

TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE
Town Hall Council Chambers
April 5, 2010- Monday

Present: Michael Smart, Chairperson
Brian McDonald
Ed Harrington
Arthur Mathews

Not Present: Ken DiFazio

Also Present: James Wilson, Chief Financial Officer
Michael Gallagher, Director, IT/Administrative Svc.
Jim Clarke, Director of Planning and Development
Rod Fuqua, Principal Planner
Carter Fay, Environmental Partners Group

Recording Secretary: Mary Briggs

Chairman Michael Smart called the Ordinance Committee meeting to order at 7:00 PM.

10 013-Amendment to Section 3-209 of the Code of Ordinances (Cultural Council)

Michael Gallagher requested, on behalf of the Mayor, that the Council consider an amendment to Section 3-209 of the Code of Ordinances (Cultural Council) to reduce the number of members from 9 to 7. Since its inception, there has been difficulty maintaining a full complement of members, often unable to make a quorum (5 of the 9 members) to vote issues; thus the Cultural Council has petitioned for the change. The Mayor agrees. A Public Hearing has been scheduled.

There was a brief discussion. Chairman Smart asked how often the council meets; Mr. Gallagher was not sure but believes it is to be only as often as is needed to distribute funding to promote the arts.

A MOTION was made by Councilor McDonald to continue the matter until this committee meets after the completion of the Public Hearing, and was seconded by Councilor Mathews. Chairman Smart requested that all matters pending public hearing be continued as new future practice in this committee. UNANIMOUSLY VOTED.

10 015-Proposed Rezoning of Randall Avenue

Jim Clarke and Rod Fuqua of the Planning Department reviewed the current zoning, which is open space of the property. It is a town-owned parcel located off Lake Street, near the old Humphrey School. There are several other open space parcels nearby with many single family homes. Mr. Clarke reviewed the area on the map for the committee.

The town has had this property up for sale before. Under open space zoning the land can be reused but not as single family use. The intent is to market and sell as single family property in keeping with the neighborhood, which is the purpose of the request for rezoning. The total lot size is just about 57,000 square feet. 25,000 is the minimum lot size for building, which means the land can be subdivided by the purchaser. There was a water tank located on the site at one time. When it was dismantled, paint chips in the soil around where the tank stood were tested and found to contain both lead and pcb's.

Carter Fay, Licensed Site Professional from Environmental Partners Group described the contamination and the resultant Activity Use Limitation deed restriction placed on that section of the property. Soil excavation and about 40 test samples (surface and a few borings) were taken in 2006 or 2007, and tested after the Health Department noted the number of paint chips at the base of the tank site. Some of the paint used on the tank is believed to have come from the former Navy base in South Weymouth.

Rather than remove the contaminated soil, which can be cost prohibitive to dispose of, the deed restriction was placed on a small area of the property. The risk involves the ingestion of fruits and vegetables grown in the contaminated soil. There is a fence around it, but it is not required. DEP would be the entity monitoring the AUL restriction, and any changes would need to have a modification of the deed restriction filed. The owner of the property is to be made aware of the AUL with the sale. The restriction is recorded with the Registry of Deeds and the owner is then responsible for further control of that site.

There was a brief discussion regarding marketing the property-- less the restricted portion, capping the contaminated area, and the expected price at auction. Jim Clarke noted the average single family lot is approximately \$150,000. Cost to clean the site (remove contamination) was at one time estimated to be \$80-100,000. The land will be sold as one parcel. A developer could go to the BZA to petition for a non-conforming use special permit. The risk to the town for any future liability will be eliminated with the sale of the property, so long as it is disclosed with the sale.

A MOTION was made by Councilor McDonald to CONTINUE item 10 015 in committee until the completion of the Public Hearing and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

At 7:20 PM, there being no further business, Councilor McDonald made a MOTION to ADJOURN the meeting and was seconded by Councilor Harrington. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Briggs as recording secretary

Approved by Chairman Michael Smart