

**TOWN COUNCIL MINUTES  
ORDINANCE COMMITTEE  
Town Hall Council Chambers  
June 12, 2018, Tuesday**

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

Also Present: Joseph Callanan, Town Solicitor  
Robert Luongo, Planning Director  
Jane Kudcey, Housing Coordinator

Recording Secretary: Mary Barker

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

**18 089-Acceptance of G.L. C.40§8G-Mutual Police Aid Programs; Agreements**

Chairman DiFazio reported that this measure was reviewed, but no vote was taken at the June 4, 2018 meeting. No public hearing is required. The committee was supplied with sufficient information.

A motion was made by Vice Chairman Smart to forward item 18 089 to the full Town Council with a recommendation for favorable action and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

**18 090-Acceptance of M.G.L. Ch.44, Section 55C: Municipal Affordable Housing Trust Fund**

Chairman DiFazio reported that he discussed this with measure with Mr. Luongo since the last meeting and Mr. Luongo has additional information to provide to the committee and was invited him to the table. Mr. Luongo reported that he has researched the subject of adoption of MGL to create an Affordable Housing Trust. It's a two-step process and he will bring it back to committee in the fall following the adoption of the law. He explained the law and noted he needs more research into the process; he asked the committee to hold the measure open and resume deliberation in September. Chairman DiFazio explained that he asked for this to be on tonight's agenda in case it required a vote to go forward before Monday's Town Council meeting.

Mr. Luongo reported that this was one of the goals/recommendations in adopting the housing plan. The town had some 40B challenges that are being fought. Solicitor Callanan spoke to the subject. If they are unable to hold off a challenge to the state, they are left vulnerable to unfriendly 40B. They need to either get to the 10% or show the state they are working on good faith to adopt the recommendations.

Councilor Mathews responded that given that, he is inclined to approve the adoption of MGL now, and then they can work on the rest. Mr. Luongo responded that he will be willing to in case a decision comes out over the summer.

Chairman DiFazio wants to make sure the Council has the opportunity to weigh in if it is passed. Vice Chairman Smart noted this is fine without the ordinance. Councilor Haugh noted that if they approve this, they still haven't provided any funding. Mr. Luongo responded that in speaking with the Lt. Governor, one defense is that Weymouth is making progress; with selective density zoning along commercial corridors and the creation of the Housing Plan. There is a housing crisis in Massachusetts and the Governor is pushing to create more. Weymouth is designated as a housing choice community which makes it easier to receive grant matching.

Councilor Heffernan asked what the state considers criteria. Solicitor Callanan noted that Safe Harbors-40B recognition that the most popular way is to meet the 10% or 1.5% land; others exist too. Mr. Luongo noted that the town is losing all affordable units at Queen Anne's Gate- all will be market rate. In meeting with Mass Housing, they discussed expiring uses and noted that the state is offering incentives to keep affordable units. They offered assistance, CPA and other incentives, but Corcoran Properties refused. The process started last summer and was a proactive approach trying to preserve what the town has.

Councilor Mathews asked when QAG comes off the books. Mr. Luongo responded that he wasn't sure but notices are going out shortly. Councilor Mathews asked without it, does Weymouth fall below the 10%? Mr. Luongo responded that he is unsure. It relies on the number of acres.

Chairman DiFazio asked once a property becomes affordable, how long is it good? Mr. Luongo responded that it depends on several factors. With market rates, a property with a subsidy will still turn a profit. At the time QAG was built, they were making more money. He is unsure what the rates will be. It was the same situation with Tammy Brook Apartments- the affordability use was expiring, and the CPA allocated funding to subsidize and save them.

Vice Chairman Smart noted his surprise that the offer wasn't accepted since it's almost recession proof. Solicitor Callanan noted this is a problem statewide. Mr. Luongo responded that there is a larger development in Lynn and they are moving most of them to market rate as well.

Chairman DiFazio asked what is the incentive to having affordable units. Mr. Luongo responded that it's monetary. There are a number of tools the state offers; incentives in refinancing, an offset between market rates, etc. Councilor Mathews asked if the approach to the state is they surpass the 1.5% and are doing x,y, and z and adopting the statute. Solicitor Callanan responded that 1.5 is the state's recognition that the town has made a concerted effort. Weymouth is one of the few communities in the state. DHCH and other agencies are now reviewing the guidelines creating the calculation percentage.

One unit in 50 acres does not fall under the 1.5% category, but if you clear-cut 10 acres it does count towards. The challenge must be based on the basis of the new guidelines.

Chairman DiFazio asked what is the timeline. Solicitor Callanan responded that the process starts after the submission of an application. Vice Chairman Smart asked who is benefitting from the change. Mr. Luongo responded that the change puts the bar out of reach to most communities- as they seek to make it unattainable. Braintree is currently trying to qualify. Solicitor Callanan noted that they've already made it over the hurdle.

A motion was made by Vice Chairman Smart to forward measure 18 090 to the full Town Council with a recommendation for favorable action and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

#### ADJOURNMENT

At 7:00 PM, there being no further business, a MOTION was made by Councilor Haugh to adjourn and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Kenneth DiFazio as Ordinance Committee Chairman  
Approved unanimously on 10 September 2018