

**TOWN COUNCIL MINUTES
Town Hall Council Chambers
November 18, 2019, Monday**

Present: Michael Smart, President
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

Also Present: Robert Hedlund, Mayor
Ted Langill, Chief of Staff
Kathleen Deree, Town Clerk
Joseph Callanan, Town Solicitor
Robert Luongo, Director of Planning
John MacLeod, Director of Asset Management
Steve Reilly, Director of Recreation

Recording Secretary: Mary Barker

President Smart called the meeting to order at 7:31 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with all members present. President Smart thanked everyone for the cards and well-wishes, and especially Councilors Mathews and Molisse.

ANNOUNCEMENTS

Councilor Molisse announced the Massachusetts Commission on Status of Women will sponsor a public hearing on women's issues, Thursday, November 21, at Weymouth High School, 5:30 PM.

Councilor Harrington announced the Town of Weymouth's annual Christmas Tree Lighting will take place on Sunday, December 8, 2019, from 5-7 PM at the town hall.

MINUTES

Ordinance Committee Meeting Minutes of November 7, 2019

A motion was made by Vice President Mathews to approve the minutes from the November 7, 2019 Ordinance Committee meeting and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

19 107- Rezoning Request for the Historic Mill Overlay District, joint with Planning Board

A motion was made by Vice President Mathews to open the public hearing on measure 19 107 and was seconded by Councilor Molisse. This was advertised on October 30 and Nov 6, 2019. UNANIMOUSLY VOTED.

Chair Sandra Williams called the Planning Board to order. A motion was made by member Mr. Berg to open the public hearing on measure 19 107 and was seconded by Mr. Rotondo. UNANIMOUSLY VOTED.

Planning Director Luongo presented the measure with Principal Planner Eric Schneider. An overview was provided by Mr. Luongo with a Powerpoint presentation. This is a proposed Overlay District; the underlying zoning remains.

- George E Keith Co., built 1907-08
- Wharf Street Vicinity
 - Francer Industries (one of last two shoe factories in town –other Stetson) zoned I-2
 - Danubio Industries zoned I-2
 - Supreme Energy zoned I-2
 - Francer Open Space zoned I-2
 - One private residence zoned R-1
 - Osprey Overlook
 - E W MBTA
 - Lovell
 - Legion Field
 - King Oak Hill Park
 - Libbey Field
 - Chapman School
- Historic Mill Overlay District –
 - Purpose and Intent
 - Protect existing residential neighborhood from a potentially undesirable future use
 - Protect the investment of existing industrial property owners
 - Incentivize historic presentation and adaptive reuse of mill building
 - Capitalize on site’s proximity to MBTA Commuter Rail and Osprey Overlook Park
 - Key features
 - Any residential proposal would require a special permit through the BZA
 - Any residential proposal would also require administrative site plan review
 - Proposals to restore and reuse the existing Francer building would be allowed to replace up to 25% of the total square footage
 - Removal and remediation of existing incinerator is a prerequisite to redevelopment

Mr. Luongo reported that the town would like to see the incinerator removed from the site. It has to be either encapsulated or removed. John MacLeod provided some background. An engineering structural study was contracted. The structural study for the stack was done and demo part of the study will begin after Jan 1. They will put out an RFP for stack for communication use (lease payment w/large upfront payment that could be used to fund removal). It would likely be a bond issue to extend the cost over a period.

President Smart asked if the tower will be taken down. Mr. MacLeod responded no--it will be continued to be used as a revenue source. President Smart responded that it looks terrible. Mr. MacLeod responded that the successful respondent would be required to rehab and maintain it. President Smart responded that surprised him; not that long ago, they talked about taking it down. Councilor Molisse asked if there are current contracts on the antennae? Mr. MacLeod responded yes.

- Design Guidelines

- New structures and additions to the historic building shall relate to the pedestrian scale by including appropriate architectural detail along the ground floor of all facades that face the streets and pedestrian spaces
- External building treatments shall relate to and be in harmony with the surrounding historic structure
- Continuous lengths of flat, blank walls adjacent to streets and pathways are to be minimized
- For visibility and accessibility primary building entrances shall be located on a street frontage, to the extent possible
- For parking located to the rear of side of the building, entrances to the building are to be visible and accessible from the parking lot
- Any alteration to the existing historic structure shall use materials, colors and textures, massing, size scale and architectural features that are compatible with the original structure. Distinctive features, finished and construction techniques shall be preserved. Any awnings and canopies

Uses:

- Adaptive reuse and site redevelopment
- Multi-family residential use
- Opportunities for affordable housing
- Opportunities for additional public access to Osprey Overlook Park and connections to the Back River Trail, commuter rail station
- FAR 35 – rough calculation=40 units
- Other properties- not exceed 3 stories, 3.0 FAR- density scale
- Parking – studio and 1BR= 1.5 sp / 2 BR=2 per unit

Councilor DiFazio reported that he was invited to participate in the process. He is enthusiastic about the possibility of a piece of land in close proximity to Osprey Overlook Park and within walking distance of the MBTA – and happy it includes a special permit and a higher scrutiny level. It was illustrated with the widespread notice. Mr. Luongo responded that they held a community meeting a year and a half ago with the immediate residents. In October, 400-450

letters were sent to residents in vicinity of the overlay area inviting them to a meeting at Chapman for public input. They mailed out a draft of the proposed zoning. He knows there are issues with traffic on East Street and the Town Engineer will look at this with WPD, in terms of speeding, the intersection, truck traffic, and suggest ways to make East a safer street. Capacity issues with Wharf Street will also have to be addressed.

Councilor Heffernan added that there are also issues with the MBTA. Even in initial stages, they let MassDOT know that the train capacity will have to be addressed.

Vice President Mathews asked about the other two owners- Danubio and Supreme- and if they had any comments. Mr. Luongo responded that they were concerned that they maintain their underlying rights.

Vice Chair Mathews asked if there are any current contracts in place? Mr. Luongo responded that no one has come forward, although they have had some look at it. President Smart asked if the mayor or solicitor have met with any interested parties or neighborhood groups? Mr. Luongo responded that if a developer comes forward, he would have to meet with the residents. Solicitor Callanan responded that he has not had any meetings.

Mr. Berg asked if there is linkage with the incinerator project? Mr. Luongo responded that there is a stipulation that no residential development can take place unless the incinerator comes down. A developer could lease some of the incinerator land to create additional Osprey Overlook Park parking. (It's a capped landfill and can't be developed.) There is no linkage. The vacant land in wetlands can be negotiated for conservation purposes. Mr. Berg urged that the building be restored; maintain at least 75% of the original structure; this is one of the last mill buildings in town. The expectation is to restore it. It's an important consideration; keep the scale of the original façade. It should have been preserved. Ms. Williams noted that without the overlay zoning, a developer could come in and, by right, use it for heavy industrial. President Smart asked for confirmation that the property owner doesn't lose that right with the overlay. Mr. Luongo confirmed that is correct; it was a concern with Supreme. Councilor DiFazio noted the incinerator building would come down, but not the stack (as the tower is used as communication). Mr. Luongo referred them to the tower in the parking lot at Hingham Shipyard. The lot was built around the stack. The incinerator has nothing to do with the overlay zoning. It's unlikely the incinerator will stay in place; it's not an incentive to residential development. It will have to be removed or encapsulated. Nothing residential will happen without this assurance.

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

Robert Montgomery Thomas, 20 Humphrey Street- reported that on January 14, 2018, Weymouth Town Council approved a Housing Production Plan, which requires them to meet a requirement of low income/affordable units. He asked where the provisions are for low wage earners, over 55 senior, disabled, or those on a wait list for affordable housing. He suggested temporary modular housing until the Lake Street development is complete. President Smart responded that they do not have a developer or plan at this time. Mr. Luongo noted they could discuss; there is no inclusionary zoning. Vice President Mathews asked that they include a

specific set-aside for affordable housing that would help the town going forward, with an age restricted, affordable or senior housing component.

Debra Caldecott, 22 Sumner Road- asked about the access road. It's overgrown. What is the plan; would it be a main access or secondary road? Mr. Luongo responded that it would be up to a developer to pose a workable plan and listen to the neighborhood. He would encourage the use as an access road. She also noted that Francer industry is quiet; what restrictions are there in place today? Mr. Luongo listed those that are allowed by right; restaurant, cafeteria, dry cleaning, and others that can be restricted by right; uses by special permit, can be conditioned. She asked if there are traffic restrictions? Mr. Luongo responded no- citing this is one of the dangers and impacts would have to be looked at with a traffic study.

Mr. Condon, 17 Sumner noted he is the largest abutter. Does council have any idea what the Francer family intends to do with the property? Mr. Luongo responded that Mr. Francer is present but may not want to speak to it. There are so many variables for usage. What plan does the town have to formalize the sale? Mr. Luongo responded that zoning is a tool to encourage that the town feels is appropriate, but not control over the purchase and sale. It is dependent on the market to determine if the conditions are correct.

Louise Targerica 29 Wharf Street reported that she has just purchased the property and she is new to town, and supports the proposal. They are concerned with the traffic. She is grateful there will be guidelines and thanked the town.

Gail Spring 527 East Street asked if there is anything to protect from one monster development if a developer were to buy all three properties together. Mr. Luongo responded that the zoning is different for the Francer property and the other three and density will restrict the uses.

Robert Montgomery Thomas asked Mr. Luongo if there is the possibility of 10% affordable housing with 100 units. Mr. Luongo responded that it is not 100 units. Where are the other 417 – 427 housing units for those of low-income status. He noted the affordable income thresholds. Mr. Luongo responded that inclusionary zoning is not the mechanism to get to the required number of (10%) affordable. 1.5% land is to be set aside. This town council and the mayor are permitted to providing affordable housing. Inclusionary zoning is not meant to get up to that number, but to meet some of the need. You can't meet the need in one project. Elderly housing will be considered under the mix. Ms. Williams noted point of order that this subject is not pertinent to the issue. Ms. Williams called Mr. Thomas out of order.

Dan Riley, 21 Sumner Road- 25% demo/rebuild; is there any assurance if the building is restored, can it be knocked down up to 25% and can they build on either attached to the building or as a separate building. Mr. Luongo responded that if the building is restored, 25% could be knocked down and rebuilt. It could be attached or a separate building. Mr. Riley asked if the incinerator comes down, could the land there be developed? Mr. Luongo responded no; it can be used just for parking spaces for park uses. They'd like to see if the developer could create additional parking. They will see if NGID could remove the existing easement that feeds up Sumner Road. Mr. Riley asked for a clarification. Any townhouses would have a 3-story maximum height? Mr. Luongo responded the maximum is 3 and 40 feet. The residential

building on the corner was not part of the original plan, but the owner came to them and asked to include it. Mr. Riley asked what would prevent additional properties from being included? Mr. Luongo responded that this is the proposal. Mr. Schneider responded that anyone else who comes forward would have to go through the same process.

Robert Montgomery Thomas- asked Mr. Luongo to commit in writing that they are willing to devote 10% affordable at 30 or 60% AMI and at least 3 units for disabled? President Smart noted that Vice President Mathews has asked the Planning Director to look at including requirements. There is no development proposal at this time. Mr. Montgomery Thomas asked for a commitment in writing. President Smart noted that it will be taken under advisement.

A motion was made by Vice President Mathews to close the public hearing on measure 19 107 and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

A motion was made by Mr. Rotondo (Planning Board) to close the public hearing on measure 19 107 and was seconded by Mr. Berg. UNANIMOUSLY VOTED.

A motion was made by Mr. Berg to adjourn the Planning Board meeting and was seconded by Mr. Agnew. UNANIMOUSLY VOTED. Ms. Williams noted the Planning Board will reconvene as a public meeting in the Kelly Room.

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

19 113-Fiscal Year 2020 Tax Classification

On behalf of Mayor Hedlund, Solicitor Callanan requested that the Town of Weymouth approve a Classification Tax Rate Shift of 1.45 for commercial, industrial, and personal property taxes with no residential exemption for fiscal year 2020.

A motion was made by Vice President Mathews to refer measure 19 113 to the Budget/Management Committee and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Ordinance Committee-Chair Ken DiFazio

Councilor DiFazio reported that the Ordinance Committee met on November 12, 2019 and provided an interim report on the following:

Route 3 Billboards

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

Councilor DiFazio noted that at the Town Council meeting on November 12, 2019, a joint public hearing with the Planning Board took place and was closed with regard to 19 109 requesting revocation of the overlay ordinance. since then, the planning board continues to deliberate. The town council cannot vote until the report/recommendation of the planning board or 21 days without the submission of that report. Town Council can then take action- adopt, change by 2/3 vote. The Ordinance Committee awaits the Planning Board's recommendation.

The administration continues to meet with the residents and Cove.

Councilor DiFazio read a memorandum dated 11/13/19 to the Weymouth Town Council and Planning Board into the record:

"Thank you for allowing Cove to hear the feedback from the Town Council and town residents regarding the billboard development plan. From the Town Council meeting on Tuesday, November 12, 2019, it is clear that the input from the town officials and residents to this point has failed to agree on a consensus and has not given Cove any direction as to how Cove may mitigate the impact of turning on the lights at 611 Pleasant Street and building the 613 Pleasant Street board. Cove and the town administration have worked to offer a number of proposals that will allow Cove to exercise its rights to develop and operate two double-face billboards and to consider the unintended impacts on the neighborhood west of 611 Pleasant Street through mitigation. Cove gave a commitment that the lights at 611 will be kept dark through November 18, 2019. It appears that where this situation is now, Cove will follow through with its plans to turn on lights at 611 and develop 613. With that, and in the absence of any consensus, and direction from the town on neighborhood mitigation, Cove would do the following;

- 1. On Tuesday, November 19, 2019, Cove will reengage the lights at 611 Pleasant Street.*
- 2. Cove will exercise its MassDOT permit to trim, prune, and/or cut trees at 611*
- 3. Cove will file for its building permit for 613 Pleasant Street and begin the building process for it.*
- 4. Cove will abandon plans to swap a set of permits from 611 or 613 Street for permits to build a single pole, double-face billboard at Zero Finnell Drive.*
- 5. With this, Cove will cease negotiations with the Finnell Drive landowners to have 42 acres donated to the town for consideration of a single pole, two-face billboard to be built on the Zero Finnell Drive location.*
- 6. The Finnell Drive landowner will be free to develop the property to the fullest extent permissible by law and regulation, sell it to the town, or donate, if he so chooses. Cove will not be part of this negotiation.*
- 7. Due to the decreased sale value of the boards and the loss of revenue, compounded with monthly costs due to sales inactivity on the 611 board since the board's construction, the one-time monetary payment to the town from Cove is diminished.*
- 8. Cove will build out the 613 billboard and begin advertising operations on it as soon as possible.*
- 9. As a courtesy, Cove will install sightline blocking technology at the new 613 board. Cove will also take down the current faces at 611 and replace these with sightline blocking technology. If the Town Council and town administration come to an agreement or consensus for another billboard development proposed before 611 tree cutting and 613 construction process begins, please let me know as soon as possible. "*

Councilor DiFazio finalized his report noting that the Ordinance Committee has a meeting scheduled for next week (possibly Monday) to continue deliberation. President Smart requested that the Ordinance Committee request the mayor be present at the next meeting. There have been a number of meetings held without including the council, at the prerogative of the mayor. It's important to get accurate information from him before making a decision. Several residents have asked to come in again and speak since the close of the public hearing; he would like to get an update from the mayor in order to make an informed decision.

ADJOURNMENT

The next regular meeting of the Town Council has been scheduled for Monday, December 2, 2019. At 9:06 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.

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Michael Smart as President of the Town Council.
Voted unanimously on 16 December 2019