

TOWN COUNCIL MINUTES
Town Hall Council Chambers
February 3, 2020, Monday

Present: Arthur Mathews, President
Michael Molisse, Vice President
Pascale Burga, Councilor
Kenneth DiFazio, Councilor
Jane Hackett, Councilor
Fred Happel, Councilor
Ed Harrington, Councilor
Rebecca Haugh, Councilor
Christopher Heffernan, Councilor
Maureen Kiely, Councilor

Also Present: Kathleen Deree, Town Clerk
Joseph Callanan, Town Solicitor
Robert Luongo, Director of Planning
Brian Smith, Assistant Superintendent-School Department

Recording Secretary: Mary Barker

President Mathews called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with all members present.

ANNOUNCEMENTS

President Mathews read a letter of resignation from Councilor Smart, who is stepping down because he is unable to provide his accustomed level of commitment to District 6 constituents at this time. Michael Smart has been a friend and colleague for 18 years and he thanked him and reported that he will be truly missed.

Councilor Harrington announced that MassDOT, Office of Outdoor Advertising, will hold a public hearing on permits to Cove Outdoor LLC for billboards at Zero Finnell Drive on February 13, 2020, 11 AM, Conference Rooms 5 & 6 at 10 Park Plaza, Boston. He read the notice to abutters that was sent out. Councilor Harrington noted he will support the application, since it impacts the least amount of residents, addresses an intrusive billboard on Route 18, removes nine static billboards in North Weymouth, prevents development of 45 acres of industrial land and provides for substantive improvements at Gagnon Park.

MINUTES

Town Council Meeting Minutes of January 21, 2020

A motion was made by Vice President Molisse to table the minutes of the January 21, 2020 Town Council meeting and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

19 114-Utility Application for New Pole, P3 Madison Street. Originally held 12/2/19, continued to 12/16/19, continued to 1/21/20 and continued to 2/3/20

A motion was made by Vice President Molisse to open the public hearing on measure 19 114 and was seconded by Councilor Hackett. Abutters were notified on November 15, 2019. UNANIMOUSLY VOTED.

Jim Pearson, Senior Designer/Engineer with NGRID, came to the table. He provided an update; a synopsis of the plan. Ken Ryder is putting an addition on his property on Broad Street. NGRID was asked if they could relocate the pole away from the building. Pole one is remaining. The plan is to place this and out-rig the wires and install a new one 135-140 ft. from pole 1, with an anchor, and replace pole 4, and new conductors from Broad Street. Abutter Arthur Sharp had some concerns as he will be performing work on his property. The intent is to install a much higher pole with out-rigging to give his property clearance. President Mathews thanked him for assisting with resolving this.

President Mathews asked if anyone from the public would like to speak, to which the following occurred:

Arthur Sharp, owner of 668 Broad Street thanked the Council for delaying action until his concerns with the plan were addressed. He would have liked to see the pole relocated, but is satisfied with the resolution. He looks forward to the completion of the building construction.

A motion was made by Vice President Molisse to close the public hearing on measure 19 114 and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

A motion was made by Councilor Molisse to vote measure 19 114 under 2-9 (b), motion seconded by Councilor Hackett and voted unanimously.

A motion was made by Vice President Molisse to approve measure 19 114; that the Town of Weymouth grants NGRID permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said company may deem necessary, in the following public way or ways:

P3 Madison St.

The motion was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

COMMUNICATIONS AND REPORTS FROM THE MAYOR, TOWN OFFICERS AND TOWN BOARDS

Amending Measure 20 010-Borrowing Authorization for Road and Sidewalk Repairs and Reconstruction

On behalf of the Mayor, Solicitor Callanan submitted substitute language, amending the measure. He suggested dispensing with the reading of the measure in accord with a Bond Counsel ruling that reading is unnecessary if the complete language is included in the Town Council meeting minutes. As a point of information, he informed the Council that a redline copy they were provided includes the changes.

President Mathews asked that the entire measure be read into the record because it is a language modification. Solicitor Callanan obliged.

“Ordered: that the Town of Weymouth appropriate the sum \$3,000,000 to pay costs associated with repairing and reconstructing Town roads and sidewalks, and for the payment of all other costs incidental and related thereto and that to meet the appropriation, the town treasurer, with the approval of the Mayor is authorized to borrow said amount.

Any premium received upon the sale of any bonds or notes approved by this vote, less and such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. C.44, ss20, thereby reducing the amount authorized to be borrowed to pay for such costs by a like amount. This

The changed include the last line, the premium sentence and the reference to General Laws.”

A motion was made by Vice President Molisse to refer measure 20 010, as amended, to the Budget/ Management Committee and was seconded by Councilor Hackett. Councilor Hackett asked for clarification; didn't they vote to accept this section of the statute previously? The solicitor responded that that is his understanding, but as the language was not included in the original measure as a precaution it was added here. They have accepted the statute that allows this. UNANIMOUSLY VOTED.

20 016-Memorandum of Understanding-Every Student Succeeds Act Transportation Claiming Under Title IV-E of the Social Security Act

Brian Smith, Assistant Superintendent, presented the request – Every Student Succeeds Act. The School Department is requesting the Town Council and School Committee consider entering into a Memorandum of Understanding with the School Department, Department of Elementary and Secondary Education, the Office of Health & Human Resources, and the Department of Children and Family Services, to allow the town to apply for reimbursement of foster care transportation under the Act.

A motion was made by Vice President Molisse to refer measure 20 016 to the Budget/Management Committee and was seconded by Councilor Hackett. Councilor Hackett noted that the School Committee needs the Memorandum in to DESE by March 1st. Vice President Molisse responded that the Budget Management Committee will meet on February 18,

2020. President Mathews asked when the School Committee will hold a public hearing. Mr. Smith responded that this is on the agenda for school committee February 6, 2020.
UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Ordinance Committee-Chair Kenneth DiFazio

19 107-Rezoning Request for the Historic Mill District

Councilor DiFazio reported that while the provisions of the I-2 zone would continue to exist, the proposed overlay district would provide adaptive reuse and site redevelopment for residential uses through a special permit process.

This measure was referred to the Ordinance Committee on October 21, 2019. The committee met on November 12, November 25, and December 9, 2019. A joint public hearing took place with the Planning Board, on November 18, 2019. The Planning Board voted approval on December 5, 2019. The Ordinance Committee voted to forward to the full Town Council on December 9, 2019, with a recommendation for favorable action.

On behalf of the Ordinance Committee, a motion was made by Councilor DiFazio to approve the measure; that the Town amend the Town of Weymouth Ordinances in the following manner:

Section 1. Chapter 120 of the Town of Weymouth Ordinances is hereby amended by adding the following new article:

Section 120-25.24 – Purpose and Intent

The Historic Mill Overlay District (HMOD) is recognized as a special location and a place to be protected as a community resource because it represents an important part of the Town's heritage and because its unusual character creates an identity for Weymouth today.

The HMOD ordinance is established first and foremost to promote preservation of a historic resource – the George E. Keith Company Shoe Mill at 44 Wharf Street (parcel ID 19-172-25) – through adaptive re-use and to encourage the transformation of industrial/commercial uses to residential uses. It encourages:

- A. Adaptive reuse and site redevelopment for residential uses that are economically viable
- B. Allow redevelopment for multi-family residential uses which are sensitive to the surrounding established uses
- C. Opportunities for affordable housing
- D. Opportunities for additional public access to Osprey Overlook Park and connections to the Back River Trail
- E. Connections to the commuter rail station

Section 120-25.25 – Applicability

The HMOD includes the Industrial (I-2) zoning district bounded by Wharf Street and East Street as well as one R-1 property on East Street. This zoning district is shown on the map entitled

“Historic Mill Overlay” prepared by the Town of Weymouth, on file with the Town Clerk and hereby made a part of this ordinance. Specifically, the properties within the HMOD include Weymouth assessor’s parcel numbers; 19-172-25, 19-172-26, 19-172-31, 19-251-8, 19-172-11.

Section 120-25.26 – Relationship to Existing Zoning and Other Regulations

- A. The HMOD shall not restrict the rights of any owner who elects to utilize the existing underlying zoning district regulations of the Weymouth Zoning Ordinance to develop or redevelop land. If an owner elects to utilize the HMOD to develop or redevelop land, the project shall conform to all applicable requirements of this district, including any regulations or guidelines that may be adopted to support this district.
- B. In the HMOD, all requirements of the underlying district(s) shall remain in effect except where these regulations supersede or provide an alternative to such requirements.
- C. If the provisions of this ordinance are in conflict with any other section of the Weymouth zoning ordinance, the regulations of the HMOD shall govern.

Section 120-25.27 – Administration

- A. For purposes of this ordinance the Zoning Board of Appeals (BZA) is designated as the Special Permit Granting Authority (SPGA) for all uses allowed within the HMOD.
- B. The decision of the BZA for the HMOD Special Permit may be approval, approval with conditions, or denial of the requested special permit(s).
- C. Consistent with Article XXIVA of the Weymouth Zoning Ordinances (Site Plan Review Authority), the Planning Director will perform Site Plan Review, including sign review, for all projects submitted under the HMOD.
- D. All uses allowed under the HMOD shall be by Special Permit.

Section 120-25.28 - Pre-Application Meeting

Prior to submitting an application to the Building Inspector for projects under the HMOD, applicants are strongly encouraged to contact the Planning Department and request a Pre-Application Meeting with relevant town officials. The purpose of the meeting is to present the project concept and discuss zoning, public safety, conservation, historic resources, housing concerns, etc. as applicable, in order to facilitate project development and coordinate the permitting processes. Project proponents are encouraged to bring sufficient information to the meeting to enable attendees to become familiar with the site and the project. This information includes photographs, a map of existing conditions, and a preliminary concept plan for the proposed project.

Section 120-25.29 - Special Permit/Design Review Criteria

The BZA and the Planning Director (under site plan review) shall each consider the criteria listed in Sections 120-25.29 and 120-25.30 before issuing a Special Permit/Design Review approval for development or redevelopment under the provisions of the HMOD:

- A. Adequacy of the site for the size of the proposed project.
- B. Suitability of the site for the proposed uses(s).
- C. Degree to which the proposed project complies with the purposes of the HMOD.

- D. Extent to which the project contributes to the historic context of the HMOD.
- E. Extent to which affordable housing is a component of the project – 10% affordable housing should be considered.
- F. Extent to which the project contributes to public access and/or trail connectivity to land along the Back River Trail and Osprey Overlook Park.
- G. Impact on traffic and pedestrian flow, safety and access for emergency vehicles.
- H. Extent to which the project promotes sustainable building and site design.

Section 120-25.30- Design Criteria

Design Criteria promotes quality development that is compatible with the character of the HMOD and the desire for contextual, pedestrian-scaled projects. Compatible Design helps to enhance the quality of life for all residents while strengthening the economic viability of the HMOD. The Design Criteria seeks to encourage visual harmony and historic integrity, and encourage creative design solutions. It encourages a variety of choices for achieving design compatibility within the HMOD. The following Design Criteria shall be used to evaluate all projects that require a Special Permit and Site Plan Review submitted under the provisions of the HMOD:

- A. New structures and additions shall relate to the pedestrian scale and residential scale of the surrounding neighborhood by including appropriate architectural details along the ground floor of all facades that face streets, existing residential neighborhood, and pedestrian spaces.
- B. External building treatments of existing buildings shall relate to and be in harmony with the existing historic structure.
- C. Continuous lengths of flat, blank walls adjacent to streets and pathways are to be minimized.
- D. For visibility and accessibility, primary building entrances shall be located on main street frontages, to the extent possible.
- E. For parking located to the rear or side of the building, these secondary entrances to the building are to be visible and accessible from the parking lot.
- F. Any alteration to the historic structure shall use materials, colors and textures, massing, size, scale and architectural features that are compatible with the original structure(s). Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. Any awnings and canopies shall be compatible with the architectural style of the building.
- G. All new residential structures approved under the HMOD shall incorporate architectural elements that are compatible with the existing historic mill or housing styles in the surrounding neighborhood.
- H. Mechanical equipment shall be screened, and if located on roofs, it shall be organized and designed so as not to appear to be a “leftover” or “add-on” element and to the maximum extent feasible shall incorporate baffles to mitigate any noises coming from such equipment.
- I. Projects shall enhance the pedestrian environment and bicycle circulation by providing safe and convenient pedestrian access into plans for existing buildings as well as new construction and parking areas should be designed in concert with landscaping plans so as to:

- a. Minimize the number and size of curb cuts and provide sidewalks along Wharf and East Streets to the extent possible.
 - b. Provide improvements to pedestrian access to buildings, sidewalks and parking areas with utmost consideration of pedestrian safety, handicapped access and visual quality.
 - c. Provide pedestrian and/or bicycle paths connecting their site with abutting areas, as feasible, in order to promote pedestrian and bicycle circulation safety in area of the Mill District and Town owned open space. When parking is located in the rear, pedestrian access via a pedestrian-oriented walkway through to the primary street is encouraged.
- J. Projects abutting Osprey Overlook Park and the Back River Trail shall ensure that existing public access to this area is maintained, and where none exists, public access is provided consistent with the Town's goal for more and improved trail access.
 - K. As feasible, building rehabilitation and site design will incorporate green building techniques (such as those developed by the U.S. Green Building Council) and Low Impact Site design techniques aimed at protecting and enhancing the existing natural resources and buffer zones.
 - L. Exposed storage areas, machinery, garbage dumpster, service areas, truck loading areas, utility buildings and structures shall be screened from the view of abutting properties and streets using plantings and/or opaque fences.
 - M. Underground utilities for new and redeveloped buildings are required unless physically restricted or blocked by existing underground obstructions, or not possible due to specific site conditions.
 - N. Landscaping will be a critical component in any project proposal. Landscape plans shall show the type, size and location of all proposed plantings. The plan shall show the location of plantings, including use of plantings to buffer neighboring properties and along the street frontage and pedestrian ways.
 - O. Large parking areas or areas greater than 20 parking spaces shall be separated by landscaped islands of 8 to 10 feet in width or in the alternative shall devote at least 5% of the interior of the parking lot to landscaping. In addition, a minimum of one shade tree shall be planted for every 6 parking spaces required or built, within appropriate locations on the lot(s). Trees planted within parking areas shall be planted in protected pervious plots of at least 60 square feet of area. In the alternative, if the above parking design standards are not feasible, parking design stands shall utilize low impact design techniques aimed at enhancing parking area by utilizing landscaping features and greenery that will meet the intent of this subsection.

Section 120-25.31 – Uses

Except as provided in the Zoning Act, Ch. 40A M.G.L., the Weymouth Zoning Ordinance or in this HMOD, no building, structure or land shall be used except for the purpose permitted in the underlying zoning or the HMOD as described. Any use not listed herein shall be construed to be prohibited.

The following uses are permitted within the HMOD subject to a Special Permit from the BZA and administrative Site Plan Review by the Director of Planning and Community Development.

- A. Multi-family housing including artist housing
- B. Live/work units defined as the conversion of an existing commercial, industrial or institutional building into units used jointly for commercial and residential purposes whereby the residential use of the space is secondary or accessory to the principle use as a place of work.
- C. Two Family Dwellings
- D. Attached/detached Town Houses

Section 120-25.32 – Guidelines for Adaptive Reuse – Existing Mill Structures

In a redevelopment project, a minimum of 75% of the mill building’s original exterior characteristics deemed to be of historic architectural significance, must be preserved, restored, rehabilitated and redeveloped for residential use only. Determination of architectural and historical significance will be determined by the Planning Director in consultation with the Weymouth Historical Commission

Up to 25% of the existing building’s footprint, including any out buildings deemed non historic or structurally unsound, may be demolished and a structure(s) may be built on the demolished structure’s footprint, or equivalent separate structure, provided that the new portion be in keeping with the character of the remaining building and not exceed the height of the highest point of the existing principal mill structure. If the existing square footage of the mill building remains in its entirety, it may be expanded by an additional 15% either attached to the main building or as a separate building.

Section 120-25.33 – Density Guidelines for New Construction – Existing Mill Buildings

The following density requirements will apply to any new construction proposals initiated as the result of the demolition of the entire existing mill building only:

- A. FAR - .50
- B. Minimum Setbacks
 - Front – 25 feet
 - Side – 15 feet
 - Rear – 20 feet
- C. Height - 5 stories and 70 feet max
- D. Lot Coverage - 60% max with min 15% of site as open space. No more than 75% of site as impervious.

In addition to the required setbacks, an additional 20 foot “no build” buffer will be required when a project abuts existing single-family residential property.

The BZA may consider proposals with more than one principal structure.

Section 120-25.34 – Density Guidelines for New Construction

The following guidelines will apply to any new construction proposals not covered by 120-25.33:

- A. FAR - .30 for multi-family residential
- B. Minimum Setbacks
 - Front – 25 feet
 - Side – 15 feet
 - Rear – 20 feet
- C. Height - 4 stories and 50 feet max
- D. Lot Coverage - 60% max with min 15% of site as open space. No more than 75% of site as impervious.

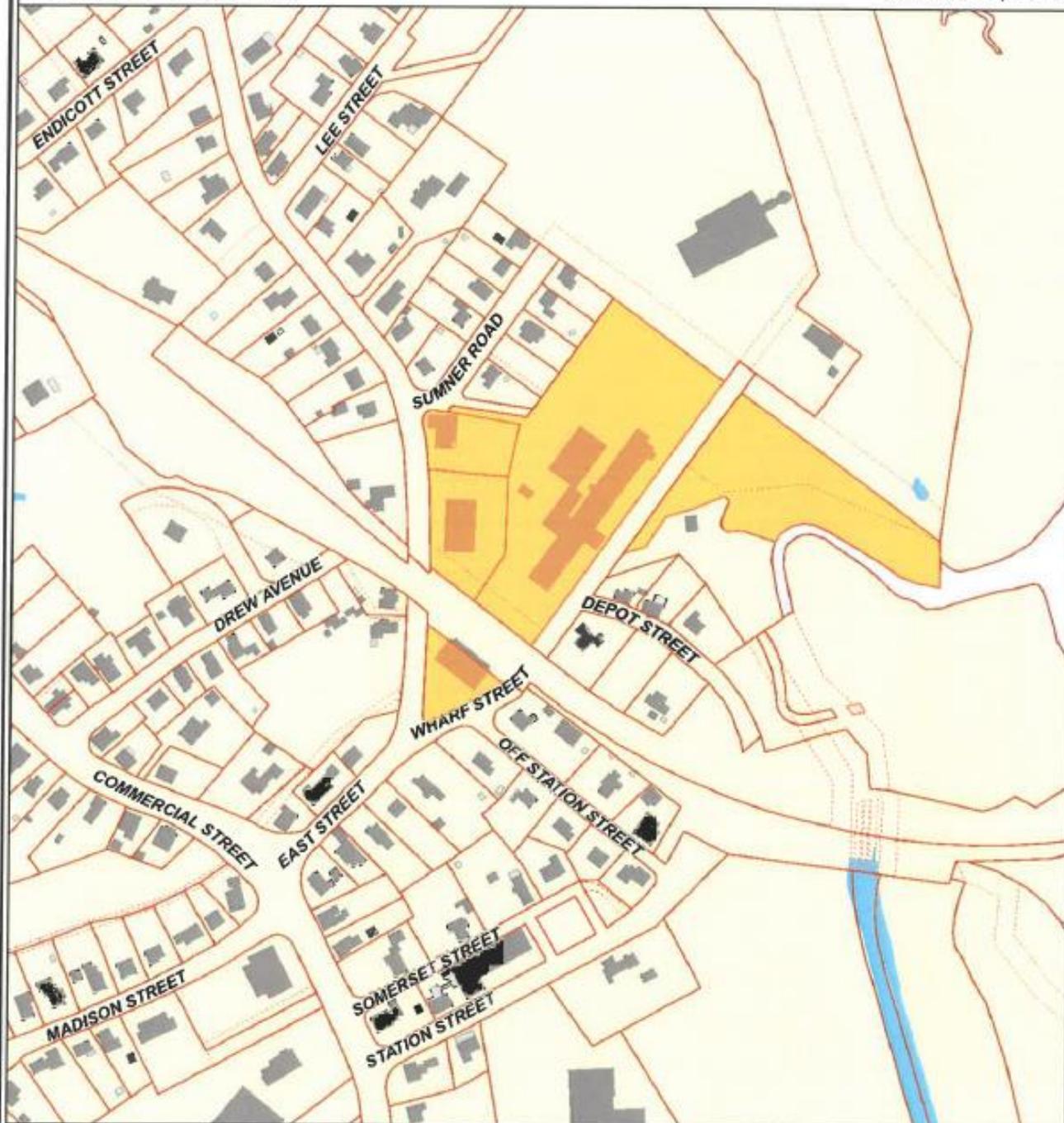
Section 120-25.35 - Parking

The following parking ratios will apply to all development proposals within the HMDO:

- A. Studios and 1 BRs – 1.5 spaces per unit
- B. 2 BR – 2 per unit

To promote a pedestrian friendly environment, parking in front of buildings is discouraged. Parking areas shall include provisions for the “parking” of bicycles in bicycle racks in locations that are safely segregated from automobile traffic and parking. For parking areas of ten or more spaces, bicycle racks facilitating locking shall be provided to accommodate 1 bicycle per twenty (20) parking spaces or fraction thereof.

Provisions shall be made for electric charging stations. The provision of electric vehicle charging devices in existing or future parking spaces shall not reduce the number of required spaces. Electric vehicle charging stations on parking spaces that meet the size standards of this ordinance for a parking space shall count as parking spaces in all respects. The number of parking spaces set aside for electric vehicles shall be determined by both the Building Inspector and Planning Director.



1" = 279 ft



The motion was seconded by Councilor Hackett and UNANIMOUSLY VOTED.

Electronic Billboard Concerns

1. Councilor DiFazio noted that he reported out on December 2, 2019 on this matter. Since that report, he received four documents that he is providing to the Council. It includes a letter that the Town Council sent to the Attorney General (dated 12/11/19) outlining their concerns, the response from the Attorney General's office (1/9/20), a letter from the Mayor outlining an agreement he made with Cove Outdoor and resident representatives (dated 12/18/19) and the Notice of Public Hearing (dated 1/10/20) from MassDOT Office of Outdoor Advertising-- to be held on February 13, 2020.

NEW BUSINESS

20 014-Town Council Rules and Regulations 2020-2022- Vice President Michael Molisse

Vice President Molisse reported that, pursuant to Town Council Rule Number 55, the Town Council Rules shall be reviewed and adopted within 120 days of the first meeting of the year.

A motion was made by Vice President Molisse to refer measure 20 014 to the Rules Committee and was seconded by Councilor Hackett. President Mathews asked the Councilors to submit any suggestions for committee consideration to the Town Council office. UNANIMOUSLY VOTED.

Letter to Executive Office of Energy and Environmental Affairs-Endorsement of the Town's Open Space and Recreation Plan- Vice President Michael Molisse

Vice President Molisse read the following letter into the record:

February 4, 2020

*Melissa Cryan, Grants Manager
Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs
100 Cambridge Street
Boston, MA 02114*

Re: Weymouth Open Space Plan Update

Dear Ms. Cryan:

On behalf of the Weymouth Town Council, I am writing to express our support and endorsement of the Town of Weymouth's 2020 update to the Open Space and Recreation Plan. We voted unanimously in support of this at our meeting of February 3, 2020. As a public body in town, comprised of elected and appointed officials, volunteers and residents, the Town Council was active in the development of the OSRP Update, receiving a presentation by town staff and consultants, participating in the surveys, and attending community meetings and public forums.

We have reviewed the document and we believe that the vision and goals captured in the plan update, accurately reflect and address the community's needs and makes providing, protecting, and maintaining open space as a priority of the town.

We hope that you will consider the plan update for final approval as Weymouth works to improve opportunities and access to open space for its residents over the next several years.

Sincerely,

*Arthur Mathews
Town Council President*

cc: Robert Luongo, Director of Planning and Community Development

A motion was made by Vice President Molisse to consider action on the matter under 2-9(b) and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

A motion was made by Vice President Molisse to approve sending the letter and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

ADJOURNMENT

The next regular meeting of the Town Council has been scheduled for Tuesday, February 18, 2020, due to the Presidents' Day holiday. At 7:57 PM; there being no further business, a MOTION was made by Vice President Molisse to adjourn the meeting and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

Attachments:

2. Resignation of District 6 Town Councilor Michael Smart
3. Letter from Town Council to Attorney General
4. Response from the Attorney General's office
5. MassDOT Office of Outdoor Advertising Notice of Public Hearing
6. Letter from Mayor Hedlund re: agreement with Cove Outdoor LLC and residents

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Arthur Mathews as President of the Town Council.
Voted unanimously on 18n February 2020