

Planning Board  
Record of Minutes and Proceedings  
December 11, 2007

The Planning Board of the Town of Weymouth held a public meeting on Tuesday, December 11, 2007, 7:30 pm 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  
Frank Hawkins  
Staff: James Clarke, Planning Director  
Robert Luongo, Economic Development Planner  
Recording Secretary: Lisa Perfetuo Miller

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WEYMOUTH, MASS

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

**Performance Guarantees**

Ashley Circle - bond release

Mr. Jim Clarke stated that there have been no engineering reports back and recommends no action at this time.

Duncan Circle and Cardinal Circle - bond release

Mr. Jim Clarke stated that Duncan Circle is almost complete. Rod had reviewed the bond amounts for Cardinal Circle which is a request for a bond which will cost approximately \$30,050 that we have. We are requesting that there be no change, but that we make a motion that the funds held for Duncan Circle be held for both Duncan Circle and Cardinal Circle.

Request to vote covenant release on Cardinal Circle and the existing performance guarantee should cover remaining work on Duncan and work on Cardinal

A MOTION was made by Walter Flynn to SET the bond for Duncan Circle and Cardinal Circle and was seconded by Frank Hawkins and was UNANIMOUSLY VOTED.

Mr. Clarke also requested that the board release the COVENANT on Cardinal Circle.

A MOTION was made by Walter Flynn to release the Covenant on Cardinal Circle and was seconded by Mr. Hawkins and was UNAMIOUSLY VOTED.

**Form A Plans**

86 Park Avenue

Board of Appeals case presented by Jim Clarke. He stated that it was an existing house on a lot

closest to Park Avenue. There will be a second house in the rear.-lot 2. This was approved by the Board of Appeals.

Ms. Akoury asked what was the issue before Zoning Board. Mr. Clarke replied that he believed that the issue was regarding 120 ft at the building line.

Mr. Hawkins if there was a structure there now? Mr. Clarke responded that there was not but that the new house and the existing house will both meet the minimum lot size. The back lot will be approximately an acre and the front lot will meet the 25,000 sq ft lot requirement.

Ms. Williams asked if the lots were shaped so that both lots can have access to Park Avenue. Mr. Clarke responded that she was correct.

A MOTION was made by Walter Flynn to approve the Form A for 86 Park Avenue and was seconded by Mr. Hawkins and was UNANIMOUSLY VOTED.

### **Ryder Development**

Mr. Clarke presented the Healy Road project. He stated that the development was at the back end of a subdivision that came before the board before Norma Avenue off of Apple Tree Lane.

Mr. Clarke presented a diagram of the Norma Avenue subdivision.

The plans have been revised to show paving past down driveway and access to sewer pump station that will remain. What Rod is recommending based on conversations with Conservation is that along the west side of the paved area we put an apron of 12 to 18 in. crushed stone to grade to west side of road and run off to wetland area so that there is no erosion.

Proposed revisions to plans 10/3/07 with the plans of 12/4/07 - 12 to 18 in. crushed edge on west edge of Healey Road. Mr. Clarke clarified that this was in addition to the 12/4/07 revision.

A MOTION was made by Walter Flynn to approve the revisions to the plans for the Healy Road project and was seconded by Mr. Hawkins and was UNANIMOUSLY VOTED

### **Minutes**

A MOTION was made by Walter Flynn to accept the Minutes 4-17-07, 4-24-07, 5-15-07 and 7/24/07 amended minutes. Mr. Clarke stated that they are already approved by the board and there are no amendments, except to correct some spelling errors. The motion was seconded by Ms. Williams and was UNANIMOUSLY VOTED.

### **Other Business**

Mr. Hurley stated that the Board received a letter from The Law Office Gregory Galvin on behalf of Ryder Development Corp. respectfully requesting the withdrawal of the application for proposal for a subdivision pursuant to M.G.L. Chapter 41, Sec.81L, as the applicant entered into an agreement to sell the property and therefore has no intention to pursue the application.

A MOTION was made by Mr. Walter Flynn that the application to withdraw the Woodbine Road subdivision be approved and was seconded by Ms. Williams and was UNANIMOUSLY VOTED.

Public Hearing- 7:45 P.M. - Continuation from November meeting

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

Mr. Clarke stated the 40R zoning approval process is a multi step one. He stated that at the last meeting Bob Luongo did a Power Point presentation on 40R as well as an overview of proposed zoning, site, and design standards for the parcel. The purpose of this public hearing is to gather comments from the public and the planning board and submit them to the Mayor. The Mayor will decide whether to submit an application to the MA Department of Housing and Community Development (DHCD) for initial approval of the parcel for 40R zoning. The application to the state will include a proposed zoning ordinance (which is based on the outline presented in the power point presentation). Once the state qualifies the parcel under 40R and gives initial approval to the proposed zoning ordinance, we will draft the proposed 40 R zoning for the parcel. This will be in the form of an Overlay Zoning District which will be called the Clapp Memorial Smart Growth Overlay District (CMSGOD). The ordinance will be submitted to the Town Council and Planning Board to hold either a separate or joint public hearing. The Planning Board will make a recommendation to the Town Council. Town Council will either approve or deny the ordinance. If Town Council approves the proposed overlay district, it will go back to DHCD for final approval. Once the zoning is in place, the petitioner will make application to the Weymouth Board of Zoning Appeals for approval. The Board will hold a public hearing and make a determination on the application..

Mr. Clarke stated, in response to a question on affordable housing units asked at the last meeting, the town's affordable housing units stood at 8.1 % (based on the 2000 census). This is the most current information. There are 22,471 housing units of which 1,827 are classified as affordable or subsidized.

Mr. Clarke stated the town meets the 10% state mandated affordability criteria by land area not by number of units.

Bob Luongo corrected a statement he made at the last meeting regarding the number of units in the Clapp project that would count towards Weymouth's affordable housing units. Only the 20% number of affordable units that the developer sets aside for affordable units could be counted toward the town's total affordable housing units.

Mr. Hurley asked if there were any other questions and there were none. Mr. Hurley introduced Mr. Ray Jennings, Bill Barry's (developer) attorney. Mr. Jennings said he wanted to report back on some information regarding questions asked at the last month's meeting. He stated that one question citizens asked him was what the proposed project will do to Central Square. Mr. Jennings stated that he thought they needed expert help to get that information. They have hired an urban planning & design firm, the Cecil Group. Mr. Jennings proposed that the firm meet with all interested parties including the residents of the area to come up with a concept plan for Central Square. Mr. Barry would sponsor meeting with the Cecil Group and get a wish list of what people want to see in the square. Based on the information received at the first meeting they

will present concept plans at a second meeting which will give residents an idea of what can be done to improve the Central Square area.

Mr. Jennings said that if implemented the plans have the potential of increasing property values. Based on their experiences with other towns, the Cecil Group will be able to address neighborhood concerns and issues and talk about how other towns have addressed similar concerns. He said he's attempted to look at other communities that have constructed 40R projects. There are very few that have gone to construction. Mr. Jennings stated Norwood has a 40R project called St George's Parish. He spoke with Steve Costello of Norwood Planning Board and John Iredale of Karston Company, both who were involved in that process. Mr. Iredale is local developer whose main office is in Weymouth.

Mr. Jennings said that in order to calculate how many people will live in the new project he compared it to a similar project. He looked at the Bicknell Square condo development. Approximately 99 people live in this development. The development has 46 units (one, two and three bedroom units) with 1.7 persons per unit.

The Clapp Memorial Proposed Project will have:

- 19 town house units;
- 6 town house units will be 3 bedrooms;
- 13 town house units will be 2 bedrooms.

The building behind Clapp will have:

- 10 - 2 bedroom units;
- 2 - 1 bedroom units.

The drawings not available yet, but are being worked on.

Mr. Jennings stated that the affordable housing income and costs are:

- 1 person income \$43,300 year - and the cost of the unit will be \$130,000;
- 2 person incomes will be \$52,950 and will cost \$157,000;
- 3 person incomes will be \$59,550 and the cost will be \$184,000. Those figures are based on 3% down.

Mr. Jennings stated there were some questions that we don't have answers to and I don't think it's our role to have answers to. People bring up the issue of water and that's really an issue for the DPW and local officials to determine if there is enough water and what the water usage and impact will be. He stated that he has been told by the town that we have enough water. This would be the same for drainage issues. We did try to address the main questions of how this is plan is going to benefit Central Square.

Mr. Flynn asked Mr. Jennings if 40R is going to provide enough funding from the state? Mr. Jennings stated that he didn't know.

Mr. Jennings introduced Mr. Barry, the developer for the project.

Mr. Barry said he's walked through the Central Square neighborhood and spoke to people in the

neighborhood. He said he gave them his card, told them to look on website he created for the project and to look up The Cecil Group. He said he asked for support and had a list of people supporting the project. He stated that they have come up with a good game plan regarding questions about the Square.

He also said he has more drawings he can show the group. He said that he will continue to knock on doors and let everyone know about meetings and welcomes their input.

Mr. Barry said people are excited about the planning process that will take place in Central Square.

Mr. Hurley said that the Board questions will be asked first. He stated that everyone will get a chance to speak and hopefully it will be new information because some questions have been answered already.

Mr. Hawkins asked Mr. Clarke about The Cecil Group and was concerned about their involvement. He stated that he can understand why Mr. Barry called upon them to be involved, but wanted plans for Central Square to be current. He also asked who is the approval authority for the plan for Central Square.

Mr. Barry said they would proceed on their own with the Cecil Group providing guidance and then the Planning Board would have to approve it, and then the Town Council and the Mayor as it goes forward. The private entity will not be the approval authority.

Mr. Hawkins said he does believe that the Cecil Group knows the town and does understand the town's desires.

Ms. Mary Akoury asked how many units will be built. Mr. Jennings responded that total of 46 units will be built.

Ms. Akoury asked Mr. Clarke if the board should make a recommendation tonight to the Mayor or take it under advisement. She said that he had said that we recommend that we can take this under advisement and then take them and send them to Mayor with comments and time frames. Mr. Clarke stated that he didn't think it would be wise to make a recommendation tonight, but to put it on the January agenda.. Mr. Clarke stated due to a change in administrations it would be wise to make recommendations to January. This will give the administration time to understand the project.

Mr. Hurley said that they will open up the floor for questions from the public and asked that everyone please stand and state their name.

Iving Murstein from Broad Street stated that he had three recommendations for the development. The first was basketball and tennis courts, the second was a public meeting room, and the third was a cap on condo fees - \$100 for first owners to make it more affordable.

John Iredale - President of The Karsten Company stated that he came to the meeting with a unique background. The Karsten Company renovated an Iron Hill Street property (located in

Weymouth) that was a former power plant. They renovated and converted the former South Weymouth train station into a country store.

They also did the Norwood church, St George's, renovations - the first 40R project in the state. The trick was that the town didn't want the building to lose its character. The alternative was to tear down the buildings and put up box condos. Mr. Iredale stated it is more difficult to renovate than to starting from scratch.

40R makes it easy for both sides to work together. The developer needs a speedy process which allows a 40R project to work. These developments bring new residents to an area who will shop and pay taxes. It also creates needed affordable housing units for working people. This project saves an existing historic building. It takes courage for a development team to develop this type of project. He wished the team great success. It is the best thing that can happen for the town. Having a vacant building with no use isn't good for anyone. People relate to these buildings and it's tough to transform them when you make an existing building into something else. The building will be most useful with families in it.

Ted Clarke, Weymouth Historical Commission, said that they would like to see the developer preserve the integrity of building.

Anne Hilbert asked if it bothered the builder that people are only putting 3% down to buy the proposed unit?

Mr. Flynn said that her question was about an estimate that was provided by HUD for research and price structure. The 3% number is just an estimate. Income requirements were a concern as well as low income Section 8 housing. They are not going to be that, they are going to be affordable units.

What was the affordable income again?

1 person income \$43,300 year - and the cost of the unit will be \$130,000;

2 person incomes will be \$52,950 and will cost \$157,000;

3 person incomes will be \$59,550 and the cost will be \$184,000. Those figures are based on 3% down.

Weymouth Housing Authority could oversee the lottery. Housing prices would be based on family size and income levels.

Anne Hilbert asked if there would be deed restrictions for 30 years?

Mr. Barry stated that he would be willing to find out.

Judy Lapine from Broad Street asked if the developer will be staying to control or turning it over to trustees? She asked that if there were going to have amenities, and who is going to take that over once builder is gone. She also stated that the tennis court where she lives cost \$25,000 to redo.

Mr. Barry responded that if they did do something like that, it would have to be worked out with

Planning Board ahead of time. He said he believed that the resident was asking that the neighborhood be allowed to use any on-site amenities. Mr. Barry stated that would be a huge liability. The people in complex will run it. He said he didn't see himself as a property manager.

Town Councilor DiFazio stated that he had asked Mr. Barry to articulate the benefits that the zoning change would have for the town. He asked if Mr. Barry to consider earmarking money from state to go to Central Square. He said he knew that the money can be put it into general budget, but can it be agreed that the money goes to Central Square? He also asked if the town could get the dollar figures on what the town will receive per student and if the board can get those figures.

Mr. Hurley stated, that before Town Council votes, he would ensure residents and Council that the benefits are articulated. He said he believes the developer took an affirmative first step, it does mean he's paying a professional planner to come to our town and talk to the people who are interested in improving Central Square. He said that utilizing the Cecil group is an excellent first step.

The developer talked about the planning process the consultant will utilize for the Central Square study:

- 1<sup>st</sup> meeting idea generation meeting.  
He will collect data and get input from the public and the town.
- 2<sup>nd</sup> meeting the consultant will generate ideas for long-term improvement to Central Square.

Mr. Clarke said we are in the initial stage of a process to approve a 40R district and the proposed development. If town wants to go forward with the 40 R process, the proposed zoning will have to be approved by the Town Council and the developer will have to go before Zoning Board and get approval.

Attorney Jennings submitted statements from neighbors.

Bill Deviney of 237 Middle Street asked what the price ranges for the condos are. He said that he is assuming that if they didn't sell, they would be rented as apartments.

Mr. Barry responded 210,000 to 280,000 and that he doesn't plan on renting units. Mr. Barry stated he will introduce "green building" technology into the development. He said he is also doing things to make them more desirable.

Ed Foley asked whether the new changes to 40B being proposed will change the 10% affordable housing requirement for cities and towns?

Mr. Barry responded that he didn't think 40B changes haven been enacted yet, they are looking into the proposals, but he doesn't think it will change the 10 % requirement or impact the 40R proposal.

Mr. Barry was asked by Mr. Foley if the Norwood project has received any of the money from the state. Mr. Barry stated he didn't know.

Mr. Foley said that Weymouth did enact a responsible contractor's ordinance. He said the board should recommend to the Town Council that this project adhere to responsible employers requirements.

Mr. Foley asked if more information can be presented from the Project in Norwood as it is being used as successful 40 R project.

Ms. Akoury asked if it was difficult getting state funding under 40S. She said that we need a better overview of 40S. Has it been utilized and how has that worked?

Mr. Iredale said that there were 15 units built in Norwood - 3 units affordable. 3 bedroom units sold within first week of project. Steve Costello, the town planner, can tell you exactly what he went through with money from state. Under 40R you're forced to work together and it is not contentious.

Ms. Akoury asked whether 40S funding included special needs funding?  
Bob Luongo stated yes.

Mr. Luongo said that they did do some analysis. Per pupil expenditure in Weymouth is about \$10,000.

State has formula to look at real estate taxes and deduct that and factor that in to get reimbursement.

Ms. Akoury asked if she can go and drive around and look at what was done in Norwood? Can they go through the project even though they are privately owned condos?

Mr. Iredale said yes, and that they were just finishing up the project. Selectman from Norwood asked the same questions and you're more than welcome to visit the project.

Dominic Galluzzo asked how many bedrooms were counted? How many people are anticipated to live in the development? Mr. Barry said that he figured it by comparing it to Bicknell Square.

Mr. Barry stated this project will reinvigorate Central Square. Mr. Galluzzo stated I've heard that you've brought in experts, but I haven't heard that there will be any physical leave behind, should this be addressed to you or Cecil Group?

Mr. Jennings believes this question should be addressed to Cecil Group.

Mr. Galluzzo asked if they come with a plan that says that it's going to look like a Currier and Ives print, what contribution is his client willing to put in?

Mr. Jennings stated that they would have to see when they get the plans, part of it can be contributed by Mr. Barry or grants from your legislators, if you have plan you can suggest it.



Mr. Galluzzo said that when you say you will facilitate state grants, we don't need that. It is already our money. He said he's looking for future meetings to get concrete contributions from Mr. Barry. He stated that the citizens' contribution is to change a R1 zoned area, - the developer invests his money and makes a profit, but don't forget who helped you get there.

Linda McDonald stated that people who apply for affordable housing, their monthly payment needs to still be 30% of income. They won't get loans without being able to afford it. We have too many buildings that have been left to rot. We all know about the school building that we paid for on Pond Street; these buildings cost a lot of money to maintain. She said she knows the builder wants to build and move on. We will be able to have input with the Cecil Group and come up with a plan. And maybe we can use some of the money for a park in Central Square. 36 units are going to be market rate condos.

She also said that the 3% down payment is a timely issue. Where is this money coming from? Tax payers will be paying.

Mr. Jennings said there are three pots of money -when development gets approved; when building permits issued; and the school reimbursement costs- this is an annual incentive payment.

Steve Bergfors of the East Weymouth Neighborhood Association said that this is the first time 40R has been used in Weymouth. He said he has met with the builder, and he seems very reputable. He said he believes if the town was going to work with the builder the Board needs to send message to Council with parameters in place. It's going to be a project with the owners, not him. He develops, and the Board needs assistance from you folks to send parameters to Council.

Ms. Gallagher said that there can be multi faceted use of the facility being built. Concerned about medical offices. Why is that necessary? Aren't we doing condos? Medical office space isn't what we're doing. We're doing condos. Mr. Luongo said that 40R can allow you to do mix of residential and commercial and that we don't have to allow commercial use. That is a discretionary use.

Ms. Gallagher asked the builder if they would change the project once they got town approvals.

Mr. Barry replied that he would have to follow conditions approved by the town.

Ms. Gallagher said that she wants to see a complete plan presented.

Mr. Flynn stated that he believes there are a number of questions. The development plan will be submitted once the 40R zoning is approved. The plan will be scrutinized by planning, fire, school, and zoning. Regarding the Central Square planning process, Mr. Flynn stated the town will have control. The Cecil Group will only give a plan to the town, including maybe lighting, maybe handicapped access, but all town departments will have a chance to review it. The public will have a chance to review and comment on the Central Square plan.

Mr. Barry stated that under the design conditions of the 40R, the exterior of the buildings will

have to follow the standards in the design section of the ordinance. The standards are very stringent.

Mr. Ed Foley said to Mr. Barry that the town needs to be in charge. Recently they had a problem with Dunkin Donuts in East Weymouth regarding signage. He wants to make sure the town is in control.

Jane Latus of Candia Street presented the board with four exhibits, three are from the Weymouth News and one is from the Boston Herald. She believes they give an overview of the problem with funding under the 40R law.

She also stated that there have been arguments at the state house over 40B and that 40R regulations are friendlier. She stated she understands that developers are in it to make a profit. Developers can only make 20% profit in the 40B program. I don't know if this is in the 40R program. Inspector General has found that the developers have ways to get around the 20% profit limit and some are making 70% profit. She said she doesn't believe this beautiful property should be given to a developer. The new town council and mayor should have time to look into what's happening at Ciapp Memorial. She also wanted to know how long the property will stay affordable since with 40B, they are able to vary amount of time limits. She said that Weymouth will loose that housing as affordable in 15 years and the town will have to create more affordable housing. I favor the town seriously looking at the piece of property perhaps for more meeting room. She stated the planning board has to look at the entire East Weymouth area. Emery Estate, will that become another condo development? She said the main problem is that the town should purchase property and it could be done under the community preservation act. She thinks we shouldn't be talking about gas lamps before determining if the property should be developed at all.

She said that she is concerned by 40R, until it's been tested by other towns. She said that she doesn't want Weymouth to be the guinea pig. The legislature is looking to change 40B because it's a problem. Conclusion is it doesn't work. 40R encourages overcrowded living. Question is do we want that for Weymouth.? These are housing projects. We all know what happens to those. She said she thinks the same would happen to this project. Too many people living in too small an area clustered around public transportation. This is not good. The more you look into it, it's really a gamble. We want suburban, not urban.

Elaine Derosie asked if 20% of the units are affordable units, what would prevent buyers from renting to sec. 8?

Attorney Jennings said that nothing would prohibit someone but the economics of it would be preventative.

Ms. Derosie said that the ordinance or condo documents can state that the condo has to be owner occupied. They must have bylaws that say owner occupied. She said that the Planning Board doesn't see this headache until it's further down the road. Builder has to put it in their bylaws.

The builder and the new residents need to decide on bylaws. You need 70 to 90 % owner

occupied to change the bylaws.

Mr. Flynn talked about the planning process for Central Square. He said that the plan gives the town something to work with and will leave the town with something to look forward to. Funding for the implementation of the plan is the bigger problem.

Ms. Derosie asked if town approves the plan will it be able to implement the plan?

Mr. Hurley said he can't answer that, and that the money could come out of different funds. In addition traffic and water improvement issues that have to be looked at. He said that the plan will be something they discuss at future meetings.

Mr. Hurley stated that he believes that they heard from everyone.

Unidentified citizen asked that she thought we asked Mr. Luongo and Mr. Clarke to find out if community preservation funds were available to purchase the Clapp Memorial Building?

Mr. Flynn said that he believed there was no proposal to do so but the Community Preservation Committee would consider any proposal.

Mr. Luongo said that the town does annual capital improvements plan and in that plan, each dept. gives wish list of its needs. He said that he believed there are no requests for acquisition of more space. The Mayor elect will weigh in on whether the town should acquire this property.

Same Unidentified Citizens said that her point was that it was brought up at the last meeting.

Mr. Flynn said that Mr. Murstein submitted a proposal to the Community Preservation Committee for the town to purchase the property. but there was no specific need identified with the proposal. It was tabled, because there was no need established for the property.

Unidentified Citizen asked how do you activate that proposal?

Mr. Flynn said that you can bring it to the Community Preservation Committee. They have a public comment period at every meeting. If citizens want it discussed, I suggest you come to the next meeting.

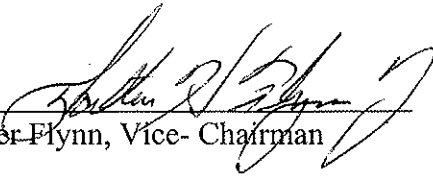
Mr. Gulluzzo asked if the state can tell the town to adopt 40 R?

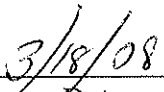
Mr. Barry said no. The town needs to demonstrate to the state that the district being proposed by the town qualifies as a 40R district. Mayor and Town Council decide whether to submit an application for 40 R approval. If it is approved, the planning board and town council will hold a public hearing on a proposed zoning change. This change will need the approval of the Town Council before it is approved by the state. If town council does not approve the zoning change it is dead. The state doesn't have anything to do with the town ordinance. The state is not going to ram anything down the town's throat.

A MOTION was presented by Mr. Hawkins to CLOSE THE PUBLIC HEARING and was seconded by Ms. Williams and was UNANIMOUSLY VOTED.

A MOTION was made by Mr. Hawkins and seconded by Ms. Williams to adjourn the meeting at 9:05 P.M. and was UNANIMOUSLY VOTED.

Approved:

  
\_\_\_\_\_  
Walter Flynn, Vice- Chairman

  
\_\_\_\_\_  
Date