

**TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE
Town Hall Council Chambers
December 20, 2010**

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

Also Present: James Clarke, Director of Planning and Development
Robert Luongo, Planning
Walter Flynn, Chairman of the Planning Board
Michael Gallagher, Director of Adm. & Comm. Svcs.
Scott Bois, Coordinator of Financial Services
Richard Swanson, Town Auditor

Recording Secretary: Diane T. Hachey

Chairman Michael Smart called the Ordinance Committee meeting to order at 6:46 PM.

10 126- Ordinance Amendment-Tax Amnesty Program

Mr. Bois presented on behalf of the Mayor's Office and explained that the Mayor is requesting that the ordinance is amended to reflect the following : "The provisions of this section of the code shall be in full force and effect from January 1, 2011 and shall expire on June 30, 2011."

It was noted that this program is of benefit to both the town and the taxpayer. It results in speedier payments to the tax office, in addition to allowing the tax lien group (comprised of \$2M) to receive abatements on their interest and ultimately assists those who would have possibly undergone foreclosure proceedings, to remain in their homes. It was noted that the majority of taxes in question are residential and approximately 40-50 people are currently enrolled in the program, some of which have payment schedules established with the tax office.

Mr. Swanson reviewed the measure, agrees with its intent, and noted that taxpayers are still responsible for the full balance of their taxes. He further noted that this program has a positive effect on the town's collection rate.

Councilor Harrington questioned the statistics on the relationship of the program to those who were able to stay in their homes. Mr. Bois couldn't cite actual statistics, but noted that the program has been successful.

Councilor Mathews motioned for favorable action, motion seconded by Councilor DiFazio and voted unanimously.

10 102-Zoning Amendment for Clapp Memorial (203 Middle Street-Map 22, Block 291, Lot 9)

Chairman Smart noted that all committee members received a copy of the Planning Board's recommendation in their packets and officially entered the memorandum dated December 15, 2010 into the record. He noted that two public hearings have been held which raised numerous issues. Among them-Fire and Police Department coverage, sewerage, traffic, density, and quality of life issues for surrounding residents.

Councilor DiFazio noted the lack of detail/reasoning in the Planning Board's recommendation and requested that more detail surrounding deliberations be provided.

Mr. Flynn and Mr. Clarke approached the committee and explained that there were very few comments made at the time of the vote by the Board. Many members had previously voiced their concerns, as is recorded in the Board's minutes, and felt it redundant to address them again at that time.

Mr. Flynn further explained that 40R was the basis of aversion by the members, and not the proposal itself.

Councilor Harrington noted that he resided in Dorchester, followed by Quincy and cited the negative changes inherent in his Quincy neighborhood due to 40 R provisions, he is therefore not in favor of this project.

Chairman Smart noted his dismay that remarks were made to the notion that the Council does not take this seriously, does not attend meetings or conduct the appropriate research. He takes issue with this as neither he, nor his colleagues take this lightly. He was surprised to hear of a change from the developer from condominiums to apartments. He further noted that residents have consistently mentioned their concerns with density and feels that the concept is unacceptable for the neighborhood as it now stands—this overlay is not a good fit for the Central Square neighborhood. He also does not have confidence that the state will reimburse education costs inherent in students residing in the complex.

Councilor Mathews noted the following concerns. The poor history of reimbursements from other municipalities in terms of 40R and 40S, the plan is too dense (current R1 zoning would only allow for 4 single family homes at the Clapp location), proposal is better suited for senior housing as an example and he noted that he will not be supporting the zoning request.

Councilor McDonald stated that 40R at face value looks promising but this project proposal is too much for the area. He is concerned with state funding, and the change in plans from owner occupied to rental. He will not support this measure.

Councilor DiFazio noted his attendance at numerous meetings on this project, and admitted that he was an advocate of the proposal during the first year of discussion. Revitalization of Central Square in addition to new business to the area were highlights of the proposal.

As of late the proposal, as presented by Mr. Barry, has not lived up to Councilor DiFazio's expectations and he cannot envision a 2/3 majority vote of the Council with an unfavorable recommendation by the Planning Board. He will not be voting favorably on this measure.

Chairman Smart noted that Mr. Barry submitted incomplete plans and was often late in submitting requested information. He thought that the overall presentation was not favorable. Chairman Smart noted an email received today in the Council Office by Trisha Pries (in opposition of the project) and requested that it be entered into the record.

Councilor Mathews motioned for unfavorable action on measure number 10 102 to the full Council, motion seconded by Councilor Harrington and unanimously voted.

At 7:25 PM, there being no further business to conduct, Councilor Mathews made a MOTION to ADJOURN the meeting and was seconded by Councilor Harrington.
UNANIMOUSLY VOTED.

Respectfully submitted by Diane Hachey as recording secretary

Approved by Chairman Michael Smart