

**MINUTES OF THE TOWN COUNCIL**  
**Abigail Adams Intermediate School Auditorium**  
**June 16, 2005**

Present: Thomas J. Lacey, President  
Michael Smart, Vice-President  
Paul J. Leary  
Colin McPherson  
Joseph Connolly  
Kenneth DiFazio  
Susan Kay  
Michael Molisse  
Arthur Mathews  
Gregory Hargadon  
Gregory Shanahan

Also Present: George Lane-Town Solicitor  
Frank Fryer-Town Clerk  
Paul Dillon, Planning Board Chairperson  
Walter Flynn  
Scott Curry  
Mary Akoury

Recording Secretary: Janet Murray

President Lacey called the Joint Public Hearing of the Town Council and the Planning Board to order at 7:00pm.

Walter Flynn read the **Public Notice:**

**Amend the Weymouth Zoning Ordinance by the adoption of the “Zoning and Land Use By-Laws for NAS South Weymouth” approved by the South Shore Tri-Town Development Corp. on May 5, 2005, and all exhibits attached thereto, including, without limitation, the NAS South Weymouth Zoning Map to supersede the 1998 NAS Zoning By-Laws in their entirety**

**South Shore Tri-Town Development Corporation – Presentation of Zoning Ordinance**

Present tonight were Terry Fancher, Executive Director of SSTTDC, Beth Mitchell of Nutter McClennen and Fish, Darlene Gallant of Daylor Consulting Group, Jeff Donahoe, Robert Lundquist, Stephanie Pollack, and Kent Van Riper.

Mr. Fancher stated that the Abington FinCom and Planning Board, and the Rockland Planning Board have all voted in favor of the re-use Plan and zoning document in the past two weeks. Town Meetings in both towns will vote in the next several weeks.

He also stated that the Executive Board of SSTTDC executed an agreement with LNR to build the East/West Connector Road in Phase I. A construction protocol agreement is being worked on. The Abington Host Agreement has been completed.

Beth Mitchell gave an overview of the proposed re-use plan. This re-use plan is designed to reflect the LNR Master Plan.

The Core of the re-use plan is in the development program. This chart is in the center of the re-use plan. She noted that this is a 12-14 year multi-phased development program with an additional pre-development phase of zoning and environmental approvals, environmental mitigation and infrastructure improvements.

Phase I would include all of the improvements to the public conveyance land. This phase would also include the development of the majority of open space and recreational amenities, a minimum of 300,000 square feet of commercial space, and a maximum of 1000 residential units, which would include a maximum of 100 larger single family homes, and a minimum 150 units of senior housing.

Phase II would include the development of more of the open space and recreational amenities, another 300,000 square feet of commercial space, and another 1000 residential units, which would include a maximum of 100 larger single family homes, and a minimum of 150 units of senior housing.

Phase III will include the development of the last of the open space and recreational amenities, another 300,000 square feet of commercial space, and a maximum of 855 residential units, which would include a maximum of 75 larger single family homes, and a minimum of 150 units of senior housing.

The development program provides for 900,000 to 2 million square feet of commercial space, which would be a mix of office, research and development, light manufacturing, bio-pharmaceutical manufacturing, retail, restaurant, and hotel usage, with not more than 500,000 square feet dedicated to retail.

The residential development will be a maximum of 2855 residential units, with at least 450 units of senior housing and a mix of residential types, but not more than 275 of the larger single family homes. Also, 20% of the housing would be classified as affordable. Of the 20% of affordable housing, 10% is at 80% of median, and 10% is at 80%-120% of median.

The re-use plan is the governing document for redevelopment on the base. The Zoning By-laws are designed to implement the re-use plan. The zoning is binding on all future development.

The zoning by-laws are designed to regulate the different land uses by zoning district. Most of the development on the base is designed to be subjected to a permitting review process. There are some uses that are allowed, as of right, but the majority of uses will require review. Those uses allowed by right are subject to site plan approval to insure consistent design.

Traffic, water supply, and design elements will be considered further before permits are issued.

The zoning document from 1998 was used as a framework for the current document.

New zoning districts have been created. Special permits and site plan review were a part of the 1998 plan. This current plan has another layer called a development permit review. Detailed dimensional requirements have been included in building forms.

The Perimeter Area will be controlled by the Towns and will be limited to Open Space uses. The Central Redevelopment Area (CRA) allows for a variety of uses. The CRA is divided into the village center district, the mixed use village district, the residential district, and the main street overlay district.

The only uses allowed on the Base are specifically spelled out. Use variances are not allowed. Further, certain uses are specifically prohibited. New uses will include anchor retail, live/work, recreation, golf course, boutiques hotel/hotel, theatre, bio-pharmaceutical manufacturing and accessory and secondary uses.

Walter Flynn asked for clarification as to the development plan review process and if this was excluded for expediency. Ms. Mitchell stated that it did not seem necessary in the Shea Commercial District as in other areas which will have mixed use. She noted that the regulations will be done all at once not piece meal. The enabling legislation requires this process in that the regulations are developed after the plan.

Mary Akoury asked what authority the zoning enforcement officer will have. Ms. Mitchell stated that this officer is similar to the building inspector.

Councilor Smart asked if the East/West Parkway being built in Phase I is in writing. It was noted that as per the re-use plan, Phase II can not begin until the connector road is completed. A construction road will be built for use during construction. Terry Fancher noted that a signed agreement has been executed between SSTDC and LNR.

Mr. Fancher stated that a maximum number of bedrooms has been discussed with LNR. It was noted that the Shea Memorial Commercial District would have a 500' buffer zone from the boundary of the base. It was noted that the Coast Guard Housing is considered a part of the base.

Councilor Leary asked for clarification on the East/West Parkway being completed in Phase I. Mr. Fancher stated that takings would have to occur as part of this process. Smith Medical is one property that may need to be taken.

Councilor Leary also asked for clarification on the height of the proposed hotels. It was noted that the building heights vary depending on the district in which they are located. A residential district would be approximately 35', the village center district would be 80', and the mixed use district would be 65'. However, the heights on the dimensional standards charts are consistent with the heights of the building forms intended for these districts.

Mr. Fancher stated that the East/West Parkway will be under construction in Phase I. The construction road will be built prior to the end of Phase I.

Paul Dillon asked for clarification on the maximum height for a hotel. Ms. Mitchell stated that the maximum would be 80’.

Councilor DiFazio asked for clarification on why the request for cemetery use was not addressed. It was noted that this use is not in the LNR Master Plan as it does not fit in with the overall plan for the base.

Councilor DiFazio asked for clarification on MAPC and OCPC’s recommended nine units per acre density maximum in relation to 40R. Ms. Mitchell stated that they looked at the existing zoning by-laws and the building forms, and determined that the building forms would allow for this. However, the development review process provides for protection.

Councilor McPherson asked what a zoning board can do in regards to controlling traffic once the project is underway. Ms. Mitchell stated that the development plan review process addresses this issue in the standards and criteria section.

Councilor Kay asked for clarification on senior housing. She stated that senior housing refers to age restricted (over 55) housing not to subsidized senior housing. Ms. Mitchell stated that the affordable housing numbers will be spread out among the different housing types. SSTTDC will decide how these numbers are determined.

Councilor Kay asked for clarification on suitable screening for wireless communication. Ms. Mitchell stated that the regulations will dictate standards. She noted that the present by-laws used are the same as the 1998 by-laws. The revenue from any communication towers would be funneled through the corporation and ultimately the net profit will be split among the three towns.

Councilor Kay questioned SSTTDC’s ability to make amendments to special permit requirements. Ms. Mitchell stated that any amendments must be consistent with the zoning by-laws.

Councilor Mathews referenced a letter dated 5/3/05. In this letter, SSTTDC stated that Phase II will not begin unless and until the East/West Parkway is completed and Route 18 is widened to four lanes to Route 139. He asked for clarification if this has been changed.

Mr. Fancher stated that there is now a legal document in place that is legally binding upon LNR and SSTTDC. In this document, both corporations will be required to get into the construction of the E/W Parkway, and there will be a construction road completed before Phase II can begin.

Councilor Mathews expressed concern that the E/W Parkway will only be under construction. He stated that what if state money does not come through. Mr. Fancher stated that SSTTDC will always attempt to use other monies to pay for the connector road. However, he stated that it is the responsibility of SSTTD to build this road.

## **PUBLIC COMMENT**

**Anne Hilbert, 54 Doris Drive**, North Weymouth stated that she is concerned regarding the source of water to be used to supply the project. It was noted that there are three options currently available; MWRA, Brockton (through Dighton), and a desalination plant with Braintree.

**Dominic Galluzzo** yielded the floor to **Andy Stern**. He asked for Mr. Stern to be able to make a PowerPoint presentation. Councilor Lacey declined to allow the presentation. He stated that this meeting is in regards to the Zoning document as is.

**Andy Stern, 38 Twilight Path** brought forth the suggestion for consideration regarding the placement of a wind farm on the base as there is over 700 acres of open space and 200 acres for a golf course. He noted that there is no zoning district which allows for wind farms. He stated that this option should be included in the re-use plan.

**Bob Thomas, 848 Washington Street** stated that this project will increase the population of Weymouth by 20% and will be the demise of Weymouth. He expressed concern that Weymouth's resources will be overtaxed.

**Henry Dunker, Bradmere Way**, presented a petition of 700 plus names in opposition to the plan ( on file in the Town Council Office). Councilor Lacey stated that this petition would be entered into the record. Mr. Dunker stated that there were four reasons given to oppose the proposed plan: 1) Lennar is focused on housing, 2) There are very few permanent, well-paying jobs, 3) The plan will adversely impact the area, and 4) The plan fails to utilize the potential air use of the property.

**David Wilson, 20 Walnut Avenue**, stated that the plan is not perfect but there are enough checks and balances to work with. It is his opinion that the town should go forward with this plan.

**Patricia Pedro, 455 Summer Street**, asked for clarification of the 500,000 square feet of retail. It was noted that the Riverway Plaza in North Weymouth is 250,000 square feet. Ms. Mitchell noted that the retail will be scattered throughout the project. It was also noted that the perimeter are will be under the bordering town's authority.

**Edward Foley, 54 Harding Avenue**, stated that he is in favor of the re-use plan and the zoning document. He noted that this plan allows for a revenue stream, jobs, and leaves 72% (over 1000 acres) of the base as open space. He also noted that the plan addresses traffic.

**Dave Robie, 559 Pleasant Street**, stated that he is the chairman of Sustainable South Shore and he is against the Re-use Plan and the Zoning Documents because they are too restrictive and does not include the land use for a wind farm.

Councilor Lacey reiterated to those present that this zoning document must be voted on "as is". He also reminded speakers that the topic of the hearing is specific to the zoning document.

**Warren Murphy, 25 Fairlawn Avenue** stated that he is in favor of the re-use plan and the zoning document.

**John Burke, 95 Lambert Avenue**, stated that he is in favor of this plan and the proposed development at the former South Weymouth Naval Air Station.

**Judith Van Hamm of Hull** stated that she is a member of Sustainable South Shore. She noted that the town can still request an extension to consider the inclusion of wind farms as a part of the base re-use. She stated that it is her opinion that the plan should be turned down, and the process continued to include a wind farm in the zoning document.

**Bob Alongee of 22 Frank Road** yielded his time to Dominic Galluzo who spoke in favor of a wind farm.

Councilor Lacey asked representatives from SSTITDC and/or LNR to respond to the issue of wind farms. Councilor Lacey noted that wind farms had been mentioned in the past.

Mr. Fancher stated that a presentation on wind farms given by David Robie was presented to him and entered as correspondence.

Mr. Fancher stated that there have been no threats from the Navy regarding the base. However, there is a specific time frame within which to work. On September 8, 2005, the BRAC will be submitted to the President for his signature. This will be the last chance for a no-cost economic development conveyance from the Navy. The three options for land transfer from the Navy are a no-cost economic development conveyance, a negotiated sale, or an auction.

Jeff Donahoe stated that the pressure is on this facility in particular. This is because of the Defense Authorization Act of 2002. This Act allowed for BRAC 2005 and it eliminated the no-cost economic development conveyances. This in turn has put pressure on the Navy to dispose of older closed base properties. He noted that SWNAS is the last of the old closures. After September 8, 2005, the Navy will begin a new round of closures and does not want to have any old closures to deal with. Since 2002, the Navy has been aggressively disposing of properties, particularly through auctions. He also noted that in the new round of closures, the Navy will look for a three (3) year period for closure. SWNAS is on year ten (10) in the closure process.

Walter Flynn asked if there are changes possible to the zoning. Ms. Mitchell stated that the towns could revise zoning by-laws by adding another use category, at a later date.

The DDA is a contract between LNR and SSTITDC which deals with the development of the base. The Master Plan would have to be amended along with the zoning by-laws. She stated that there would be a process with LNR to make sure that was part of the approved master plan.

Councilor Kay asked if SSTITDC knows if the base transfer will be no-cost. Mr. Fancher stated that an amendment to the application for the economic development conveyance (EDC) will need to be filed because this plan has changed from the previous plan. Ms. Mitchell stated that

the Navy will need to review the amended application. She stated that no indication has been given as to whether the conveyance will be cost or no-cost. She noted that there are no guarantees.

Councilor Kay questioned if SSTTDC is still within the time frame allowed by the DDA. Ms. Mitchell stated that SSTTDC has until the end of August to go through the approval process. Also the conveyance needs to happen before the end of this calendar year. She noted that these dates are all according the DDA and does not involve the Navy.

Councilor Kay questioned when we will know if the conveyance is cost or no-cost. Mr. Fancher stated that he did not know the answer to this. Councilor Kay questioned if the town is expected to take a vote without knowing if the conveyance is cost or no-cost. Mr. Fancher stated that he did not know what type of impact this would have. He stated that the negotiations for the host community agreements are deals that are made with the individual communities and LNR; the cost of the conveyance has nothing to do with costs that are associated with any community that the town would be responsible for.

Councilor Kay stated that within the Master Plan it was indicated that LNR would negotiate differently if it were a cost EDC.

Mr. Donohoe stated that prior to 2002; a no-cost EDC was automatic. After 2002, the Secretary has the authority to grant a no-cost EDC, but it is not automatic.

Robert Lundquist stated that the Executive Board of SSTTDC did not have the opportunity to review the wind farm information.

David Hall stated that based on recent information; LNR certainly is open-minded regarding wind farms and its potential future use on the base.

**Eddie McDonald, Grant Street**, stated that this is not a good plan. He noted that current zoning requires 25,000 square feet with 120' of frontage for a buildable lot. This plan calls for 2850 units in 200 acres. It is his opinion that this density is high.

He commented that if the Navy auctioned the property, the Towns would still be in control of zoning, unless the property is used by federal and/or state agencies.

Mr. McDonald said that he does not see the benefits of this project and it is his opinion that the towns will be worse off if this plan goes forward.

Councilor DiFazio apologized to the constituents. At the 6/6/05 council meeting, tonight's meeting was misrepresented as a public hearing on both the zoning and the re-use plan.

Councilor DiFazio stated that a recent article in the Patriot Ledger estimated the total daily trips at 33,681. The MAPC study which looked at the Master Plan, gave high and low numbers. The study suggested a number of daily trips generated from 2 million square feet of commercial and

industrial usage at 51,837 and housing at 17,004. The total would be approximately 68,000 daily trips, which is just 1000 trips less than the Mills Mall proposal.

He asked for clarification on where the Patriot Ledger got 33,681 daily trips. Mr. Fancher stated that the total number of cars quoted is for a day, which is generated ½ in the AM and ½ in the PM. The 68,000 number would be about 33,000 trips in the AM and then again in the PM.

**Robert Campbell, Squanto Road**, spoke about Chapter 40 A, section 3, regarding land use exemptions. He noted that in Chapter 40 A, local zoning may not regulate and provides exemptions for educational, religious, day care facilities, and certain lands or structures to be used by a public services organization. He noted that this could affect the wind farm land use.

Mr. Campbell stated that the town should consider the serious consequences of allowing this plan to go forward as presented as he believes that the base property will not have the protection of Chapter 40A.

Ms. Mitchell stated that the 1998 bylaws had a provision that stated that Section 3 did not apply. She stated that the exclusion is stricken in the current zoning bylaws.

**Al Perette-481 East Street** stated that this plan allows a town within a town. He questioned whose children would attend the K-8 school. He also is concerned with the impact of more students in grades 9-12 on Weymouth's new high school. Mr. Perette questioned who would handle police and fire services.

Mr. Fancher stated that Police and Fire services will be addressed in the Service Agreement at a future date.

David Hall stated that the school age population is projected to be approximately 600-700. He noted that the demographics and nature of the housing for the base project may limit older children.

At 10:00 pm a MOTION was made by Walter Flynn to CLOSE the Planning Board Public Hearing and was seconded by Scott Curry, and UNANIMOUSLY VOTED.

A MOTION was made by Scott Curry to TAKE UNDER ADVISEMENT the request to Amend the Weymouth Zoning Ordinance by the adoption of the "Zoning and Land Use By-Laws for NAS South Weymouth" approved by the South Shore Tri-Town Development Corp. on May 5, 2005, and all exhibits attached thereto, including, without limitation, the NAS South Weymouth Zoning Map to supersede the 1998 NAS Zoning By-Laws in their entirety and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

A MOTION was made by Councilor DiFazio to CLOSE the Town Council Public Hearing and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.



**ADJOURNMENT**

At 10:00 pm there being no further business, Councilor Smart MOTIONED to ADJOURN the Town Council Meeting and was seconded by Councilor Hargadon and was UNANIMOUSLY VOTED.

Approved by: \_\_\_\_\_  
Thomas J. Lacey, President