

**WEYMOUTH PLANNING BOARD
JOINT PUBLIC HEARING WITH TOWN COUNCIL
MAY 4, 2015
COUNCIL CHAMBERS**

PRESENT: **WALTER FLYNN, CHAIR
MARY AKOURY, CLERK
DAVID CHANDLER**

ALSO PRESENT: **JAMES CLARKE, PLANNING DIRECTOR**

ABSENT: **SANDRA WILLIAMS, VICE CHAIR
B.D. NAYAK**

No recording secretary, minutes transcribed via recording by Mary Barker.

15 013-Requested Change to Zoning Ordinance Section 120-22.8

Walter Flynn, Chair of the Weymouth Planning Board, called to order the Planning Board at 7:38 PM. A motion was made by David Chandler to open the public hearing on 15 013 and was seconded by Mary Akoury. UNANIMOUSLY VOTED.

The proponent of the measure was invited to the table. Robert Montgomery Thomas addressed the Planning Board and Town Council and reported he offered a substitute motion at the Town Council meeting that was not acted upon. He then submitted his own amendment to the zoning. At the hearing on January 30, 2015 Solicitor Lane said that as a property owner in the HT zoning district, he had legal standing to make the substitution motion. Mr. Thomas requested a change to 120-22.8 (e) to add more precise language; to read "no restaurants, except that no drive through window is allowed unless the restaurant has less than twenty seats, and further, that the lot has the required 25% set aside for landscaping per Table 1 Schedule District Regulations and other conditions provided for in said Table 1 and further, that an unimpeded parking, loading and vehicular traffic plan is provided for and maintained in accordance with 160-29, 160-27. Furthermore, as a property owner in the HT zoning district, he should not be discriminated against because his property is less than the 1-acre requirement set by the Zoning Board and the Town Council for 1088 Main Street, which does not fulfill the requirements of the HT zone and still has to go before the BZA. Councilor Smart has suggested he request a variance. He lost land rights in 1990 and the new 1-acre requirement is even further restrictive. He reviewed what is permissible by right. He suggested that Councilor Mathews should recuse himself from this matter. He reviewed a sketch of his copyrighted proposal for a concept plan for his property. He does not intend to develop it but proposes this should another were to buy the property. He reviewed the reasons why the proposal should be approved and the manner in which it meets the zoning requirement.

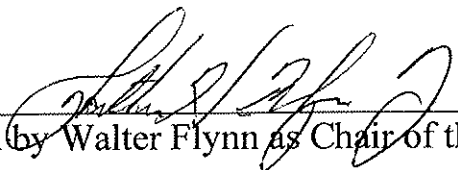
Councilor Mathews clarified a statement made during the original proposal. He would not have supported the proposal without the 1-acre minimum. He noted his opinion was based on discussion with many of his district constituents. Mr. Montgomery Thomas responded that he should not be precluded from developing by a 1-acre minimum requirement. Councilor Mathews responded that Mr. Montgomery Thomas is the only constituent in the district who objected to the zoning change. Mr. Montgomery Thomas responded that if he wanted to he could open a restaurant with a drive through now, by right. He was infuriated that a substitute motion he made in January wasn't allowed to be heard.

A motion was made by Vice President Smart to close the public hearing on measure 15 013-Requested Change to Zoning Ordinance Section 120-22.8 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

A motion was made by David Chandler to close the public hearing on measure 15 013-Requested Change to Zoning Ordinance Section 120-22.8 and was seconded by Mary Akoury. UNANIMOUSLY VOTED.

Mr. Chandler made a motion to adjourn, seconded by Ms. Akoury. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary (transcribed from recording)

 _____ 10/11/15
Approved by Walter Flynn as Chair of the Planning Board Date