

**MINUTES OF THE
ORDINANCE COMMITTEE
JUNE 21, 2004**

PRESENT: Paul Leary (Chairman), Ken DiFazio, Michael Smart and Arthur Mathews

ABSENT: Colin McPherson

OTHERS: Richard Swanson, Franklin Fryer and Greg Hargadon

Chairman Leary called the Ordinance Committee meeting to order on June 21, 2004 at 6:20 p.m. in the Council Chambers.

04 133 – Rezoning request at Libbey Park

Mr. Jim Clarke said they have received requests from medical professionals to locate there. Under the current zoning it is not allowed. Mr. Clarke described the different types of zoning and what is allowed in each. They would like to take the phrase “for general office purposes” out of the POP. It would still require the proper number of parking spaces. For medical you need 1 space for every 100 square feet of area. This would be reviewed with the building department. A joint public hearing will be scheduled for August 2, 2004 with the Town Council and Planning Board.

Councilor DiFazio asked if all abutter receive notification. Mr. Clarke will talk to George Lane on this one. Usually it is just published but they may be able to notify abutters.

Some examples of medical uses would be doctors, dentists, something similar to the Stetson Building and other along Main Street.

Councilor Mathews expressed some concern that South Shore Hospital may try to expand to a satellite location and taxi people to the location. They would probably be the highest bidder and as a non profit organization the town would lose taxes.

It was stated that Libbey is the only POP in Weymouth. The MRI building is there because it was a pre-existing nonconforming use.

Councilor DiFazio asked if we have land available for this. Mr. Clarke said the Fisher Pierce building is empty and there are other suites in other buildings. There are not too many vacant parcels left for development.

Councilor Smart asked if someone coming in could receive the TIF and Mr. Clarke said yes, they would have to meet the requirements of the TIF program.

Councilor DiFazio suggested giving public notice to all abutters. Mr. Clarke asked for clarity on that and it was stated the property owners within the POP and Mr. Clarke said that wouldn't be a problem.

Mr. Clarke said there are people here this evening regarding this that would like to make comments on it and Chairman Leary said the public hearing would be the time to talk.

04 150 – Proposed Ordinance Regarding Impoundment of Vehicles

Officer John Concannon, Captain Brian Callahan of the Weymouth Police Department and Councilor Hargadon

Councilor Hargadon said this would set rules and parameters for all tow companies. This would set the standard for 12 hours of vehicle impoundment from the time of an OUI arrest. A Copy of Boston's Ordinance was distributed. Quincy is debating it at the same time.

Officer Concannon said it's another tool for keeping drunk drivers off the road. It's another step in the right direction for keeping a tragedy from happening on our roads. It will keep them from driving away after an arrest.

Councilor DiFazio asked if any other communities in Mass. that have it. It was stated no.

It was stated that there are 3 companies that tow for Weymouth. It's a \$75.00 rate for a 24 hour period.

Councilor DiFazio asked if a 3rd party could get the vehicle. It was stated that is what has happened and they gave the vehicle back to the person who then killed someone in New Jersey.

Councilor Hargadon said right now some of the tow companies hold the car for 12 hours and some of them don't. This takes the liability away from the Town of Weymouth and tow operators. It's a win win.

Captain Brian Callahan said the Police Chief fully supports this.

Councilor DiFazio said this should be drafted and ready for the public hearing.

Councilor Smart suggested waiting until the public hearing before referring it to the full town council.

Councilor DiFazio MOTIONED to redraft this to conform to the ordinances for a public hearing on August 2, 2004. Councilor Smart seconded. VOTED 4-0

04 156 – Proposed Amendment to Chapter 7-101 (I) of the Code of Ordinances

Mr. Bob Thomas as we all know there will be an increase in construction in the town. This proposal deals with restricting the hours of operation, it does give leeway to residential home owners. Section 4 deals with sanitary facilities at a detail of 4 hours or more. There is also a provision for fining.

Councilor DiFazio thanked him for his valued attempt however he feels it may burden contractors. He would like to speak with the building department and the health department regarding this.

Councilor Leary suggested contacting solicitor Lane as well.

Councilor Mathews expressed concern over the Sunday morning construction beginning at 10 am on their own homes.

Chairman Leary said they will take this under advisement.

04 157 – Proposed Amendment to Code of Ordinance Chapter 8-101 Rubbish

Chairman Leary pointed out to him that we do not have a rubbish ordinance, the town has rubbish regulations (upon the recommendation of the Mayor and Bob O'Connor). You can add this to the regulations. DEP mandates changes very frequently and it wouldn't be possible to wait for the Council to change the ordinances.

Councilor Mathews suggested presenting this to Bob O'Connor to see if he could add these to his rules and regulations. Mr. Thomas did not realize there were rules and regulations regarding rubbish.

Mr. Thomas also brought up that there is no fine on handicap regulations. Councilor DiFazio said it is regulated by MGL. Mr. Thomas said that Chapter 90 doesn't deal with a property owner who does not provide the number of spaces or signage.

ADJOURNMENT

Councilor Smart MOTIONED to adjourn at 7:22 p.m. Councilor DiFazio seconded.
VOTED UNANIMOUSLY

Respectfully submitted by

Lee Hultin, Recording Secretary