

**MINUTES OF THE
ORDINANCE COMMITTEE MEETING
JUNE 7, 2004**

PRESENT: Paul Leary (Chairman), Michael Smart, Colin McPherson, Ken DiFazio
And Arthur Mathews

OTHERS: Frank Fryer and Solicitor George Lane

Chairman Leary called the Ordinance Committee meeting to order on June 7, 2004 at 6:30 p.m. in the Council Chambers.

04 120 – Amendment to Section 6-101 (d) of the Municipal Code

Police Chief Thomas stated that this was brought to their attention by the Court Officer Neil Allsted. It was an omission in the original ordinance when Weymouth went to a city form of government. The fine was at \$100 then and should be at least that now. He fully supports this.

Chairman Leary stated that he agrees it was an oversight and should be at \$100.00. He also stated that in 2005 the Council will be reviewing all the ordinances.

Councilor Mathews asked if \$100 was enough or if the police department would recommend more. Chief Thomas said he believes \$100 is proper but may need to be revisited 3-5 years down the road.

Councilor Smart MOTIONED to recommend favorable action on measure # 04 120 to amend section 6-101 (d) from \$20.00 to \$100.00. Councilor DiFazio seconded.

Councilor McPherson asked if it would require a public hearing. Jane Hackett stated there was a section in the municipal code stating it depends upon the substance of the change to the particular ordinance under consideration.

Councilor McPherson believes it is a substantial change but on the other hand it is a correction of an error. Solicitor Lane said he will look into it.

VOTED 5-0

Discussion on zoning at St. Albert's Church

Mr. Jim Clarke stated back in 1982 changes were made based on the closure of schools that was occurring. The concern then was a zoning to fit the reuse of schools that had a combination of a little bit everything. What they did then was create a section 120-37.1 titled Reuse of surplus public and quasi-public property. This was distributed to all committee members. It is possible that the church property could be sold to some entity

and come in under the reuse of quasi-public property. It would be a special permit and go before the zoning board of appeals. The types of uses allowed are outlined under part (b). They are multi-family uses; business professional, financial organizations & office buildings; trade professional or other school; retail sales and service (services that would be incidental to the use of the property itself and they can not constitute more than 25% of the floor area); light assembly or packaging of components. There are also minimum lot sizes etc. At this point not knowing what will occur that Weymouth does have in place zoning that could be utilized by someone if they are planning on reusing the property. They could use it under this category. Otherwise any change to the zoning would need to go before the town council and planning board for approval.

The current zoning is highway transitional, near the intersection of Mutton Lane/Pleasant St is B-1, behind it is multi-family on Chapman St and Stone Run Apartments, there is also some single family toward Westminster Road. The parcel is over 6 acres and there is a tremendous amount of ledge in the back part of the property.

Councilor Leary asked if someone could subdivide the 6 acres and Jim Clarke stated yes. Councilor Leary said this is strictly informal and they are just trying to get some information.

Councilor Mathews is very concerned about this property and he is receiving phone calls and emails about the property as they are afraid it will be the next Alexan at Arbor Hill. He feels we should be looking out for Weymouth and seriously look at rezoning this parcel.

It was stated that the way it is presently zoned there can not be a building higher than 35 feet.

Councilor McPherson asked if someone came and asked to have it rezoned to highway transitional would the zoning board have to do it. Mr. Clarke said any reuse of this property would have to follow these guidelines and any rezoning would have to go before planning and town council.

It was also asked how many multi-family units would you be able to fit on this parcel. Mr. Clarke said it difficult to say about 65,000 feet in floor area and they it would depend on the size of the units. One bedroom units are around 6-700 sq ft.

Councilor Mathews wants to continue to look into it. Mr. Clarke suggested that they not jump at this and look at the history of how other places were used and the process that we went through. He is comfortable with what is in place that provides an open process that people can participate in. If the council would like them to look into other options he would be happy to do so.

The town doesn't have a 6 acre parcel of land on highway transitional. B-1 is a higher intensity use and general retail use is not allowed.

03 008 – Hawkers & Peddlers

Solicitor George Lane said after much discussion Councilor Smart, Leary and George Lane decided to target street corner sales that arise all of a sudden without warning. They sell unregulated products. Solicitor Lane suggested an outdoor business license which will be approved by the Licensing Board. This board consists of the Town Clerk, Police Chief, Fire Chief, Health Director and Municipal License and Inspector. Copies of all permits issued would be forwarded to the police department for enforcement purposes. This would regulate the sale of artistic painting and flowers on street corners. He has checked with other municipalities such as Barnstable which has their own department for this. He also suggested an annual fee of \$400 a year with special consideration for non-profit organizations. There are certain state licenses but we can also have a local regulatory requirement. There needs to be more discussions on the hours of business and payroll taxes, worker's comp etc.

Councilor Leary said their main concern were people selling flowers on holidays that take away from the local businesses.

This ordinance was presented to the committee in draft form. There will be no exemption if they have permission from the property owner.

ADJOURNMENT

Councilor Smart MOTIONED to adjourn at 7:18 p.m. Councilor DiFazio seconded.
VOTED UNANIMOUSLY

Respectfully submitted by,

Lee Hultin, Recording Secretary

Approved by: _____