

**TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE/PLANNING BOARD
VIA Zoom # 859 3714 4076
March 3, 2021**

APPROVED

Present:

Town Council

Kenneth DiFazio, Chairman
Arthur Mathews, Councilor
Rebecca Haugh, Councilor
Christopher Heffernan, Councilor

Absent:

Brian Dwyer, Vice Chair

Planning Board

Sandra Williams, Chair
Gregory Agnew, Member
Paul Rotondo, Member
Ben Faust, Member

Also Present:

Mayor Robert Hedlund
Joseph Callanan, Town Solicitor
Robert Luongo, Director of Planning
Eric Schneider, Principal Planner
Monica Kennedy, Asst. Planner
Jane Kudcey, Housing Coordinator
James Malary, Chief Financial Officer

Recording Secretary:

Mary Barker

21 010- Review of Measure 17 127-Zoning Amendment to Create a Commercial Overlay District (Section 120-25.14)

This measure was referred to the Ordinance Committee, the Planning Board and the Planning Department by the Town Council on February 16, 2021.

Chair DiFazio called the Ordinance Committee Meeting to order at 7:07 PM and a roll call vote was taken with Councilor Dwyer absent.

Chair Sandra Williams called the Planning Board to order at 7:07 PM and a roll call was taken with all members present. She reported that she was on the Planning Board when this district was created and they tried to be very thorough, especially for the residential area abutting the district, to protect it; with setbacks, greenery, height limitations and a combination of business and residential. As they placed many limitations, she is unclear on the reason for the meeting, and asked if it's for action the Planning Board will need to take up? It was thoroughly vetted and she does not want to spend time for complaints. Is there a particular issue that needs to be looked at, and not just an open meeting without a recommendation for a specific change or is it to change the zoning?

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Chair DiFazio responded that Councilor Mathews, as proponent of the measure, requested a meeting for three areas of review (Ordinance Committee, Planning Board and the Planning Department) and he will have him speak first as to what he seeks and why.

Councilor Mathews addressed the committees. The original intent was to talk about the concerns that have cropped up since the passage of the measure. There are new members on both committees, and he has received feedback from constituents, as well as his own observations that bring him to this point. He'd like to talk about those, and see if there are ideas to potentially address them. Before specific changes are moved forward, he'd like to get feedback from colleagues whether they are amenable. Since the passage of the zoning, a number of developments have come forward, specifically for Routes 53 and 18, and most of them are apartments, and yet, there are no tenants for the businesses. In the old bowling alley and liquor store, the same businesses are going back in. Along the corridor, he met with Planning and the developers before they submitted a plan for Boston Motel properties for apartments without business tenants. When asked about the business component, they didn't have tenants and were looking for suggestions. Second, in his district another project on Washington Street, across from the Eagles is a 10 acre parcel of land with 275 apartments proposed, the owners are considering using the leasing office as their commercial component; that or using a fitness center as the commercial component. More are coming up within a 1-mile stretch- these two alone are over 400 apartments. Weymouth Elks is also under consideration for apartment development, too. The old Larry's Glass property is currently vacant on Washington Street- one developer wanted to build a 5-story apartment building and the abutters along Lane Avenue don't want it. He doesn't want to see the corridor apartments on the upper floors and no commercial on first floors, like on the base. Density is an issue he has concerns with and that needs to be looked at by the group.

Another suggestion he heard, although he is unsure if it is legal, is that before a proposed zoning change a developer has a signed lease for the commercial component before a Special Permit is issued. One proposal on 3A-- the developer proposes to build a gas station and condos on the same parcel. If that is what the zoning is allowing, he doesn't want it. Since the passage it appears to be geared mostly to residential. In the zoning change, they removed storage units because there were too many in town already, maybe they should not have taken them out. They provide commercial tax; use no water or sewer; they have no kids to add to the schools and they don't create traffic. He wants them all to take another look at the ordinance, and hear the feedback from abutting neighbors. Just in the Washington Street section only (think about if the catholic church gives up the church in that stretch), they could be looking at 500-1,000 apartments along that 1-mile stretch of Washington Street. This is his starting point to the discussion.

Chair DiFazio noted he and Councilor Mathews have discussed this previously, and the density of the apartments that they are getting are not affordable. It's making it difficult to reach the affordability threshold required. Density appears to not help with the affordability. It appears they could have more apartments than they thought when the ordinance change went through. Councilor Mathews added that he agrees that the town

already meets the affordable housing 1.5% land mass calculation. His concern with new parcels without any affordable units, is that it takes away from the affordable component too. He would like to see affordable senior housing since there currently aren't a lot. He pointed out an example of a good reuse along Washington Street that happened several years ago on the parcel that was formerly Honey Baked Ham Company building; it was turned into a dialysis center. He would prefer to see that rather than 150-200 apartments units going in and it's a good reuse. The Landing has been brought up in discussion and on social media, but that has its own commercial corridor overlay district that's different than this one.

Chair DiFazio summarized that Councilor Mathews has indicated what he wants reviewed. He would like to hear Planning's review of what's happened so far. Councilor Mathews noted that the Mayor is present.

Mayor Hedlund addressed them. Weymouth Landing has no requirement for commercial in that overlay district but they do insist on it in developments that are proposed. Some of the development Councilor Mathews referenced for the Washington Street corridor is rumors or proposed; some are actual plans. The Elks property is zoned R-1 and development would not be considered that would encroach on the R-1 district. The old Larry's Glass site has a set of orders of conditions attached that probably would not allow for residential development. They are working with a commercial developer for that site for something he believes the public would welcome. Suggesting requiring a commercial lease before building is not sound practice. Residential tenants aren't required beforehand. Part of attracting development is showing what a site might look, or what amenities it might have, when it's built.

The overlay in the Landing was created as a model for what could be done in the rest of the town. Internal discussions have taken place for some time and are looking at some of the developments that have emerged and are providing a trend for them and they are learning what the marketability and demand is as a result since the overlay was put in place. They have concerns about density also. Impacts on resources are a consideration, and what can be accommodated with the infrastructure.

They received notice of the meeting through the Council process and many of the issues could have been discussed in a more informal venue. He welcomed the transparency and in public, but some of the information that's been disseminated is inaccurate in terms of what tenants may emerge or not could have been addressed with a direct dialog with the Council. They are concerned with the impacts and are looking at what's occurred so far. Some of what have been proposed interest him; others do not. He was in favor of the Francer property development; it does not have a commercial component, and required a change to the zoning. It was supported by the Council. The real estate market in Weymouth is desirable, and they push back on developers regularly. The Planning Board is turning away developers on a weekly basis. He welcomes the discussion and welcomes zoning review on a regular basis. He asked when was the last time the town took a look at zoning in the commercial corridors; when the town did the highway transition zoning, and it hasn't resulted in commercial development. They look for the kind of investment

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in Weymouth that will have a desired effect. Part of the problem is that landowners within the overlay think they've hit the jackpot and have brought forward unrealistic proposals- extremely dense proposals that they've pushed back on, like the one for the Boston Motel site. Everyone complains about this site, but they already have turned away 5-6 proposals because the owner was asking for an unrealistic amount of money and what they have now is certainly more reasonable and a good use of the property considering what was there for years; and what a drain on resources that site had been. The Mayor added a comment on storage facilities. Extra Space did a great job when they wanted to add to the location on the corner of Washington and Pleasant. What they have now is probably the nicest facility in their chain and the what the Planning Department was able to negotiate fits the space nicely. The upgrades are great. Storage facilities are what the public complain about. They can't please everyone with every zoning action they take. The marketplace is the driver. The gas station on 3A is not realistic and the town is not going to support that plan.

Mr. Luongo explained why the overlay district was created. They all were tired of seeing the blight and deterioration taking place on the major commercial corridors. Drive down them and it's apparent. Why hasn't there been investment? It's about economics, profit and return on investment. Over 35 years, there hasn't been substantial investment in the commercial corridors. The underlying zoning allows for up to six stories in the B-2 district. Libbey Parkway is where the development is taking place. How many times can a building from the 30's or 40's be recycled? That's why they undertook the project. It's been a transparent public process. Every development that's come in under the commercial overlay district is first discussed with the District Councilor. Beyond that, a community meeting is held with the residents where the project is slated to take place before it goes before the BZA. Through their process, there is ample opportunity for public participation. As for the Elks project, nothing other than what the underlying zoning allows will happen there- commercial or retail development. The Bridge Street property is not in the commercial corridor and is not subject to that zoning. The first thing they did was talk to Councilor Burga, and then commenced a neighborhood process. They are determined to work with the Mayor and Council to clean up the blight in these corridors.

Eric Schneider presented a PowerPoint:

ORDINANCE COMMITTEE MEETING
JOINT WITH PLANNING BOARD
March 3, 2021



Review of Commercial Corridor Overly District



- Approximately 15 miles from Boston
- Situated between Boston and the rapidly growing communities to our south
- Served by three MBTA Commuter Rail Stations
- Served by 2 exits of Route 3, the primary north south roadway in the region
- Traversed by three major state roads (Rt 18, Rt 53 and Route 3A)

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Multifamily Zoning in MBTA Communities

Requires communities served by the MBTA to have a zoning bylaw that provides for at least one district of reasonable size in which multi-family housing, without age restriction and suitable for families with children, is permitted as of right.

A reasonable size district must:

- Have a minimum density of 15 units per acre, subject to any further limitations imposed by the Wetlands Protections Act and state Sewer and Septic Regulations;
- Be located within a 1/2 mile from a commuter rail station, subway station, ferry terminal or bus station.



Commercial Corridor Overlay 2018

Applicability



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 either of the below is true:

1. The proposal consists of both a residential and nonresidential use with the ground floor of the building reserved for use as retail, office, or both and provides an active, transparent façade. See 120-25.23 (C). Proposals may also be comprised of more than one principal building on a lot representing the mixed use; or
2. The proposal is for a professional office building of between 3 and 5 stories dependent on the additional requirements in 120.25.17 (A).

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The Commercial Corridor Overlay is just that, an overlay. All development rights existing prior to the overlay were maintained. The rights of a property owner to develop properties exclusively for a commercial use have always existed and still do.

Since 2018 four (4) projects have been approved under the CCOD Overlay. One (1) additional is pending with BZA. All projects have either a commercial or medical care component.

Let's review each.....



- 1. 1055 MAIN STREET
- 2. 1400 MAIN STREET
- 3. 1500 MAIN STREET
- 4. 1431-1449 MAIN STREET

1400 MAIN (BEFORE) Annual Tax Revenue \$43,350

5 Lots Assembled



1400 MAIN (AFTER)



153 Residential Units
7,000 sf of Retail Space

Projected Annual
Tax Revenue:

\$293,500

*Not Including Commercial

Affordable Housing Potential

16 Units

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**1500 MAIN
(BEFORE)**

Annual Tax Revenue **\$9,912**

1055 MAIN (BEFORE)

Annual Tax Revenue \$16,100



1055 MAIN (AFTER)

NEW MIXED USE DEVELOPMENT PROJECT
1055 MAIN STREET WYOMOUTH, MA

24 Residential Units
7,000 sf of Retail

Projected Annual Tax Revenue:
\$46,000*

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*Not including Commercial

Affordable Housing Potential

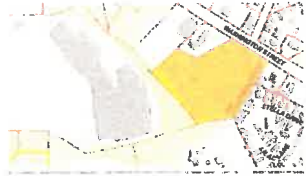
3 Units



- Executive Director – oversees the community
- Community Sales Director – manages the leasing in the community
- Business Office Manager – manages accounting, payroll, contracts, etc.
- Program/Activities Director – oversees the various social and recreational activities at the community
- Wellness Director (RN) – oversees the health and wellness services in the assisted living and memory care programs
 - Licensed Practical Nurse (LPN) – oversees care/medications in the assisted living and memory care programs under the supervision of the RN
 - Certified Nursing Assistant (CNA) – provides assistance with activities of daily living (e.g. bathing, dressing, grooming) to residents in the assisted living and memory care programs under the supervision of the RN or LPN
- Memory Care Director – oversees the memory care neighborhood
- Concierge/Receptionist
- Driver – provides transportation to residents for excursions, shopping, medical appointments
- Maintenance Director
 - Maintenance Assistant
- Housekeeping Staff
- Dining Services Director
 - Chef/Cooks
 - Waiters/Waitresses
 - Hosts/Hostesses
 - Dishwashers
- Security

655 Washington Street (CURRENT)

- Annual Tax Revenue \$42,636
- Enormous drain on Town services including Health, Police and Fire



Weymouth Police
Chief of Police
Weymouth, MA
1000 Main Street
Weymouth, MA 01981
Tel: 781-921-1212
Fax: 781-921-1213



Weymouth Police
Department
1000 Main Street
Weymouth, MA 01981
Tel: 781-921-1212
Fax: 781-921-1213

The Weymouth Police Department is pleased to have you as a member of our community. We are committed to providing the highest quality of service to our residents and visitors. We are also committed to maintaining the highest standards of professionalism and integrity. We are proud to be a part of the Weymouth community and we look forward to working with you to make our town a better place to live and work.

Weymouth Police Department
1000 Main Street
Weymouth, MA 01981
Tel: 781-921-1212
Fax: 781-921-1213

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Village Center Overlay District (Weymouth Landing)
Adopted by Town Council 12/2010

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- In contrast to the Commercial Corridor Overlay, this overlay contains no requirement for the inclusion of commercial space
- Although adopted in 2010, it stimulated little or no redevelopment until 2017
- Since 2017, five (5) substantial redevelopment projects have been approved and/or constructed:



143-145 Washington Street



- 43 Residential Units with +/- 4,000 square feet of retail with outdoor dining deck
- Under Lease by Fuel America Restaurant
- At the developers expense, Weston Road was created providing additional access to the new Tufts Library and newly renovated Weston Park

165 Washington Street




- 12 Residential Units
- Ground Floor Convertible to Commercial Space

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10 Front Street



- 23 Residential Units
- Brave Building and restaurant space preserved and restored.



Obbortou
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A 100,000 sq ft project

122 Washington Street



- 28 Residential Units
- 1,500 sf of new retail space

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SUMMARY

WHAT DRIVES RETAIL DEVELOPMENT?

DEMOGRAPHICS

- Population and Population Trends
- Daily Auto Trips
- Age Demographics
- Perceived Expendable Income
- Density – A Customer Base



SUMMARY

WHAT HAS THE CCOD ACCOMPLISHED?

- An unprecedented increase in annual tax revenue
- New and modern retail space
- Established population centers along well travelled roads and MBTA Stations
- Attracted a younger demographic with perceived expendable income
- Created a significantly more environmentally beneficial infrastructure base



A discussion followed. Mr. Luongo noted that none of these projects are in residential areas. They heard loud and clear that the residents do not want to see houses jammed into small lots and that's why the 25,000 sq. ft. requirement was passed. The project on Washington Street by Hingham is currently zoned industrial and by right could be a heavy industrial use such as a warehouse/transfer facility. The neighbors would likely welcome a commercial/residential use rather than industrial. With the overlay, industrial could still go in, but residential has been proposed since they elect to use the overlay.

Chair DiFazio opened the discussion up to the Planning Board. Paul Rotondo noted that these incentives are the only way to attract development. The pandemic has made the area an attractive alternative to Boston. These projects need to be done. A Walgreens or storage facility does not improve the aesthetics. Much planning and consideration is done before the Planning Board makes a decision.

Ben Faust addressed the comments about affordable housing numbers getting worse—those were potential affordable housing units that were flagged. From the Planning Department's perspective, what would the mood be if the plan included requirement of 10% affordable housing component. The mayor responded that requiring it might have impact on the desirability and they will have to have the discussion if there is any kind of mandate consideration. Ben Faust asked if the new DHCD rules include an affordability component. Mr. Schneider responded there are some. When they are added, it reduces the burden on a town council or board of appeals to approve it from a super majority to a simple majority. DHCD is still providing information on the new guidelines.

Sandra Williams noted the tax revenue is important. Not only are they cleaning up those areas but they are generating tax revenue. The commercial aspect can offset the residential tax rate while helping the schools and public services.

Mayor Hedlund added that in addition to the property tax revenue, the actual building fees have a significant impact on operating costs, and go back into to the water and sewer infrastructure improvements.

Councilor Heffernan noted that Mr. Rotondo mentioned the pandemic accelerated long term changes to economy in the housing market and the economy at large. He has also noted he received some of the same correspondence from constituents that Councilor Mathews brought up. The most common question is where is the commercial revenue? The problem predates this administration. If they were to create a task force it would serve to keep the conversation going. They will have to deal with the Density, traffic, MBTA connection challenges, which were already overcrowded. If they were to assign a task force with all of the entities represented here, it would be helpful.

Councilor Haugh noted she liked the presentation. The acknowledgment of the lack of commercial – the quality she wants is not here. She is hopeful the changes they made will bear fruit someday. It is contradictory; they want to keep the hometown feel but they need to adapt and change their thinking. Weymouth is the third largest community in the state. They are not some quaint little town. They have to embrace it; Weymouth could be a small thriving city. She has not been heavily involved with the four projects on Main street projects and asked was there a lot of negative comments when they went to BZA for approval? Mr. Luongo responded that there was not. The one that had some concerns was 1500 Main Street from neighbors who back up to the development, and the mayor. There was not an outcry. He added that the RK Center was an opportunity to strive to get a Market Basket in there, but it didn't. The proposal for Peapod then came in, and they negotiated a retail (Ocean State Job Lot) into the front.

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Chair DiFazio asked does DPW look at water usage of the entire town or run a computation as each project is approved to be sure Weymouth will not going to run out of water? Mr. Luongo responded that every project that comes before Planning, reviewed with all pertinent department and they solicit comments from all. They hold a preapplication meeting with the department heads and the developer before it goes to BZA. He is unsure how the DPW vets it, but they get the opportunity to comment on every project. Chair DiFazio responded that an analysis of the water usage needs to be maintained. That is the question many residents are asking. With all of these new apartments will the town run out or will it cost more to get. He is also unsure that requiring an affordable housing component with these projects will detrimentally affect interest of developers. They can still do it and not lose developers. There is a certain amount that should be required. A tutorial on affordable housing is helpful. He would like to see that continue. Is there any chance to change any from apartments to condos? None of these are. He thinks a negotiation to get to a bit less density than what they currently have would be successful. It would still be marketable. For old town Weymouth, driving down 18 and seeing density like what is being built is a lot. Its an awakening. He urged they consider a reduction in density. The subject is not going away and needs to be monitored.

Councilor Mathews noted that the mayor questioned the accuracy of his comments in his opening remarks. Councilor Mathews spoke with the developer for the Elks site. The developer originally proposal 110 apartments and then met with the mayor and Planning Department. They told him that the district councilor was concerned with the number of apartments. It was not made up; he called and talked to him.

Second, the 875 Washington Street project; a project developer looked at residential development called and talked to him and Mr. Luongo asked him to reach out to the abutters. He did and they did not want the residential development there. Those two things did happen. When developers talk to him, they aren't made up to scare constituents.

He continued that the town does not have an unlimited water and sewer supply. There are limits that are set by DEP - both safe yield and allowable use, and the more developments that go in, the closer they get to those limits permitted to the town. This must be considered when talking about the density of these projects. It's not a zoning or Planning Board issue, but they should be cognizant of it.

New tax revenue from developments was brought up in the Planning Department's presentation, but there are impacts from dense development. No one has brought up schools. It costs an average of \$16.5K to educate a student. Most of these developments are 2 or 3-bedroom units and there will likely be impacts to the schools. Traffic hasn't been brought up once. Properties without commercial components can file for abatement if they can't get tenants and the tax revenue figures will not be what they are as presented today; it could be less if they can't get tenants.

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All would agree the Boston Motel has to go. The question is what type of development should replace it. The presentation includes commercial but commercial is not only retail. Storage facilities are not that bad. The development of the area by Dairy Queen is a good commercial development that has taken place, without adding students to impact schools. His point is it doesn't have to be retail. They need to see more medical office space; a medical mecca on the South Shore with the proximity to South Shore Hospital. His major concern is that when these projects are developed, they include commercial space that is occupied. He summarized his concerns:

- Water- there is a limit
- Density and other impacts/ traffic, water, sewer schoolchildren
- The Landing was brought up although it isn't in this overlay. The Delegas property was given a TIF agreement to promote the redevelopment of the site.

These comments and observations that are based on the feedback from constituents in his district and not to be construed as personal or directed to anyone in the administration. There are other projects in the pipeline that are not going to make his constituents happy. The town council passed a Housing Production Plan and one of the recommendations contained in it was an inclusionary zone. They may want to consider it as well. As was pointed out, the median numbers for affordable housing are high. If the Planning Board has recommendations he would like to hear them; otherwise he will submit them on his own, but he would like to continue the conversation.

Mr. Luongo added that proposals that are brought forward don't necessarily happen. They are also listening to the concerns. Councilor Mathews clarified that it was what was in his original proposal, and he asked for opinion. Mr. Luongo responded that the process is working the way it should. They will go forward with a thoughtful process. It would be doing a disservice to create zoning without a thoughtful process. It was a good thing to bring this out in this forum, but would be a disservice to create zoning without the process.

Chair DiFazio stated that the intent of the meeting was not accusatory. From a constituent standpoint, it's the way it should be done. They are taking what is a good ordinance change, and making it better. He thanked the Planning Department for their presentation.

Mayor Hedlund noted he shares their concerns with density and the water usage, and recognize the great strides the town has taken since the Consent Order to cushion the safe yield limit and don't want to be in that precarious situation again. They know the long-awaited water source to drive development at Union Point is stalled. He is less concerned with school enrollment and development driving much demand on the schools, since enrollment figures are declining. The two specific examples he cited in his opening remarks were being pushed back on because they were not going to happen.

Chair Williams added that storage places are the last things she wants to see along the corridors. Commercial development did not specify retail and is not specific to retail. It includes medical or retail also.

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Gregory Agnew noted that the town is faced with another school budget increase. They might not have unlimited water and sewer; neither do they have unlimited funds. He would be in favor and involved in a task force to look at it from both sides. The increase in tax revenue that the projects have or will yield will factor. It's important to take a look at it. They do have a very successful budget and he would like to see that continue. If density is a perceived issue, he believes a discussion is important before making any drastic change.

ADJOURNMENT

At 9:18 PM, there being no further business, Gregory Agnew made a motion to adjourn the Planning Board and was seconded by Ben Faust. A roll call vote was taken: Gregory Agnew-YES, Ben Faust-YES, Paul Rotondo-YES, and Chair Williams-YES. Unanimously voted.

At 9:18; there being no further business, a motion was made by Councilor Mathews to adjourn the Ordinance Committee meeting and was seconded by Councilor Heffernan. A roll call vote was taken: Councilor Haugh-YES, Councilor Heffernan-YES, Councilor Mathews-YES, Chair DiFazio-YES. Unanimously voted.

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Ken DiFazio as Budget/Management Committee Chairman

voted unanimously by council on 5 April 2021 DH