

TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE
May 16, 2023

Present: Ken DiFazio, Chair
Gary MacDougall, Vice Chair
John Abbott, Councilor
Lisa Belmarsh, Councilor
Arthur Mathews, Councilor

Also Present: Robert Luongo, Director of Planning
John Twohig, N E Development
Tim Sullivan,

Recording Secretary: Mary Barker

Chair DiFazio called the meeting to order at 6:31 PM.

23 022- Zoning and Land Use by-Laws and Map for South Weymouth Naval Air Station,
as Amended

The measure was referred to committee on April 3, 2023.

Bob Luongo reviewed the timeline for the measure, which is covered in the proposed legislation Ch. 40A M.G.L.; the clock started ticking when the zoning amendment is filed with the Town Clerk- that means the 90 days will be up and council must vote by June 28th. Planning board will have its recommendation by next Wednesday, after their public hearing. Councilor Belmarsh asked, if June 28th passes without a vote, what happens? Director Luongo explained the process. It dies, and the proponent can resubmit. Usually there is a 2-year period when a measure is denied. It restarts the whole process. If the council votes no, the special legislation indicates a 6-month waiting period may be instituted. Mr. Luongo will check with the Town Solicitor.

The developer and SRA representative were invited to the table and provided explanatory notes from the last meeting. Mr. John Twohig and Tim Sullivan presented the measure, that the Town of Weymouth approve the Zoning and Land Use By-Laws and Map of Naval Air Station (NAS) South Weymouth, as amended, dated March 7, 2023. Chair DiFazio reported there were some things brought out during the presentation given during the Annual Town meeting. Representative Mariano indicated that he would make sure there would be a sewer plant on the base. Why is there a disconnect with what the proponents say? Mr. Twohig responded that he talked to him last night. The most recent certificate was of a direct connection or a hybrid. The site doesn't support the good soils to build an on-site facility. There is also pfas to consider. The 2017 certificate proposed

three alternatives. There is also a misconception that Rockland and Abington flows also included. Abington and Rockland have to take care of their own. There isn't a requirement in the MEPA certificate. Because of PFAS, the situation is different than what it was in 2017.

Councilor Abbott asked for confirmation; right now the developers are planning for no onsite facility, but is there a change in responsibility for providing wastewater for the development? Mr. Twohig responded that there are tens of millions of dollars of improvements that need to be made, and they've discussed how to create a working relationship with the city that benefits their residents and those on the base, and what can be done to remedy existing problems that increase capacity for the base. They have to be studied, along with what public contribution the developer will make that will improve the system. Six or seven major initiatives would have to be done in order to improve the Weymouth system. Some of it came out in the presentation in the ATM, such as the water gallonage vs. flow being processed- 2.5 million gallons in excess being processed on a daily basis. Part of that has been done at the base recently- taking out almost 300,000 gallons of daily flow by fixing the existing pump station and reduced the flow to 100-150,000 gallons. There are things that can be done. The chair responded they don't expect to have all the answers, but wanted clarification. Mr. Twohig responded that if the mandate said there would have to be an on-site treatment plant, they would stop. Because there aren't enough soils with the plume there, they could not get that approved or processed.

Councilor MacDougall had asked about the enabling legislation. There is nothing in it that indicates the developer needs a treatment plant. He quoted from the enabling legislation. Mr. Twohig responded that the developer is required to solve the wastewater problem. They have been clear; if they cannot solve it, they are not going forward and the base does not get redeveloped. There is no way to afford to do all the things that are necessary to get the base to run, if it can't be built out.

Councilor Mathews pointed out that he asked this question 2 weeks ago, and that wasn't the answer he received. He read further into the enabling legislation; the developer is responsible for procuring or financing the permanent water and wastewater infrastructure of the project and the infrastructure may include a wastewater treatment plant and associated groundwater discharge facilities contemplated in the master plan. Councilor Mathews pointed out there are serious issues with the Rockland's wastewater situation and DEP is involved. If a treatment plant is not to be built, he is adamant that the plan is dead on arrival if it means accepting flows from Rockland or Abington's portion of the base.

Mr. Twohig responded that one of the confusions is that in one of the most recent certificates LStar did, there was discussion that Abington and Rockland would go into the MWRA system. The developers have met with Abington and Rockland and looked at their I/I issues- they do understand any flow coming out of Rockland will go to Rockland, in the certificate. One of the things they are required and will study what will happen if

they put it all into the same system. They think that is the most likely avenue of success. It is still an evolving issue, and inconsistent with the legislation. Councilor Mathews responded that he wants to see it redeveloped and has been fighting for it for twenty years, but he does not want to see the protections put in place in the legislation go away. His personal preference is a wastewater treatment plant, but understands the dynamics have changed. He spent a summer with the previous developer's engineering staff on designs. Mr. Twohig responded that much of what LStar planned had no basis in reality.

Councilor MacDougall reported he watched the presentation given before the SRA. A resident spoke on the Westwood project- he asked why Westwood denied the flexible piece of the zoning. Mr. Twohig responded that he didn't know who spoke and the plan he spoke of had to do with a prior development that was not supported or moved forward. It was two and a half times what they felt the market was and didn't make sense. There were anchor stores committee when they bought the project. Councilor MacDougall added that the timeline of this project is fairly quick. Why hasn't the SRA been in before the council before 2016. Why hasn't this been presented sooner? Mr. Twohig responded that they had nothing before last October when they were appointed master developer. SRA was dealing with Route 18 and pipe issues. A lot of the effort was how to move it forward. They met with the people at the state level, and discussed the MEPA process. When the land was taken by eminent domain and had control of the site, the zoning plan was drafted and submitted. It was submitted to SRA in January. At the end of March, it was brought to the town. Councilor MacDougall expressed his frustration that the Council is getting it halfway through the ninety days of the process. It would have been helpful to have it earlier. The developer responded it isn't a process they designed. They are restricted to what was available to them. It is not their normal process but it is how it was prescribed. Councilor MacDougall added that Westwood had 9 months to review theirs. It was a different dynamic in how it was review, but the review of the zoning was expedited. Councilor MacDougall asked when SRA approved it. Mr. Twohig responded that their final approval was just before it was submitted.

Councilor Abbott pointed out there isn't a better case scenario; the alternative is going back to square one, with an abandoned runway, a toxic waste site, hate speech routinely sprayed through the community, and drag racing because it's an attractive nuisance. In Westwood, the alternative was a missed redevelopment. Weymouth is an existing horrible situation and they have a solution forward. What is there now is not a tenable situation in any community. What they do have is a plan they can move forward.

Councilor Belmarsh pointed out that everyone wants a successful solution. The entity charged with enforcing the zoning governing this 7A is the SRA; however, because the redevelopment will impact the rest of the town, they have to care what happens. Impacts will include water, sewer, schools, fire, police, etc. and they have to care about the permitting because it impacts Weymouth. She does not see the net from the project as being that much money, but Weymouth must cover its costs. She still has reservations with giving it all up to the SRA, because of the impact to Weymouth. Mr. Twohig responded that debt exists presently. Weymouth has five representatives on the SRA, including two who live on the site. If someone who lives on the base today wants to build

they will go before the SRA. That is how it is now, and not change is not proposed. That is how it is structured. Councilor Belmarsh responded that it is no different than the rezone of Jackson Square; the committee and the council had to consider the impacts of it. It's harder here because of the history and the potential numbers. Mr. Twohig responded that the projected revenue at the full buildout is significant. He compared the revenues from Westwood and Pinehills in Plymouth. The opportunities from the revenue is significant. Councilor Belmarsh noted that public safety will be a cost as well. Mr. Twohig responded that the lack of a developer is an issue. They are funding some additional public safety measures and aesthetic approaches they can make to address some of the issues. If no one is there to develop it, it will just get worse. Councilor Belmarsh added that this town council cares and wants to make good decisions for the town. The council's perspective is not sufficiently counted in decision-making, but they want to have input. Incorporating partnership and collaboration would be appreciated.

Councilor Mathews noted that revenues do not include infrastructure costs. there was a slide at the prior night's presentation indicating the cost to bring a water solution and even more to solve the wastewater treatment. Bonding debt has to be considered. Once this is done, there will be a discussion with a recommendation to the state legislation about changes to the enabling legislation, including the SRA be required to come before the council at least on a semiannual basis. Same for the master developer, and additionally, that the town council have approval power over the town's appointments to the SRA board. It's a way to put in what Councilor Belmarsh has suggested.

Councilor MacDougall pointed out that he was one of the most critical of the former developer, and his skepticism is valid. This has to be viewed from a town viewpoint. Once it is approved, it removes the protection to the rest of the town from its impacts. He will support what Councilor Mathews suggested.

Tim Sullivan pointed out where the review left off at the last meeting. 7A is the next portion- Sections 1-10 were reviewed in a slide presentation.

Chair DiFazio asked if a consultant put this together? He hasn't seen this before. Mr. Twohig responded that it began with the Westwood, and SRA Counsel. It's also rooted in the overall zoning code here.

Mr. Sullivan reviewed the zoning map that is proposed. Open space exists along the perimeter and is joined with the Coast Guard area.

Councilor Belmarsh asked if there is another place with an area this large with this flexibility? Mr. Twohig responded that there was a provision that specified certain amounts of residential and commercial space. It's a guaranteed failure because of the financing.

Councilor Abbott noted the location on the map that is open space is the outside- the northern triangle was supposed to change? Mr. Sullivan responded that the connection is

there, but it's not large enough to see. It was important to draw boundaries around what is already developed.

Councilor MacDougall asked about the top parcel of the MUDD- if some large endeavor comes in and wants to build something massive, is it possible? Mr. Sullivan responded that it would be helpful if go through each section.

In Section 3- Master Development- the land within the MUDD shown on the plan can be developed. It shows technical reports to support the master plan, traffic- master development is not only the plan but the things that go along and impact the plan. The core development area- Yellow area- additional information that's needed (in the binder) – this is the most comprehensive that has been designed for the base- all the material sets the baseline. Standard is being set by having these reports. It is the most comprehensive that has been proposed for the base. All sets the baseline of impacts for the project. Mr. Twohig provided an example from the Westwood project. It has always been projected incrementally instead of the whole project. It has to show that all impacts have been mitigated, or it can't go forward before it gets to the SRA.

Chair DiFazio asked if the master development plan ready? Mr. Twohig explained it would be over and above that. Councilor Abbott suggested that is what is being detailed, if a smaller development would do; more like a subdeveloper. Mr. Sullivan explained the master development plan is done and the traffic reports and studies are done. That is the standard when an application comes in that it will be judged against. Mr. Twohig added that the other difference-it has to go through master developer for a design certificate before filing. It's a submittal requirement.

Director Luongo pointed out they are not asking the Town Council to vote on the development plan? Are they asking them to approve the master development plan? The response was that it is part of the material that supports the zoning. Director Luongo is concerned about the green line, and the area on Union Street has a residential area separating it and not integrating it with the rest of the community. The scale of the map is the problem- it is there.

Section 4- USES- this is the permitted by right or special permitted on table of uses, or recommendations- based on suggestions, it has taken out cannabis, as requested. Chair DiFazio asked if it was subject to issuance of performance –as explained in Article 10 – would have to come before- 1 the first step, then prepare, in addition to the design review certificate, consultant prepare memos, then the entire package goes to SRA. That is one criteria. The second criteria- Does it conform to 7A in all aspects? The third determination -Would the project have a positive impact? That is the process. If the SRA makes that finding, then a zoning certificate would be issued. It shows they complied with the zoning. That's the process in section 10.

Director Luongo asked if the list of permitted uses- applies to core and noncore in the entire MUDD? The response was yes.

Chair DiFazio noted when you compare to the existing, this is much better. It's a great chain of review between developer and SRA. Mr. Luongo added that hasn't changed, but they have simplified it.

Councilor Abbott asked if Director Luongo asked how the uses compare to the existing ones? Mr. Luongo responded it is totally different. It is reasonable, but a combination of hierarchal and form-based zoning. It's a better, more robust zoning. In theory, it should work better. The existing zoning should have worked, with one glaring flaw and that is the sports complex. It should not have been built and was allowed to go through by a rogue master developer making a deal with another town. There is no master declaration and there will be. Incremental, piecemeal development resulted in this.

Other uses were discussed in the section 4 overview. The enabling legislation which was carried forward has a 10% baseline affordable housing. Councilor MacDougall asked if that could go higher. Jackson Square allowed 10% if a developer wanted to take advantage of extra space. Councilor MacDougall would like to see 15%. Mr. Twohig responded that they just brought forward the enabling legislation. They will be creating substantial affordable housing with the numbers. As they go through the enabling legislation they will not be surprised if that becomes a discussion. The proponents plan to remove cannabis; medical facilities are allowed. Director Luongo responded that the state has ruled medical use cannot be disallowed. Chair DiFazio suggested checking with the solicitor. Because the town already offers it in another zone, it does not have to here.

Director Luongo asked if definitions of affordable and workforce housing are included. He delineated which is which. The enabling legislation does not include it. Councilor Mathews asked what the Director's opinion is. 80% of the median income is workforce. The legislation dictates the percentage for minimum affordability and is carried over. Councilor Mathews asked if they are amenable to the director's suggestion. The way it has been interpreted at the base does it apply to what is already at the base. They will review before changing it in the legislation. Councilor Abbott noted it would have a dramatic effect on the amount in the region. Adding that much stock is extremely beneficial to the entire region. Chair DiFazio noted the director's opinion should be entertained by the council before voting the changes. Director Luongo pointed out that the council should note that the square footage for commercial development encompasses residential uses such as assisted living, congregant living, independent and long-term care residences and senior residence communities in its commercial uses count. It's done now with Faring Way- not what is traditionally known as commercial use. Councilor Mathews noted that's an important fact to note. Director Luongo pointed it out so the council isn't blindsided. Chair DiFazio appreciates the comments.

Under prohibited uses- Director Luongo suggested they do not want to see auto storage, new or used car sales. Councilor Abbott pointed out that language at the end of this section covers other prohibited uses. Mr. Sullivan responded that it is fairly standard language.

Councilor MacDougall asked if the town is sufficiently covered from a nonprofit medical facility from doing what SS Hospital has. Director Luongo used the Children's Hospital facility on Libbey Parkway which is owned by FoxRock and leased by Children's and fully taxed. Mr. Twohig added that it creates activity that is tremendous for the area. He strongly encouraged leaving it in.

Chair DiFazio asked how big a medical facility could someone put in the MUDD? Mr. Twohig responded that it would be unusual to put something too large- it will more be like practice groups and are a very nice amenity for an area.

Director Luongo noted it includes large warehouse facility and larger by special permit. Councilor MacDougall noted the Banner Park project is a project that is going to overshadow a neighborhood. This one is very large to allow by right. Mr. Twohig pointed out that this zoning is being done for hundreds and hundreds of acres, not siting something commercial in a neighborhood. It can be appropriated and not be intrusive. Director Luongo notes the language indicates it would have to be compatible with uses around it. They have to have some faith in the developer. Councilor MacDougall asked about restaurant – does the town really need another chain fast food restaurant? He doesn't think it's a desirable thing for the town. Mr. Twohig responded that he has to think it's going to be a master plan community. Affordable housing with no fast food? Mr. Twohig responded that it will be well thought out and given the size there will have to be a variety of retail establishments. Director Luongo asked they consider special permitting for drive through, which creates traffic havoc. They have lived it in the rest of Weymouth and want to prevent it in this zoning. It is something to keep in mind. Mr. Sullivan reminded them that it would be subject to design review and there are protections. Director Luongo asked if SRA's review process is public? It is a public meeting, not hearing, and differently run than Weymouth's in that it allows public comment. Weymouth allows drive-through by special permit. There is a review. Chair DiFazio suggested he would prefer special permit for it. Councilor Abbott pointed out this is different community and they have requested a different recourse. There are residents who live in the community who have a vote on the board for anything brought forward. Councilor MacDougall responded that they are just trying to protect what is allowed. Director Luongo suggested that crematorium should not be allowed- would it be allowed in a community such as Pine Hills? They just had a battle over funeral homes. Councilor Mathews suggested it be taken out. Director Luongo asked if they want to allow marijuana cultivation? The plan is to take all references out pertaining to cannabis.

Residential use required covers the affordable housing. Director Luongo has an opinion on affordable housing trust- that a developer can contribute to a trust fund rather than create the housing. It should be mandated they build the affordable housing. If they can't build it the SRA certainly won't be able to afford to. He asked how it can be split over different projects? Would he sell it to a secondary developer. 10% of the entire base should be affordable. The concept has to equal out. Payment in lieu- if there were 8 lots, 10% is not a unit. It's a mechanism to get to the 10% and they would like to keep it especially for smaller developments. Director Luongo suggested that they likely wouldn't see less than 10 unit developments. The only one they saw was the White Street outlier.

The developers want the flexibility to be able to offer it. Director Luongo responded that he does not believe this is a big ask. Developers are making a lot of money off these projects. Councilor Mathews noted they have done this over the years. They take recommendations from Planning and staff and incorporate them into the zoning. He supports what Director Luongo is asking. Councilor Belmarsh asked the difference between A and B. Mr. Twohig responded section A should be taken out. B should stay. There are times when it will be needed. Fix A and keep the opportunity for B and D is what is being used now. They could add a provision for either A or B to encourage it, but give the optionality. Change “shall” to “may.”

7A 5-Dimensional standards-sets forth minimum lot, height, etc. that is fairly standard. Councilor MacDougall asked about the minimum; that it feels tiny. The response was that would include the townhomes. He asked if there would be setbacks for heights. It is included in the form-based zoning. Councilor Abbott asked about the lot sizes at St. Francis site- this is cluster zoned on one lot.

Chair DiFazio asked if it is common to have a zero set back? It is common with multi-dwelling units. The response was that zero lot line zoning is not unusual.

Mr. Sullivan provided an overview of parking and loading. Shared parking allowed and all subject to design review. Both at grade and structure are allowed. 1.25 parking ration is based on noncity setting. Mr. Luongo responded that parking requirements are a crapshoot as to what is the standard now. Mr. Twohig responded that many units are built for single occupant, so the 1.25 minimum is reasonable. Transportation demand measurement- the coordinator would be designated by the phase of the development and would promote public transportation to limit. Director Luongo asked if they plan to reinstitute the self-driving again? Mr. Twohig responded that it is under consideration. Mr. Luongo asked if the developer would be willing to throw support to having bus route in Weymouth extended from Columbian Square to the commuter rail station? Mr. Twohig responded yes.

7A8- Signage- requires it be implemented in a comprehensive sign plan with the SRA. It gives it a certain look. Wayfinding would be captured. Street signs would follow whatever is standard for DPW. Director Luongo asked if billboards are prohibited. They are.

7A9- certain design will be implemented in the design – Mr. Sullivan listen each. There are standards for each. There are two standards that will better govern the development. Councilor Mathews brought up stacking of utilities in the past. He wants to be sure there isn't stacking. Mr. Twohig responded that was the first thing they heard. They used Weymouth's criteria and built it into the standards and regulation. Councilor Mathews added that Weymouth will eventually be asked to accept these streets, and he does not want to accept a street with stacked utilities. Director Luongo added that every project in Weymouth will be vetted by department heads. SRA does not issue Weymouth building permits; Weymouth's building inspector does. It will be reviewed with Engineering.

Weymouth was kept in the dark for many years and it won't happen again. Mr. Primiano added that SRA is working closely as well. Process was discussed briefly.

ART 10- approval process- it has already been covered in depth. Chair DiFazio asked at what stage the town council approves it. It allows for first phase approval and is irrelevant at this process.

Councilor MacDougall asked about water efficiency section- "reasonably feasible" is ambiguous and possibly should be struck? Chair DiFazio asked Director Luongo when Weymouth would catch that? Director Luongo responded it would be when a developer comes in with a project. Also, during water discussion was the subject of metering in apartments. He wants to honor that, and require developers to require it? Councilor Mathews responded that he is not a fan. It would be less revenue for the town. The staff of the DPW would have to be increased to handle the additional billing. Collections and tracking down individual renters, especially if they are evicted, would be a nightmare. Forcing the low flow device installation should be encouraged instead. Director Luongo responded that he is trying to implement what was brought out in public comment on the water and moratorium discussions. Mr. Twohig explained that the conservation efforts are covered in the utilities plan.

Councilor Mathews asked Director Luongo about the flex zoning. It looks like the estimated numbers used builds 7274 units and commercial 800,000 to about 2 million- if zoning is approved and all other things fall into place, and it follows the timeline, the commercial market does not materialize. Is there anything from stopping it? Director Luongo noted the MEPA certificate will address it. Past zoning changes looked at real numbers – Director Luongo responded that the MEPA certificate should specify real numbers. The zoning gives an envelope of the number that can be built. It doesn't dictate the number. It's mixed use flex zoning. It would not prohibit them from building all residential. They are getting away from specificity in the last plan. Mr. Twohig responded there is a maximum they are presenting- based on what makes sense. They can't go above the impacts. Studies are based on limitations and impacts. Councilor Mathews noted in the commercial component of a residential establishment like Faring Way. If they wanted to exceed, the impacts would have to be restudied, and filed with SRA and still cannot exceed the 2017 stopgap. Mr. Twohig responded that they tried to create a checks and balances, with flexibility.

Councilor Belmarsh suggested that as an essential part of the process and should be able to zoom into the meetings. Councilor Mathews suggested the plan is to hold a STC Monday before the deadline, and maybe a second special as well if they go over. There are other items and they will have to meet several times over summer.

Mr. Twohig noted the balance of the zoning includes nothing new – it is the existing zoning. The committee should put any final questions together to go over at its next meeting.

Councilor Mathews noted that Ordinance Committee can't take action until Planning Board makes its recommendation, but must vote by the 28th.

ADJOURNMENT

At 9:19 PM, there being no further business, Councilor Abbott motioned to adjourn and was seconded by Councilor Belmarsh.

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Ken DiFazio as Ordinance Committee Chairman
Voted unanimously on 26 June 2023