

**MINUTES OF THE TOWN COUNCIL**  
**Town Hall Council Chambers**  
**November 15, 2010 - Monday**

Present: Arthur Mathews, President  
Patrick O'Connor, Vice President  
Robert Conlon  
Kenneth DiFazio  
Ed Harrington  
Thomas J. Lacey  
Brian McDonald  
Michael Molisse  
Michael Smart  
Kevin Whitaker

Not Present: Victor Pap, III

Also Present: Franklin Fryer, Town Clerk  
Kathy Deree, Assistant Town Clerk  
George Lane, Town Solicitor  
James Clarke, Director, Planning & Development  
Rod Fuqua, Principal Planner  
Christine Stickney, Planning Director, Town of Braintree  
Michael Gallagher, Dir. Administration & Community Services  
Walter Flynn, Chairman, Planning Board  
Sandra Williams, Planning Board  
Mary Akoury, Planning Board  
David Chandler, Planning Board

Recording Secretary: Mary Barker

President Mathews called the Town Council Meeting to order at 7:30 PM. Town Clerk Fryer called roll, with two members absent. President Mathews reported that Councilor Pap is out of state and unable to make the meeting and Councilor Whitaker is in traffic and will arrive shortly.

**ANNOUNCEMENTS**

Councilor Harrington noted that WHS continues its undefeated season. The team has made the playoffs and will play on November 30, 2010 either at home or Bridgewater Raynham; site and time to be determined. Information will be available on the WHS or town website. The team will also play Walpole on Thanksgiving at 10 AM at the high school.

Councilor Lacey commended the WHS Boys Soccer team for making it to the finals in the South Sectionals. The boys represented Weymouth well.

Councilor DiFazio announced the merchants of Jackson Square will host a holiday Stroll which will be held November 27, 2010 from 1-6PM.

Councilor Smart noted that a deer was struck in District 6 on Saturday evening, and warned the residents to be more aware while driving in those areas, especially during the evening.

President Mathews announced the continuation of the public hearing for the proposed overlay district zoning for the Clapp Memorial Building on December 6, 2010.

## **MINUTES**

### **Ordinance Committee Meeting of October 28, 2010**

A MOTION was made by Vice President O'Connor to ACCEPT the minutes of the October 28, 2010 Ordinance Committee meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

### **Public Works Committee Meeting of October 28, 2010**

A MOTION was made by Vice President O'Connor to ACCEPT the minutes of the October 28, 2010 Public Works Committee meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

## **PUBLIC HEARINGS**

### **10 111-Rezoning Request for Weymouth Landing- Joint with Planning Board**

A MOTION was made by Vice President O'Connor to open the public hearing and was seconded by Councilor Smart. This measure was published on October 27, 2010 and November 3, 2010. UNANIMOUSLY VOTED.

The Planning Board meeting of November 15, 2010 was called to order by Chairman Walter Flynn. A MOTION was made by Sandra Williams to open the public hearing and waive the reading of the public notice and was seconded by Mary Akoury. UNANIMOUSLY VOTED.

James Clarke and Rod Fuqua of the Planning Department reviewed the proposed zoning in a powerpoint presentation. Over the last two years, much discussion and planning has gone into improving the Weymouth Landing area. Although not a mirror of Braintree's ordinance, it does incorporate the same design principals and concepts. The purpose of the Village Center zoning is to preserve the historical character of the town, particularly the four villages. It also has some recommendations for moderate density. It's pedestrian and bicycle friendly to encourage the neighborhood residents to walk to shop. It is also to anticipate new construction and its compatibility with the existing structures and character. The objectives which will encourage a mix of uses in the same area include ground floors primarily for business use and height recommendations: by right, 2.5 stories and to 4 stories by special permit; current zoning allows to 6 stories. New setback

requirements will tie in with existing buildings; buildings will be parallel to the street. Design guidelines include increased window space and visibility. Mr. Clarke reviewed the areas specific to the proposed change. Former B-2 will be rezoned to R-2 and the change from B-2 back to more appropriate R-1 residential zoning along Webb and Phillips Streets and the back of Fields Avenue. Along Washington Street, the zoning will extend to the lot line instead of the current 120' or 140' lot lines. Mr. Clarke then reviewed the dimensional requirements; parking requirements are more relaxed than the current zoning. Some shared parking will be allowed by site review for differing peak uses. Some parking restrictions will be reduced by site plan review or by special permit. Curb cuts will be reduced by shared driveways. Some changes have been made to signage, including size, the allowance for projecting signs and will benefit those buildings with smaller front setbacks. Definitions for new allowed uses will include artist workspace and bed and breakfast spaces, and nonresidential use over 5000 sq.ft. and non-food related drive-through will be allowed only by special permit. Conversion to non-residential use over 2000 sq.ft. will only be allowed by special permit. Dimensional requirements, including lot size, widths, allowed setbacks, landscaping and prohibition of chain link fencing were reviewed. Large blank walls will be prohibited; transparency along street facades will be required. Entrances onto public ways and entries every 50 ft. in buildings longer than 100 ft. will be required, as will screened dumpsters and there will be no outside storage allowed.

Mr. Clarke then reviewed the administrative site plan review process, which will be jointly with the two towns, and include a design principal. The authority will however remain with each individual community. He then displayed different examples, and included pictures from a similar redevelopment project in Canton.

Councilor Lacey commended the Mayor, Jim Clarke, Planning administration, the Mayor and the partnership with Braintree to set the criteria for the first of the town's four villages and the opportunity to revitalize the Weymouth Landing business district and setting the criteria for future development. The mixed use and quality standard will hopefully attract development. He looks forward to the public hearing and the public feedback.

Councilor Conlon asked about the status of a particular vacant property on Washington Street. Mr. Clarke responded that it has not been determined as of yet. Councilor Conlon noted it would be a good spot to enlarge the sidewalk area and make it a focal point in the area. Mr. Clarke noted that a PWED grant is focusing on the streetscape improvements in the area.

Councilor DiFazio asked for the three aspects of the zoning changes which will most enhance the area. Mr. Clarke responded that it will be enhanced design with site review process to allow for more types of use; within the village center, there are more specific regulations on landscaping, designs, building facades, common driveways; the signage changes will make a large difference in addition to the reduction in parking restrictions.

Councilor DiFazio asked if there is any intent to suppress utilities. Mr. Clarke responded

that it is expensive to undertake but they will attempt to with the area along Washington Street north of Front and Commercial and perhaps in front of the church. Depending how the hearing goes, it will hopefully expand to the other village centers.

Councilor Harrington asked if eventually the area will have the feel of a cohesive neighborhood. Mr. Clarke noted there will always be some variety as the buildings are privately owned; however with some control over the zoning, it will have some cohesiveness.

Councilor Smart asked about nonconforming parcels and how the new zoning overlay will be affected. Mr. Clarke responded that existing businesses will be grandfathered. If any change in use is requested; then it will need to be brought to the BZA. Councilor Smart noted the Ordinance Committee reviewed the measure at its meeting earlier in the evening and it has been continued in committee. No recommendation has been made yet. He noted that crosswalk expansion was discussed in committee. He asked about the public crosswalks. Mr. Clarke responded that enhanced crosswalks are under consideration in the PWED grant process; he outlined the areas where crosswalks will be expanded and islands increased. The traffic engineer, police department and DPW all consider any recommendations on crosswalk reviews before they are forwarded to the Mayor. Councilor Smart believes the concept is a good idea for all of the villages. He is concerned with the parking, and particularly with a shared parking concept. Mr. Clarke explained the process whereby businesses with differing peak hours of use can utilize the same parking. The total number of spaces in the municipal lot is approximately 110.

During this hearing, at 8:10 PM, Councilor Whitaker arrived.

Councilor Molisse asked for clarification of the current B-2 zoning in the streets located behind Broad Street.

Councilor O'Connor thanked the Mayor, Councilor Lacey and the South Shore Chamber of Commerce. He noted the parking reductions will create a need to make the municipal parking more visible. Mr. Clarke reviewed "wayfinding" and signage changes anticipated in the PWED grant. Councilor Harrington noted that a shared parking concept has been successful in the Columbian Square area between Old South Union Church and the South Shore Hospital.

Councilor Lacey reviewed the history of the municipal parking lot shared by Weymouth and Braintree. The lot was supposed to have been improved by the MBTA in a mitigation agreement around the Greenbush rail line. The MBTA did not follow through with its commitment, and the towns of Weymouth and Braintree have slowly made improvements such as clearing debris, striping of spaces, and lighting.

David Chandler of the Planning Board asked for further clarification of drive-through restrictions. Mr. Clarke noted restricting the use to non-food is allowable in the proposed zoning.

Mary Akoury of the Planning Board asked about the advantage to moving the zoning back to the lot line. Mr. Clarke responded that it is a cleaner method of utilizing lots more efficiently. She commented that the traffic and parking in the Landing will be taken into consideration. Mr. Clarke noted that there will be additional traffic to monitor, but by creating more walking and bicycle routes and proximity to mass transit, there may be less traffic overall.

Sandra Williams of the Planning Department asked if increasing the sidewalk sizes will impact parking. Mr. Clarke responded that the proposed enhanced crosswalk areas are already in designated crosswalks and no parking has been eliminated to accommodate this. She then asked whether there is anything in the proposed zoning that will require owners of vacant properties to maintain the outside conditions. Mr. Clarke responded that there is not; it is presently within the purview of the Health or Building Department.

Councilor Lacey commented whether requirements can be put into the proposed zoning to mandate that owners are required to maintain their buildings.

Councilor DiFazio asked if there is currently any funding to make any further traffic modifications. Mr. Clarke noted there is not; there have been some slight improvements made and the traffic engineers of both Braintree and Weymouth are studying whether changes in the timing of lights at the intersections might improve conditions. Councilor Conlon asked why there isn't a green arrow at the intersection at Washington and Broad Streets. Mr. Clarke will have this reviewed with the traffic engineer. Councilor Smart asked how far into the Braintree side of the landing the zoning overlay extends; Mr. Clarke will provide the number of properties (from the Braintree zoning map).

Public comment was as follows:

**Irving Murstein, 463 Broad Street**, noted a parking garage should be considered. He also commented that the town might consider increasing the number of stories which will be allowed in order to attract commercial development. He also noted that the town might also consider pursuing urban development grant monies to fund razing the existing vacant buildings in order to clear the way for development.

**Ed MacDonald, 17 Granite Street**, noted he is enthusiastic for the proposal but stated that traffic patterns, particularly on the Weymouth side of the Landing, need to be further adjusted. The major back up is where the landing heads into Braintree at the old Quirk site.

**Jeff Thayer, 246 Commercial Street**, read a letter into the record and provided the council with copies. He noted that as an architect with experience in village scale design work, the proposed written requirements do not achieve the objective of the village center. There is no maximum allowed frontage. The use table falls short in establishing a list of extensive uses, especially uses compatible with the waterfront setting. He believes the zoning is generic and needs to be further defined to enhance the character of each village center. He then reviewed some of the zoning overlay requirements using Cohasset

Village in particular as an example. He noted specific requirements which he suggested should be included in the proposed overlay zoning. Mr. Clarke will review his comments.

**Peter Foreman, President of South Shore Chamber of Commerce**, on behalf of the south shore business community, supports the adoption of the proposed zoning. He agrees that the regulations by themselves do not guarantee the success of development in the Landing but as part of the process are quite significant. The Chamber believes the Landing could be a jewel on the South Shore and fits nicely with some of the regional development and growth opportunities. There is great potential with the assets that are there; the river, park, train station, existing neighborhoods and the history of the area. The growth dynamic from the opening of the train station, the strong political leadership and planning jointly by both communities with the adoption of a common plan means a lot to what can happen there. Expedient permitting will also change that. A lot of private investment will be needed. Regulations, zoning and the public money can only do so much.

At 8:45 PM, a MOTION was made by Vice President O'Connor to close the public hearing and was seconded by Councilor Smart. The Planning Board has 21 days from the close of the public hearing to make a recommendation to the Town Council. The Council has 90 days to adopt, reject or amend the proposal by a 2/3 vote. The Ordinance Committee has continued the matter. UNANIMOUSLY VOTED.

A MOTION was made by Mary Akoury to CLOSE the Planning Board public hearing and was seconded by David Chandler. UNANIMOUSLY VOTED.

AT 8:45 PM, there being no further business, a MOTION was made by Mary Akoury to ADJOURN the Planning Board meeting and was seconded by David Chandler. UNANIMOUSLY VOTED.

## **COMMUNICATIONS AND REPORTS FROM THE MAYOR, TOWN OFFICERS AND TOWN BOARDS**

### **10 125-Tax Classification**

Mr. Gallagher requested on behalf of the Mayor, that the Town of Weymouth approve a classification tax rate shift for commercial, industrial and personal property taxes. Detail will be provided in a separate memorandum upon receipt of certification from the Massachusetts Department of Revenue and recommended shift as voted by the Board of Assessors. This will require a legal notice and public hearing.

A MOTION was made by Vice President O'Connor to refer item 10 125 to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

### **10 126-Ordinance Amendment-Tax Amnesty Program**

Mr. Gallagher requested on behalf of the Mayor that the Town amend the Code of

Ordinances by amending the following section:

Tax Title Agreements

DELETE: Section (b)

ADD: Section (b) The provisions of this section of the code shall be in full force and effect from January 1, 2011 and shall expire on June 30, 2011.

Text of current language section:

- a. Pursuant to the provisions of GL C60 § 62A, the Treasurer of the Town of Weymouth ("Town") shall enter into a written payment agreement ("Agreement") with any person(s) entitled to redeem ownership of parcels of real estate ("Redeemer") which have been taken by the Town as a result of non-payment of real estate taxes.
- b. The provisions of this section of the code shall expire on June 20, 2010

The key element in this statute provides the town with the vehicle of abating up to 50% of the accrued interest on tax title properties making the effective rate of interest equal to 8% and extends the life of the amnesty program to June 30, 2011.

This requires legal notice and public hearing.

A MOTION was made by Vice President O'Connor to refer item 10 126 to the Budget/Management Committee and was seconded by Councilor Smart.  
UNANIMOUSLY VOTED.

**10 127-Appointment to the Scholarship Committee-Karen McCaffery**

On behalf of the Mayor, Mr. Gallagher submitted the name of Karen McCaffery of 35 Mulcahy Lane for appointment to the Scholarship Committee. This is to fill the vacancy of Elaine DeCosta and for a term to expire on June 30, 2013.

A MOTION was made by Vice President O'Connor to refer item 10 127 to the Budget/Management Committee and was seconded by Councilor Smart.  
UNANIMOUSLY VOTED.

**10 128-Appointment to the Zoning Board of Appeals as Alternate Member-Robin Moroz**

On behalf of the Mayor, Mr. Gallagher submitted the name of Robin Moroz of 56 Pine Cliff Road for appointment to the Board of Zoning Appeals as alternate member. This is to fill the vacancy of George Berg and for a term to expire on June 30, 2011.

A MOTION was made by Vice President O'Connor to refer item 10 128 to the Budget/Management Committee and was seconded by Councilor Smart.  
UNANIMOUSLY VOTED.

**10 129-Appointment to the Redevelopment Authority-Ronald Shaw**

On behalf of the Mayor, Mr. Gallagher submitted the name of Ronald Shaw of 61 Weybosset Street for appointment to the Redevelopment Authority. This is to fill the vacancy of Arnold Goldie and for a term to expire on June 30, 2012.

A MOTION was made by Vice President O'Connor to refer item 10 129 to the Budget/Management Committee and was seconded by Councilor Smart.  
UNANIMOUSLY VOTED.

**REPORTS OF COMMITTEES**

**Budget/Management Committee- Chairman Kenneth DiFazio**

**10 117- Appointment of Library Director-Robert MacLean**

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on November 8, 2010. The committee met on November 15, 2010, and voted unanimous favorable action. Mr. MacLean was introduced to the Council.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to appoint Robert MacLean as Library Director and was seconded by Vice President O'Connor. UNANIMOUSLY VOTED.

**10 118- Appointment to the Commission on Disabilities-Maria Flynn**

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on November 8, 2010. The committee met on November 15, 2010, and voted unanimous favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to APPOINT Maria Flynn of 26 Sumner Road to the Commission on Disabilities, and was seconded by Vice President O'Connor. This is to fill the vacancy of Deb Deveau. Her term will expire on June 30, 2012. UNANIMOUSLY VOTED.

**10 119-Appointment to the Commission on Disabilities-Janet Walsh**

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on November 8, 2010. The committee met on November 15, 2010, and voted unanimous favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to APPOINT Janet Walsh of 87 Chard Street to the Commission on Disabilities, and was seconded by Vice President O'Connor. This is to fill the vacancy of Beverly DeMourat. Her term will expire on June 30, 2011. UNANIMOUSLY VOTED.



**10 120-Appointment to the Cultural Council-Sandra Peters**

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on November 8, 2010. The committee met on November 15, 2010, and voted unanimous favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to APPOINT Sandra Peters of 57 Weybosset Street to the Cultural Council, and was seconded by Vice President O'Connor. This is to fill the vacancy of Gertrude Gillen. Her term will expire on June 30, 2011. UNANIMOUSLY VOTED.

**10 121-Appointment to the Zoning Board of Appeals-Jonathan Moriarty as Alternate Member**

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on November 8, 2010. The committee met on November 15, 2010, and voted unanimous favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to APPOINT Jonathan Moriarty of 38 Hilldale Road to the Zoning Board of Appeals, and was seconded by Vice President O'Connor. This is to fill the vacancy of Kemal Denizkurt. His term will expire on June 30, 2012. UNANIMOUSLY VOTED.

**10 122-Reappointment to the Board of Health-Karen DeTellis**

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on November 8, 2010. The committee met on November 15, 2010, and voted unanimous favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to REAPPOINT Karen DeTellis of 8 Chauncy Street to the Board of Health, and was seconded by Vice President O'Connor. Her term will expire on June 30, 2012. UNANIMOUSLY VOTED.

**10 12-Reappointment to the Board of Health-Maureen DelPrete**

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on November 8, 2010. The committee met on November 15, 2010, and voted unanimous favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to REAPPOINT Maureen DelPrete of 73 Regatta Road to the Board of Health, and was seconded by Vice President O'Connor. Her term will expire on June 30, 2013. UNANIMOUSLY VOTED.

**Issue: Tax Incremental Financing Agreement Between the Town of Weymouth and Sithe Energy**

Councilor DiFazio reported that this item is currently being deliberated in committee, and has been continued to the next Budget/Management Committee meeting.

## **ADJOURNMENT**

The next Town Council meeting will be held on Monday, December 6, 2010, at 7:30 PM.

At 9:06 PM, there being no further business, a MOTION was made by Vice President O'Connor to ADJOURN and seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully Submitted by: Mary E. Barker

Approved by:  
Council President Arthur Mathews