

TOWN COUNCIL MINUTES
Joint Ordinance and Environmental Committees
Town Hall Council Chambers
October 5, 2015, Monday

Ordinance Committee

Present: Kenneth DiFazio, Chairman
Michael Smart, Vice Chairman
Jane Hackett, Councilor
Arthur Mathews, Councilor
Patrick O'Connor, Councilor

Environmental Committee

Present: Brian McDonald, Chairperson
Robert Conlon, Vice Chair
Jane Hackett, Councilor
Kenneth DiFazio, Councilor
Thomas J. Lacey, Councilor

Also Present: Carolyn Murray, Town Solicitor
James Clarke, Director of Planning
Jeff Richards, Director, Building Department
Walter Flynn, Chair, Planning Department
Eric Schneider, Principal Planner

Recording Secretary: Mary Barker

Chairman Kenneth DiFazio called the Ordinance Committee meeting to order at 6:35 PM. Chairman McDonald called the Environmental Committee meeting to order at 6:35 PM.

15 106-Amendment to the Zoning Ordinance Solar Photovoltaic Installation

15 107-Building Construction-Adoption of Massachusetts “Stretch Energy Code”

Chairman DiFazio reported that both committees are deliberating these measures and he invited James Clarke and Principal Planner Eric Schneider to present. Mr. Clarke deferred to Mr. Schneider, after noting that changes were made as a result of the comments at the last meeting, Mr. Schneider reviewed the highlights of the revisions with the committee.

Public Open Space – this was taken out of play; it is permitted by right only in one district (PIP), and there are only two sites in Weymouth zoned PIP and they are the capped landfill along the Back River and the existing contractor yard off Liberty Street in South Weymouth. They still require site review although allowed by right and removed all other zones from consideration, whether by right or Special Permit. A section E was

added that gives greater transparency by Energy Services Group and includes oversight by the Fire Department. It will require a schematic for any proposed large-scale solar development to be submitted to the Fire Chief. Section F also was added to provide more protection to the town and provides the town with additional rights when a development has been abandoned or reached the end of its useful life. It also stipulates that any development plan is to be submitted by a licensed electrical engineer. The remainder of the changes codifies the current practice in terms of roof or small-scale installations. They are currently treated as accessory uses and as such are subject to restrictions and reviews as outlined in the existing ordinance. They are confident these changes will provide the town with protection and at the same time meet the requirements for Green Community status.

Chairman DiFazio thanked them for the excellent response to the committees' concerns. Chairman McDonald agreed. Councilor Mathews noted he liked the changes; particularly eliminating public open space from consideration. He still is concerned that a site plan review only without a public hearing will not allow for full and transparent vetting of a plan. He also would like to see proposals in close proximity to schools be disqualified. His personal preference would be Special Permit and not site plan review. Mr. Schneider responded that would disqualify them from the Green Community eligibility.

Councilor Lacey thanked them for the responsiveness to their concerns. He noted the public hearing was advertised under the prior submission and asked the Solicitor if they are proceeding correctly given there are significant changes to the original proposal. Solicitor Murray responded that she reviewed the original advertisement and worked with the Planning Department and that it passes muster for putting the public on notice.

Councilor Hackett asked if the Council plays a role in the application for Green Community standing. Mr. Clarke responded that the Mayor has the authority to apply; if it is successful, the town stands to get a minimum of \$250,000 for energy improvements and qualifies for other funds as they are available. He noted there are some vehicle requirements, but that some vehicles are exempt (emergency apparatus, larger trucks). The application process includes an energy assessment that creates a baseline and standards going forward. (During this discussion, at 6:48PM, Councilor O'Connor arrived.) Councilor Hackett asked what constitutes large-scale and dimensions of small-scale. Chairman McDonald asked how many other Massachusetts communities are designated green. Mr. Clarke responded that it is 136 at last count. He also submitted a letter of support from Paul Comerford, Director of Maintenance for the School Department.

Vice Chairman Smart noted that he is not completely satisfied with the language in the change in section D. He wants to be sure that they can prevent unlicensed crews from performing installations. Jeff Richards reviewed the permitting process. He noted that they did not want to duplicate existing language in the MGL. Mr. Clarke responded that he will bring it back for discussion to the Planning Board.

Councilor O'Connor noted that he is satisfied with eliminating the POS district so that

only two areas remain for consideration.

Councilor Lacey echoed Vice Chairman Smart's comments. He also asked whether the new vehicle guidelines means the town will have to retrofit its existing fleet. Mr. O'Connor responded that it would come in to play when the town purchases new vehicles--many of the town's vehicles are exempt. The inventory was reviewed with the town's mechanics and compiled a master list to submit to the state. Councilor O'Connor noted that the emerging energy market place has a history of consumer fraud. He suggested they should go further in educating the public. There is a lot of misinformation. If they go into business with any company he urged they fully vet them. He asked if the town could take on the business of providing it to the residents and eliminate the middle man taking a good part of the tax credit. Mr. O'Connor reported that the town does not have the manpower to support that; if the town goes forward and secures the Green Community designation, it will be for municipal use; not for residential. He also noted the school department is considering a solar installation proposal at their next meeting.

Councilor O'Connor suggested the town explore the option of getting into the business of providing this to the residents, as it is an untapped market.

Councilor Lacey asked for a copy of the proposal being presented to the school committee. Mr. O'Connor responded that the proposal is separate from the Green Community and specific to rooftop units at Weymouth High School.

Chairman McDonald and DiFazio agreed to meet again after the close of the public hearing to deliberate the matter further.

ADJOURNMENT

At 7:06 PM, there being no further business, a motion was made by Vice Chairman Smart, for the Ordinance Committee to adjourn and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Kenneth DiFazio as Chair of the Ordinance Committee

Approved by Brian McDonald as Chair of the Environmental Committee
Approved at the Town Council Meeting of 30 November 2015