

TOWN COUNCIL MINUTES
Town Hall Council Chambers
Zoom # 826 3888 4351
October 18, 2021, Monday

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

Absent: Brian Dwyer, Councilor
Jane Hackett, Councilor

Also Present: Kathleen Deree, Town Clerk
Joseph Callanan, Town Solicitor
Richard Swanson, Town Auditor
James Malary, Director of Municipal Finance

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 two Councilors absent. Councilor Dwyer was absent due to a work commitment, and Councilor Hackett to a family commitment

ANNOUNCEMENTS

Councilor Heffernan announced the Veterans Observances scheduled for November 11, 2021. Ceremony begins at 9:30 AM at the Korean War Memorial, followed by a parade to the Amphitheater where the Weymouth Veterans wall will be re-dedicated.

Councilor Burga announced a community meeting to be held for the Feasibility Study and Conceptual Design for Beal's Park; a presentation in chambers, on October 28, 2021 where public input will be welcome.

She also announced that the Weymouth Public Schools is hosting a Community Connections evening at WHS highlighting personal assistance resources available to residents. This event is free and open to all.

Councilor Happel announced the Trick or Treat hours set by Police Chief Fuller (4:30-7:30 PM).

Recognition- Auditor Richard Swanson – President Arthur Mathews and Vice President Michael Molisse

President Mathews and Vice President Molisse invited Auditor Swanson and read the citation. This is Mr. Swanson’s last meeting with the Town Council and the Council publicly thanked him for his service. Councilor Molisse thanked him for his financial expertise and notably his work during budget season. President Mathews read and presented the citation. Mr. Swanson thanked the Councilors and acknowledged the staff and administrators he worked with over the years.

Recognition- District Six Councilor Brian Dwyer- President Arthur Mathews and Vice President Michael Molisse

President Mathews reported that Councilor Dwyer was appointed to the Council in May of 2020, in the middle of a pandemic. He will be missed. Because he was appointed, the charter dictates that the elected councilor for District Six will fill the seat following the next municipal election. He thanked Councilor Dwyer for his service.

MINUTES

Ordinance Committee Meeting Minutes of September 28, 2021

Vice President Molisse motioned to approve the minutes from the September 28, 2021 Ordinance Committee meeting and was seconded by Councilor Kiely. Unanimously voted.

Budget/Management Committee Meeting Minutes of October 4, 2021

Vice President Molisse motioned to approve the minutes from the October 4, 2021 Budget/Management Committee meeting and was seconded by Councilor Kiely. Unanimously voted.

Ordinance Committee Meeting Minutes of October 4, 2021

Vice President Molisse motioned to approve the minutes from the October 4, 2021 Town Council meeting and was seconded by Councilor Kiely. Unanimously voted.

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

21 113- Call of the General Town Election on Tuesday, November 2, 2021

Town Clerk Kathy Deree announced early voting dates from October 25 through 29, 2021 in the Town Clerk’s office at town hall, 8:30 AM-4 PM. She requested that; in the name of the Commonwealth, the Town of Weymouth is hereby required to notify and warn the inhabitants of the Town who are qualified to vote in the Town General Election to vote on Tuesday, November 2, 2021.

Vice President Molisse motioned to consider measure 21 113 under 2-9 (b), same night action, and was seconded by Councilor Kiely. Unanimously voted.

Vice President Molisse motioned to approve measure 21 113; In the name of the Commonwealth, the Town of Weymouth is hereby required to notify and warn the inhabitants of

the Town who are qualified to vote in the Town General Election to vote on Tuesday, November 2, 2021. The motion was seconded by Councilor Kiely. Unanimously voted.

21 114-Reserve Fund Transfer – Unpaid Bills

On behalf of Mayor Robert Hedlund, Director of Municipal Finance James Malary requested that the Town of Weymouth transfer the sum of \$14,560.13 from the Reserve Fund for the purpose of paying the following unpaid bills:

Gulf of Maine Boat Surveyors	May 2021	\$ 500.00
Janet Murray, Recording Secretary	May 2021	\$ 99.80
Pare Corporation	April 2021	\$ 923.59
Pare Corporation	Nov. 2015	\$ 13,036.74
Total		\$ 14,560.13

Further, that the town accountant is authorized to pay said bills.

Vice President Molisse motioned to refer measure 21 114 to the Budget/Management Committee and was seconded by Councilor Kiely. Unanimously voted.

REPORTS OF COMMITTEES

Ordinance Committee-Ken DiFazio

Councilor DiFazio reported that the Ordinance Committee met on October 18, 2021 to deliberate the measure.

21 107- Proposed Amendments to the Town’s Commercial Corridor Overlay Zoning Ordinance

This measure was referred to the Ordinance Committee on June 28, 2021. Initially, measure 17 127 was the original zoning amendment that created the commercial corridor overlay. Two years later, the Town Council president wrote a letter as a result of development suggesting changes to the ordinance. Changes were suggested in measure 21 010, which subsequently was withdrawn as it evolved to this current measure.

The committee met on this measure on July 27th, September 28th and October 14th. A joint public hearing was held with the Planning Board on August 30, 2021, and on September 15, 2021 the Board submitted its recommendation for favorable action. The committee voted to forward to the full Town Council on October 14, 2021 a recommendation for favorable action.

This ordinance amendments are as follows:

1. reduces the number of properties covered by the zoning by approximately 75% from the original Commercial Corridor Overlay District zoning. It was approached strategically and focused on the mutual goal of minimizing or eliminating development impacts on established residential areas.
2. Reinsured a more substantial component, establishing a 25% first floor commercial, eliminating leasing or amenity space, and prohibiting residential on the first floor.

3. The floor area ratio (FAR), which dictates allowable density, has been significantly reduced throughout the corridor. FAR is now 0.5 throughout the overlay district. Previously, the allowable ranged from .75 to as high as 1.25 (adjacent to the MBTA commuter rail). Building heights have been reduced. Previously, the allowable heights in most areas was 4-5 stories, and with this amendment, reduces it to 3 or a maximum of 4, in some limited areas.

After multiple meetings regarding the proposed changes to the Commercial Corridor Overlay Zoning ordinance, and on behalf of the Ordinance Committee, Councilor DiFazio motioned to approve measure 21 107; that the Town of Weymouth, through Town Council with the approval of the Mayor, hereby amends the Town of Weymouth Ordinances in the following manner:

SECTION 1. Section 120-25.15 (Applicability) of the Town of Weymouth Zoning Ordinance is hereby amended by striking out that entire subsection and inserting in place thereof the following new subsection:

A. Definitions.

The following subzones within the Commercial Corridor Overlay District are established and defined. Refer to the Town of Weymouth Zoning Map for the precise extent of the Commercial Corridor Overlay District and its subzones.

- (1) Low-Density Commercial Corridor Subzone
- (2) Medium-Density Commercial Corridor Subzone

B. Generally.

Application for special permit can be made to the Board of Zoning Appeals under this article provided that the lot consists of at least 30,000 square feet and any of the below is true:

1. The proposal consists of both a residential and nonresidential use with a minimum of twenty-five per cent of the ground floor reserved for use as retail, office, or both. See § 120-25.23 (C). Proposals may also be comprised of more than one principal building on a lot whereas twenty-five per cent of the total ground floor area (exclusive of leasing offices and amenity space) is reserved for use as retail, office, or both with no residential being permitted on the ground floor; or
2. The proposal is for a professional office building of between three and four stories dependent on the additional requirements in § 120.25.17 (A)

SECTION 2. Section 120-25.17 (A) (Dimensional requirements: Height) of the Town of Weymouth Zoning Ordinance is hereby amended by striking out that entire subsection and inserting in place thereof the following new subsection:

A. Height.

(1) Proposals within the Low-Density Commercial Corridor Subzone shall not exceed three stories and 40 feet.

(2) Proposals within the Medium-Density Commercial Corridor Subzone shall not exceed four stories and 50 feet.

(3) The Board of Zoning Appeals shall consider the following in its review of the proposed height:

- a. The purpose and intent of the Commercial Corridor Overlay District. See § 120-25.14;
- b. Visual scale of proposal in context to the surrounding area;
- c. Proximity to established residential areas; and
- d. Extent to which a proposal utilizes topography, façade articulation, roof line variation, step-up techniques, and building materials to achieve appropriate visual scale.

SECTION 3. Section 120-25.18 (Density) of the Town of Weymouth Zoning Ordinance is hereby amended by striking out that entire subsection and inserting in place thereof the following new subsection:

The building area for any building for occupancy shall not exceed a floor area ratio (FAR) of 0.50, as defined in § 120-6.

FAR, as defined here and in § 120-6, excludes commercial space and structured parking from FAR calculations.

SECTION 4. The Town of Weymouth Zoning Map is hereby amended to reflect the change in Commercial Corridor Overlay boundaries and to establish the locations of a Low-Density Commercial Corridor Overlay Subzone and a Medium-Density Commercial Corridor Overlay Subzone. Draft maps are attached, and may be amended by the Council.

SECTION 5. The following preamble shall be added to the beginning of Article VIIB: Amendments (the "2021 CCOD Amendments") to the existing Commercial Corridor Overlay District ("CCOD") provisions, which were enacted in 2018, Article VIIB, sections 120-25.14 through 120-25.23 (the "2018 CCOD"), Weymouth Zoning Ordinances ("WZO") are proposed. The intent of the 2021 CCOD Amendments is not to adversely affect any development approved under the 2018 CCOD provisions. Therefore, any development that has received a Special Permit from the Weymouth Zoning Board of Appeals, a foundation permit, a building permit or other approval under the 2018 CCOD provisions shall be exempt from any application of the 2021 CCOD Amendments to said development and its construction. The density, dimensional, FAR, height, parking and other provisions of the 2018 CCOD shall still apply of any development permitted prior to August 18, 2021. The requirements of the 2021 amendment shall apply only to projects submitted after August 18, 2021.

The motion was seconded by Vice President Molisse.

Councilor Harrington pointed out that the initial bill included commercial or retail space on first floors, and he asked if this measure eliminates that. Councilor DiFazio responded that no residential is permitted on the first floor. It includes 25%, minimum, of commercial space on the first floor. Some developers were submitting plans with the entire first floor dedicated to parking. One of the objectives of the original overlay was to get commercial space on the first floor, and residential on the second. This serves to clarify the language in the first overlay ordinance, which he thought was open to different interpretations.

Councilor Harrington asked if a study was conducted, or if sufficient information was provided to the Planning Department to determine if commercial was successful or not; was it successful in filling commercial space or are there still vacancies? Councilor DiFazio responded that the proposed ordinance cannot dictate whether developers will come to the town. The underlying objective was to get commercial on the first floor; his own opinion is that a lot of these projects are just coming online, and they perceive there may be vacancies. It has not gone on long enough to say. Councilor Harrington responded that a market study might tell them whether the demand for retail space or commercial space has been reduced by the pandemic; larger online retail providers has effected the projected demand. They will have to keep their eyes on this going forward.

President Mathews pointed out that one of the important features of the measure is that a current owner of a commercial business cannot tear it down and rebuild or redevelop without a commercial component. He thanked the administration and Planning Department for their work on this. They reviewed the overlay parcel by parcel, and he is happy to see density, FAR and height reduced, and they will watch as these projects are developed. Many current projects have permits, but nothing is fully occupied yet. President Mathews also thanked his colleagues, and the members of the Ordinance Committee and noted that this ordinance will continue to be monitored.

Unanimously voted, 9-0.

ADJOURNMENT

Due to the Town Election on November 2, 2021, the next meeting of the Town Council will be November 8, 2021. At 7:55 PM, there being no further business, Vice President Molisse motioned to adjourn the meeting and was seconded by Councilor Kiely.

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Arthur Mathews as President of the Town Council

Voted unanimously on 15 November 2021