

**TOWN COUNCIL MINUTES**  
**Town Hall Council Chambers**  
**November 12, 2019, Tuesday**

Present: Arthur Mathews, Vice President  
Kenneth DiFazio, Councilor  
Jane Hackett, Councilor  
Fred Happel, Councilor  
Ed Harrington, Councilor  
Rebecca Haugh, Councilor  
Christopher Heffernan, Councilor  
Maureen Kiely, Councilor  
Arthur Mathews, Councilor  
Michael Molisse, Councilor

Absent: Michael Smart, President

Also Present: Robert Luongo, Planning Director  
Eric Schneider, Principal Planner  
Christine Howe, Program Manager-Grants and Procurement  
Joseph Callanan, Town Solicitor  
Paul Rotondo, Planning Board  
Sandra Williams, Planning Board  
Greg Agnew, Planning Board  
George Berg, Planning Board

Recording Secretary: Mary Barker

Vice President Mathews called the meeting to order at 7:32 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with one member absent. Vice President Mathews reported that President Smart is unable to attend.

**ANNOUNCEMENTS**

Councilor Haugh announced Weymouth Planning Department and the Chamber of Commerce will explore ideas for boosting business growth along Route 3A by hosting a daylong technical assistance panel discussion on November 12, 2019 with the American Land Institute. The panel includes planners, land owners, attorneys, designers, etc., with market analysts from American Land Institute. A presentation for the public will take place at 6 PM.

**Moment of Silence for Weymouth's First Mayor- David Madden**

Vice President Mathews called for a moment of silence in memory of Weymouth's first Mayor, David Madden. Councilor Hackett, his chief of staff and cousin, provided a brief tribute and a moment of silence was observed. Councilor Hackett then left the meeting.

## MINUTES

### **Ordinance Committee Meeting Minutes of October 17, 2019**

A motion was made by Councilor Molisse to approve the minutes from the October 17, 2019 Ordinance Committee meeting and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

### **Budget/Management Committee Meeting Minutes of October 21, 2019**

A motion was made by Councilor Molisse to approve the minutes from the October 21, 2019 Budget/Management Committee meeting and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

### **Town Council Meeting Minutes of October 21, 2019**

A motion was made by Vice President Mathews to approve the minutes from the October 21, 2019 Town Council meeting and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

## PUBLIC HEARINGS

### **19 108 Gas Main Installation-Pond Street**

A motion was made by Councilor Molisse to open the public hearing on measure 19 108 and was seconded by Councilor DiFazio. Abutters were notified on November 4, 2019. UNANIMOUSLY VOTED.

Robert Montgomery Thomas, 20 Humphrey Street interrupted to make a point of clarification. Vice President Mathews reminded him to adhere to the council rules on address during a meeting.

Barbara Kelleher, NGRID, was invited to the table to present the measure. She outlined the work to be done. Vice President Mathews asked if this is in conjunction with the Route 18 work and she responded that it could be; it involves increasing the size of the existing pipe. Ms. Kelleher reported she had heard from a constituent on Sea Captains Way who was interested in hooking up to gas service.

Vice President Mathews asked if there were any comments from the public, to which there was no response.

A motion was made by Councilor Molisse to close the public hearing on measure 19 108 and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

A motion was made by Councilor Molisse to consider measure 19 108 under 2-9 b, (same night action), and was seconded by Councilor Haugh. UNANIMOUSLY VOTED.

A motion was made by Councilor Molisse to approve measure 19 108 and was seconded by Councilor Haugh. UNANIMOUSLY VOTED.

**19 109-Amendment to Zoning Ordinances-Billboard Relocation Overlay District-Citizen Petition Joint with Planning Board**

A motion was made by Councilor Molisse to open the public hearing on measure 19 109 and was seconded by Councilor DiFazio. This was advertised on October 25 and November 1, 2019. UNANIMOUSLY VOTED.

Planning Board Chair Sandra Williams called the Planning Board to order. A motion was made by Mr. Rotondo to open the public hearing and was seconded by Mr. Berg. UNANIMOUSLY VOTED.

Councilor DiFazio, as chair of the Ordinance Committee, reported that the measure was referred on October 21, 2019. The Council received a Citizen Petition from Robert Delaney. The committee deliberated on November 7, 2019. Concurrent is an issue in the committee based on a concern regarding the overlay district brought forward by a citizen, and the impact to her neighborhood by a sign that been erected under the zoning. Since then, there were several meetings with the neighborhood groups, a public forum by Mayor Hedlund, and several presentations. These issues mirror somewhat what is before the public hearing. Information has been provided by the administration. He reported that the Ordinance Committee has not completed its work or reported back to the full Council yet. He asked the administration and solicitor to come forward. Vice President Mathews reported that they received the application from Robert Delaney and he will be allowed to speak during the public hearing.

Solicitor Callanan presented the measure in a power point in conjunction with Ms. Howe.

Proposals for potential mitigation

- Brief Background
- Goals of Project
  - Removing static billboards on 3A
  - Preventing 40B development
  - Preserving open space at Gagnon Park
  - Mitigating impacts of Rt. 18 billboard on the Abington line

Existing Agreement

- Multiple parties
- Signed July 2018
- Construct 2-sided boards at 611 and 613
- Negotiate with landlords to remove boards along 3A
- Use revenue to purchase open space land abutting Gagnon Park
- Mitigate the Route 18 board

An initial matrix of options were presented, and the following are a result of the discussions with Cove. Six options were discussed, with a final proposal presented on November 1<sup>st</sup>:

Option 1.

- Install 611 Pleasant 2 faces with SLBT, and Finnell Drive (instead of 613), also with SLBT, 2 sides

- no action on 613 Pleasant permit
- potentially still receive 42-acre land donation from Bristol abutting Gagnon Park
- determine and pay a settlement to the owner of billboard that was taken down on 3A (Cove has been paying monthly and town would have to assume that risk)

Cost to the town- settlement with 3A billboard landlord

#### Option 2.

- Remove 611 Pleasant Street billboard
- town to pay Cove \$4.6
- one billboard at Finnell with SLBT, 2 faces
- 613 Pleasant-- not construct
- town to settle with Bristol and leaseholder on 3A for lease and lost revenue
- potential to receive donated land

Cost to town- settlement for Lorusso/Bristol; settlement for 3A landlord; 42 acre land donation not guaranteed; allows for eventual removal of 3A boards; mitigation Rt .18 Abington board to continue

#### Option 3

- 611 gets SLBT or completely removed (and mitigation paid)
- 613 moved further south toward Hingham line
- Finnell not built
- Land not donated; developer may proceed
- Settlement with 3A landlord

Cost to town- settlement for LoRusso/Bristol and 3A landlord; 42 acres not donated; allows for eventual removal of 3A boards and mitigation of Rt.18 Abington board

#### Option 4

- 611 removed
- town pays \$2.6 million for removal and loss of one face
- Finnell built with 2 SLBT faces
- 613 moved closer to Hingham line (reduction of one face, and mitigation applies)
- Finnell installed with 2 SB faces
- land is donated
- pay leaseholders on 3A

Cost to town- cove payout for loss of face, removal; settlement with 3A billboard; allows for eventual removal of 3A boards and mitigation of Rt.18 Abington board

#### Option 4A

- 611 remains, reduced to one face (facing northbound-southbound drivers would see the face) and SLBT
- 2 faces on Finnell with SLBT
- 613 with one face and SLBT, moved further south, and facing southbound
- 42 acres up for donation
- 3A agreement for mitigation Clear Channel
- 611 activated during the 6-8 week installation process

- Finnell permitted and constructed
- Tree removal at all three sites
- No mitigation fees with Cove
- Rt. 18 Abington mitigation continues

A series of graphics was shown:

Cove's Impact assessment  
 Light blocking radii for each site  
 Timeline for construction

Positive aspects

- Town can negotiate with Bristol to alleviate potential for development of 42 acres
- Removal of south facing face at 611 will lessen impact on Century Rd. neighborhood
- Single face closer to Hingham line will reduce impact on Holly Hill residents
- Removal of all billboards on 3A still potential through negotiations
- Town gives up revenue share from sale of 613 as settlement to Cove for additional construction costs and lost revenue during shutoff period of 611

Proposed Zoning Change Impacts

- If adopted would prevent any new permits issued in the overlay (Pleasant and Finnell Dr.)
- Would not impact existing permits
- Would eliminate all proposed options except maintaining the existing agreement

Solicitor Callanan reported that he was asked to provide information to break the agreement or find a solution. He reviewed the consequences of breaking the agreement:

- Cove already has 2 permits in place- they won't be affected
- billboard permits require payment
- estimated at \$10M to Cove, \$1.9M to Bristol, and \$1.9M LoRusso Bristol
- currently have the right to build 2 billboards with total of 4 faces

Vice President Mathews opened discussion up to the Council:

Councilor Molisse asked who worked to bring in Cove when the overlay was voted? What was the process-he noted that nothing was brought to the Council's attention? Solicitor Callanan responded last spring, the work was primarily with him, the Mayor and Mr. Luongo. Cove approached them in 2016 and in 2017. During the discussions, South Weymouth residents brought the Abington board to their attention. Bristol had proposed a 40B development in Finnell Drive and that's how it evolved into a zoning overlay. Councilor Molisse asked who reviewed the contract? The solicitor responded that he did. He is aware of how they are regulated.

Councilor DiFazio noted the four goals of the agreement, from the first slide, all of them seem to be the best for the town. A permit was granted with someone from Weymouth to agree to it.

After the board was erected the impact was hard to believe; the implementation has pitfalls. No one knew the double face on 611 would affect so many residents. It's in one of the worst locations. That's what brought neighbors in. Since the agreement, the residents overwhelmingly don't want them. The agreement doesn't include SBLT, and no guidelines were provided. This was a slap in the face. He gave Cove credit for waiting to light it back up.

Councilor Heffernan noted that the purpose of the Highway Beautification Act of 1965 is to control billboards along the highways and applied mainly to have them taken down. He asked whether this law applies to this situation? Solicitor Callanan responded that this ended up as legislation vs. altruism. It has a provision to remove a board, but at a cost (taking away property rights). They are not typical property rights; they are high revenue, low expense endeavors. The act perpetuates and protects billboard owners. Councilor Heffernan asked if any case law or precedent, other than the HBA, has been successfully challenged? Solicitor Callanan responded – No; (5<sup>th</sup> amendment and just compensation).

Councilor Happel reported he was contacted by Mr. Delaney- about a possible 40B development before he was sworn in. How did they get to this point? Was there an actual neighborhood impact study done for the first billboard, and where is it? SLBT wasn't used because Cove said they didn't think they needed it. Solicitor Callanan responded that there is a disagreement between administration and Cove as to whether it was necessary. It wasn't in the agreement. No other technology was discussed. In the future, it will be. No other technology was ever discussed and was considered to be a fundamental part of the discussion. If he is looking for an impact study as was done for the compressor station; then, no. They've seen light impacts and light blocking impacts. There isn't anything like the MEPA requirements with the compressor. Councilor Happel noted that the company has put up billboards in other locations: they didn't foresee an issue where it was located? Where can he see where the SLBT is used? Solicitor Callanan responded there aren't any in MA (but in GA and Canada). They've seen videos from the company. Councilor Happel responded that he can't go and see this in use; how is he supposed to vote when he can't see the impact? Solicitor Callanan responded with a video on a phone. Ms. Howe responded but was not within earshot of any microphone. She played the video that Cove provided for Councilor Happel.

Councilor Kiely noted that SLBT was discussed repeatedly, was expected to be included and is in disagreement; they acknowledged they will add it in the future. Is this grounds alone to void the contract? Solicitor Callanan responded that it isn't grounds.

Vice President Mathews turned the discussion to the Planning Board. George Berg, Planning Board asked if a claw back provision might apply, if the zoning is repealed? Solicitor Callanan responded that from Cove's perspective, if the petition was passed, the boards can operate (non conforming structure) and get that revenue. The boards located on 3A are nonconforming structures. Mr. Berg noted that this is more directed to the property owners; landlords or people who own property within the billboard zone. Solicitor Callanan responded that both Bristol entities have leases with Cove and have existing property rights within those leases.

Mr. Rotondo asked if there is a cost to replace or add SLBT? Peter McClary, consultant for Cove Outdoor, responded it would involve removing what's there and replacing with SLBT. They

have agreed to that. The area closest to the front of the board is the area that is completely black; as one moves away it gets sharper, with the technology. It's designed to minimize the impact. He has seen the technology but has not used it. Neither Cove or any other company has implemented the technology anywhere in the Northeast. They are willing to install the technology to help Weymouth.

Ms. Williams asked how long are the land leases and can the rezoning do away with them? Solicitor Callanan responded that they are long term. Repeal affects the zoning but not the permits.

Mr. Agnew asked if there were any other regions in MA approached by other residents poorly affected? How were the residents notified; by abutter notices? Solicitor Callanan responded that there were, with the West Quincy ones. Weymouth didn't anticipate the negative resident reaction that they got. It was part of the zoning change, but not given much attention. They didn't hear from residents until the board was turned on. Mr. Agnew asked if financial mitigation to the affected residents has been discussed? Solicitor Callanan responded yes it had been discussed.

Mr. Berg noted that the permits are unaffected by repeal or change of the zoning. If the zoning stays in place, they can work to make modifications to add stricter, and more restrictive guidelines to avoid this in the future. Solicitor Callanan responded that making it more restrictive was not considered; the initial intent was to remove the billboards from 3A. The only relocation areas that would fit the state guidelines was along Rt. 3. There was never any intent to put up three structures.

Vice President Mathews asked if there were any comments from the public, to which there were the following:

**Robert Delaney, 27 Belmont Street** explained the reason why he submitted the petition for the proposed amendment. The town has no control over the steps or the agreement it has entered into. The Town Council had no idea of what was in the agreement, drafted by the solicitor with the administration. This would give the Council and the neighbors control. Finnell Drive was never in the equation. Original mention of it was in the forum- Finnell property would not be developed but acquired for open space if the neighbors supported. Now Cove wants Finnell because it's lucrative. Where was the study? Google Earth provided the charts that were distributed. The citizens are getting nothing. Everyone would be protected with a repeal. Per Mr. McClary, the only place SBLT can be seen is in PA. Cove was going to put a crane up so the residents could see what it looked like-but it wasn't done. Chair DiFazio asked for an audit report-- has not been produced. The residents are trying to protect the neighborhood and their property. There is a reference to a park with a billboard; a park was permitted to be built around the billboard because the billboard was there first. He questioned why didn't this apply with the billboard at 611? Mr. Callanan refused to respond. The numbers provided- Mr. Delaney asked where did they come from, since no audit report or revenue stream projection was provided to justify it; only an estimate from Mr. O'Sullivan of \$6 million. Now it's at \$15 million. He asked Solicitor Callanan- as a resident, would you want this in your neighborhood? He urged the administration to represent the constituents; not Cove. Take the Finnell property off the table; it requires a permit from the state.

Vice President Mathews provided information just received from the solicitor; requested by the Planning Board – the leases on both properties are 20 years each with Bristol Brothers and LoRusso Bristol.

Solicitor Callanan responded to Mr. Delaney’s comment that “he has vast experience representing billboard companies.” He was a regulator for the state. He represents the town of Weymouth. If he lived on Century Road he wouldn’t want it. If he lived in South Weymouth; yes, as mitigated. If in North Weymouth; yes, the billboards would disappear. Yes, he would want the billboard agreement to go forward. (The audience interjected NO). The alternative is what drove them to come forward in response to a possible 40B or industrial development.

**Laurie Ann Drogan, 755 Front Street** responded that this is a different situation. Finnell was not purchased with the zoning in place that would have allowed billboards. This is potential revenue. Legally there is no consideration. These are two entirely different scenarios. In all of the proposals are “potential” scenarios. She is invested in the land behind her property remaining open space for conservation purposes. The area floods when building takes place. Any development would be an environmental nightmare. She urged they support the amendment for now, as a stopgap until such time as there are concrete agreements in place.

**Amy Kabilian, 7 Kipling Road.** She and her neighbors have been fighting this since April and is one of two who took up administration on a site visit. This negatively affects this neighborhood. They will still have a now legally nonconforming structure. If the change happens and the amendment is passed, they will turn on 611, cut down 99 trees, with no requirement to install SLBT, without restrictions on height or content. All of the issues have been saddled into their neighborhood, and they gain nothing. Their neighborhood is encompassed within the light radii for both billboards. Some of the people asking for a repeal are the same ones who came to support it to gain conservation land. She urged that they not support it.

**Ken Ryder 1062 Commercial Street** –One of the alternatives is Finnell Drive. He donated 50 acres of wooded land when this project was done. He asked if this land was considered. Vice President Mathews responded that it has not been considered.

**Peter McClary, Cove Outdoor-** responded to Mr. Ryder’s suggestion. The town has already taken it under Open Space as a park. Billboards have to be 300 feet from a park. This is not a solution

**Kathy Delaney, 52 Belmont Street,** and directed to Councilor DiFazio- he didn’t think Century Road would have the highest impact? They don’t want billboards anywhere. A number of neighbors impacted is more than double anywhere else. She appreciates the concern, but to take a problem and move it to another neighborhood is not a solution. An impact study was requested. Was it done prior to the agreement? Solicitor Callanan responded no; it was received after.

**David McCarthy –600 Justin Drive** –He biked to the area to check it. At Finnell Drive, hundreds of homes will be affected, and he named the streets that all sit on hills and will have an unimpeded view. He noted they don’t want a billboard in Tirrell Woods either.



**Sean O’Keefe, 47 Belmont Street**- He asked if any health studies were conducted that show long term exposure to light emitted from billboards? Vice President Mathews responded that they asked for it in an October meeting, but they have not seen anything yet. Mr. O’Keefe responded that since it is already permitted, the only way they can do anything is if it is related to a health issue. He is willing to pay higher taxes to get rid of the billboards.

**Ruth Pacino 34 Kipling Road** –she resides at the top of Kipling. The billboards are shining over her property always. If this passes, 611 is grandfathered. They made a mistake, but it needs to be corrected. It’s not fair to pit neighborhoods against each other.

**Lewis Cameron, 65 Belmont Street** –His home is the highest elevation in all of Weymouth. A portion of the existing billboard faces towards the highway. He does not want to see a billboard there or on Pleasant St. it is a mess, it faces directly into the neighborhood.

**Liz Hoyt, 200 Justin Drive**-she urged they fix what needs to be fixed. How did they pass an override for schools and then allow something like this that will devalue property?

**Brian Christo- 51 Belmont Street.** – He stated that billboards are cheapening Weymouth. Wetlands were donated to South Shore Hospital and now they are talking 40B. He urged litigation; pay them off; don’t allow billboards that harm the community.

**Alison Dawson, 56 Belmont**- She expressed her bewilderment as to how we got to that point. Was the Town Council supposed to be involved? There was also anecdotal evidence that the Mayor was confused the first time he saw the board lit. Or did someone go rogue? Were they ever supposed to be involved?

Vice President Mathews responded that an ordinance zoning change was proposed along Routes 53, 18 and 3A and a billboard overlay district was added to it by the administration. Once it was voted, the Council never saw or negotiated the agreement. They didn’t see it until 2019. They were not part of the negotiation of the contract.

Ms. Dawson asked if they saw the word “electronic?” Vice President Mathews responded that the language was in the zoning. When he voted for the zoning change, he was under the impression that SLBT, elevation, etc. were to be included. They have been working on this for months. Ultimately it is up to the Mayor. The Council has no jurisdiction. The agreement lacked details and protections to the neighborhoods. Ms. Dawson responded that even though we think we have this democracy, it’s left to two individuals. Vice President Mathews responded that Weymouth has a strong mayoral form of government; this was not in the council’s jurisdiction. Ms. Dawson responded that it is disappointing to her to learn the council cannot fix what a few parties were responsible for and embarrassing that Weymouth will be the example of what other towns should not do when considering purchasing billboards.

**Ed Palmer 93 Century Road** – He can see the light in his bedroom window. His concern is that repealing the zoning now will limit the options to taking 611 down. He urged they work up to a repeal after 611 comes down.

**Beth Ann Packard, 80 Century Road** –she noted she was never informed until after the billboard went up. It was poorly planned and poorly designed since once the trees had leaves they blocked the views. Cove agreed to turn it off. The solicitor has explained how difficult it will be to remove; so why was it negotiated? Residents don't want the electronic billboards in this town. That is costs money to remove infuriates her. Had the officials done their homework this would be a nonissue. This contradicts all the good work done in town. Advertisers will not get support from these neighbors.

**Steve Dirksmeier - 200 Justin Drive** – he suggested that once the board is permitted the town is stuck with them forever. The risk is being stuck with more billboards. Permitting additional boards to get rid of ones they already have is ludicrous. He is an engineer and he urged they be incredibly skeptical of the proposed light blocking technology until you see it work.

**Richard Meyers 27 Kipling Road**- He asked a question on the contract- did this one go through a procurement process with language to protect the town. How did this one with potentially millions of dollars of revenue get approved? Don't they have a procurement office? Didn't they go into an agreement as an entity; shouldn't there have been something in place to protect the town? The Vice President deferred to the solicitor. Solicitor Callanan responded with his procurement contract experience. He built in measures in this one so the contract was not easily broken by either party, deliberately. He didn't want Cove to be able to breach it. For this one, one can only be sued for enforcement- "scorpion in the bottle" provision. This was not a poorly drafted agreement, and developed intentionally with no out. Cove is also stuck; they don't want it as the terms are onerous to them. the revenue is split three ways; ten times as much as what Clear Channel offered. Mr. Meyers suggested better terms in the future.

**Robert Delaney, 52 Belmont Street**- directed his comments to the solicitor, since he claims to have drafted an agreement that benefitted the town. In the agreement it states, and he quoted:

*"Condition precedent to any litigation  
if a disagreement arises or relates to this agreement or the services performed  
and as a conditioned precedent to the commencement of any litigation between  
them, all parties agree to attempt to resolve any disagreement through direct  
negotiations between senior representatives of each party. Further, if direct  
negotiations do not resolve the disagreement, all parties agree to consider using  
mutually acceptable nonbinding and/or binding alternative dispute resolution  
means to resolve any disagreements without litigation. if alternative dispute  
resolution does not resolve the agreement, the party initiating the litigation shall  
bear the expense of all parties related to any litigation the party initiates."*

He also noted that Finnell is a non-conforming site that requires a waiver from the state, so any reference in the agreement doesn't apply. It is not a done deal. How can it be presented as an alternative if it hasn't been presented to the state? Solicitor Callanan responded that they have been assured a waiver would be presented if it was applied. He also noted that an arbitrator is not necessary. Mr. Delaney responded that as at a party to the negotiation, it does not appear to be working. An uninterested third party should be considered. How can they be assured if it has not been presented yet? He also asked where the \$15 million figures came from? Was it Cove? The

solicitor responded yes. Solicitor Callanan responded that the figures are projections. The figures Councilor DiFazio had requested were actuals. The figures the town auditor requested were around areas not permitted in the agreement (credit worthiness of the entity). The only expenses incurred are construction costs, which are not part of the agreement. Audit provisions only entails the fair share of the revenues. In order to arrive at revenue, the billboards have to be operated. The numbers quoted were what Cove would expect to get in a trial. Cove has provided numbers and they are the same as what is in the Agreement. Mr. Delaney asked for a non-binding arbiter to provide a fair number. In the minutes of the state hearing, there is no statement by Cove about removing trees along Route 3. Based on their experience, they are as culpable and should share in the costs.

**Kathy Swain, 134 Mill Street**- she noted that the billboard in Abington was there before the condos and houses were built. Billboards in North Weymouth are static and have been there 40 years. You can't compare them to this. She spoke with John Romano at the state level. It's the local authority's responsibility when applying for permits. The town lied to the state when they filed the permit.

Finnell is another issue. She reported that the agreement was broken in several areas:

700 - 303 and 307- *Any action that adversely impacts health and safety... is not in harmony with the surrounding area ... would do significant damage to the visual environment..*

Now the billboard is up. The problem is that the town lied when they applied for the permit. It isn't the state's fault they have this permit. *No permit shall be granted if the area that is not deemed to be business; 307 b no permit shall be granted if the sign area that is predominantly residential, agricultural, open space or natural area.*

When the Mayor asks for the exemption for Finnell, he is lying. He shouldn't be asking for the exemption because he's putting everyone at risk.

**Robert Delaney** – He asked would it be possible to ask for a charter violation to review the process? Vice President Mathews responded that the Council would respond to a request in writing.

A motion was made by Councilor Molisse to close the public hearing on measure 19 109 and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

A motion by Mr. Rotondo and seconded by Mr. Berg to close the public hearing on behalf of the Planning Board. UNANIMOUSLY VOTED. The Planning Board will reconvene to the Kelly Room to discuss possible action.

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

### **19 110-Deeds in Lieu of Foreclosure**

Solicitor Callanan requested on behalf of Mayor Hedlund that the Mayor of the Town of Weymouth is authorized, in accordance with Chapter 60, §77c of the General Laws of the

Commonwealth of Massachusetts and the MA Department of Revenue I.R.G. No. 02-206, to accept a deed in lieu of tax foreclosure for the following properties currently in Tax Title:

Owner's Name	Map-Block-Lot	Assessed Value	Taxes Due
South Shore Holdings Ltd.	42-497-035	\$222,300.00	\$62,165.45
South Shore Holdings Ltd.	42-497-047	\$35,900.00	\$11,622.45

Further, that the Council approves of the Town deeding Parcel No. 42-497-047, 0 Jordan Drive, for conservation purposes for the preservation and protection of a public water drinking supply and Parcel No. 94-497-035, 0 Jordan Drive for general town purposes, as it is an unbuildable lot.

A motion was made by Councilor Molisse to refer measure 19 110 to the Budget/Management Committee and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

**19 111-Safety Zone (20 Mile Per Hour Speed Limit) on a Portion of Pleasant Street**

Solicitor Callanan requested on behalf of Mayor Hedlund that the Town of Weymouth, through Town Council, pursuant to G.L. Chapter 40, §22, and Chapter 90, §18B, and the Town of Weymouth Code of Ordinances, Section 13-104(a), authorize the placement of markings and signs regulating motor vehicle movement as follows:

Safety Zone, Speed Limit 20 Miles per Hour	
Street	Location
Pleasant Street	Between Torrey Street and a point 270 feet southwest of Chauncey Street

And cause the above restriction to be listed in the Town of Weymouth code of Ordinances, Chapter 13, Regulations Affecting Motor Vehicles, Attachment 1 – Appendix A under Schedule V, Safety Zones.

A motion was made by Councilor Molisse to refer measure 19 111 to the Ordinance Committee and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

**19 112-Traffic Regulation – Bus Stops, New Bus Route 226**

Solicitor Callanan requested on behalf of Mayor Hedlund that the Town of Weymouth, through Town Council, pursuant to G.L. Chapter 40, §22, and the Town of Weymouth Code of Ordinances, Section 13-106(a), authorize placement of markings and signs regulating motor vehicle movement and parking as follows:

Bus Stop		
Street	Side	Location
Columbian Street	Southwest	Between points 55 feet and 155 feet southeast of Burton Terrace
Washington Street	Southwest	Between points opposite Prospect Street and 55 feet to the northwest
Washington Street	Southwest	Between points 120 feet and 170 feet southeast of Richmond Street

and cause the above restrictions to be listed in the Town of Weymouth Code of Ordinances, Chapter 13, Regulation Affecting Motor Vehicles, Attachment 1, Appendix A under Schedule VII, Bus Stop.

A motion was made by Councilor Molisse to refer measure 19 112 to the Ordinance Committee and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

## **REPORTS OF COMMITTEES**

### **Ordinance Committee-Chair Ken DiFazio**

Councilor DiFazio reported that the Ordinance Committee met on November 7 and 12, 2019 and deliberated the following measures:

#### **19 097-Traffic Regulation- Bus Stop, Summer Street/Harland Road**

The measure was referred on September 3, 2019. The Committee met on September 23 and November 7, 2019 and voted to forward to the full Town Council with a recommendation for favorable action, pending a favorable public hearing. A public hearing was held on October 7 and continued to October 21, 2019.

Vice President Mathews reported that changes were made by the MBTA to the location of the bus stop since the measure was drafted, that moved the location back to the original site and therefore, the administration formally requested the measure be withdrawn.

### **Route 3 Billboards**

#### **19 109-Amendment to Zoning Ordinances-Billboard Relocation Overlay District-Citizen Petition**

The measure was referred on October 21, 2019. The committee met on November 7, 2019 and will meet again on November 14, 2019. A public hearing was held on November 12, 2019. (The 11/14 meeting will take place in the Kelly Room because the chambers were committed to others.)

## **NEW BUSINESS**

### **Resolution in Opposition of Proposed 40B Project for Edison and Hyde Streets/Idlewell Village- Councilor Maureen Kiely – Action Requested Under 2-9(b)**

Councilor Kiely read the resolution into the record:

DRAFT

RESOLUTION IN OPPOSITION TO PROPOSED 40B PROJECT KNOWN AS IDLEWELL VILLAGE CURRENTLY UNDER REVIEW FOR EDISON AND HYDE STREETS

*WHEREAS:* The Town Council has historically supported the development of housing and in particular affordable housing, by the approval of zoning changes, to promote the development of high density, multi-unit housing, where appropriate in the Weymouth Landing, commercial corridors and in its Village Centers.

*WHEREAS:* The Town Council has approved the Town’s Housing Production Plan which outlines goals, strategies and proposed locations to produce affordable housing. Through these efforts, the town has produced over 500 units of housing in the past five years and has achieved a Housing Choice Community Status.

*WHEREAS:* The Town Council expresses its opposition to the proposed 40B development, known as Idlewell Village, located on Edison and Hyde Streets for the following reasons:

1. The site is comprised of a wooded area that provides water quality protection and a wildlife habitat within a single family neighborhood
2. The site is located within Weymouth’s Watershed Protection District
3. The site is prone to flooding and the runoff affects several basements in abutting neighborhoods; which will increase with the development of impervious roads and the treatment of storm water runoff is not addressed
4. Improvement to the existing water main network will be required
5. The existing sewer main currently has insufficient capacity, which raises concerns that additional sewer flows will result in sanitary sewer overflows
6. The existing Hyde Street right of way is variable and the minimum is insufficient to construct a roadway that could accommodate emergency vehicles, sanitation trucks, and large delivery trucks
7. The roads are not an adequate width to provide curbing/berm and a sidewalk
8. The existing crest of Hyde Street does not provide safe sight distances, and would require a significant alteration of the existing grades
9. The development does not have adequate space for emergency vehicles due to high building density and minimal parking will lead to problems with snow removal and responding to these units
10. The development does not have an appropriate location for residents to place garbage barrels curbside or have adequate dumpster areas
11. The development has parking within the footprint of the building, requiring the need for sprinklers
12. The developer has a history of disregarding wetlands and zoning laws and has shown a lack of response to remediate these damages

*BE IT THEREFORE RESOLVED:* That in light of the aforementioned, it has been determined that a development of this density is clearly in conflict with the character of single family homes which comprise the Edison/Hyde Street neighborhood

*BE IT FURTHER RESOLVED:* That the Town Council advocates that the developer withdraws his application

*NOW THEREFORE:* On today, 12 November 2019, the Town Council of Weymouth urges our state and local officials to deny said permitting of the proposed 40B project, known as Idlewell Village, as the adverse impacts would result in public safety, quality of life and environmental consequences.

A motion was made by Councilor Molisse to consider action under 2-9(b), (same night action) and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

A motion was made by Councilor Kiely to adopt the resolution in opposition and was seconded by Councilor Molisse.

Councilor DiFazio urged the council to support the resolution. The town currently qualifies for Safe Harbor under 40B under the land mass calculation. This is not a good site in which to place 67 units, in a residential neighborhood. This site in District 2 abuts District 3. As early as April of this year, this developer and the town negotiated in good faith for this parcel. At one point, they were negotiating for 4 residential houses and for the proponent to sell a major part of this property back to the town to be preserved for open space. They were very close to agreement that didn't include a 40B component. Without any notice, the proponent left the bargaining table, and has now submitted an application for a 40B permit. He believes this was done out of spite to the town. Councilor DiFazio read a timeline of violations history by Ryder Development:

Date	Violation	Site
Early 2018	1147-1153 Main Street	In taking of Ryder property on Main St (Rt. 18) for road widening, state realized an existing violation of wetlands on Rt. 18 across from entrance to Union Point
August 1, 2018	Unpermitted demo & illegal dumping- burial of a dumpster full of demo materials	345 Ralph Talbot St.: Demolition of the existing structure without a demo permit followed by illegal burial and disposal of a dumpster; denied for weeks until admission later
October 12, 2018	Violation of Stop Work Order	48 Hyde Street: while under prohibition for receiving a building permit due to unpaid Town property taxes, violated Stop Work Order on property Ryder was renovating on Hyde St.
October 22, 2018	Illegally buried dumpster unearthed	After a series of numerous abutter reports, Ryder Construction was

		compelled to unearth and remove the illegally buried dumpster
November 5, 2018	Work without a Permit	35 Hyde St.: replacement of windows and siding while working without a permit and under permit restrictions for tax lien
June 21, 2019	Cease and Desist order issued: Damage to Conservation land at King Oak Hill Park	827 Commercial Street & King Oak Hill Park (Emery Lane): Ryder's dumpster company illegally cut trees on conservation land to access a new property he is developing at 872 Commercial St.; Ryder required to replant trees, clean up ruts and damage
June 25, 2019	Cease and Desist Stop Work Order Issued	720 and 726 Pleasant St.; work within 100 ft. of a stream in violation of the Wetlands protection Act; granite block wall within 50 ft. of wetlands without Conservation Commission approval
September 4, 2019	Dumping of blasted ledge into wetlands on Mutton Ln.	Letter from DEP. Failed to file letter of intent with Conservation Commission to bulldoze boulders blasted from upland ledge into neighboring wetlands below. Incident currently under review by DEP
October 3, 2019	Cutting down of tree on private property owned by Potter Family	49 Narragansett Ave.: Ryder hired tree work company to cut trees on Hyde St. and Edison Sts.; the company gained authorization from Ken Ryder to cut a tree on the Edison St. private way easement owned by Potter Family
November 10, 2019	Working during unpermitted construction hours	660 Broad Street: Ryder had a small crew laying bricks in the front building of the Broad St. property on Sunday morning outside of permitted construction hours for the project

There is a complete history of violations with this builder, and he urged his fellow councilors to support the motion as well as to submit individual rebuttal letters on behalf of the council to Mass Housing before this Friday. UNANIMOUSLY VOTED.

## **ADJOURNMENT**

The next regular meeting of the Town Council has been scheduled for Monday, December 2, 2019. At 10:29 PM; there being no further business, a MOTION was made by Vice President



Mathews to adjourn the meeting and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

Attachments:

1. Weymouth Digital Billboards: Proposals for Potential Mitigation, in Power Point presentation
2. Memo from Cove Outdoor LLC

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Arthur Mathews as Acting President of the Town Council.

Voted unanimously on 16 December 2019