

**MINUTES OF THE TOWN COUNCIL
ORDINANCE COMMITTEE
Town Hall Council Chambers
October 28, 2010 - Thursday**

Present: Michael Smart, Chairman
Brian McDonald, Vice-chairman
Ken DiFazio
Ed Harrington
Arthur Mathews

Recording Secretary: Mary Barker

Chairman Smart called the meeting to order at 7:38 PM.

10 102 – Zoning Amendment for Clapp Memorial (203 Middle Street, Map 22, Block 291, lot 9)(cont.)

Chairman Smart noted this is a continuation to present further information that was requested. Ray Jennings, Counsel for William Barry and Nick Deveau, architect for the project, were present. Mr. Deveau conducted a power point presentation of the plan, including the buildings, parking, plantings and walkways. He noted the memorial building, and the new buildings behind it. The existing conditions were shown and comparisons with the proposed designs. The proposed plan includes residential and commercial space. The residential and office space will be isolated via separate, key-card accessed entrances. Design characteristics will be used in the new construction to mirror that of the Clapp Memorial Building. Elevated views were reviewed. Work from the Cecil Group will be incorporated into the presentation for the public hearing.

Councilor Mathews asked that the handout be in the same order as the power point presentation for the public hearing. He also asked that the plans be made available on-line for residents to review. Mr. Jennings noted that some of the material has already been provided for uploading to the website.

Mr. Jennings noted that improvements to the square would be included in the presentation at the public hearing as well. Options have been discussed; option A would be the acquisition of 555 Broad Street; Option B would be to provide a dollar value equivalent in terms of improvements to the square, which would be a result of a meeting with area residents to hear ideas. There is a meeting scheduled with business owners in the area on November 9, 2010. A more formal proposal will be provided subsequent to that.

Chairman Smart asked about the purpose of the building acquisition. Mr. Barry responded that the packet references the improvements to the square. Grant funding from the state will be essential to complete everything suggested. Mr. Jennings noted that improvements will need to be coordinated sequentially and comply with the 40R

recommendations.

Councilor DiFazio suggested that since the project is close to an impending decision, that Mr. Barry provide a very detailed explanation of the plan under Option A and a final dollar amount under Option B. Chairman Smart noted that typical to a master plan, there should be a way to see how much future improvement will be generated in the square. It does not appear that the improvements go much further than the Clapp Memorial property itself. Mr. Jennings responded that the improvements will be over a time period and rely on state funding availability. Chairman Smart noted that there is funding with the 40R overlay and the 34 units which amounts to \$177,000 (\$75,000 once zoning is approved and the balance of \$3000 per unit for 34 of the 38 units once built). Councilor DiFazio asked if the Mayor has earmarked the \$177,000 for improvements to Central Square. The Council should be aware of the intent by the public hearing.

Councilor Mathews asked if a P&S is in place for 555 Middle Street. Attorney Jennings responded that it is not under agreement, but the intent is to acquire the property, donate it to the town, then knock it down to open up the square. He has not been able to reach the owner of the building at this point, but is in the process of alternative options which he cannot discuss publicly at this time. Mr. Barry does not intend to renovate that building under 40R.

Councilor Mathews also brought up the traffic analysis which was requested at the last meeting. Mr. Barry responded that he has not received it yet. Councilor Mathews noted that he wants time to sufficiently review all the materials before a decision needs to be made. Chairman Smart also asked for the water usage study that had also been requested at the last meeting. Mr. Jennings responded that based on the information he has been given by the DPW, the consumption is 300 gallons per bedroom, per day which equates to 30 million gallons per year. Chairman Smart asked that this information and any other that the Council has requested, including per pupil cost generated from the project, be disseminated in the presentation for the public hearing.

Bob Luongo reviewed the per pupil calculation for the committee. He noted that under 40S, payments to the town are calculated based on the 2008 information (latest available figures) from the state. The per-pupil expenditure for Weymouth is \$12,034. Under 40S, reimbursement is calculated as follows: average actual net school spending per pupil for the district times the number of pupils living in the Smart Growth development; less the property and excise taxes generated by that Smart Growth development times the education percentage (state wide average percentage of local funding that goes toward school); you also must subtract the actual increase in Chapter 9 and Chapter 70 payments attributed to the students from the 40R district. In talking with the state, it was noted that very few 40R developments have generated school children (due to unit type and size). Twenty seven projects have been approved and only two to date have qualified for 40S reimbursement; Chelsea and Lakeville. Chelsea was slated to receive \$200,000 and Lakeville \$85,000 in reimbursement; however, no money has been appropriated as of yet at the state level to fund these.

Chairman Smart asked if the upfront funding (40R) will be received. Mr. Luongo noted that he has no indication that the town will not receive it. Although the source of funding has been tapped by the state, every town which has qualified and applied for funding has received it. Chairman DiFazio asked Mr. Luongo to run the calculation if seventeen school students come from the project to present at the public hearing. Mr. Luongo noted that it will be quite speculative, but he can indicate an estimated evaluation.

Mr. Luongo also noted that townhouse density was brought up at the last meeting. He reported that in accordance with the zoning, townhouse density is set at a minimum of twelve and maximum of seventeen units per acre. The project is presented at the maximum seventeen units per acre. The state requires a minimum of twelve per acre. Mixed use allowable density is twenty units; no less, no more.

Councilor Mathews asked the age of the Chelsea and Lakeville projects. Mr. Luongo responded that both have just come on line. Chelsea is 125 units; Lakeville is 207 units. It will be unusual for any community to receive funding from 40S because of the method of calculating the reimbursement. Councilor Mathews asked if Mr. Luongo could reach out to the planning departments of each of those towns to determine how many students have come out of the project from each of those towns as well as the configuration of the units (number of bedrooms). Only four of the Clapp Memorial project units are three bedrooms. Mr. Clarke will put together information requested of the Planning Department in the form of a memo prior to the public hearing.

Councilor DiFazio noted that if the state does not have the money to reimburse, the town essentially has no recourse, and this lack of confidence has a bearing on how the area residents view the plan.

Mr. Barry will include some of the other projects he has completed in the state, along with the traffic study, water and sewer mitigation. Councilor Mathews suggested that the DPW and traffic engineer provide their staff comments, similar to the manner in which the BZA and Conservation Committee gathers information from various town departments.

Chairman Smart asked if the plan has been routed to the Fire Department to determine if there is sufficient emergency vehicle access. Mr. Deveau noted that the circle located by the flagpole allows for a turnaround for engine and ladder trucks.

The committee will have a memo sent to various town departments to gather comments.

Councilor DiFazio noted that the East Weymouth Neighborhood Association has been noticeably quiet lately on the issue.

Chairman Smart requested that any information be provided to the Town Council office as soon as it becomes available due to the time constraints.

At 8:25 PM, there being no further business, a motion was made by Councilor Harrington

to adjourn, seconded by Councilor Mathews and was unanimously voted.

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Chairman Michael Smart