

TOWN COUNCIL MINUTES
Town Hall Council Chambers
2 October 2023
ZOOM meeting ID 825 3380 5455
Passcode 199431

Present: Arthur Mathews, President
Michael Molisse, Vice President
John Abbott, Councilor
Kenneth DiFazio, Councilor
Fred Happel, Councilor
Christopher Heffernan, Councilor
Gary MacDougall, Councilor
Greg Shanahan, Councilor

Absent: Lisa Belmarsh, Councilor
Gary MacDougall, Councilor
Brian Connolly, Auditor

Also Present: Kathleen Deree, Town Clerk
Richard McLeod, Town Solicitor
Robert Luongo, Director of Planning
Eric Schneider, Principal Planner
James Malary, Chief Financial Officer

Recording Secretary: Diane Hachey

President Mathews called the meeting to order at 7:30 PM. Following the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with two Councilors absent. President Mathews reported that Councilor Belmarsh had a prior commitment and Councilor MacDougall was under the weather.

ANNOUNCEMENTS

Councilor Happel announced that Weymouth Flu Clinics are scheduled as follows:

3 October 10-3:30
11 October 3-7:30
17 October 10-3:30
18 October 3-7:30
Appointments are needed.

MINUTES

Ordinance Committee Meeting Minutes of August 7, 2023

Vice President Molisse motioned to approve, motion was seconded by Councilor Kiely. Unanimously voted.

Ordinance Committee Meeting Minutes of August 28, 2023

Vice President Molisse motioned to approve, motion was seconded by Councilor Kiely. Unanimously voted.

Southfield/Union Point Meeting Minutes of September 12, 2023

Vice President Molisse motioned to approve, motion was seconded by Councilor Kiely. Unanimously voted.

PUBLIC HEARINGS

7:32 PM--23 113-CPA Funding Request for Additional Funding for Construction and Restoration of Beals Park

Councilor Molisse motioned to open the public hearing which was published on 22 September, motion seconded by Councilor Kiely and voted unanimously.

Mr. Luongo presented a request from the CPA funds for \$150,000 for improvements to Beal's Park which is a \$3.4 million substantial total remake. The plan is for a state-of-the-art skateboard park, pickleball court and walking trails. Additionally, it will have a gazebo and they are expanding the parking on site on Sea Street. Work is scheduled to be completed by May of 2024. This \$150,000 request is for additional structural soil to be imported onto the site. When the site was under design, they had test borings conducted to understand soil conditions and they looked to be in good shape. But when they started to excavate, unsuitable soils were discovered where the skateboard park is. That is an area where it needs to have good structural fill. Also the other area was the expanded parking lot, on the Sea Street side, which also needs to have good structural fill to be able to support the parking lot, and obviously, the skate park.

Councilor Burga expressed her appreciation for the progress of the project. She noted that the neighborhood is very excited and encourages people to visit the site.

Councilor Kiely noted her support of this project which is just another example of the administration's commitment to our community. She asked if there is any potential for any other additional funding requests?

Mr. Luongo doesn't believe additional funding will be needed. He noted that they are digging a well and depending on how deep they have to go- there could be some additional costs which would be derived from the unreserved fund balance of the Community Preservation funds. Currently, the balance in the unreserved fund is \$360,140—this measure is requesting \$150,000.

Councilor Happel noted the popularity of the park with sledding. Assuming it is off limits during construction, he would like to know about the security process.

Mr. Luongo stated that the skate park is slated to be completed in November. He stressed that the park will not open until the entire park is completed. They are working very closely with Steve Reilly to figure out how to secure the park over the winter. When the park is not open it will be under the control of the contractor, so the town doesn't incur any liability issues.

President Mathews asked if there were any comments from the audience and zoom to which there was no response.

Councilor Molisse motioned to close the public hearing on measure number 21 113, motion seconded by Councilor Kiely and voted unanimously.

7:33 PM- 23 120- Proposed Amendment to Zoning Ordinance Article 11, s.120-6 and Article IV, s 120-13, Concerning In-Law Residence Structures

Councilor Molisse motioned to open the public hearing on 23 120-which was published on 22 September 2023.

Mr. Luongo presented and states that this is not an attempt to eliminate in law apartments or hinder the ability of families to house and care for relatives in need. The intent is to regulate in law apartments. Currently in law residences are not commonly addressed or regulated in the Weymouth zoning ordinances. Historically, the building department has interpreted the zoning ordinances as allowing them as accessory uses with limited guidelines, with no review by the Planning Department. Several recent projects have been built, that emphasize the need for enhanced regulation, and oversight—notably there are a few projects that have negatively impacted neighborhoods. The issue is that the in laws are larger than the original house, which overwhelms not only the existing house, but also the neighborhood. The sale price of these finished products far exceeds other homes in the neighborhood, making them even more viable for commercial use, such as sober homes, group homes, and daycares. He impressed the need to regulate them.

Mr. Schneider added that the Planning Department is open to the input of the Council, the Ordinance Committee, Planning Board and the residents because they are in unchartered territory, this should be a collaborative effort. He feels that the spirit of an in law home was to have a shared living space; the in law unit would have their privacy in a bedroom and a bathroom, possibly a small kitchen, but their unit was a part of the main house What is happening is and what is hard to regulate-- the unit is being a closed off and separated and used as a rental because it does have, in many cases, private entrances. Mr. Schneider noted that many have the only connection between the in law and the main house as a breezeway.

The first change would be to amend the paragraph entitled “accessory building”- by adding to the end of the existing definition,” a detached accessory building may be created in the rear or side yard area, at least 10 feet from the principal residence in conformance with the yard requirements of the district in which it is located. And accessory building attached to its principal residence shall be subject to the side, rear yard, front, side and rear yard requirements applicable to the principal building. An in law residence shall conform to the conditions set forth in Article 120-13, which is in the R-1 zoning district-- amend the paragraph entitled accessory use and add to the end of the existing definition-accessory uses include normal accessory uses as private garages, storage sheds, tennis courts, swimming pools and cabanas for swimming pools. In law residents shall not be considered an accessory use. “

Mr. Luongo wants to clarify the definition of accessory building as this is the interpretation of the Building Department, which is currently in the town’s zoning. The

goal is to close the loophole to further define accessory building an accessory use is not to be interpreted as an enlarged apartment. The Building Department has been directed not to issue any additional building permits for accessory uses until the new zoning is passed, because it has become so problematic.

He also noted a new Section 2 that its proposed to be added, entitled “in law residence”. The property must be owner-occupied, either the principal residence or the in law residence. There shall be no more than one bedroom, one kitchen and one bathroom in the in law residence and the kitchen facilities shall be of a type readily removable. The gross floor area of the in law residence shall not exceed 800 square feet, unless the residence is contained within the existing footprint or structure of the principal residence, and shall conform to all applicable requirements of the zoning district. “

Mr. Schneider continued and noted that there should be a maximum of 2 people occupying the living area; and the principal and in law will be serviced and monitored by common gas electric and water meters. There should be at least 2 off street parking spaces for the principal residence, as is already required, and at least 1 off street parking space. The in law applicant must provide satisfactory proof of kinship. The in law arrangement shall terminate upon either sale of the premises, occupancy of the principal residence, or violation of any of the other special permit restrictions imposed by the Zoning Board of Appeals. No in laws shall be permitted prior to the issuance of a special permit by the Zoning Board of Appeals and a building permit by the building inspector. Upon receiving a special permit, the owner of the property must file a declaration of covenant at the Norfolk County Registry of Deeds and Land Court. The declaration will state that the right to rent a temporary in law shall cease upon the transfer of title, and no building permit may be issued until a time stamped copy of the recorded declaration is provided.

Councilor Shanahan wanted to clarify that the maximum typically would be 1 bedroom.

Mr. Luongo confirmed that 1 bedroom, would require 1 off street parking site, but this is open for discussion- therefore if it were 2 bedrooms, it would increase to 2 parking spaces. He further noted that people could request relief from the Zoning Board of Appeals, for their particular situation.

Councilor Burga thanked them for the presentation and noted its importance as there is a housing shortage. It appears that people have been using this as a way to skirt the lot size building requirements. She has received a call from someone that is trying to put a small addition on to accommodate their family, she wonders how many people are being held up for applying for modest accommodations?

Mr. Schneider encourages individuals to meet with planning staff to discuss their particular situation.

Councilor Happel questions the process if someone resides in an R-1 and wants to build an in law when currently there's a moratorium. If they didn't need a variance and there wasn't any conservation issues. What would the procedure be?

Mr. Luongo said that they would file a request for a permit to build, the building department would use the definitions of accessory as a way of interpreting that in laws are allowed in an R-1 and they would be required to file a declaration at the Registry of Deeds and the Land Court.

Councilor Happel noted that this is an epidemic in town and he receives calls often on this issue and is surprised that no one from the building department is in attendance tonight. He relayed his concern with the size of the “in law” additions and is concerned with how we are going to enforce the situation.

Mr. Luongo feels that the neighbors are the best policing as they are quick to report issues with any buildings in their neighborhood.

Councilor Abbott looks forward to discussing this further in the Ordinance Committee. He questions the whole basis. It started back on the current building department’s interpretation, given that the building department is under the Mayor's purview, he questions if there is another route, rather than putting this regulation in place and changing the ordinances? Is there no mechanism where the building department could be instructed to change their interpretation to be stricter?

Mr. Luongo doesn’t foresee any other way as his interpretation is accessory in apartments which are not allowed, under the zoning, and he believes the only resolution is a zoning change.

He confirmed that the Mayor asked the Building Department not to process any additional building permits until this measure is voted. But it's not a moratorium per se, only the Council can approve of a moratorium,

Councilor DiFazio asked what the intent is for the accessory uses that are in place now- will people be grandfathered?

Mr. Luongo confirmed that they would be grandfathered in once a building permit and occupancy permit are issued by the Building Department.

Councilor Kiely noted her concern with size and safety, not necessarily the number of bedrooms, because there are situations of 1 bedroom, for a family member needing assistance and the other family members are working. There is a need for a second caretaker and a second bedroom. She cites that there are circumstances of someone who's a longtime family friend, who is not family.

The following are the comments from the public:

Peter Kiley of 40 Old Colony Drive. Agrees that if you have a maximum of 2 occupants, there should be allowances to build 2 bedrooms. Believes capping 100 square feet is good, but does the applicant have to provide satisfactory proof of kinship? Is that what the declaration is with the Registry of Deeds?

Mr. Luongo stated that this would be confirmed through the application process and the applicant would be attesting to it.

Mr. Kiley also asked if one would be allowed to build an in law prior to anyone moving in, for a future use?

Bob Luongo-The applicant could file with the building permit for an in law intended use in the future and use it for additional living space for the primary family in the interim.

Janet Murray of 1805 Commercial Street. Believes the amendment is a great idea, but she is frustrated. Fortunately, she hadn't started the process yet and questions how long will the process take to obtain permits?

President Mathews noted that the Planning Board is holding their public hearing next week on 10 October at 6PM. Followed by the Ordinance Committee deliberating, followed by the Planning Board issuing their recommendation, and once received Ordinance will vote and make a recommendation to Town Council.

Mrs. Murray continued that she is glad there is another public hearing to vet this measure. She would like to add on for her adult children who can't afford to buy in Weymouth, but wish to remain. She expressed her frustration with residents who don't follow the rules and is also worried about enforcement. She also requests that the ordinance not be too restrictive.

She also hopes that the process to appear before ZBA is simplified because people get very nervous and believe they have to hire a lawyer.

Ed Cowen of 56 Wilson Ave, Wants to reiterate that familial matters are a lot more complex than the law or regulations permit. He encourages leniency, and not to criminalize people being able to pay their mortgage payment to make extra money.

Bob Elder of 60 Grant Street- contractor. He has constructed several in laws and never exceeds 500 square feet as it is not necessary; he noted that builders must follow the beautification bylaws, whereas the in law looks just like the original house. Further, the in law doesn't need two floors, but one floor. When the new in law is as big as the original house, two floors, two full bathrooms, that is an in law "house".

President Mathews asked if there were any comments from the ZOOM simulcast- to which there was no response.

Councilor Molisse motioned to close the public hearing on measure 23 120; motion seconded by Councilor Kiely, and voted unanimously.

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

23 124-Appointment to the Board of Health-Casandra Sullivan

On behalf of Mayor Hedlund, James Malary requested that the Town of Weymouth, in accordance with 2-10 of the Town Charter, appoint Casandra Sullivan of 84 Shawmut Street to the Board of Health for a 3 year term to expire on June 30, 2026.

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

REPORTS OF COMMITTEES

BUDGET/MANAGEMENT COMMITTEE-CHAIR MICHAEL MOLISSE

23 113-CPA FUNDING REQUEST FOR ADDITIONAL FUNDING FOR CONSTRUCTION AND RESTORATION OF BEALS PARK

This was referred on 5 September and the committee met tonight and the public hearing was also held. On behalf of the Budget/Management Committee, Councilor Molisse recommends favorable action. Motion seconded by Councilor Kiely, and voted unanimously.

23 122-APPOINTMENT TO THE ZONING BOARD OF APPEALS AS ALTERNATE-MICHAEL PIZZIFERRI

Mr. Pizziferri stated that he was born and raised in Quincy and purchased his first house in South Weymouth. He stated that he works for the Canadian consulate and covers economic and public policy. He continued that he also has a background in Energy and Environment Policy which he believes will apply well to the Zoning Board of Appeals. He looks forward to serving.

Vice President Molisse motioned for favorable action on measure 23 122, motion seconded by Councilor Kiely and voted unanimously.

ADJOURNMENT

The next regularly scheduled meeting of the Town Council will be October 16, 2023; there being no further business, Vice President Molisse motioned to adjourn the meeting at 9:24 PM and was seconded by Councilor Shanahan. Unanimously voted.

Respectfully Submitted by Diane Hachey as Recording Secretary

Approved by Arthur Mathews as President of the Town Council

Voted favorably on 13 November 2023