

**TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE
Town Hall Council Chambers
November 28, 2016, Monday**

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

Absent: Jane Hackett, Councilor

Also Present: Robert Luongo, Planning Director
Eric Schneider, Principal Planner
Owen McDonald, Traffic Engineer

Recording Secretary: Mary Barker

Chairman DiFazio called the meeting to order at 6:34 PM.

16 138- Turn Restrictions-Commercial Street/Hill Street and Commercial Street/Grant Street

This matter was referred to the Ordinance Committee on November 2, 2016. Mr. McDonald was invited to the table. He reviewed the request; the recommendation is to restrict turns from Commercial Street to Hill and Grant Streets. Traffic Engineer Owen McDonald provided an overview of the measure. It was initially reviewed in an Ordinance Committee meeting and a public hearing held on November 21, 2016.

A Motion was made by Councilor O'Connor to forward measure 16 138 to the full Town Council with a recommendation for favorable action and was seconded by Vice Chairman Smart. Chairman DiFazio reported that that is in response to citizen requests and he met with the residents of the neighborhood to resolve the issue. UNANIMOUSLY VOTED.

16 146- Crosswalk Across Mutton Lane at the Lakehurst Avenue Intersection

This matter was referred to the Ordinance Committee on November 14, 2016. Traffic Engineer Owen McDonald presented a Power Point outline of the measure and a packet to the committee members:

Request is pursuant to G.L. Chapter 40, section 22, and the town of Weymouth code of ordinances, sections 13-103b and 13-104a, to authorize the placement of markings and signs regulating motor vehicle movement and parking, and regulating pedestrian movement as follows:

Crosswalk

| <u>Street Crossing</u> | <u>Location</u> |
|------------------------|---|
| Mutton Lane | North side of Lakehurst Avenue Intersection |

Parking Restriction

| <u>Street</u> | <u>Side</u> | <u>Location</u> | <u>Regulation Type</u> |
|---------------|-------------|--|------------------------|
| Mutton Lane | West | Lakehurst Avenue to 30' North of Lakehurst Avenue | No Parking Any Time |
| Mutton Lane | East | Opposite Lakehurst Avenue to 30' North of Lakehurst Avenue | No Parking Any Time |

And cause the above restrictions to be listed in the Town of Weymouth Code of Ordinances, Chapter 13, Regulations Affecting Motor Vehicles, Attachment 1 – Appendix A under new headings, Schedule III, Parking Restricted, and Schedule IV, Crosswalks.

Parking restrictions are necessary because it's a narrow street with almost no parking. There is a sidewalk on the Lakehurst side. Restrictions may not be needed but posting was recommended 20 ft. before the crosswalk. The reason for the measure was a result of neighborhood resident complaints. Access can only be from Lakehurst Avenue. They don't want to space crosswalks too close; the nearest is 570 ft. away. School buses stop at that corner and pedestrians need to cross. There is no issue approaching from the south side.

Councilor Mathews asked if the church in the neighborhood would be impacted or if the measure was a result of complaints about parking on Sunday mornings. It was not part of the traffic analysis.

Chairman DiFazio noted that a public hearing will be held and the measure is scheduled for a vote after that, at the next Council meeting.

No action was taken pending the public hearing.

16 150- Proposed Change to the Town of Weymouth Zoning Ordinance-Section 120
Eric Schneider and Robert Luongo presented the measure.

Mr. Schneider provided a brief overview of the proposed changes. He noted that Weymouth is a largely built out town and the proposed changes are mostly a result of concerns from the Planning Board and the public. They are being requested in an effort to preserve neighborhoods. The remaining parcels present topography, wetland, and access

to roadway challenges. The Planning Board, BZA and neighborhood groups have met to arrive at the specific requests.

They are requesting that in terms of the residential lot size-remove the Special Permit process to reduce buildable lot size to 17,000-a variance will be required. It was enacted a few years ago, and petitioners were required to meet limited burden of proof. This will remove the special permit requirement.

The Planning Department researched use of “rattail” lots to accommodate 25,000 sq.ft. minimum requirement, that are common in subdivision developments, which have become a problem. Half of Massachusetts’ communities have guidelines on lot shape and about half use a mathematical calculation called Rule of 22 to determine how far out of geometric norm the lot is; if the factor is 22 or greater (dimension squared/lot area=factor), then the lot is considered irregular. They believe the Rule of 22 is too restrictive, given topography and other considerations, and they believe a factor of 35 will achieve the same result.

This measure also proposes increasing the amount of upland for a lot from 75% to 85%. In the multi-family R-3 and R-4 zones, they propose to increase the amount of landscape open space requirements from 15% to 20%.

They propose not to change the clause in R-1 district, the ordinance is interpreted in different ways and used to propose conversion of existing in-laws to legal 2-families if it was in character with the neighborhood; the in-law suite guidelines are adequate protection of the intent of the ordinance.

He reviewed the specific changes:

Delete §120-53 in its entirety.

Also remove reference to 120-53 from Table 1 Schedule of District Regulations

Add §120-53.2 containing the following text:

Lot Shape Factor: No lot shall be created so as to be so irregularly shaped or extended that it has a “shape factor” in excess of thirty-five (35). Shape Factor equals the square of the lot perimeter divided by the lot area.

Also add reference to 120-53.2 to Table 1 Schedule of District Regulations defining the R-1 District Lot Size.

Amend §120-53.1 to read:

Any lot created after [insert adoption date], shall have a minimum upland area, as defined in Section 120-6, of 85% of the minimum lot area.

Delete §120-13 (A) in its entirety.

Re-assign lettering of remaining items under §120-13 accordingly.

Amend Table 1 Schedule of District Regulations as follows:

Under the heading “Maximum Lot Coverage” in the R-3 District, change the Percentage of Landscaped Area from 15% to 20%.

Amend Table 1 Schedule of District Regulations as follows:

Under the heading “Maximum Lot Coverage” in the R-4 District, change the Percentage of Landscaped Area from 15% to 20%.

Chairman DiFazio asked why there isn’t a change to the R-1 district similar to lot coverage in R-3 and R-4. Mr. Schneider responded that R-1 and R-2 already exceeds this requirement.

The question arose regarding lot size now requiring a variance, which is harder to obtain, making it more difficult to build. Mr. Luongo noted the change occurred when the town to city form of government changed. There has been a lot of encroachment and development pressure. It is incumbent on the developer to indicate a hardship in order to build. The BZA found that given the level of proof required and the typical lot size, that it was a low bar to achieve. Mr. Luongo noted that they are likely to hear from developers in the public hearing. The community at large is requesting this. Most of the issues are in in-fill developments.

Chairman DiFazio asked if the extra 10% would be a big issue. Mr. Luongo responded that this would tighten it up. It will require a variance. The test for Special Permit is more lenient to meet. Vice Chairman Smart asked if this would provide backup to developers regardless of the appeal process. Mr. Luongo responded that this creates a higher bar and the BZA will likely not grant hardship allowances. It won’t prevent building in an area that meets the requirements. Councilor Mathews noted that the BZA lobbied for 17,500 at one time. This has been difficult for the BZA. The spirit is the same, just need for updating given the changing times and the lots remaining.

Chairman DiFazio asked if the change in rattail lot provisions would have a big impact? Mr. Luongo responded yes. There are a few locations subdivided with rattail or pork chop areas that can’t be used. Coupled with 25,000 sq. ft. lot minimum, it will make a difference.

Chairman DiFazio asked if it is possible to convert an in-law to 2-family? Mr. Luongo responded that it would not be allowed, nor could one be granted using variance. It will not affect an existing in-law or impact a legally existing 2-family.

Chairman DiFazio asked if the additional 5% upland will have a big impact as far as residential district R-3 and R-4- Mr. Schneider responded that they looked at FAR which is currently .3 for both districts. It is considerably lower than most towns comparable to Weymouth. They considered reducing the FAR but disregarded it after looking at other communities. The key is a greater direction by the Planning Department to assure good design. Density and FAR are not as important as good architecture and design. It will provide some additional open space.

Definition and interpretation of landscaped space- Chairman DiFazio asked if the definition includes parking spaces. It does not, but is subject to interpretation by the Building Department. Chairman DiFazio noted he would like to see landscaped area mean landscaped area only. Mr. Luongo noted it will affect the owners of the last remaining garden style apartment owners. Design is as important as the open space. This affects about 17 properties (remaining single-family holdouts in R-3 district). They didn't want to interfere with their development rights. Mr. Luongo responded that downsize zoning takes value away from an owner. Chairman DiFazio noted that he will be interested in the blowback from this. From a Councilor's point of view, it is long overdue.

Mr. Luongo noted that there is probably more they can do to protect these neighborhoods, and they will be coming back with other options to maximize opportunities. It is a balancing act between quality of life and opportunity.

Councilor Mathews noted he is not a fan of commercial to residential development and would like to see something restricting a developer bringing in residential to commercial districts-- but he is in favor of redevelopment. Mr. Schneider responded that mixed-use development in commercial corridors is what they are seeking. Mr. Luongo noted that if they are too restrictive, it will not allow for development. The market is constantly changing; no commercial or retail (except restaurant or supermarket) is happening. If they are too restrictive, there will be no growth. They need to listen to brokers for education on trends in the market. If the zoning changes, it will either produce or inhibit growth. Getting a good mix is essential to success.

Chairman DiFazio reported the joint public hearing will be scheduled.

No Action was taken pending the public hearing.

ADJOURNMENT

At 7:15 PM, there being no further business, a MOTION was made by Councilor O'Connor to adjourn and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Kenneth DiFazio as Ordinance Committee Chairman
Voted unanimously on 19 December 2016