

**TOWN COUNCIL MINUTES  
ECONOMIC DEVELOPMENT  
Town Hall Council Chambers  
December 6, 2018, Thursday**

Present: Ed Harrington, Chairman  
Chris Heffernan, Vice Chairman  
Fred Happel, Councilor  
Brian McDonald, Councilor

Absent: Rebecca Haugh, Councilor

Also Present: Ted Langill, Chief of Staff  
Richard Swanson, Town Auditor  
Joseph Callanan, Town Solicitor  
Robert Luongo, Planning Director  
Jeffrey Richards, Director of Building

Recording Secretary: Mary Barker

Chairman Harrington called the meeting to order at 6:35 PM.

**Issue-Hyde Street Development Code Enforcement**

This matter was referred to the Economic Development Committee on November 13, 2018, and in response to a citizen complaint about permitting issues with a builder. Chairman Harrington noted his reluctance to take up the matter in committee; he submitted a list of questions for the administration's response. Mr. Langill, Richards and Luongo were invited to the table. He reviewed their responses and a discussion took place during the review. (Vice Chairman Heffernan arrived at this time; 6:36 PM.)

1. The number of buildings in Weymouth - 22,000
2. How does the Building Dept. know if unpermitted work is being done? Mr. Richards responded that there are a number of ways; police and fire personnel are regular reporters. Are there a lot of incidences? They typically hear on an average of one from police and 2 from fire departments each week.
3. Number of inspectors - 1.5 per type and administrators, who are also in the field.
4. Mr. Richards noted he was also out in the field

5. The typical number? 1 commissioner and 2 inspectors.
6. Number of permits open now? Mr. Richards responded 1200; some are extended past 10 years and some in continuous programs (e.g. South Shore Hospital)
7. Are they renewed occasionally? Yes, continually
8. If plan involves a change of scope, then reissue fees are based on changes.
9. Walk-through permitting process:
  - a. fill out permit application
  - b. zoning reviewed internally
  - c. planning review- ensure built to current standards
  - d. pricing
  - e. DPW review
  - f. Conservation
10. Disparity of building permit costs and ranges in estimations for 2 baths and kitchen renovation with different valuation changed for properties. Mr. Richards responded there are 2 methods- contractor- actual contract with dual signatures and fee based on contract amount. The second is homeowner detailed scope- issue permit based on that estimation
11. Disparity is because a homeowner would only apply for permitting for the portion being done. It's not soup-to-nuts like a contractor. Could be a wide range in pricing for the same amount of work. Chair Harrington asked if there are standard estimates? With a contract with contractor, there is no control over what the work is. Just that scope of work is correct. Issues arise when there is a discrepancy on the contract. The chair asked how difficult is it to pin down a real cost? Mr. Richards responded that contractors generally know what costs are involved. The cost of added value would be noted in the assessment.
12. Properties in question- 6 of them. Does the administration have any knowledge that Mr. Ryder performed work without the proper permitting?
  - a. 48 Hyde- stop work order was issued to keep the contractor from doing more than would be allowed by permit. (Permit was not required for the work being done at that time). Later, a permit was issued and no violations were noted. No penalties were issued. How was it reported that work was being done? A resident complained and an inspector was sent out. They were

not exceeding the permit and the intent was to prevent further water penetration. It was noted that the house was unoccupied.

Chair Harrington asked at some point was it determined they were exceeding the limits, and a stop work order was issued? Was the department instructed to not issue any permits by Planning dept. stagger? What happens with the stop order? The contractor's attorney was going to give it to the owner.

Councilor McDonald asked what the penalty is for not abiding by the stop order? Mr Richards responded that if work was not stopped as required, the contractor could be fined \$1,000 per day and is assessed by the court. There was no need to assess penalties.

Vice Chairman Heffernan asked Mr. Richards to clarify that the attorney was the receiver of the stop order. Mr. Richards responded yes. Was it receipted? No. They verbally heard. Chair Harrington asked if the work continued after the order was issued? Not work that was under the stop order. The work that continued was permissible without a permit.

Councilor Happel asked the difference between building and occupancy permitting and what work continued. Mr. Richards responded that it included power termination, plumbing removal, site and drainage work water and water service line repairs (by DPW at the request of our Water Department and loading of materials (the contractor is allowed to load materials but not install).

- b. 35 Hyde- in violation of CMR and a double fee assessed (window of permit). They tried to get finished before permit issued and owner was instructed not to do any work that required permit and did so anyway. Since then, were pulled permits to continue? Yes.
- c. 726 Pleasant - permit issued in August- no violations or stop orders issued. Was a permit displayed on the job? Ongoing construction - was it posted? Mr. Richards responded that he was not aware. He reviewed; one permit was issued.

Chair Harrington asked if there is a penalty for not posting? Mr. Richards responded that they don't typically see them posted. If so, it's usually in the window. Most people post if doing work, but this was a total restoration. Chair Harrington noted that if a constituent were to go by and not see permit, (s)he might assume it was not posted? Mr. Richards responded that the permit is paper; it can easily disappear in the course of construction work. Chair Harrington suggested it would be a good idea to make sure permits are better posted.

- d. 345 Ralph Talbot- a permit was not issued until the negotiations were finished. The contractor did work permissible without a permit. There was no construction or demolition done until the negotiations with the Mayor's office were complete. There were no violations at that site. It involves two years worth of work.
- e. 0, then 7 Perkins Rd. was permitted a year ago and was well under construction with a permit in place. No stop was issued and no violations noted. Councilor Happel asked if this building was on the existing footprint. Mr. Luongo responded that's how it was allowed on less than 25,000 square feet.
- f. 660 Broad Street involved long negotiations. One permit was issued to weatherize the brickwork. Work was required to be able to maintain the structure. Mr. Luongo noted the owner plans to reuse the structure as best as he can but had to shore up the building so it was made whole and won't be subject to damage from the elements over the winter. The project required a special permit and variance. Remnants of the old structure will stay; there will be a restaurant and retail on the first floor, and 21 housing units. The façade will be kept but the inside will be new.

13. The chair noted that the constituent contends that work was done without proper permitting. If a contractor is under a stop work order could he circumvent the intent by having others apply for permits? If so, the guidelines need to be tightened. Mr. Richards responded that if the work order was being extended they would have done further exploration. The issue here was the short timeframe while the tax agreement was being worked out. it takes time to gather proof, but they have the legal ability if the case is made. Chair Harrington asked if that will be the course of action in the future. Mr. Richards responded yes. When the stop work order was issued there was an

attempt to come back and apply for a permit under a different name. After speaking with the legal department they determined they would be in a good position to deny that permit, but the second permit was never issued.

The chair asked about the tax issue and asked how far back it went. There was an agreement to record a deed, but it never happened. The agreement dated back to 1999. it didn't define who was responsible, and its purpose was to tie up loose ends, but there was no follow through. Mr. Langill noted that they reviewed the documents and found reference in minutes to an agreement. Orders of Conditions were set, and not listed. There was an attempt by the owner to follow up but the deed wasn't accepted. The intent was clear from the beginning however, that the town was going to take over the land. The parties will solve it now. Under agreement with the developer, instead of swapping land, it will allow the town to foreclose on it. If it was as swap that forgave the taxes, it would affect the overlay. This is a better solution. They still have an agreement, just in a different form. They will learn from it going forward.

The Town Auditor was asked his input. Mr. Swanson issued a memo to the committee and attached three internal audits conducted FY16 and FY15 and concluded there were no audit findings with the building department. The external audit by Melanson Heath & Company concurred with the findings.

Atty. Galvin's response (in writing) was entered into evidence.

Councilor McDonald suggested reporting back to the committee. Chair Harrington asked if there was anything in operating procedures that needs to be changed? Mr. Langill suggested that when stop work orders are issued, they should be directed to the contractor, although it would not have mattered in this situation. They don't want to discourage residents from bringing issues forward. There were two instances where administration was made aware, but sometimes the situation is more complicated with tax issues and the number of departments. Perhaps better communication with the contractors.

Councilor McDonald suggested they make it clear to contractors that postings must be more visible. He also suggested an increase in fines for flagrant abuse. Mr. Langill responded it will be researched. They will be reviewing all of the fees sometime next year. He thanked the constituents who raised the issues; they do need to keep transparency forefront in the process.

The resident who initially brought the issue forward asked to speak. Councilor Harrington declined her request since the meeting was not advertised as a public hearing.

## ADJOURNMENT

At 7:35 PM, there being no further business, a MOTION was made by Vice Chairman Heffernan to adjourn and was seconded by Councilor McDonald. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker, Recording Secretary.

Approved by Ed Harrington as Chair of the Economic Development Committee.

Approved unanimously on 7 January 2019