

WEYMOUTH PLANNING BOARD
Town Council Chambers, Town Hall, 75 Middle Street
December 16, 2013
Meeting Minutes

PRESENT: Walter Flynn, Chairman
Sandra Williams, Vice Chairman
Mary Akoury, Clerk
Dave Chandler
Paul Hurley

MEMBERS ABSENT: None

ALSO PRESENT: James Clarke, Planning Director
Abby McCabe, Principal Planner

PUBLIC HEARINGS:

**13 - 127-Amendment to the Zoning Ordinance “Exceptions by Board of Zoning Appeals”
Section- Joint with Planning Board**

A MOTION was made by Vice President O’Connor to OPEN the public hearing on measure 13-127Amendment to the Zoning Ordinance “Exceptions by Board of Zoning Appeals” Section 120-53 and was seconded by Councilor Smart. It was noted that the hearing notice was published on 11/4 and 11/12. UNANIMOUSLY VOTED.

Planning Board Chairman Walter Flynn opened the Planning Board meeting. A MOTION was made by David Chandler to OPEN the public hearing on item measure 13- 127 Amendment to the Zoning Ordinance “Exceptions by Board of Zoning Appeals” Section and was seconded by Mary Akoury. UNANIMOUSLY VOTED.

Planning Director, James Clarke, presented the measure with Principal Planner, Abby McCabe, and Board of Zoning Appeals (BZA) Chair Richard McLeod. The Board of Appeals has questioned what constitutes a neighborhood and noted that the purpose of the proposed zoning change is to place restrictions and provide guidance on the zoning regulations. Weymouth is an older suburban community with smaller lot neighborhoods. Minimum lot size was increased since 1940, and since, changes were made for watershed protection district. The proposal identifies that it can only be used for residential special permit on an original lot of at least 40,000 square feet. The resulting subdivided property must be larger than 17,500 square feet and frontage requirement must be maintained.

Abby McCabe reviewed the recent history of BZA decisions and provided back up material. Twelve applications were received between 2008 and 2013 and an additional three were received in September. These inspired the board to review the ordinance language to set residential guidelines. Of the fifteen applications (four of which were denied), six would not meet the guidelines if the proposed change were approved. The analysis was based on GIS

mapping. She also provided an analysis of nearby towns. Of all, only Milton allows relief in the form of a special permit. She also noted the applicant can apply for a variance which requires stricter criteria for approval. With Variance applications an applicant must indicate that:

1. Owing to circumstances relating to the soil conditions, shape or topography of the land, a literal enforcement of the provisions would involve substantial hardship, financial or otherwise.
2. Relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance.

While an application for a Special Permit must meet all of the following five criteria:

1. The specific site is an appropriate location for such a use.
2. The use involved will not be detrimental to the established or future character of the neighborhood.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
5. The public convenience and welfare will be substantially served.

Mr. Clarke reported that in the proposed amendment, the lot sizes are consistent with the rest of the neighborhood and it provides more stability to homeowners with smaller lot sizes. It tightens up the criteria and is an appropriate way to have more control over this section of the ordinance.

The Council opened the hearing up to public comment. Comments from the public were as follows:

Ann Hilbert of 45 Doris Drive noted she is not in favor of the amendment. She reported that 97% of Weymouth is built out, and the land purchasers off of Randolph Street won't realize until it's too late that their property is in a high flood zone.

Tom Tanner of 169 Park Ave West is against the proposal and provided a handout to the Council requesting the motion be denied. He reported the measure is extremely restrictive. BZA is a great asset to the town, but the measure is unfair and without flexibility. He noted that under the proposal, 50% of the applications over the last five years would not have been approved. It is not fair to the children or senior citizens of the town. He also noted that the supporting information from other towns includes those who do not have sewerage so the comparison is not fair. He requested that the request be revised to make it more reasonable, especially for those older residents looking to downsize.

A MOTION was made by Vice President O'Connor to CLOSE the public hearing on 13-127 Amendment to the Zoning Ordinance "Exceptions by Board of Zoning Appeals" Section and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by David Chandler to CLOSE the public hearing on item 13-127 Amendment to the Zoning Ordinance “Exceptions by Board of Zoning Appeals” Section and was seconded by Mary Akoury. UNANIMOUSLY VOTED.

Council President Mathews reported to the public that the Town Council must await a written recommendation from the Planning Board before taking further action. The Planning Board has twenty-one days in which to make its recommendation.

A MOTION was made by David Chandler to ADJOURN the Planning Board meeting and was seconded by Mary Akoury. UNANIMOUSLY VOTED.

ADJOURNMENT

The Board voted to adjourn at 8:20 PM.

Approved by:

Chairman, Walter Flynn

Date