

**ORDINANCE COMMITTEE MEETING MINUTES OF  
APRIL 4, 2006 – 6:30PM  
COUNCIL CHAMBERS – TOWN HALL**

**Present:** Michael Smart – Vice Chairperson  
Arthur Mathews  
Kevin Whitaker

**Not Present:** Susan Kay  
Greg Shanahan

**Also Present:** Councilor Paul J. Leary  
Mary Ellen Schloss, Conservation Director  
John Thompson, Chairman Conservation Commission  
James F. Clarke, Director of Planning  
Adrienne Gowen, Consultation Commission Board

**Recording Secretary:** Christine Callbeck

Vice Chairperson Michael Smart called the Ordinance Committee Meeting to order at 6:35PM.

**06 015-Appointment of South Shore Tri-Town Development Corporation Board Members**

Chairperson Smart stated that this appointment was initiated by Councilor Leary. Councilor Whitaker has offered assistance to Councilor Leary in supporting an amendment to Chapter 301 the Act of 1988 which is the enabling legislation that formed Tri-Town. Chairperson Smart invited Councilor Whittaker to speak briefly to the resolution that he has put forward.

Councilor Whitaker stated that Councilor Leary was the driving force behind bringing this issue to the Council and asking them to look at a way to get involved in the appointment process. Councilor Whitaker asked that the Council substitute the resolution for the measure that was submitted to the Council- so that they can act favorably on it at the next Council meeting.

Councilor Mathews stated that he does support Councilor Whitaker's resolution. Councilor Mathews further asked Chairperson Smart if this appointment needs support from the state legislation on behalf of the Council.

Councilor Whitaker said that the resolution is from the Town Council to the legislature in whole asking them to consider an amendment at some point to the enabling legislation. This is something that the Committee wants to make the legislature aware of . Councilor Whitaker suggests that the Committee approve the resolution and advise each member of our legislature. When the time is right for an amendment, if one does arise,

the Committee will at least have expressed their desire to become a participant in the future and ensure that the appointments to Tri-Town are reviewed in accordance with our Charter as it currently exists.

Councilor Whittaker asked Chairperson Smart if they could electronically forward a copy of this to Diane Hachey, to be printed on letterhead. If there are adjustments to be made Councilor Whitaker is open to those changes. Then the Committee could simply present it at the next Council meeting. Councilor Whitaker further motioned that we substitute this resolution for the original motion presented by Councilor Leary.

Councilor Smart **motioned to substitute the resolution put forward by Councilor Whittaker for item 06 015** which was Councilor Leary's original request for information -**seconded by Councilor Mathews and VOTED UNANIMOUSLY.**

### **06 026-Ordinance Change to Section 7-301-of the Municipal Code-Wetlands Protection Ordinance**

Chairperson Smart invited Ms. Hackett and Mr. Clarke to come forward and introduce themselves and anyone that they brought with them. Ms. Hackett informed the Committee that the Ordinance Review Committee is currently in the process of reviewing for typographical errors, etc., before they go to final print on the new code of ordinances during this calendar year. This is the first change that has arisen. As ordinance changes are proposed by the Administration, they will submit them to Council. MaryEllen Schloss presented to the Committee.

Ms. Schloss stated that the Ordinance Committee should have before them the memorandum from Jane Hackett regarding Ordinance Change to Section 7-301 of Municipal Code Wetlands Protection Ordinance. Included in this package is the document with "Proposed changes 2-28-06" on the top right is the final recommended draft. The document with the "strike through" on the top shows the existing ordinance with the proposed changes. Ms. Schloss reviewed the recommended changes to the Weymouth Wetlands Protection Ordinance in detail.

Chairperson Smart asked the Ordinance Committee if they had any questions for Ms. Schloss.

Councilor Mathews asked if there is just a maximum of three years extension.

Ms. Schloss stated that initially there is just one three year extension.

Mr. Thompson stated that they can come back and asked for another 1 year extension.

Ms. Schloss has spoken with the people at the Ordinance Commission and asked them if they see any environmental benefit to having just a one year extension. The commission answered – no.

Councilor Whitaker asked if the reason for the one year extension instead of the three year extension is possibly an oversight. Mr. Thompson said most likely. Ms. Schloss said yes.

Ms. Schloss further read the Definitions: Section Q: b) Pond: The Ordinance clearly defines ponds “of any size” as resource areas to be protected under the Ordinance. She recommends adding a definition in the Ordinance to confirm this, such as: “The term pond shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.” Ms. Schloss further stated that she believes that it would be useful to have a definition of pond in the regulations.

Councilor Mathews asked Ms. Schloss, where a retention pond would fall into place. He further questioned if this would have anything to do with the definition of a retention pond. Storm water collects into a retention pond.

Ms. Schloss further stated that, no, it is not intended to be. A retention pond is considered to be separate from a natural pond. This recommended definition is to follow the state definition which is, except that the size threshold of 10,000 sq. ft. shall not apply. Ms. Schloss read the state definition: “pond: any open body of fresh water with a surface area observed or reported within the last 10 years of at least 10,000 square feet... naturally occurring or man made by ... excavation or otherwise. Pond shall contain said water except for period of extended drought. ....

Councilor Mathews said it has come up recently at a meeting regarding one pond that had not been maintained, located at Libby Industrial Park...

Ms. Schloss stated that lastly, the definition of “Riverfront Area” c) Add definition of Riverfront Area, using the same language that now exists in the local wetlands regulations.

Councilor Matthews said we appreciate the handouts. He had no questions and stated that any changes you make like this is helpful.

Councilor Whitaker asked Ms. Schloss if this was the final product and are they interested in any changes, be it typos, etc. Ms. Schloss said, yes, they are interested in changes, typos, etc.

Councilor Mathews stated that the Committee will request that Councilor Kay set up another meeting once the Conservation Commission has reviewed these recommended changes. This measure will require a public hearing.

Chairperson Smart said that the public hearing would not be scheduled before May 8, 2006. So there is certainly time to make the changes, verify with the Solicitor, request that the Administration draft some documentation on the changes, schedule another meeting, and then schedule a public hearing.

Mr. Thompson took this opportunity to thank Ms. Schloss for the excellent work that she had done and stated that she is a great an asset to the Conservation Commission. Chairperson Smart agreed that Ms. Schloss is truly an asset and extended his appreciation.

At 8.45PM, there being no further business to conduct, Councilor Mathews motioned to adjourn-seconded by Councilor Whitaker – VOTED UNANIMOUSLY.

Respectfully submitted,

Christine Callbeck  
Recording Secretary

Approved by,

Michael Smart  
Chairperson, Ordinance Committee