

TOWN COUNCIL MINUTES
Ordinance Committee
Town Hall Council Chambers
February 6, 2018, Tuesday

Present: Kenneth DiFazio, Chairman
Michael Smart, Vice Chairman
Rebecca Haugh, Councilor
Christopher Heffernan, Councilor
Arthur Mathews, Councilor

Also Present: Robert Luongo, Planning Director
Eric Schneider, Principal Planner

Recording Secretary: Mary Barker

Chairman DiFazio called the meeting to order at 6:30 PM.

17 127-Zoning Amendment to Create a Commercial Corridor Overlay District

This matter was referred to the Ordinance Committee on December 4, 2017. This is a continued deliberation from the last committee meeting. Councilor Haugh drafted minutes from that meeting and they were distributed to the members who were instructed to let Diane Hachey know of any changes or comments.

Eric Schneider reported that the only substantive change was to strike out 120.25-15 middle of page 3. He is keeping copies so redline changes are tracked. Councilor Mathews asked if the 3A corridor was added to this version in section 5? Mr. Schneider responded it is; the omission was discovered soon after the measure was submitted to Council. Two more maps were added to the packet showing the two additional parcels in the billboard overlay.

Page 4- Dimensional requirements

Height in the B-1 corridor, as a point of interest, the by right is 6 stories; without approval or oversight a developer could submit a plan to the Building Dept. Within the overlay there are two sections: Route 18, Route 3A and the Washington Street Corridors – the Route 53 area commonly referred to as the “golden triangle.” These three areas were targeted. Height proposed to a minimum of three stories (45 ft.) and maximum of five stories (70 ft.).

Councilor Mathews noted the Washington Street corridor is confusing. Mr. Schneider responded that it is two different areas of Washington Street. Most of the HT is in the Washington Street one. It needs to be better defined. Mr. Luongo suggested they view the map to determine. They have physically driven or walked the length of Washington Street. The few residents zoned B-1 in the Washington Street area on West Lake Drive will not be in the overlay district.

Councilor Haugh suggested underlining the corridors in the proposal to refer back to the definition. Mr. Schneider responded that the map will dictate the zoning. Chairman DiFazio suggested further using the definition section as a reference.

Mr. Schneider noted the next section provides guidance and guidelines to the BZA for height considerations for the purpose and intent of the overlay district- visual scale of the proposal in relation to surrounding area, proximity to established residential areas and the extent to which it utilizes topography, façade articulation and roofline variation, step up of techniques and building materials to achieve appropriate visual scale. Chairman DiFazio asked if the first half re-designations satisfies the bottom four. Consideration is given to surrounding areas--here there are residents embedded, the restrictions were toned down. Councilor Haugh asked if there is anything in this ordinance that would regulate the ability of a developer to propose micro-units like the units in Jackson Square. Mr. Luongo responded that they can't regulate it. The Board of Health would determine what is considered habitable. He asked if they would like it addressed in the ordinance and he can discuss with the Town Solicitor. Chairman DiFazio responded that he was not totally against the micro-units that were proposed; the public had the misconception that these were not long-term rentals. Mr. Luongo responded that they don't want to leave it to the discretion of the BZA--they can include language which defines a micro-unit, such as "not smaller than...."

Setbacks

Mr. Schneider noted there are differences between the corridors and some of the overlay districts. Some areas are more conducive to automotive travel and do not encourage walking. In those areas they are looking for a 70 ft. maximum setback allowance for a landscape buffer, at least one row of parking and a safe travel lane. They don't want a lot of parking in front of the building; visually, it's not good urban design. The building should be closer to the streetscape but not on the street. With commercial use on the first floor, it offers one row of parking out front. They are trying to enhance these corridors. The minimum 25' with 5' landscape area required. Building anything closer than 70 ft. would step up the height (not a 5-story hugging the street- staggered.) Mr. Schneider noted that they are using averaging so as not to disqualify a project.

Rear set back

Abutting a residential lot requirement is to have 20ft no build and no parking (no disturbance) buffer- a more robust protection than the current zoning requires. Mr. Luongo reported that this would apply any time a proposal abuts a residential use (not zoning). Most of these lots aren't very deep; they still want to make them usable. They do not want to discourage appropriate development.

Chairman DiFazio suggested rewording the section "abutting a residential use." They will relook at this section.

Councilor Haugh asked if there are additional requirements for property abutting open space. She has concerns regarding the 3A corridor. She questions if they will be required to erect fencing and/or shrubbery for the open space. Mr. Luongo responded that part of

the attraction of a developer is the proximity to the parks; perhaps they should consider a setback and landscaping while encouraging pedestrian access.

Chairman DiFazio suggested additional language that would cover the open space, the ponds, etc. There is additional protection for abutting residential for step-up; for the first 20 ft. after the setback, there is a maximum height and step up approach. Included is a caveat that any proposal would require Fire Department approval.

Density and FAR

In the first draft there were no FAR requirements; it was added. It was restricted to .75 in more robust areas with expectation of more pedestrian access. Councilor Haugh suggested defining the MBTA to include Commuter Rail Stations. Councilor Mathews asked about the current FAR in HT zone. Mr. Schneider responded point three.

Coverage and Open Space

Mr. Schneider noted that the proposed minimum requirement of 15% of the total land area be maintained as open space, and the building coverage not exceed 60%, and not more than 75% be of an impervious material. This is more robust than the underlying zoning.

Parking

Commercial will not change. In the residential use, they propose parking for studios to 1 bedroom units – 1 to 1.25 spaces and 2 bedroom-1.5 spaces per unit. The existing is 2 spaces per unit regardless of size. The current zoning is not based on the number of bedrooms. They propose a reduced parking ratio to studios and 1-bedroom units proximal to a commuter rail Station. Commercial use would go back to the zoning table for parking. It also encourages the use of shared parking where there is a mix of non-competing uses and could consider shared parking agreements and the criteria to determine them. It also implements green community standards such as charging stations and bike racks (percentage based on total of residential units).

Vice Chairman Smart asked about off-site parking considerations. The proposal does not include it except off site within 600 feet. They would need to include additional requirements in lease agreements. Mr. Luongo responded that the chance of this on these parcels is minimal. Mr. Schneider also proposed that the overlay on split lots (in the HT district, zoned within so many yards of a right of way), would be to the whole lot if owned by one person. The solution is to have a 20-ft. “no build” and landscaped and step up approach.)

Design guidelines

Much of these are general guidelines. A building will face the street with primary pedestrian access and windows in the front. It will encourage commercial access and parking for the noncommercial parking in the back. Plans will include landscape, irrigation, lighting plan, and parking structure (not visible from the street), screened dumpsters and mechanical equipment.

Minor adjustments to the parameters would be at the discretion of the BZA. They can reduce one of the criteria by 10% by eliminating a variance review. Vice Chairman Smart asked if that would open it up, it left up to a board. Chairman DiFazio suggested projects will be designed to the 10%. There may be another benchmark set to meet it. Councilor Mathews suggested that this language will not sit well with direct abutters, and an appeal to a decision at the state level would put them in a difficult position. Mr. Schneider responded that they are trying to avoid literal interpretation of a variance.

Remainder is changes to the zoning ordinance as a whole and they reviewed this. Vice Chairman Smart suggested reviewing section 15- it seems like there is some overlap. Mr. Luongo responded that the map will govern although the language is imprecise.

Section 2- sections

Chairman DiFazio asked where the existing sections appear and if the work section is indicated. Mr. Luongo responded that this will be embedded in the existing zoning and will have to follow the existing, sequentially. “Sections” will not appear in the ordinance.

- Cleaning up a problem-at one point when the lot size minimum was changed to 25K a watershed protection district should have been updated and closes the loophole.
- Height limit for garages – there have been extremely tall garages built recently – this was discussed with the Building Department. Councilor Mathews asked about accessory use and residential space above a garage. The planning department will investigate.
- Prohibiting the use of storage facilities and outside used car lots. The 35 grandfathered businesses may remain, but any expansion of the use would go through the special permit hearing process. Mr. Schneider didn’t find anything in the zoning that allows auto sales, but some of it has to do with the language. Councilor Mathews asked if this is in perpetuity. Mr. Schneider responded that it expires if not used for two years, but it’s difficult to prove abandonment of use. The answer may be in the licensing and permitting.
- The next sections all refer to Special permitted uses in the planned office park district (Libbey Parkway) very restricted restaurant component to stimulate further activity. (strike D and replace with retail sales, etc.) and add shared parking or stand- alone parking.
- 120-35.3 (off street parking) add shared parking provision
- 120-27 dictates height limitations abutting R-1 and replace the requirements of 120-27. It may be overkill; in the overlay zone, under that set of rules, but the intention is to clarify confusion of potentially competing terms
- section 12- there have been some fairly hotly contested BZA meetings around signage. The strict interpretation to prove hardship for a variance in proposals that make sense. This is more of a design consideration and they could suggest a site plan review instead of strict interpretation. This is a public meeting, published to public and the District Councilor is invited to attend. Vice Chairman Smart noted he would prefer that it be better regulated. It sends a better message and gets a better design.

- The changes in the next section is to be more competitive with restaurant developers. The surrounding towns have less restrictive parking space requirements. Vice Chairman Smart asked if any of this applies to Union Point. It was noted that Union Point is governed by its own zoning.
- Dumpster screening- this is included in most reviews and the intent is to make it part of the ordinance in every district. Councilor Haugh asked about enforcement. Mr. Luongo responded that if it is an issue, the Board of Health would respond. They will discuss with the Public Health Director to see if the criteria to address the proliferation of overflowing donation bins can be investigated.
- Lot coverage limited to 30% which precludes the house. The suggestion was made to add 30% coverage including house, drive and impervious surfaces. Vice Chairman Smart asked about paid parking. Mr. Luongo responded that it is not allowed. In medical office districts it does not allow a private entity to create parking and leasing. If SSH leased it and the hospital wanted to use it for its employees, it would be permitted.
- Billboard overlay district- Councilor Mathews noted that one of the beneficiaries of an affirmative decision by the BZA has not fulfilled his obligation under agreement for special permit and Councilor Mathews may not support this section. He is not comfortable letting this developer reap the benefits of billboards generating revenue. He would like to see a written agreement. Mr. Luongo will set up a meeting to show Mr. Bristol is acting in good faith. The last piece of his obligation is easements and sidewalks. Councilor Mathews would not want to see a billboard erected before the work is done. Vice Chairman Smart suggested that Mr. Bristol would not do anything to jeopardize his own future development. Councilor Haugh responded that there are 7 billboards in North Weymouth that need to come down.

Chairman DiFazio noted that this is a huge undertaking. He is interested in hearing from the public at the public hearing. Mr. Luongo responded that the matter has been vetted over ten months, with outreach to community groups and very little response. It was readily available and the process was upfront and transparent. There will be another revision based on this meeting. The document is on file with the Clerk's office and changes can be made as long as they remain true to the intent of the measure. He suggested the information (changes as requested) be provided prior to the public hearing, and the committee meet again after the public hearing to discuss action. Councilor Haugh suggested putting up a link to the actual measure on the town's website.

ADJOURNMENT

At 8:55PM, there being no further business, a MOTION was made by Vice Chairman Smart to adjourn and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker, Recording Secretary

Approved by Councilor Kenneth DiFazio, Chairman of the Ordinance Committee
Approved unanimously on 5 March 2018