

SPECIAL TOWN COUNCIL MINUTES
Town Hall Council Chambers
June 11, 2012-Monday

Present: Arthur Mathews, President
Patrick O'Connor, Vice President
Frank Burke, Councilor
Robert Conlon, Councilor
Kenneth DiFazio, Councilor
Jane Hackett, Councilor
Edmund Harrington, Councilor
Thomas J. Lacey, Councilor
Brian McDonald, Councilor
Michael Molisse, Councilor
Michael Smart, Councilor

Also Present: William McKinney, Chief Financial Officer
George Lane, Town Solicitor
Richard Swanson, Town Auditor
Kathy Deree, Town Clerk
Jim Clarke, Director of Planning

Recording Secretary: Mary Barker

President Mathews called the meeting to order at 7:04 PM. After the Pledge of Allegiance, Town Clerk Kathy Deree called the roll with all members present. President Mathews welcomed newest member Frank Burke.

ANNOUNCEMENTS

Vice President O'Connor announced the Farmers' Market begins Saturday, June 23, 2012 on the grounds of Town Hall. The market will be held Saturdays from 9AM-1PM through the summer and early fall. The town village showcase dates are listed on the town website.

Councilor DiFazio announced an open house at Emery Estate on June 16, 2012; the house and grounds will be open from 9AM-noon. Residents are encouraged to use the Emery Lane access. A public forum to view the reuse plan will be held on Thursday, June 21, 2012 at 7PM at the Abigail Adams Auditorium.

Councilor Harrington announced the American Cancer Society Relay for Life taking place from 3PM Friday, June 15-11 AM Saturday, June 16, 2012 at Weymouth High School. The survivor Ceremony is at 3PM on Friday.

Councilor Lacey announced the paving of Weymouth Landing begins on Quincy Avenue in Braintree on June 12, 2012. Paving will take four days (weather permitting) and

residents are encouraged to seek alternate driving routes; however, business in the Landing district will be open during this time.

Councilor Burke announced the Great Esker clean up will take place at the north entrance by the park on Sunday, June 24, 2012, 9AM-2PM. The town is coordinating this with Spectra Energy Corp. Time will also be available on June 26, 2012 for cleanup; he invited residents to participate.

MINUTES

Budget/Management Committee Meeting of April 9, 2012

A MOTION was made by Councilor O'Connor to approve the minutes from the Budget/Management Meeting of April 9, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting of April 17, 2012

A MOTION was made by Councilor O'Connor to approve the minutes from the Budget/Management Committee Meeting of April 17, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting of May 16, 2012

A MOTION was made by Councilor O'Connor to approve the minutes from the Budget/Management Committee Meeting of May 16, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Public Works Committee Meeting of May 16, 2012

A MOTION was made by Councilor O'Connor to approve the minutes from the Public Works Committee Meeting of May 16, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Town Council Meeting of May 23, 2012

A MOTION was made by Councilor O'Connor to approve the minutes from the Town Council Meeting of May 23, 2012 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

12 097-National Grid/Verizon Utility Petition-Arcadia Road

A MOTION was made by Vice President O'Connor to open the Public Hearing on item 12 097 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

John Doherty of National Grid reviewed the plans and there was a brief discussion of pole placement with respect to driveways.

There were no comments from the public.

A MOTION was made by Vice President O'Connor to close the Public Hearing on item 12 097 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to take item 12 097 under 2-9 (b), same night action and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Councilor O'Connor to APPROVE item 12 097 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

12 091-Amendments to the Zoning Ordinance Relating to the Floodplain District Maps, Administration and Regulation-mandated by FEMA

A MOTION was made by Vice President O'Connor to open the Public Hearing on item 12 091 and was seconded by Councilor Smart. Notice was published on May 28, 2012 and June 4, 2012. UNANIMOUSLY VOTED.

A MOTION was made by Mary Akoury to open the Planning Board Public Hearing and to waive the reading of the public notice on item 12 091 and was seconded by Sandra Williams. Notice was published on May 28, 2012 and June 4, 2012. UNANIMOUSLY VOTED.

Jim Clarke, Planning Director, reviewed the background and the new proposed maps from FEMA. Since 1980, the properties within the floodplain were eligible to acquire floodplain insurance required by FEMA. There were 670 mostly residential properties. Zoning is in place to prohibit/allow building within the flood plain area. Decisions were recorded at the Registry of Deeds. The current maps are from 1981 and the proposed maps were presented. There are properties which have been moved in/out of the floodplain zone with the proposed maps and there are other communities affected. Each town is required to present the proposal at a public hearing; however, the proposal is a federal mandate. Mr. Clarke reviewed the specific areas that will be affected and the specific changes. He also noted that the state also supports these changes. The zoning change must be adopted per the mandate by July 17, 2012 to avoid jeopardizing federal relief funding. The following are comments from the public:

Donald Stewart 549 Essex St- reviewed his property's history and asked how the validity of the map was determined. Council President Mathews asked for a review of the appeal process and noted that the proposed map does not indicate elevations. Mr. Clarke responded that the town DPW engineers validated the maps. Private and title insurers made the determination of properties within the floodplain.

Mr. Clarke reported that the proposed changes will be posted to the town's website.

Tricia Pries, 15 Woodbine Rd. questioned if her property is uninsurable after past floods. She reported that it isn't clear how to interpret the map and that it's difficult to tell without showing elevations and spillway elevations.

Ann Hilbert, Doris Drive, asked for further clarification of the number of homes affected in the Park Avenue/Columbian Street area and recommended the town post information specific to the A section of the proposed map.

Mr. Clarke responded that residents whose properties are above the flood zone, even if certain sections of the property are within the flood zone, are not required to get flood insurance.

Council President Mathews recommended that residents contact Mr. Clarke at the Planning Office if they have questions.

Councilor Hackett asked if the Town Council can challenge the proposed plan. Mr. Clarke responded that there is an amendment process.

A motion was made by Vice President O'Connor to CLOSE the public hearing and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A motion was made by Sandra Williams to CLOSE the public hearing for the Planning Board and was seconded by David Chandler. UNANIMOUSLY VOTED.

Council President Mathews reported that the Planning Board has twenty one days to make its recommendation to the Town Council. Planning Board Chair Walter Flynn reported that it is the intent of the Board to meet later in the evening to vote the matter.

12 089-Rezoning Request-11 Adams Place-application submitted on behalf of applicant-Cumberland Farms, Inc. (Map 45, Block 514, Lot 8 from Residential (R-1) to Limited Business B-1 (B-1)

A MOTION was made by Vice President O'Connor to open the Public Hearing on item 12 089 and was seconded by Councilor Smart. Notice was published on May 28, 2012 June 4, 2012, and 72 abutters were notified. UNANIMOUSLY VOTED.

A MOTION was made by Mary Akoury to open the Planning Board Public Hearing and to waive the reading of the public notice on item 12 089 and was seconded by Sandra Williams. Notice was published on May 28, 2012 and June 4, 2012. UNANIMOUSLY VOTED.

Doug Troyer, Cumberland Farms attorney, Richard Boyle, Regional Manager and Jack O'Leary, Engineer presented the request to rezone the property at 11 Adams Place. Cumberland Farms has owned and operated a gas service station at the corner since 1986. There have been underground storage tanks since the 1930's. Licenses were amended in 1941 and 1966 to increase capacity. Cumberland Farms has been upgrading its properties across the state. The rezoning would allow them to raze the existing residential property to expand. The limited business use is consistent with surrounding properties. The property is under a Purchase and Sale Agreement with the current owners. Existing site plans were reviewed and the proposed changes outlined. Architectural renderings,

signage, storage tanks, lighting and landscaping were presented. The impact to the surrounding roadways was reviewed with traffic counts submitted for analysis and taking into account full build out of Southfield.

Councilor Harrington reported that a public meeting was held and many points were brought forward by the residents and one business owner which included:

- safety with increase in pedestrian traffic
- traffic on dead end
- holdups
- improper building maintenance
- noise, trash, rodents
- proximity to other convenient store attracting youths
- confusion with traffic exiting
- noise/diesel fumes
- reduction in property values

He reported that he received emails and a petition signed by Adams Place residents.

Councilor Smart noted his concerns with traffic and the amount of money MassDOT spent on improving the signalization in the area. Councilor Hackett asked about queuing and stacking of cars and whether a maintenance plan will be in place for continued upkeep. Councilor DiFazio asked whether the other facilities Cumberland Farms has upgraded in the area have required zoning changes. The response was that none have-this is a unique situation. Councilor Molisse asked about self-service- the response was no self-service is planned. A runner will be used during peak times. The number of employees was discussed. There will be 4-5 full time, 10-14 part time. Councilor Conlon asked if any other location encroaches on residential areas. There is one in Bourne. He asked if it involved taking a home off the market there. It did not. The hours of operation would change from 5AM to midnight. The current hours are 6AM -11PM. Councilor Harrington noted the existing businesses that fill a similar need and fairness to changing zoning that might result in jeopardizing those businesses.

The response was that competition is not a reason to deny a zoning change. The store will be beneficial to town and once established will contribute as other businesses do.

Cumberland Farms has participated in local fundraising efforts.

Planning Board Chair Walter Flynn noted there are inconsistencies in the traffic report that will need to be addressed.

Sandra Williams asked for tank specifications and requirements and the landscape plans- she questioned if water would be trucked in and if they would be local subcontractors/union labor. There was a discussion on REO. President Mathews noted the REO does not apply to private construction. Mary Akoury noted the traffic study they received does not take weekend hours into consideration. She noted the accident rate should be considered. The following are the comments from the public:

Nancy Cawley- 46 Adams Place is opposed. She provided a handout indicating the history of Adams Place- one of the oldest in Weymouth, which is a dead end with 20 homes. All abutters who will be affected are opposed.

Eleanor Edwards-779 Main St. is opposed she submitted a letter to the council detailing her concerns.

Bonnie Matterand- Park Ave. West is opposed. The site is not appropriate for the scale of the project.

Crystal Lanoux-54 Adams Place is opposed and disputes that the home was for sale.

Adrian Geshan-21 Adams Place voiced her opposition to the project.

Nancy Sullivan-62 Adams Place is opposed citing that there is no other egress from the street.

Dorothy Lang- 38 Adams Place is opposed and thanked them for meeting with the neighbors.

Tara Curtain- 15 Adams Place-opposed to the project and the effect it will have on her property value.

Eric Saylor-34 Adams Place is opposed and noted that Route 18 is a nuisance, but an acceptable distance away.

A MOTION was made by Vice President O'Connor to close the public hearing and seconded by Councilor Smart. There was a point of order by David Chandler regarding discussion of merits of the project when there was a motion to close.

A Motion was made by Vice President O'Connor to withdraw the motion to close the public hearing and was seconded by Councilor Smart. There was a brief review of Rule 27.

A MOTION was made by Vice President O'Connor to close the public hearing and seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Mary Akoury to continue the public hearing by the Planning Board to June 19, 2012 and was seconded by Sandra Williams. Chair Walter Flynn requested all correspondence submitted at this public hearing be made available to the Planning Board.

President Mathews reported that the Planning Board has 21 days from the close of the hearing to submit its recommendation to the council. The Ordinance Committee will meet and make its recommendation to the Town Council. Abutters will be notified of the next Ordinance Committee meeting.

ADJOURNMENT

The next Town Council Meeting will be held on Monday, June 18, 2012 at 7:00 PM. At 10: 50 PM, there being no further business, a MOTION was made by Vice President O'Connor to ADJOURN the meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Council President Arthur Mathews