

Minutes of the Special Town Council Meeting of April 12, 2005

Council Chambers-Town Hall

PRESENT: Thomas J. Lacey-President
Michael Smart-Vice President
Paul J. Leary
Colin McPherson
Kenneth DiFazio
Sue Kay
Michael Molisse
Gregory Shanahan
Arthur Mathews

ABSENT: Joseph Connolly
Gregory Hargadon

ALSO PRESENT: George Lane, Town Solicitor
Franklin Fryer, Town Clerk
Jane Hackett, Chief of Staff
James Wilson, Chief Financial Officer

RECORDING SECRETARY: Diane T. Hachey

President Lacey called the Special Town Council meeting to order at 7:30. He explained that the purpose of the meeting is how to approach the Re-Use and Rezoning proposed revisions, submitted by Councilors to both Vice President Smart and himself. His goal is to discuss the working document ,distributed this evening, which includes all Councilor proposals. Originally he planned to go into Executive Session to discuss real estate value of the Naval Air Station, but has since changed his mind since the items under discussion did not meet the criteria for Executive Session-these issues will be discussed in open session.

President Lacey further discussed the timeline involved in gathering all Councilor revisions and sending them to SSTTDC. In order that SSTTDC is able to take the Council's recommendations into consideration, they must be in receipt of the Council's proposed revisions prior to April 25-which is the scheduled voting date. There will be sufficient time following the vote to discuss mitigation. President Lacey stated that he thought it best to relax on the procedural rules of tonights meeting, in order that there is healthy, interactive engagement of discussion. All Councilors agreed.

Councilor Smart updated the Council on his meeting with Solicitor Lane regarding the SSTTDC voting timeline and possible changes in the legislation. It was stated that once SSTTDC votes, revisions cannot be made by the towns. Solicitor Lane strongly suggested that any changes be communicated to SSTTDC prior to their vote on April 25.

Councilor Leary cited Section 13B-Substantial Use-which must go back to all 3 towns. He questioned the definition of "substantial". Solicitor Lane explained that the document was previously prepared and we are bound to it--he again reiterated the importance of submitting our recommendations to SSTTDC prior by April 25.

Councilor Kay questioned exactly what SSTTDC is reviewing in preparation for their vote . She questioned which set of financials they are reviewing and if we will have time to review the criteria they utilized. She further questioned the relationship between the DDA, Re-Use and Zoning By-Law documents.

President Lacey questioned clarity on which document superceded development of the plan-Solicitor Lane confirmed that the overriding document is the Zoning Document and Re-Use Plan. Councilor DiFazio clarified that the vote will be on the 3/8/05 Re-Use Plan Document.

Councilor McPherson made a motion to amend Section 5.7H to include cemetery use. Councilor Smart seconded.

Councilor Mathews agrees with this change but stated that we need to define it further by limiting the number of lots and limit use to only residents of the three towns. Councilor McPherson amended his prior motion to include Councilor

Mathews suggestions, seconded by Councilor Kay . Councilor Smart made a motion to make an amendment to the amendment- to also include cemetery use in the definition section-Councilor Kay seconded, and unanimously voted.

RECREATION

Councilor DiFazio stated that Exhibit B of the Re-Use Plan-needs definition. He is unclear as to how many fields are guaranteed, and when they will be implemented. He suggested that the Council propose the open space plan as previously submitted in 2002.

Councilor Molisse is concerned with the maintenance and cost of recreational facilities, and who will be responsible for them. Councilor Kay suggested that we include a mandate that the maintenance and completion be done in Phase I- and is not subject to mitigation.

Councilor Mathews suggested that we inform SSTTDC that the fields proposed are insufficient and refer to our analysis of 2002 to justify.

Councilor McPherson stated that some recreational facilities will be located off site. He mentioned that Lennar has a 25% target return on capital. Deferring certain payments may be in the best interest of the town. He feels that patience equals profitability.

President Lacey mentioned that #8 and #9 of the Amenities Chart is very convoluted surrounding private versus public parks. Councilor DiFazio agreed and feels that we should place the onus on Lennar to provide detail to the Amenities Chart.

Councilor Mathews stressed the importance of an indoor pool and indoor ice hockey rink, and feels that it is imperative that we are guaranteed these amenities in writing-as several residents have raised these issues.

Councilor DiFazio motioned that the amenities plan must include the following: 2 indoor ice hockey rinks, swimming pool (the needs of High School students must be met) and an 18 hole golf course(which successfully conforms to conservation requirements). Councilor Mathews seconded this motion.

President Lacey reiterated that this meeting will be handled as a working group and asked that Councilors refrain from making motions-in order that discussion is facilitated and there is a free flow of dialogue.

Councilor Kay stated that there needs to be an increase in regulation size soccer and lacrosse fields -6 or 7 at the least. Lighting and irrigation should also be included as well in the Master Plan.

Councilor Mathews mentioned that onsite residents will incur fees which they are responsible for and as a result may expect preference in terms of usage. He feels that something needs to be in writing to protect Weymouth residents.

Councilor Molisse stated that Lennar confirmed that the recreation piece would be completed in Phase I- yetit is not included in the plan. Councilor DiFazio stated that they should equate completion of the Recreation Amenities to the build out of houses.

SCHOOL

Councilor McPherson broached the subject of schools. He feels that deferring the building of a school would result in a higher profit yield. He cautioned that if enrollment figures do not substantiate building of a school then we may not need to have it completed in Phase I of the project.

President Lacey cautioned the Councilors regarding statements made in Executive Session versus in open session.

Councilor Mathews suggested establishing an escrow account to serve as a safety net for the building of the school.

Councilor DiFazio referenced page 10 of the Master Plan which simply states that a site is provided to house a school- no mention of an actual school is indicated.

Councilor Kay indicated that we must have provisions for a school in the plan as 3-4 bedroom homes will warrant this, and 75% of the school aged children will reside in Weymouth-therefore we will see the majority of the impact.

Councilor McPherson stated his disagreement-he feels that we shouldn't build a school until the student population is there.

Councilor Smart confirmed that the Union Street School cannot handle any additional students and redistricting is an option.

Councilor Molisse confirmed that Superintendent Rull supports the building of a school on the site.

Councilor DiFazio recommends that we defer this discussion to the superintendent and the school department.

Councilor Leary mentioned the 34 students, currently housed by the Coast Guard on the base, and the fact that they should come under the Lennar Plan-we should be reimbursed accordingly.

TRAFFIC/PARKING

All Councilors were in agreement that all traffic/infrastructure improvements (commuter rail station and the East/West Parkway) need to be included in the Re-Use Plan and not mitigation proceedings- and are to be operable at the end of Phase I.

Councilor Mathews stressed the importance of implementing a ban on metered parking and the fact that this needs to be defined and included in the plan.

A discussion ensued concerning the relationship and establishment of ordinances for the Village Center Plan. Solicitor Lane confirmed that SSTDC will create their own set of ordinances and by-laws, and additionally will set the rates for taxes.

Several Councilors suggested that for the area contained in Weymouth, we utilize our own set of ordinances and by-laws. Solicitor Lane confirmed that Section 5R of the Enabling Legislation states the contrary and cannot be changed. President Lacey requested Solicitor Lane to investigate this issue further and report back his findings to the Council.

Councilor Smart mentioned the impact this project will have on the current traffic issues in Columbian Square and the effect on the small businesses in that area.

Councilor DiFazio raised his concerns with the number of outlets/inlets proposed and questioned the need for additional. President Lacey agreed and stated that this burden falls on the town of Weymouth, and agrees that this needs to be investigated further. Councilor Kay suggested that efforts should be more creative in developing egresses, we need to have a better solution. She does not support opening Union Street.

Councilor Mathews feels that we should share the wealth and place the burden of the inlets/outlets on Rockland and Abington as well.

Councilor DiFazio stated that the MAPC requested traffic studies and raised several other traffic issues with Lennar and referenced his handout dated December 9, 2004. Councilor Mathews suggested that we contact the authorities for a list of projects currently underway and their accompanying deadlines.

WATER/SEWER

All Councilors were in agreement that it must be reinforced that we will not exceed use of more than 150 thousand gallons of water per day. Councilor Leary mentioned that he attended an MMA Meeting and received a disk from the Transit Authority and he referred to Councilor Mathews for review.

Councilor DiFazio questioned the extent of grey water use, and cited that this needs proper definition in the plan. He also questioned the outcome and amount of grey water usage.

Councilor Mathews mentioned that we need to find out where the water will go in the winter months. He further stated that the onsite sewage plant needs definition to ensure that once the system is operable that the old infrastructure is properly removed, and the end pipe is properly capped off --he stated that he raised this issue at the last meeting and doesn't feel that it was sufficiently addressed.

ZONING

Councilor Mathews feels that all monies from 40 R should be distributed to the Town of Weymouth. The current legislation reads that the money is distributed to SSTTDC. Most Councilors were not in agreement. Councilor DiFazio feels that if they do proceed with 40R-then the initial fees should be returned to us. He further discussed that a distinction must be made within the plan which separates commercial versus industrial development. He feels strongly that a binding restriction on further residential development over 1500 units must be implemented. Further a binding restriction on residential development, until all facets of the amenity plan are complete, must be included. Discussion ensued surrounding the importance of Councilor DiFazio's letter of recommendations (dated March 31, 2005) surrounding revisions (namely #14 A-D).

Councilor DiFazio further stated that there is independence from the corporation relative to zoning laws. Councilor Mathews suggested that the Board of Zoning Appeals should have a representative from each town and SSTTDC sit on the Board.

Councilor DiFazio requested removal of his suggestion for a warehouse/distribution center --which he included in his proposed revisions to President Lacey. He further suggested possible amendment of Section 2.1K (page 6 of the Zoning By-Laws) to be amended from 5 years to 3 years. All Councilors concurred.

HOUSING

Councilor Kay feels that we were misled regarding senior housing. The population over 55 is a soft market and senior housing is most definitely needed. Lennar chose to go the revenue stream and added 300 houses to the total housing figure. Over 55 housing is not necessarily affordable to the senior population. She suggested increasing the number to 600- to be classified as affordable and over 65 years. A discussion ensued surrounding if the Council should recommend that all 600 homes are affordable. It was decided that of the 600 homes, 300 should be classified as over 65 years.

President Lacey stressed the importance of arriving at a housing number this evening. Councilor Smart mentioned that should the Council recommend decreasing the number of homes, we still need to support them with fire, police, schools etc. Councilor DiFazio mentioned that if the Council decreases the number of proposed homes, then there will not be sufficient money for infrastructure improvements. It was decided to ask for a decrease in the number of homes as follows:

2400 homes total
450 senior housing
2/3 of above named affordable

JOB CREATION

It was suggested that we defer to Lennar to supply the Council with exact calculations on the potential number of jobs created. Councilor DiFazio asked to remove his suggestion to require provisions for the estimates of permanent jobs--from his proposed list of suggestions to President Lacey.

The importance of upgrading and installing sidewalks on the site- including the perimeter areas--was discussed. Additionally the plan should speak to providing granite curbing throughout the area--everyone agreed that these issues need to be tied into zoning.

Councilor DiFazio mentioned that trash removal/recycling is not included in the Plan. He feels that this issue must be provided for in the Plan.

President Lacey stated that all items discussed this evening will be incorporated into a letter which will be an agenda item for the next Council Meeting. He impressed upon the Councilors the importance of reviewing the letter, which will be included in the Councilor packets . At Monday's meeting, the Council will vote on forwarding this letter, including all suggested revisions, to SSTTDC in preparation for their vote on April 25, 2005.

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President Lacey confirmed that the meeting after next will involve mitigation proceedings discussed in Executive Session.

There being no further business to conduct, Councilor Smart motioned to adjourn at 10:55, Councilor Leary seconded and it was voted unanimously.

Respectfully Submitted, Approved,

Diane T. Hachey Thomas J. Lacey
Recording Secretary Council President