

**PLANNING BOARD  
RECORD OF MINUTES AND PROCEEDINGS  
April 23, 2008**

The Planning Board of the Town of Weymouth held a public meeting on Tuesday, April 23, 2008, at 7:30pm at McCulloch Building, Whipple Center Conference Room, 182 Green Street, Weymouth, MA.

Present: Paul Hurley, Chairperson  
Walter Flynn, Vice Chairperson  
Sandra Williams, Clerk  
Mary Akoury  
Staff: James Clarke, Director of Planning & Community Development  
Robert Luongo, Economic Development Planner  
Recording Secretary: Janet Murray

Paul Hurley called the meeting to order at 7:30 pm.

**Minutes**

Planning Board - 2/5/08

A MOTION was made Mrs. Akoury to accept the minutes from 2/5/08 and was seconded Ms. Williams and UNANIMOUSLY VOTED.

Planning Board - 2/19/08

A MOTION was made by Mrs. Akoury to accept the minutes from 2/19/08 as amended and was seconded Ms. Williams and UNANIMOUSLY VOTED.

Page 19 – border should be “boarder”

Planning Board - 2/26/08

A MOTION was made to accept the minutes from 2/26/08 as amended and was seconded and UNANIMOUSLY VOTED.

Page 1 – add “done”

Page 2 – remove “new”

Page 3 – perform should be “performing”

**Discussion**

On the application for Preliminary Determination of Eligibility to adopt the provisions of the Smart Growth Zoning Overlay District Program (M.G.L. Chapter 40R) for a district known as the Clapp Memorial Smart Growth Overlay District at 203 Middle Street, Weymouth, MA.

Mr. Clarke stated that in a meeting in March, the Board acted on the 40R application. There was discussion and then a report submitted to the Mayor. A letter WAS submitted by the Board in which the following concerns were mentioned: density, character of neighborhood, and continuation of funding.

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The Mayor has read the report, however she is reluctant to proceed unless there is a stronger endorsement of this program from the Planning Board. She has asked that the issue be brought back to the Board for additional discussion.

Mr. Clarke stated that he will attempt to make the case in favor of 40R. He stated that the Mayor believed that the report was ambiguous.

Mr. Flynn asked if it was the intent of the Board to bring concerns regarding 40R to the Commonwealth or to the Mayor.

Mrs. Akoury and Ms. Williams stated that the intent was to bring the concerns to the Mayor.

Mr. Flynn suggested that a reply to the Mayor be crafted so that the concerns are transmitted to the Mayor in a document and the confusing issues not are included in the cover letter that is forwarded to the Commonwealth. He pointed out that the minutes will most likely be sent to the Commonwealth.

Ms. Williams pointed out that the motions taken were to put restrictions on the 40R projects but the Board did not think that these restrictions were binding.

Ms. Williams stated that 40R in general is acceptable but as applied to the specific project 40R was not acceptable. She stated that an overall picture needs to be clarified.

Mrs. Akoury stated that it is this particular project that is concerning.

Mrs. Akoury reminded the Board that the funding from the state especially for education is not guaranteed. This is a major concern especially in light of what is happening with budgets.

Mr. Clarke stated that in the report sent to the Mayor there were conclusions and recommendations. He stated that Mr. Luongo had prepared a draft of the 40R overlay district for this location. A number of the issues brought up were mentioned. He stated that it is true to say that restrictions placed by the Planning Board are not guaranteed.

He pointed out that a public hearing before the Planning Board and the Town Council would be held. He noted that the intent was to list 13 or more specific issues that would be incorporated into the final district ordinance that was to be submitted. He stated that staff is the drafter of the ordinance at the direction of the Planning Board. However, Mr. Clarke stated that he could not guarantee that when the ordinance gets to the Town Council for adoption what the final outcome would be. Mr. Clarke stated that the 40R process is lengthy.

Mrs. Akoury expressed concern about the promises made regarding improvements and potential funding.

Mr. Clarke stated that compared to other projects, we have a potential funding source that was not there in the past. He stated that he did not think the town should “run” for the money and

neglect whether this is an appropriate use and whether it fits into the neighborhood. The funding aspect is a benefit over and above whether this is an appropriate use.

Mr. Clarke pointed out a number of properties in Central Square that were redeveloped for other uses. Mr. Clarke stated that if the project is done with a keen eye towards trying to preserve what we think is appropriate and that mitigation is applied to issues where required, this use could be suitable.

Mr. Clarke stated that this property is in a National Register District – it could be sold to another church, however most inquiries were for multi-family projects.

Mr. Clarke stated that he believes that this project protects and preserves the property, but is still in development stage and many steps are still required.

Mr. Luongo pointed out that regardless of whether state funding is forthcoming; this property brings in zero revenue into the community. This project would bring tax revenue into the town. The additional state funding is one time payments except for the payments for school children.

Mr. Luongo stated that the 40R zoning would be very specific as to zoning requirements and design elements such as height restrictions, etc. He pointed out that Mr. Clarke clearly spelled out the Board's concerns in the memo. However, the cover letter states that the Board does not support the 40R concept.

Mr. Luongo stated that the Mayor is concerned about density and if the process goes forward, the applicant would be asked to reduce the number of units to fewer than 40. The Mayor is concerned that there is a conflict between the memo and the cover letter regarding the Board's view of 40R.

Mr. Luongo stated that there will be another chance to look at this process once the state has reviewed the application and determines that there is enough support in the town to go forward with the process and that the draft ordinance meets the letter of the state enabling legislation. If this occurs the ordinance will be returned to the town for the zoning review process. At this point, the Planning Board will hold a public hearing, and then the Town Council, as the elected body of the town will have a public hearing and then make the final decision on whether to ultimately go forward with the 40R zoning.

Mr. Flynn asked if the letter sent to the Mayor is in keeping with the format required. Mr. Luongo stated that the memo's format is acceptable. In the memo it is stated that further discussion in public realm is required but the cover letter states that the board does not endorse 40R. The cover letter is where the Mayor's concern is.

Mr. Flynn stated that it was his opinion that there was a balance between proponents and opponents.

Mrs. Akoury expressed concern regarding Weymouth's resources and the ability to address the additional needs that happens when there is growth.

Ms. Williams stated that she believes that the Board has taken its vote regarding this issue after careful deliberation and discussion. She stated that the Board wanted to give the Mayor all concerns of the public and the Board.

Mr. Luongo pointed out that in the memo the Board's concerns were spelled out, however, the Board specifically voted against the 40R principle for the town.

Ms. Williams stated that the reason that 40R is being considered is because of the promised funding from the state.

Both Mr. Clarke and Mr. Luongo disagreed. Mr. Clarke stated that he sees it more as a land use issue where you have a piece of property that has an institutional use that is leaving and the question is the reuse of the property.

Mr. Flynn stated that he had made the comment at a past meeting that we need to consider this issue irrespective of any additional funding sources. This needs to be considered primarily as a development project.

Mr. Flynn pointed out that the Board is split and he suggested that the Board move onto the next agenda item.

Mr. Clarke stated that he would bring the issue back to the Mayor with the Board's comments from this evening.

### **Form A**

#### 100-124 Pond Street

BZA Case # 2964 – Sheets 49 & 53, Block 553, Lot 1

Mrs. Akoury made a MOTION to ENDORSE the Form A for 100-124 Pond Street, BZA Case #2964 and was seconded by Ms. Williams and UNANIMOUSLY VOTED.

#### 104 Lake Street

Mr. Flynn made a MOTION to ENDORSE the Form A for Lake Street, and was seconded by Mrs. Akoury and UNANIMOUSLY VOTED.

#### D.F. Haviland Lane

Mr. Clarke stated that the neighbors are in agreement that they do not want a sidewalk. There is a buffer of pine trees would need to be removed in order to install sidewalk. Also he pointed out the fencing and screening around the detention basin.

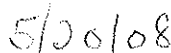
There was discussion regarding sidewalks in general and the fact that although these neighbors might not want sidewalks, future residents may not agree and this could become an issue. Mr. Clarke stated that he would gather more information for the Board.

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**Adjournment**

At 8:30 pm, there being no further business, a MOTION was made by Mr. Flynn to adjourn and was seconded by Mrs. Akoury, and UNANIMOUSLY VOTED.

  
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Paul Hurley, Chairperson

  
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Date