

WEYMOUTH TOWN COUNCIL SPECIAL MEETING
Town Hall Council Chambers
July 25TH, 2006 - Tuesday

Present: Michael Smart, President
Paul J. Leary, Vice-President
Thomas J. Lacey
Kenneth DiFazio
Susan Kay
Arthur Mathews
Greg Shanahan
Kevin Whitaker
Patrick O'Connor
John Carey

Absent: Michael Molisse

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

Recording Secretary: Susan DeChristoforo

President Smart called the July 25th, 2006 Special Town Council Meeting to order at 7:30 PM.

ANNOUNCEMENTS

Councilor Kay, reading from the Senior Newsletter "Horizons", announced that the annual senior picnic/cookout would take place on Tuesday, August 15th, 2006 from 12 Noon to 2:30 PM once again under the 'big top', with this years them being "Pirates of the Caribbean". There will be music, dancing, games and door prizes. Over 500 seniors are expected to be in attendance.

Councilor Leary announced that the Town is providing entertainment this summer for all residents at the Amphitheater, adjacent to Town Hall. The next event will take place next Thursday, August 2nd beginning at 6:30 PM with the featured act "Toe Jam". The last three weeks of the summer program, taking place in August, will feature children's movies.

Councilor DiFazio announced that the Dunkin' Donuts coffee shop located on Commercial Street in East Weymouth/Jackson Square is seeking a license for a drive-thru window. All comments must be submitted to the Planning Board by August 17, 2006. He said that he would also be available for his constituents for any comments and ideas received by August 15th.

APPROVAL OF MINUTES

Budget/Management Committee - 06/13/2006

A MOTION was made by Councilor Leary to approve the minutes of the June 13, 2006 Budget/Management Meeting with the following amendment:

- Re. Page 7, 2nd paragraph - Unpaid Bills; the amount should read **\$175,000** not \$170,000 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Ordinance Committee - 06/13/2006

A MOTION was made by Councilor Leary to approve the minutes of the June 13th, 2006 Ordinance Committee Meeting as submitted and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Town Council Meeting - 06/19/2006

A MOTION was made by Councilor Leary to approve the minutes of the June 19th, 2006 Town Council Meeting with the following amendment:

- Page 1, 2nd sentence - word should read 'palimony'
- And was seconded by Councilor Kay and UNANIMOUSLY VOTED.

(Councilor Greg Shanahan returned to the meeting)

OLD BUSINESS:**Regulatory Framework Update/South Shore Tri-Town
Development Corporation - Terry Fancher/Executive Director**

Mr. Terry Fancher, Executive Director of South Shore Tri-Town came before the Council. He reminded members that he been before the Town Council one month ago, and tonight he was back before the members to update them on the Regulatory framework along with Jim Young/Project Manager, Fred McDonald and Beth Mitchell. He informed members that a meeting was held last week with the Towns of Abington and Rockland and that they would be holding another public hearing on August 8, 2006 at 7 PM at the Base. Further, after tonight's meeting, there would be a meeting with the Board of Directors who would review verbal and written comments and then vote. He told the Council that if they had any comments, it would be appreciated if he could have them in writing.

Mr. Fancher went on to inform members that they exchanged land three weeks ago and are now getting into the Design Review Process, adding they are being allowed to become a municipality. He then said he would be turning over this portion of the meeting to Beth Williams who would be reviewing the Subdivision Regulations and Sustainability Guidelines via a PowerPoint presentation (members had a handout on the presentation).

Ms. Williams informed members that she would walk them through the **Subdivision Rules & Regulations**, beginning with what the three Towns have in place. She first referred to the accepting of the general provisions of the MGL, establishing regulations for the subdivision of the land - adding that these regulations would govern the entire Base. Next were the **Voting Requirements**, which she said, generally speaking, are a majority decision. She went on to note that they have in place a typical **Procedure** for subdivisions; i. e., fees, hearing process, preliminary/definitive plans, waivers, etc. She explained that the **Infrastructure and Utilities Plan** includes Water/Sewer Systems, Grading and Landscaping, Stormwater Management, Lighting and Wastewater Treatment. She pointed out that they were starting from scratch, with most of the **Infrastructure Plan/Water System** starting from the baseline.

With regard to the Infrastructure/Water System, Ms. Williams explained that they were dealing with different types of pipes and utilities. As this will be the first Water System, they will need to comply with the MEPA filing. She informed members that the Water System includes details on design, fire systems (hydrants/alarms/lanes), wells and water supply systems.

Ms. Williams continued with her presentation addressing the **Infrastructure Plan - Sewer Systems and Wastewater Treatment**. She said this segment of the Infrastructure Plan was similar to that of the Water System, whereby they needed to comply with the regulations included in the MEPA Environmental Impact Report. She informed the Council that provisions in the Subdivision Regulations re. **Streets & Ways** call for dividing up the streets into Primary and Secondary. In following the Master Plan approved one year ago, the provisions deal with block size, traffic calming measures (speed), bicycle network, as well as, the design standard for sidewalks, parking, easements, cul-de-sacs, etc.

Ms. Williams next referred to the section on the **Lighting Plan**, which covered placement, types, strengths and hours of operation. She pointed out that the **Stormwater Management Plan** is consistent with their MEPA filing and abides by state/federal requirements.

The next category addressed by Ms. Williams under the Infrastructure Plan was the **Utility System/Grading**. She stated that plans call for all utilities to be underground within the easements or rights of ways - adding that some of the utilities presently in existence would be left in place. The last infrastructure category was listed as **Miscellaneous** and included approving the abandonment of existing mains; re-subdivisions and a list of suggested resources. Next she referred to the **Landscape Plan**, which would include the quality, type and location of a variety of plants which they plan to use. She told members that they had a number of professionals who had input into this aspect of the plan. In their research they defined what plants were allowed and which were prohibited, and included guidelines for installation and maintenance. Plants that die from natural causes or vandalism or plants that are unhealthy or unsightly must be replaced within their two-year guarantee period. **Inspections** - the applicable Subdivision Board has the authority to inspect all site development activities - and the requirement of the applicant to notify all the appropriate departments prior to commencing certain construction activities.

Ms. Williams then briefly referred to the **Appendices**, Forms A through F.

Lastly, Beth Williams reviewed the Sustainability Guidelines which contain both mandatory and recommended provisions, adding the focus is on sustainable site planning, natural resource conservation, environmental protection and green building design. She said that the Master Plan provides the basis for much of the sustainability.

Additionally, the provisions deal with construction, stockpiling, residential use of potable water, idling limits/emission controls on construction vehicles and reduction of heat islands.

She stated that other areas involved sustainable Site Planning - this includes parking/transportation management and Natural Resource Conservation/Environmental Protection - this includes: information on irrigation, use of potable water, recycling - and lastly Green Building Design - this includes addressing energy efficiency, etc.

Ms. Williams concluded her presentation.

Councilor Whitaker wanted to make sure the municipalities have rights during buildouts.

Ms. Williams responded that she didn't believe a final determination had been made on who would maintain and own all of the infrastructure, but she told members the utilities/roads might be accepted by the Corporation and any 'successor' they might have.

Councilor Whitaker questioned an easement policy - in case of any problems, adding there could be a separate regulation for the master developer.

Councilor Leary wanted to know about Leed Certification and was told it was a point system that has been developed based on a national scale. Their number/level was not known at this time (referring to horizontal and vertical sustainability).

Ms. Williams referred Councilor Leary to the Sustainable Guidelines under the Green Building Design. She read the definition and said it was created by the U.S. Green Building Council, adding they were design standards for developers re. High Performance Sustainable Buildings. She explained that you need a number of points to become certified with the points/certification being done by an outside agency.

Councilor Leary questioned the US Navy clean up - and asked about a time delay.

Mr. Fancher responded that the Navy was cleaning the property on a time line, adding they need to determine how we calculate/coordinate our phases and stay in line with theirs. He told members that the Navy informs them that the clean up will be done by April 2007, but he saw it closer to June 2008. He stated that there may be a series of locations which will not meet our standards; i. e., #1, apron and West Lake landfill. He commented that the ones that would be cleaned to meet their standards could take until the summer of 2008. Mr. Fancher told members that they would be leasing the land from the Navy until they clean it up.

Councilor Leary asked if that meant they could start construction prior to the clean up.

Ms. Williams responded that it was unlikely they would be performing any construction work while they are still in mediation, but she quickly added there is some work they can do and state and federal laws govern this.

Councilor Leary questioned the August 8th public hearing, pointing out that many of the residents are on vacation in the summer. He stressed that the intention of the public hearing process is to obtain input from the public.

Mr. Fancher replied that when they schedule events, they don't factor in people's vacations - but wanted to be clear that they conduct business publicly. Re. the August meeting, he said that is just how the timing worked out. He went on to say that they have spent a lot of time on the depth of the infrastructure and now it is a document they have confidence in.

Councilor Kay asked why they were meeting on August 8th.

Mr. Fancher said it was to seek responses from the public re. Folk Peer Review. He stated that individuals in attendance would be professionals who would be able to answer technical questions—followed by a time period to respond. The next step is to return to the Board of Directors and then prepare a document.

Councilor Kay asked about the procedure of the public hearing.

Mr. Fancher said all speakers would be asked to stand and be recognized. Additionally, they will have questions in writing prior to the hearing that they will be addressing. He said this would also give those in attendance the opportunity to have their testimony prepared and read into the record, adding if some choose they have the option of emailing their comments to him.

Councilor Kay asked about the timetable.

Mr. Fancher said he expected the public hearing to last $1\frac{1}{2}$ to 2 hours - the presentation taking approximately $1\frac{1}{2}$ hour followed by a question and answer period of about $1\frac{1}{2}$ hr. He requested that the Town Council email their questions to him prior to the hearing.

President Smart asked if the documents were available for anyone interesting in viewing them and Mr. Fancher said they could be viewed at the Tufts Library, adding extra copies were also available at their offices.

(Councilor Patrick O'Connor arrived at 8:00 PM)

Councilor Mathews cited Page 62 through Page 75 of their report, referring to their mention of 'Main Street'. He said in reference to these pages, it appeared that streets had already been named - referring to "Main Street". He was concerned because of there already being a Main Street in Weymouth and possibly in Rockland and Abington also. He said if there were any emergencies, such as a fire - this could turn out to be a confusing nightmare.

Ms. Williams explained that it was not really the name of a street, it was used just as a reference point, but quickly added they would keep his comments in mind.

Councilor Lacey wanted to make sure it was communicated to the U. S. Navy that they were responsible for cleaning up the Base before development started.

Mr. Fancher confirmed this, adding that their concern is to what level it will be cleaned - referring to commercial level verses residential levels.

Councilor Lacey pointed out this was a very important issue and that it needed to be clarified for the community, adding it was a priority issue for the Council. He wanted to emphasize that was the reason the Base was closed. Next he referred to Page 7, Article 2 - Transportation Management Association, asking who manages it and who will be responsible. Lastly he asked about the percentage of potable water they were referring to in their report.

Ms. Williams referred to Section 3.4 - where it stated Potable Water use must be reduced by 50%, adding it was a recommended provision that Potable Water use be eliminated. She noted that the applicant recommended that the most favorable treatment would be to eliminate its use entirely.

Mr. Fancher referred to the Transportation Management Association, explaining it was an 'association' office parks use.

Ms. Williams next referred to Section 2.2, which she noted has a mandatory provision which refers to reduction in traffic on the Base.

Councilor DiFazio referred to the Sustainable Guidelines and the mandatory requirements; i. e., parking, streets, construction, waste management. He noted that Article 4 states you will create a fast track process for builders - commenting it is not in place now. He asked if it was possible for a building in the project to not have a Leed Certificate based on their requirements.

Ms. Williams explained that the point system could give you credit. She said it was her belief that other state and federal programs reward developers for Leed Certificates, adding Leed Certificates also prove to act as a motivator (an incentive of energy efficiency) for meeting their criteria. She went on to say that due to a change in technology it's difficult to put a mechanism in place, but she added they have come up with a fast track mechanism. She told members that she expects it will take more time to finalize this process.

Members were told about different methods to handle the runoff/protection of the wetland resources, including the bio-swale, a structure created to focus on the flow of into the wetlands. It was confirmed that peak flow would not be increased any more than what is there today.

Councilor Whitaker spoke about the potable water - stating he would like to see the primary and secondary standards enforced.

Councilor O'Connor referred to public safety in regard to the width of the road and was told that they have met with the DPW, the three Towns and the Fire Departments in regard to the different types of road construction. It was noted that the Town of Weymouth recognizes some narrow streets and cul-de-sacs. Members were told it was their intent to head off all these types of safety/road concerns.

President Smart thanked all of them for appearing before the Council this evening and said they were looking forward to seeing them again on August 8th at 7 PM.

Update on the Citizen's Advisory Committee - Councilor Mathews

Councilor Mathews reported that the Citizen's Advisory Committee met on July 12th and July 19th. Traffic and intersections were addressed and it was noted that 38% of those in Weymouth are under review. The Mass. Highway Dept. will be getting the exact numbers for them to review in September. Additionally, storage would be built on-site, including sewerage treatment on the Base. Additionally irrigation for the golf course is under review, as well as the discharge into Old Swamp River, adding it will require EPA approval. He said that presently it is in the initial stages. He encouraged all to attend their meetings, adding that public comment is encouraged and that September will be an important month.

COMMUNICATION FROM MAYOR, TOWN OFFICER & TOWN BOARDS

06-127 - Appointment to the Redevelopment Authority - Mike Mulvaney

A motion was made by Councilor Leary to refer Measure 06-127, the appointment of Mike Mulvaney of 44 David's Island Road to the Redevelopment Authority/term to expire on 6/30/2011 to the Budget/Management Committee and was seconded by Councilor Kay and UNANIMOUSLY VOTED

06-128 - Appointment to the Board of Registrars - Sandy Karle

A motion was made by Councilor Leary to refer Measure 06-127, the appointment of Sandy Karle of 12 Karlyn Road to the Board of Registrars/term to expire on 6/30/2008 to the Budget/Management Committee and was seconded by Councilor Kay and UNANIMOUSLY VOTED

06-129 - Appointment to the Board of Registrars - Kenneth Karlberg

A motion was made by Councilor Leary to refer Measure 06-129, the appointment of Kenneth Karlberg of 15 Burkhall Street to the Board of Registrars/term to expire on 6/30/2009 to the Budget/Management Committee and was seconded by Councilor Kay and UNANIMOUSLY VOTED

Councilor DiFazio asked about the date the referral was sent to the Town Clerk, which was 7/18/06 - emphasizing that the approval must be made in 30 days time.

President Smart responded by stating they would need to schedule an additional meeting in August to meet this deadline.

Update from Administration on Community Preservation Committee**Selection Process - Jane Hackett/Chief of Staff**

Ms. Hackett came before the Council, stating that she had contacted President Smart with regard to the Community Preservation Committee and was here to give an update with the appointments-- which are as follows:

Weymouth Housing Authority - James Cunningham

Conservation Commission - Adrienne Gowen

Planning Board - Walter Flynn

Historical Commission - designee to be appointed

Recreation Commission - designee to be appointed

Ms. Hackett explained that the openings have been advertised and applications have been received. Mayor Madden will be conducting interviews upon his return from vacation.

Councilor Whitaker asked when the first meeting would convene- and Ms. Hackett told him that the Planning Board staff would be working with the Committee on this and would be scheduling the first meeting.

Councilor DiFazio asked how the appointments were made and Ms. Hackett told him that the Planning Board and the Conservation Commission designees were elected by the members, but she wasn't sure about the designee from the Weymouth Housing Authority.

It was noted that a 'vote' is required to be appointed to this committee.

REPORTS OF COMMITTEES**Ordinance Committee - Chairperson Susan Kay****06 125 Utility Applications/Petitions Proposed Changes**

Councilor Kay, Chairman of the Ordinance Committee, stated that Measure 06 125/Utility Applications/Petitions Proposed Changes had been submitted to the Ordinance Committee on June 19, 2006

by Councilor Mathews. This evening several utility companies; i.e., Keyspan, Verizon and National Grid made presentations to their Committee.

Councilor Kay explained that it was the intent of Councilor Mathews to add a new section to the Municipal Code following Section 2-302, which would be Section 2-303, and would summarize requirements that utility companies notify abutters at least 7 days prior to the public hearing and that along with the notification the abutters receive a copy of the information that is submitted to the Town Council; i. e., a detailed map and pertinent back-up. At this point the utility companies said they would like their respective legal departments to review. In addition, she said, the Council needs to understand what exactly the current process is and who is obliged to do what re. notification to the abutters, etc. It was apparent that each utility company handled the notification process differently.

Councilor Kay went on to state that the Ordinance Committee voted to continue the meeting on Measure 06 125. In addition, Councilor Whitaker has offered an alternative to the measure in the form of guidelines.

New Business

06 126 - Utility Pole Removal Proposed Ordinance - Councilor Paul J. Leary

Councilor Kay, reported that this item has not yet been referred, because tonight they just collected information and comments for the future.

Next Councilor Leary, who brought the Measure to the committee, informed members that he had received correspondence from constituents with regard to the large number of (double) poles in Town. As the utility companies were going to be present this evening, it was agreed that they would take this opportunity to speak with them about the situation in anticipation of meeting on the measure at a future time.

A MOTION was made by Councilor Leary to refer Measure 06 126/Utility Pole Removal. Proposed Ordinance to the Ordinance Committee and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

ANNOUNCEMENTS (cont'd)

Councilor O'Connor informed those present that the 13th Annual Little League Tournament for 11-year olds would be held tomorrow night, July 26th.

ADJOURNMENT

At 8:52 PM A MOTION was made by Councilor Leary to ADJOURN and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Approved by: _____
Michael Smart, President