the purpose- primarily it is to provide an opportunity to revitalize the square, and 2nd, trying to enhance and better protect the environmental resource. Over the last 100 years, some very incompatible uses were built right on top of it. Part of the run itself is buried. Most of the water runoff from area parking lots goes right into the water without treatment. This could also create some opportunity to daylight more of the run. More specific goals are listed in sections A-F.

Chair DiFazio noted the previous overlay district zoning map had pink areas included. The perimeter of the overlay district can be shown with crosshatching. The chair recommended that the committees also take a look at the Herring Run report. Director Luongo told them he would be happy to take them for a tour to walk it.

The subsections were defined in aqua blue and yellow. Lower Jackson Square District is the blue, Upper Jackson Square District is the yellow, which extends further up to the Upper Commercial Street District.

The sort of proposal that is submitted would trigger the enhanced guidelines. They are not defining the minimum lot size, but what they have to bring to the table.

Mixed use must be at least 50% of ground floor dedicated to business or retail. With a special permit, up to 4 stories is allowed. They are targeting four in this area which has a dramatic topographical change, so they want to use that topography to advantage. Peck sits down in the bowl. On the street side, it can be 3 stories, but 4 on back. They also are looking at 4 because they look at this as a public-private partnership. The key is to have incentives to gain cooperation of the owners. They can use 4 stories as incentive to get public amenity space to the Herring Run.

Director Luongo pointed out the former Master Cleaners and the small residential house in rough shape that's had several Health Department citing's. They are trying to assist, but the owner has challenges. All-Make auto repair is here also. There are issues with those sites to redevelop. They want to give enough incentive to redevelop the site. The Cleaners building will need to be cleaned up they actually did cleaning there. All-Make

has a culvert under their property, not owned by the town. The owner is not willing to fix it; he put a metal plate over it and their vehicles drive over it. A developer will have a responsibility to rebuild the culvert. Any redevelopment here will be substantial. There is a housing authority building that goes up to 7 stories. The gas station at the intersection got approval from BZA to redevelop that property. Houses that sit high are left out and they didn't talk to those owners, because they don't want to interfere with an existing residential neighborhood. As Director Luongo pointed out, this is a surgical approach to the zoning and the special circumstances call for an unorthodox approach.

Vice Chair MacDougall expressed concern with the traffic; if this works and brings more interest to the area, it also brings more traffic. Has a study been done? Mr. Luongo responded that the gas station developer is willing to donate \$25,000 for a future study. They would like to build up the corridors, then do the study. Planning has also applied for a similar grant. Most of the traffic is through-traffic to Hingham, unless the soccer fields are in use.

There was a brief discussion of bus stops in the area. There is a bus shelter in front of the Housing Authority building (Pope Towers), and Councilor Mathews did a quick online search and reported on the bus route. Chair DiFazio is concerned with the bus stop locations and that there is sufficient transportation access. Councilor Abbott asked for a revised map showing the change in the 4 parcels in the blue area. Councilor Belmarsh asked for clarification on the language- "4 stories and x feet." It was explained. Chair DiFazio noted there isn't a setback requirement. The response was that it will be encouraged.

Vice Chair MacDougall noted that the plan includes mixed use- there are a lot of newer buildings in town whose commercial space is vacant. Have they thought of tax incentives or other ways to gain traction? Director Luongo responded that they are open to suggestions. Commercial is slowly coming to some of the sites. He noted there is no provision that allows converting commercial space to residential. He also noted that many of the vacancies in Jackson Square are the result of inadequacies in the building spaces. The roadblock to encouraging commercial and retail use is the age and quality of many of the buildings. If they were left to their own devices, developers would leave out new retail space, and Planning almost has to mandate through the redevelopment process. Mr. Schneider explained the yellow area won't have an option of 4 stories. They are proposing 3 stories allowed by right with site plan review. It's a gamble streamlining the permitting process. Councilor Abbott noted that it would have to comply with state requirements and MBTA zoning requirements. Mr. Schneider explained that the town is required to have 50 acres to remain qualified; one must be 25 and the rest can be piecemeal. They must make sure the building complies. Around Rt 18 corridor, he drew a half mile circle and it captured several new developments. By focusing on Rt. 18, Jackson Square and the Landing, it can be done with very little impact.

Mr. Schneider added that there are other significant Commercial Street properties changing hands in proximity to the soccer fields. With the traffic in and out, it's not appropriate to add additional traffic, so they left the same height restrictions in place.

He reviewed density and uses, the most important consisting of parking- 1 space for studio, 1.5 per unit for the remainder, and to claw back frontage as the Conservation Administrator is adamant that this is a minimum. Vice Chair MacDougall asked if there is an upside to 1.5 spaces versus 1? Mr. Schneider responded that this builds in guest parking. They will not grant variances for parking, doing what's best for the town and balancing profitability for the developer. They had the benefit of looking at some of the other developments built in the Landing in order to fine tune this. An average of 1.25 actually worked for one development. Councilor Mathews asked if they considered using space to create a parking garage. Mr. Luongo responded that he is unsure Weymouth has the type of demand to draw it.

There have been two public meetings and there will be more general discussion and minor changes. Outreach included letters to 240 owners targeted in the Jackson Square area and two more public meetings are to be held- one in person and one virtual.

Councilor Belmarsh asked if they could consider an affordability component- maybe allowing a bigger building if affordable units were included. Mr. Luongo suggested that inclusionary zoning could be a separate discussion. This is a confined area and bigger buildings will overwhelm the area.

The chair noted they have gone through all the sections except design elements. He suggested leaving the remainder to the next meeting, He also noted that this has been under scrutiny for a year. He urged patience with the parking situation. They will be dealing with multiple developers with designs and the whole square has to look good.

ADJOURNMENT

At 8:05 PM, there being no further business, Councilor Abbott motioned to adjourn and was seconded by Vice Chair MacDougall.

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Kenneth DiFazio as Ordinance Committee Chairman
Voted unanimously on 4 April 2022