

**Town Council Minutes
Town Hall Council Chambers
November 13, 2023**

 APPROVED

Present: Arthur Mathews, President
Michael Molisse, Vice President
John Abbot, Councilor
Lisa Belmarsh, Councilor
Kenneth DiFazio, Councilor
Maureen Kiely, Councilor
Gary MacDougall, Councilor
Greg Shanahan, Councilor
Christopher Heffernan, Councilor

Absent: Fred Happel, Councilor
Pascale Burga, Councilor

Also Present: Kathleen Deree, Town Clerk
Richard McLeod, Town Solicitor
Brian Connolly, Town Auditor
James Malary, Chief Financial Officer
Robert Luongo, Director of Planning
Brian Smith, Assistant Superintendant

Recording Secretary: Janet P. Murray

President Mathews called the meeting to order at 7:30 p.m. Following the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll. President Mathews stated that Councilor Happel is feeling under the weather and Councilor Burga had a family commitment.

MINUTES

Vice President Molisse motioned for approval of the **Rules Committee Meeting Minutes of October 2, 2023**. Motion seconded by Councilor Kiely and passed 9-0.

Vice President Molisse motioned for approval of the **Budget/Management Committee Meeting Minutes of October 2, 2023**. Motion seconded by Councilor Kiely and passed 9-0.

Vice President Molisse motioned for approval of the **Town Council Meeting Minutes of October 2, 2023**. Motion seconded by Councilor Kiely and passed 9-0.

Vice President Molisse motioned for approval of the **Public Works Committee Meeting Minutes of October 3, 2023**. Motion seconded by Councilor Kiely and passed 9-0.

Vice President Molisse motioned for approval of the **Budget/Management Committee Meeting Minutes of October 16, 2023**. Motion seconded by Councilor Kiely and passed 9-0.

APPROVED

Vice President Molisse motioned for approval of the **Town Council Meeting Minutes of October 16, 2023** . Motion seconded by Councilor Kiely and passed 9-0.

PUBLIC HEARINGS

23 126 - National Grid/Verizon Petition for Pole Relocation-Norton Street

Vice-President Molisse made a motion to open the public hearing on Measure #23 126 and was seconded by Councilor Kiely. Motion passed 9-0.

Vice-President Molisse stated that this measure was published on 11/3/2023 and abutters were notified on 11/3/2023

Socrates Perez from National Grid appeared before the Council for this request.

Mr. Perez stated that National Grid is proposing to relocate pole 91 in front of 89 Norton Street. The reason is because there is an existing guide wire running through the customer's backyard. He noted that they had already spoken with the customer.

Council Shanahan asked if this would end up being a double pole.

Mr. Perez stated that it will not be a double pole, but Verizon will have to remove the old pole. He reported that he did not know when Verizon would remove it but that National Grid is looking to do the work as soon as possible.

President Mathews asked if there was anyone present and on ZOOM who would like to speak on the measure to which there was no response.

Vice-President Molisse made a motion to close the public hearing on measure 23 126 which was seconded by Councilor Kiely and passed 9-0.

Vice-President Molisse made a motion to take measure 23 126 under 2-9 (b) which was seconded by Councilor Kiely and passed 9-0.

Vice-President Molisse made a motion to approve measure 23 126 which was seconded by Councilor Kiely and passed 9-0.

23 125 - Proposed Change to Town of Weymouth Zoning Ordinance, Extending Village Overlay District

Vice-President Molisse made a motion to open the public hearing on measure #23 125 which was seconded by Councilor Kiely. Motion passed 9-0.

Vice-President Molisse stated that the abutters were notified on 11/3/2023.

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Attorney Gregory Galvin appeared before the Town Council with the applicants Jason Kennedy and Christopher Bruce. He stated that his clients are looking to extend the Village Overlay District across Washington Street. He continued that they own one of the parcels that is before the Council tonight which is 238 Washington at the corner of Vine Street.

Mr. Galvin stated that this parcel is currently occupied by a tired commercial building. He added that the prior owner had let the property go into disrepair with a lot of debris to the rear of the property. He pointed out that his clients have cleaned it up to a certain extent. However, in order to make it economically feasible, they are seeking to change the current B-1 zoning. They are proposing to bring the Village Center Overlay District (VCOD) across Broad Street which would encompass the two parcels between this parcel and the Broad Street intersection, along with his clients' parcel. This overlay would allow for a mixed-use project with commercial on the lower level, and some residential use above.

Mr. Galvin noted that even with this zoning change, his clients would still have to go to the Board of Zoning Appeals (BZA) for approval. Mr. Galvin stated that his clients have a conceptual sketch of a potential use for the property.

Councilor Abbott questioned if this proposed change would affect the adjacent two properties.

Mr. Galvin stated that his clients have talked to the owners of those properties, and they have joined in on the petition.

Councilor DiFazio asked if the conceptual sketches presented would require a special permit and what is the reason for the special permit.

Mr. Galvin stated the bylaw on the overlay district requires a special permit as there is nothing by right with the overlay. He noted that any underlying B-1 use would be by right.

Councilor DiFazio asked if there was any thought of bringing this piece of property back to the 2018 Commercial Corridor Overlay District (CCOD).

Mr. Galvin noted that he was aware that the Council was not happy with the CCOD as it allowed for much more development. He noted that a change to CCOD was possible but when they looked at it, they considered that the change could be seen as spot zoning because it would be the only parcel with that overlay. He added that they thought that it would be a natural extension of the VCOD.

Councilor Kiley noted that she lives on Vine Street, so she has the most to gain and lose here. She commended the applicants for cleaning up the rear of the property.

Councilor Kiely stated that while she understands the reason to limit the overlay district due to concerns across town about water, she thinks that this is a perfect use where it is a development of both commercial and residential use. She believes that this type of proposal would serve the residents of Vine Street well as a sort of a wall to almost create a cul-de-sac feeling.

APPROVED

Councilor Belmarsh stated that she had the opportunity to take a drive over to the area. She asked Mr. Galvin if his clients own the parking lot that is behind the building.

Mr. Galvin stated that the open area directly behind the current building belongs to his clients.

President Mathews stated that this is a public hearing and asked if there was anyone who would like to speak. There was the following response:

Brianna Gray, 81 Vine Street, asked about details of the plans mentioned by the applicants. She would like to know more about the intensity of use, how many apartment buildings or apartment units, and number of people who might be living there, as well as what type of commercial use is being considered. She expressed safety concerns about the corner of Vine and Washington Streets as it is already dangerous out there.

Mr. Galvin stated that his clients have not gone as far as determining how many units there would be as this would require more in-depth architectural drawings; the current drawings are conceptual. He also stated that the number of parking spaces has an effect on how many units are allowed. He noted that typically an owner would review with the planning staff and come up with a plan that could potentially be supported by staff.

Mr. Galvin noted that the conceptual rendering only shows four stories with the units laid out. This would be controlled by the by-laws and the BZA. He continued that there would be a public hearing where specific plans would be shown with the number of units, number of parking spaces, and how vehicles would enter and exit the site.

Ms. Gray asked about the difference in what would be allowed under the CCOD and the VCOD.

Mr. Galvin stated that people are not coming forward for the CCOD.

President Mathews asked Mr. Galvin to take Ms. Gray's contact information and reach out to her directly to provide her with the requested information. Mr. Galvin agreed.

Mr. Luongo stated that he distributed two maps to the Councilors showing the CCOD with the subject property circled and the revised map that indicates areas eliminated from the CCOD.

Mr. Luongo pointed out on the map the VCOD as it extends from the Braintree-Weymouth line, up Washington Street to Broad Street. It also includes the corner lot at Broad and Washington known as the Western Auto site. The reason the VCOD stops at Broad Street is because the properties on the south side of Broad Street are zoned R-4 which is the most intense residential development—this is what is called the natural boundary of the VCOD.

Mr. Luongo continued that the Mayor, the Planning Department, and the Town Council jointly decided to scale back the CCOD. The main reason was because it was overly successful, which was not expected when the CCOD was created.

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Mr. Luongo stated that the Planning Board will be holding a public hearing tomorrow, 11/14/2023, at Town Hall in the Council Chambers. He then made the following comments:

Mr. Luongo stated that he is recommending to both the Planning Board and the Weymouth Town Council that measure 23 125 not be approved because the subject property was originally within the 2018 CCOD. In 2021 the Office of Planning and Community Development worked collaboratively with the Town Council to amend and reduce the extent of the overlay. One of the major factors was the successful development opportunities that were created, and the town thought it needed to be scaled back. During that process, it was decided that this property was not a redevelopment priority and was removed from the overlay. Adding the property to the VCOD would contradict that effort. It was agreed that the town's finite water supply requires the careful consideration of any development proposals. Mr. Luongo stated that he and Mayor Hedlund have been very consistent in their prioritization for future development. Those priorities include the village centers of Jackson Square, Columbian Square, Weymouth Landing, and the Route 3A corridor.

Mr. Luongo continued that through tax taking, the town recently acquired a 13-acre parcel of land on Washington Street. This is known as Dwyer's Mountain and is in back of the Indian Restaurant and the public storage. This parcel is targeted for a substantial 200 unit affordable housing development. He added that this project will provide much needed affordable housing and will count towards the town's 10% requirement of 1.5% of land area set aside for affordable housing. He noted that this will need a zoning change. He also noted that it is important to keep in mind that there are projects coming online as well as the village center priorities when looking at opportunities to tweak the CCOD.

Mr. Luongo further stated that the addition of the subject property to the VCOD creates a forced and unnatural boundary as he just explained. He added that the measure proposes to add Union Towers property to the VCOD, and this was done to avoid the perception of spot zoning. The existence of Union Towers is the reason that the VCOD stopped at Broad Street when it was originally approved. Union Towers is currently zoned R-4 which provides more development rights than does the VCOD. It is highly unusual for an overlay to, in effect, lessen development rights, which this would do.

Councilor DiFazio stated he agreed with Mr. Luongo's statement about the town's finite water supply which requires careful consideration of any development proposal. He added that any project that goes before the BZA should be closely monitored regarding water needs.

Councilor DiFazio stated that he would argue that Mr. Luongo and the Mayor's position on this particular zoning change is not consistent with everything being done. He stated that getting 34 units there and some commercial on the bottom floor at that location would be consistent and be the best use of the property.

Councilor DiFazio does not agree that this request would create a forced and unnatural boundary. Councilor DiFazio asked Mr. Luongo if he would rather extend the 2018 CCOD down to that lot or extend the VCOD up to that lot.

APPROVED

Mr. Luongo stated that without the constraints he mentioned and from a planning point of view, it would be better to do the CCOD rather than trying to incorporate it in the VCOD because when does it stop. The VCOD was created in 2008 as a joint venture with Braintree to define the Weymouth Landing Village Center.

Councilor MacDougall agrees with Councilor DiFazio. He then asked if the CCOD requires a special permit. Mr. Luongo stated that it does.

Councilor MacDougall asked if they go to a CCOD, do the same rules apply.

Mr. Luongo stated that there are uses in the VCOD that are by right; he did not have the zoning bylaws in front of him to be specific.

Vice-President Molisse questioned why there is such a problem with this project when Washington Street is a main thoroughfare through Weymouth, and this is a building that is falling down. He questioned why they are not working with the applicants and why the focus is on the 17 acres of land instead.

Mr. Luongo said that the town is under the 10% affordable housing and could get a 40 B project. He stated that the town had claimed the 1.5% of land area set aside and won in court on that. However, the rules have changed, and it is tougher to meet the 1.5% land area. With the affordable housing project, it would definitely get the town the 1.5% land area set aside, which means the town could not be challenged by a 40B development and would also increase affordable housing units.

Mr. Luongo continued that the town is doing environmental testing of the site with state grants to understand the soil conditions, the buildability of the site, and the infrastructure needs. He stated that is why it is more of a priority. He noted that there are a lot of other properties that are eye sores.

Mr. Luongo stated that if water were not an issue he would not have a problem, but there are infrastructure issues and priorities. He pointed out that there are plans for Napoli's strip mall and the Western Auto site in Weymouth Landing.

Mr. Luongo stated that the property owners knew when they bought the property what the zoning was, and they were told that the zoning change could be a hard sell.

Vice-President Molisse believes that the applicants are trying to improve the neighborhood and that the town should work with them as they try to improve the Vine Street area.

Mr. Luongo asked if they should be looking at the whole corridor and start adding properties back. He stated that they could do that instead of incrementally eating away at what was done in 2021.

Councilor DiFazio noted that there is an Ordinance Committee scheduled for November 27, 2023, where this will be discussed again. He stated that the changes that were made were based

on the information given at that time-- he thinks that they need to take these situations one at a time, because they have to look at what benefit a specific project brings to the community.

Mr. Galvin stated that the CCOD allows for five stories up to 70 feet in height. The VCOD allows for four stories up to 50 feet in height. He continued that without seeking a special permit, 19 units and three stories are allowed in the VCOD with a site plan review with planning staff.

Vice-President Molisse made a motion to close the public hearing on Measure #23 125 which was seconded by Councilor Kiely. The motion passed 9-0.

President Mathews stated that the Planning Board is having their public hearing in the Council Chambers on this measure tomorrow 11/14/2023 at 6:00 p.m.

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

23 130 - Fiscal Year 2024 Tax Classification

James Malary stated, "Mayor Hedlund hereby submits the following measure for consideration by Town Council: that the Town of Weymouth approve a Classification Tax Rate Shift of 1.47 for commercial, industrial, and personal property taxes with no residential exemption for fiscal year 2024." This measure requires a legal notice and a public hearing.

Vice-President Molisse made a motion to refer measure 23 130 to the Budget/Management Committee which was seconded by Councilor Kiely. The motion passed 9-0.

23 131 - Lease Term of Wireless Communication Site Lease

James Malary stated, "Mayor Hedlund submits the following measure for consideration by Town Council: that the Town of Weymouth, through Town Council with the approval of the Mayor, hereby consent and authorize the mayor to execute a five (5) year Lease Agreement (through September 30, 2028), with an automatic, one-time five (5) year extension term unless written notice to the Town of Cellco's intention not to exercise the extension at least five (5) months prior to the expiration of the initial term (through September 30, 2033), with Cellco Partnership d/b/a Verizon Wireless, for the leasing of space in the lower cupola of the Town Hall, located at 75 Middle Street, Weymouth, MA, as an Antenna Facility."

Vice-President Molisse made a motion to refer measure 23 131 to the Budget/Management Committee which was seconded by Councilor Kiely. The motion passed 9-0.

23 132 - Appointment to the Cultural Council-Evelyn Czaja

James Malary stated "In accordance with Section 2-10 of the Town Charter, Mayor Hedlund respectfully submits the name of Evelyn Czaja of 1 Tara Drive, Weymouth, MA 02188 for appointment to the Cultural Council. This is a 2-year term due to expire on June 30th, 2025."

APPROVED

Vice-President Molisse made a motion to refer measure 23 132 to the Budget/Management Committee which was seconded by Councilor Kiely. The motion passed 9-0.

23 133 - Appointment to the 4th of July Committee-Joshua Murray

James Malary stated, “ In accordance with Section 2-10 of the Town Charter, Mayor Hedlund respectfully submits the name of Joshua Murray of 1805 Commercial Street, Weymouth, MA 02189 for appointment to the 4th of July Committee. This is a 3-year term due to expire on June 30th, 2026.”

Vice-President Molisse made a motion to refer measure 23 133 to the Budget/Management Committee which was seconded by Councilor Kiely. The motion passed 9-0.

REPORTS OF COMMITTEE

Budget/Management Committee - Chair Michael Molisse

23 128-Request to Enter into a 5 Year Contract for Teacher Evaluation and Professional Development Tracking Solution Software

Brian Smith, Assistant Superintendent of Financial operations for the school department gave an overview of the request. He stated that if these measures are approved, he would begin the RFP process for both the procurement process and contracting process to enter into contracts that would run from fiscal 2025 through fiscal 2029.

Vice President Molisse stated that this measure was referred to the committee on October 16, 2023- committee met this evening November 13, 2023, and voted favorable action.

Vice-President Molisse made a motion on behalf of the Budget/Management Committee for favorable action on measure #23 128 and was seconded by councilor Kiely.

Councilor Belmarsh questioned if Town Council approval is needed because it is a five year contract.

Mr. Smith stated that since they are seeking a contract greater than three years, they need Town Council approval.

Councilor Belmarsh asked for the reason for a five year rather than a three year contract.

Mr. Smith stated for the teacher evaluation and PD, the thought is that roughly 800 staff utilize this system, so if we can enter in a contract that is greater than three years, up to five years, not only could there be a financial benefit of a lower cost, currently, it's roughly \$20,000 a year, but also the need to train staff on the new system for five year period versus a three year period.

The motion passed 9-0.

✓ APPROVED

23 129-Request to Enter into a 5 Year Contract for Before and After School Programming for Primary School Students

Mr. Smith stated that this is a revenue generating contract; the first contract was in fiscal 2022. He stated that WeyCare was the previous before and after school program, but it was financially decimated by the pandemic. The current contract is with Champions, which is part of KinderCare.

Mr. Smith noted that the rationale behind putting out the RFP now is to avoid the disruption in service that occurred when the town contracted with Champions for the 2022-23 school year. The contract was awarded late in the spring and due to the Early Education and Care (EEC) requirement to come in and certify the spaces, the program did not have a smooth start that fall.

Vice-President Molisse stated that this measure was referred to the Committee on October 16, 2023, and met this evening, 11/13/2023, and voted favorable action.

Vice-President Molisse made a motion on behalf of the Budget/Management Committee for favorable action on measure #23 129 which was seconded by Councilor Kiely.

Councilor Abbott stated that it is important that whatever firm is ultimately chosen everything is up and running by the start of the next school year.

Mr. Smith stated, with this approval, they could begin the procurement process now with an awarding in March in the hopes that this will provide enough time to allow the spaces to be certified, families to understand the new terms, and be able to enroll for the fall of 2024 before this school year ended.

The motion passed 9-0.

President Mathews stated that the next regularly scheduled Town Council meeting will be next Monday, November 20, 2023, at 7:30 p.m.

ADJOURNMENT

At 8:40 p.m., there being no further business, Vice President Molisse motioned to adjourn the meeting, and was seconded by Councilor Kiely. Motion passed 9-0.

Respectfully Submitted by Janet P. Murray as Recording Secretary

Approved by Council President Arthur Mathews

Arthur E. Mathews *AM*