

## MINUTES OF THE PLANNING BOARD

Town Hall Council Chambers

November 8, 2010 – 7:35 P.M.

Present: Walter Flynn, Chairman  
Sandra Williams, Vice Chairman  
Mary Akoury, Clerk  
David Chandler

Not Present: Paul Hurley

Staff Present: James Clarke, Director of Planning and Community Development  
Robert Luongo, Economic Development Planner

Also Present: Arthur Mathews, President, Town Council  
Patrick O'Connor, Vice President, Town Council  
Robert Conlon, Town Council  
Kenneth DiFazio, Town Council  
Ed Harrington, Town Council  
Arthur Mathews, Town Council  
Brian McDonald, Town Council  
Michael Molisse, Town Council  
Victor Pap, III, Town Council  
Michael Smart, Town Council  
Kevin Whitaker, Town Council

Recording Secretary: Mary Barker

### **10 102- Zoning Amendment for Clapp Memorial (203 Middle Street, Map 22, Block 291, Lot 9)**

A MOTION was made by Vice President O'Connor to open the joint Public Hearing and was seconded by Councilor Smart. This was published on October 20, 2010 and October 27, 2010. UNANIMOUSLY VOTED.

Planning Board Chairman Walter Flynn called to order the Planning Board joint public hearing with the Town Council.

A MOTION was made by Sandra Williams to OPEN the PUBLIC HEARING on item 10 102 and was seconded by David Chandler. A MOTION was made by Sandra Williams to waive the reading of the public notice and was seconded by Mary Akoury. UNANIMOUSLY VOTED.

Robert Luongo presented a brief powerpoint overview of the project. He reviewed the district boundary. It is a one lot zoning change. The existing property is 2.5 acres, and is

currently residential R-1 zoned, which only allows for 1 single family unit per 25,000 square feet; the maximum number of units which can be built on this site is four, under current zoning. The existing building was built in 1903, and is about 10,500 square feet and 2 1/2 stories. The proposed zoning ordinance will allow for denser construction. It is proposed for a mixed use with three sub-districts; mixed use, 2-3 family and open space. Under the residential mixed use, there is a maximum of 20 units per acre and maximum of 7,000 square feet of office/commercial space. Under the 2-3 family, there is a minimum of twelve and a maximum of 17 units per acre. 24 townhouse units are proposed in that subdistrict. Mr. Luongo reviewed the map of the proposal and the dimensional requirements (height, frontage and setbacks). Proposal includes two parking spaces per townhouse unit and one space per 300 gross square footage commercial/office space (no change from current zoning requirements). The Zoning Board of Appeals will be the issuing authority to plans, if zoning is passed. Site plan standards were reviewed. Design standards are built into the zoning to maintain town control over the development. He reviewed the standards. There will also be building design guidelines that will pertain to the reuse of the historic building and the new construction's impact on surrounding areas. He reviewed the guidelines in the proposed zoning. The commercial space will be in the historical building.

Housing and affordability were presented. Twenty percent of the housing will be set aside for low income families (below median income), in perpetuity. Eight of the thirty eight units will need to be set aside. The rent for qualifying renters shall not exceed thirty percent of a household's total income.

There are payments that will be made by the state if the zoning is approved. Under 40R, the Zoning Incentive Payment will be \$75,000 and then \$3,000 bonus payments for each of the thirty four bonus units. (Under current zoning, four units are allowed; under the proposed zoning thirty eight are allowed; the difference- thirty four- will be bonus units qualifying for the incentive.) Total payment from the state will be \$177,000 which can be used at the discretion of the town.

The proposed zoning also will result in a 40S school reimbursement. The town is reimbursed for any new school-aged children resulting from the development. Mr. Clarke provided a memo to the Council with a report on the formula for the method of calculating the reimbursement.

If the ordinance is approved, it then must go before the Zoning Board of Appeals for normal review and public hearing process for approval or denial of the project based on its consistency with the zoning bylaws.

Councilor Conlon asked for clarification of the parking requirements and the number of office units in the proposed development. He does not believe there is sufficient parking for the number of proposed office units and the increased traffic.

Jim Clarke reviewed the memo for the reimbursements; the 40R reimbursement of \$177,000; 40S reimbursement of \$107,000, based on an estimate based on available

figures and an average of seventeen students. If five students result from the development, the estimated 40S reimbursement would be approximately \$11,000. The 40S is currently unfunded at the state level. Any changes in assessment will affect the results.

Vice President O'Connor asked for clarification of the 40S funding; Mr. Clarke confirmed that it is currently unfunded. The bill has been passed, but not funded by the legislature at this time.

Councilor DiFazio asked what benefit the zoning change will provide to the town. In answer to his question: a one-time payment of \$177,000; increased tax revenue generated by real estate and excise taxes to the town of \$71,000 annually. He asked if there are any other revenues that will result from the project. Mr. Clarke responded that these are the only direct revenues, other than that which the developer will present in his project.

At 8:00 PM during this discussion Councilor Whitaker arrived.

Councilor Smart noted this item has been in the Ordinance Committee over several meetings. The request by them was for what funding could be reimbursed, understanding that it was based on estimated information.

Ray Jennings, with offices on Pleasant Street and representing the developer William Barry, and Nick Deveau, Architect, were invited to make their presentation. Attorney Jennings noted the benefit to the town and the Central Square area are restoration of the historical building, which has been vacant. The 40R funding can be directed and earmarked for the Central Square district. The property is currently owned by a church and is not on the tax rolls, so the project will provide additional tax revenue to the town. The affordable housing will increase the town's stock. There is a commitment to the square by the developer. He is proposing option A, which will include the acquisition of 555 Middle Street. There is no agreement under consideration with the building's current owner. The developer is also considering a \$100,000 straight investment in the area. The Cecil Group was commissioned to provide a design plan for the improvement of the square and there have been presentations made at the neighborhood meetings. Attorney Jennings reviewed some of the possibilities. \$25,000 will be made available for improvements to facades of existing businesses in the square, and administered by grant by a neighborhood political body. The balance of \$75,000 would be utilized for landscape improvements and would be provided at a later time (typically with the issuance of the project building permits).

He also noted that 40R is consistent with the town's Master Plan, and the Village Centers concept. There is no other alternative under consideration for this property. If it is not approved, another proposal could come along that isn't as favorable, or likely to have 40R development money attached. Or no proposal may come along. Mr. Barry has stuck with the project for over three and a half years through many design changes, countless meetings with town officials and the public, and he has committed to the area, as he has a

construction project across the street from this site.

Nick Deveau reviewed the design of the project. He provided a presentation of Mr. Barry's other projects and the proposed project. The current conditions of the existing building were reviewed along with the plans for the renovations and the townhouse construction proposed for the property in the rear of the Clapp building. Many of the designs of the Clapp building will be carried to the unit construction; similar color palette and materials, double hung windows, and keyed corners. Layout for the townhouses includes a turning radius for fire truck access. Restoration of the flagpole, maintaining the two larger trees, lighting, landscaping and benches and walkways will be incorporated into the design. Several area improvements were also presented such as crosswalk paintings, awning replacement, new signage, sidewalks, plantings and lighting, bus stop shelters, and directional signage.

Research into water usage was provided. The residential space expects to use 1.5 million gallons of water per year; the office space roughly 136,500 per year.

Mr. Barry noted the traffic study was dropped off today. President Mathews noted that due to its late arrival, the Council has not had a chance to review the data. It will be forwarded to the town Traffic Engineer to determine whether he concurs with the findings.

Councilor Conlon asked what the affordable housing unit configuration is. Mr. Barry responded that they are spread across the project, but there has been some talk about removing the three bedroom units. Councilor Conlon asked what the average cost of the condos will be. Mr. Barry noted that he will solicit the project as condos; however, given the economic climate, and with the difficulty obtaining bank financing, he may not be able to sell them as condos, but as apartments. A two bedroom condo would probably garner \$250,000-\$275,000 in the current market; a three bedroom probably around \$300,000. There will be studios in the Clapp building, but Mr. Barry will hold those as rental units.

Councilor Conlon asked if the developer is offering \$25,000 for mitigation in the square. Mr. Barry noted that he has offered \$25,000 in grants to the area businesses for upgrades for a total of \$125,000. Councilor Conlon noted his personal opinion is that amount is a pittance for the number of units being offered. There was a brief discussion; Mr. Barry clarified the unit space and the number of offices in the proposed 7,000 square feet. Councilor Conlon questioned the parking. Mr. Barry noted the proposed parking exceeds what is required in the current zoning.

Councilor Whitaker asked for clarification of the number of buildings; nine, with eight new construction. He asked for the unit configurations. Fifty two to fifty four bedrooms are in the presented plans and fifteen units in the Clapp building. There was a brief discussion of the breakdown of the units in the office space. The bottom floor is set up for one company with offices, likely the same in the second floor. Councilor Whitaker noted that each office space can be used separately.

Councilor Smart noted that water and sewer usage studies were both requested at the Ordinance Committee meeting. Mr. Barry responded that sewer is based on water usage. He noted that the town uses less than the state guidelines. Mr. Barry utilized an average.

Mr. Chandler of the Planning Board noted the design of the buildings in the historical district are not in keeping with the area or the New England flavor. Mr. Barry noted some of the characteristics cannot be replicated in the project; it would be more in keeping with a project on Beacon Hill. Under 40R the town dictates the design characteristics; he will be happy to work with the town for any changes which are reasonable.

Ms. Akoury noted that since Mr. Barry now is leaning towards apartments rather than condos she asked if this will affect the eligibility of affordable housing to Weymouth residents only. Mr. Luongo noted that if the project is rental, there are income guidelines for all eight units, in perpetuity. Maximum rents under affordable housing are \$1,025 for an efficiency; \$1,099 for a one-bedroom; \$1,321 for a two-bedroom and \$1,517 for a three bedroom. For ownership units and depending on interest rates, a one-bedroom cannot go for more than \$154,000; a two bedroom \$170,250 and a three bedroom \$187,000. Those are rough numbers provided by the state. As to the selection process, no one can guarantee 100 percent Weymouth residents will occupy those units. There will be a selection process plan developed and entity drafted by the Mayor to oversee the process. There will be a preference for Weymouth residents, but state law prohibits exclusivity.

Ms. Williams asked if the reimbursement rate is different for rental or condo units. There is no difference. She also asked for clarification of the modular units and the use of Canadian companies. Mr. Barry responded that National Lumber in New Bedford has expanded to include modular units. Mr. Barry clarified the condo issue. He would like to build them but will not let them sit vacant.

Ms. Akoury asked Mr. Clarke to note any impact on tax revenue estimates if the project shifts from condo to rental. Mr. Clarke responded that his estimates were based on an apartment approach.

Chairman Flynn noted it is the desire of the Planning Board that the least restrictions placed on the affordable housing units will be in perpetuity and it was asked if Mr. Barry is in agreement. Mr. Barry noted that he is required under 40R and that's how it has been set up.

**Irving Murstein of 463 Broad Street** noted that he applauds the development in the area. He is in favor.

**Mark Denino of 170 Middle Street** and owner of a Karate School in the square is also in favor. It will bring revitalization to the area.

**Ernie Petrucci of 21 Weston St.** also noted he is in favor of the project.

**Francis Krauss of 229 Middle Street**, a direct abutter to the project. He has seen many changes over the course of the project. He notes that if the projects becomes rental, he will have issues. The neighborhood is already subject to vandalism and youth trespassing. He was coerced by the town a few years ago to hook up to town sewerage. At that time he was told the sewer system was “fragile and overburdened”. Storm drains already flood in bad weather, and this will have further affects by development and asphalt on the property. He noted that the traffic count was not done at a time when there was a funeral going on which drastically increases the volume of vehicles.

**Ann Hilbert of 45 Doris Drive** noted that in all the figures presented; no one has noted what it will cost the taxpayers under proposition 2 ½ new growth revenues. She noted that the water consumption charges are widely different. She asked about the water agreement which the Mayor signed with Tri-Town. President Mathews noted he will be asking the DPW Director to review and determine what are the true numbers are. Mr. Barry’s projections will be provided to the DPW Director. He will have the Planning Department provide new growth projection figures. President Mathews noted that the Town Council does not have the authority to make water agreements, that authority lies with the administration.

**Linda McDonald of 58 Laurel Street** noted she is in favor of the project as it will take a vacant building and make some use of it. She also noted that she has not had an issue with residents of nearby rental property and believes it is a misconception that rental property brings more crime to a neighborhood. There are many empty storefronts currently, and the square could use the improvements.

**Dan Kelliher of 29 Middle Street** noted that he is opposed to the project. The area is already congested. He asked what the annual upkeep will be to the area improvements and who will maintain them.

Mr. Barry noted that it could be overseen by a neighborhood association. He will maintain his own property.

**Rosella Cicchese of 958 Commercial St.** noted she is trying to be positive, but is not sure if the town is expected to pay in part for the renovations. She suggested the town perform a traffic study that includes the building across the street from the Clapp, to determine if it will benefit the neighborhood. The project across the street is not under the 40R guidelines, but should also have been incorporated under the Village Center concept. It does not adhere to the properties of smart growth. She is unsure whether she still is in support of the family.

Mr. Barry responded that he is building what was allowed under the zoning on the project across the street from the Clapp; without any variances.

**Evelyn Gallagher of 169 Chard St.** noted that a historical review of the building be

undertaken and that the purpose of the original deed to the property may have placed restrictions on the future use of the building. She asked the Council to research the water issue.

Attorney Jennings noted that he has a copy of the deed which is for registered land and any restrictions would have had to have shown on the certificate. He will provide copies to the Council.

**Trisha Pries of 15 Woodbine Rd.** noted she agrees with several comments made earlier. She noted that the Council and the public are both required to complete their research. She does not agree with the comment about the “devil you know”, and noted the next proposal may not necessarily be better. She is concerned with the financial information and how the calculations benefit the town. She also noted the state’s definition of affordable housing, the demands of development on the town’s emergency services. She urged the Council to take into account the master plan when considering any developer who requests a variance. She sees the town of Weymouth becoming another Brockton.

**Lucy Kalajian of 49 Middle Street** recommended relocating the microphone so that the audience can see the speaker. She was a former teacher in town and has watched the development over the years. The town is being swayed to do things they shouldn’t (referring to the consideration of WHS being built on Legion Field). She noted it isn’t the town’s responsibility to provide housing to people and the town needs to concentrate on the residents who are already here. She suggested the Clapp Memorial be used by the town for its own business, maybe as an adjunct to the town hall for meetings, and not for housing.

**Jane Latus of 164 Candia Street**, is not in support of 40R development for the town of Weymouth. She asked if it passed, would it open the town for 40R development anywhere. Councilor Smart noted that it is only for this lot; the proposal is for an overlay district for this particular lot. She is not in favor of 40R; it is too dense of a development in a small area and has not worked, and overburdens the town’s resources, which will result in higher taxes, and force out the senior citizens who cannot afford more taxes. She noted 40R is “dumb growth”. The hearings in 2007 and 2008 came up with suggested alternate uses for the building. She noted it is nothing more than a low-rise housing project. She asked that several sets of past minutes, particularly of the 12/16/08 Planning Board meeting be reviewed. She believes there needs to be a legal review and that before any future decision is made that it has been done. She asked how a high density project can possibly add to the quality of life in Weymouth. She recommended a moratorium on building until a review of the current zoning is completed.

**Donna Ogden of 160 Burkhall St.** noted that she is in favor of the project and urged the Council to consider the proposal.

An unidentified speaker noted her exception to the comments about Brockton made by a previous speaker. President Mathews noted he will request all comments be kept to the topic of the public hearing.

**Marisa Coppolla of 33 Federal St.** noted that she is in support of improvements to the area and the building.

**Scott Walsh of 87 Chard St.** noted he has lived in the area his entire life and wants to see the town remain as it was. He is not in favor of further development and noted the stress on the fire resources including the currently closed stations. He also noted the crime which occurs at the nearby Maple Gardens apartments. The developer does not live in town and does not have a stake in this project. There are many vacant apartments in town; is there really the need to add more? Improvements to the landscape will need to be maintained, and the town does not have the funds. He also commented on the traffic problems in that area.

**Steve Bergfors of 46 Mt. Vernon West** noted that the building has been for sale for several years. The town has an opportunity to get something back; something that should be a benefit to the town.

Donald Krauss spoke again. He noted that he doesn't have anything against the developer. He noted that because of density changes in the town and reduction in emergency services his homeowner's insurance company has notified him of an increase in his rates by \$150 this year. The increase in the cost to services will be offset by the tax provided by the development.

**Dominic Galluzzo of 86 Candia Street** noted the vast discrepancy in the water usage studies quoted at different meetings. President Mathews responded that he will be requesting a review of the numbers provided by the developer in conjunction with the director of the DPW. Mr. Galluzzo also requested an estimate of the number of additional residents this project would produce. Mr. Barry responded that using examples around town, he has come up with an average of 80. He is not in favor of residential development at the expense of the residents.

Dan Kelliher noted traffic studies should take into consideration the Next Page on a night when there is live music and cars are parked along both sides of Broad Street. He noted that here is poor lighting and a grade change.

Evelyn Gallagher recommended that the town use CPA funding to research the deed. Councilor DiFazio requested that the Council be provided with the chain of title to the property, as there have been allegations that a condition on the deed may have been dropped.

President Mathews noted that the Planning Board has twenty one days from the close of the public hearing to render a decision, and Town Council will have ninety days to render its decision by a two thirds majority vote.

As there are still outstanding issues, a MOTION was made by Chairman Flynn of the Planning Board to CONTINUE the Public Hearing and was seconded by Ms. Williams.



President Mathews noted that the public hearing will have to be continued to a date certain. A special Town Council meeting will need to be scheduled as the next regular meeting will contain a public hearing to consider the Weymouth Landing zoning proposal. Mr. Clarke will research the questions brought up during the public hearing and will provide responses at the next meeting.

A MOTION was made by Vice President O'Connor to CONTINUE the PUBLIC HEARING ON item 10 102 to the Town Council meeting of Monday, December 6, 2010 and was seconded by Councilor Smart, and voted unanimously.

Councilor Whitaker requested as a point of order that the allowable use and densities screen be confirmed. Mr. Clarke noted the Planning Department provided that information.

At 10:10 PM, there being no further business, a MOTION was made by David Chandler to ADJOURN the Planning Board Meeting, seconded by Mary Akoury.  
UNANIMOUSLY VOTED.

Approved by:

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Walter Flynn, Chairman

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Date