

**TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE
Town Hall Council Chambers
January 29, 2018**

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

Also Present: Joseph Callanan, Town Solicitor
Daniel McCormack, Health Director
Robert Luongo, Department of Planning Director
Eric Schneider, Principal Planner

Owen MacDonald, Traffic Engineer

Mayor Robert Hedlund
George Berg, Planning Board
Sandra Williams , Planning Board Chairman

Chairman DiFazio called the meeting to order at 6:21 p.m. He informed the committee and audience that Councilor Mathews will be a few minutes late. There is a recorder in the chambers and a committee member would be taking notes.

17 036 Waterways Ordinance Revision – Chapter 12-100

Chairman DiFazio stated that this measure was withdrawn by the administration on December 14, 2017. A motion was made by Vice Chairman Smart to take no action on measure 17 036 Waterways Ordinance Revision – Chapter 12 and was seconded by Councilor Haugh. UNANIMOUSLY VOTED 4-0.

A motion was made by Vice Chairman Smart to take measure 17 110 – Acceptance of G.L.C. 71, s37M-Consolidation of Administrative Functions, out of order and was seconded by Councilor Haugh. UNANIMOUSLY VOTED 4-0.

17 110 Acceptance of G.L.C. 71, s37M-Consolidation of Administrative Functions

Chairman DiFazio explained that the full Town Council took this item up at the January 16, 2018 meeting and voted unfavorably. There is no action needed by the Ordinance Committee.

A motion was made by Vice Chairman Smart to take measure 18 002 – Measure Prohibiting Commercial Marijuana out of order and was seconded by Councilor Haugh. UNANIMOUSLY VOTED 4-0.

18 002 – Measure Prohibiting Commercial Marijuana

This matter was referred to the Ordinance Committee on January 16, 2018. Solicitor Callanan and Daniel McCormack explained the recent state laws implanted by the Cannabis Control Commission of the Commonwealth of Massachusetts. Solicitor Callanan explained how the state law enables towns, who did not vote in favor of legalizing marijuana, the ability, through the town's legislative branch of government, to vote to ban all types of commercial marijuana operations in town. He further explained that the measure would not end all provisions which permit recreational use of marijuana. It would only ban the sale of marijuana in the Town of Weymouth. The following personal uses of recreational marijuana will remain permitted-- even if the measure were to pass through the Town Council and was adopted:

- People 21 years of age and older may possess two ounces or less of marijuana.
- Within a person's primary residence, a person may possess up to 10 ounces of marijuana.
- A person 21 years of age or older may also possess or manufacture marijuana accessories or sell such accessories to a person 21 years of age or older.

Mr. McCormack explained how the town and public schools have worked in tandem to teach children and young adults about the dangers of drugs. Given the current climate of drug abuse in town, it's not conducive to our battle against addiction to start opening marijuana shops in town.

Chairman DiFazio asked what would happen should the Town Council vote to not ban marijuana establishments. Solicitor Callanan explained that the Town Council would need to go through the same process as for medical marijuana to establish ordinances and rules regarding the sale, distribution and cultivation of recreational marijuana.

During the discussion at 6:53 PM, Councilor Mathews arrived.

Vice Chairman Smart asked if there were any consequences if a Weymouth resident chooses to go to a neighboring town to purchase marijuana and drives back into the Town of Weymouth. Solicitor Callanan reiterated that this proposed ban would not infringe on residents' rights to possess and use recreational marijuana as dictated by state law.

Councilor Haugh inquired about the extensive list of the different types of recreational marijuana licenses available through the state, and Solicitor Callanan confirmed that the town would need to create rules and regulations regarding each different type of license.

Chairman DiFazio stated that the committee will take no action on this measure until after the public hearing. The public hearing is tentatively scheduled to be held at the February 20, 2018 meeting.

17 106 Traffic Regulations Associated with Reconstruction of Middle St./Libbey Industrial Parkway Intersection

This matter was referred to the Ordinance Committee on November 13, 2017. Traffic Engineer Owen MacDonald presented a power point of the Middle St./Libbey Industrial Parkway intersection.

Mr. MacDonald reported that the recent upgrades have improved the traffic in the area, but in working with police Sergeant Brendan Fogarty, it was determined that the intersection still needs further review and improvements. A flashing yellow arrow was tested in the intersection and is proving to be a successful alternative to a traditional arrow light.

Mr. MacDonald gave further updates about mitigation and beautification in the area. At this time, construction is approximately 90% complete.

Vice Chairman Smart suggested that the town reach out the direct abutters to ensure that they are aware of the remaining timeline for the project.

Councilor Heffernan asked for confirmation that the flashing yellow arrow is in fact improving the traffic flow. Mr. MacDonald affirmed this to be correct.

Chairman DiFazio thanked the administration for their work on this intersection. A public hearing has been scheduled for the February 5, 2018 Town Council meeting.

17 127 Zoning Amendment to Create a Commercial Corridor Overlay District

This matter was referred to the Ordinance Committee on December 4, 2017.

Planning Director, Robert Luongo, addressed misinformation which was distributed to residents in the West Lake Drive neighborhood by a resident. He presented a rebuttal letter, authored by Mayor Robert Hedlund, which was distributed to these same residents this past week explaining the Housing Production Plan and proposed zoning changes.

Councilor Mathews explained the need for residents in the West Lake Drive area to have a neighborhood meeting with members of the administration to further explain the miscommunication and what the proposed zoning changes mean for their neighborhood. Chairman DiFazio concurred.

Chairman DiFazio asked for further explanation of the "Residential Only Proposals" in section 120-25.15. Mr. Schneider explained how some parcels would not need to have a commercial component but only those parcels whose current use is Residential only. Planning Board Member George Berg explained how some developments need some buildings that are residential only and referenced newer development in Lynnfield and Burlington.

Chairman DiFazio noted how many residents feel we are already overburdened with apartment buildings and didn't think this allowable use is wise. Mr. Luongo and Mr. Schneider understood the hesitation and are willing to rework or eliminate this section.

Councilor Haugh stated that the language in that section is vague and does not clearly state that a Residential Only Proposal would only be applicable for currently zoned R-1 properties.

Councilor Mathews agreed with the vague language and had multiple concerns about vacant and abandoned properties on Washington Street that could potentially become Residential Only Proposals.

Mr. Berg explained the need for more residential in, not just Weymouth or the South Shore, but the entire Commonwealth.

Ms. Sandra Williams discussed how our major corridors are the entrances to Weymouth and they are all in need for redeveloping and our zoning laws have not changed much since 1973.

Councilor Heffernan asked for explanation of the Billboard Relocation Overlay District. Mr. Luongo explained how this amendment would essentially remove all billboards on 3A- but noted that it would allow up to 3 billboards on Route 3.

Councilor Mathews asked for clarification on “the guidelines developed by the Director of Planning and Community Development”. Mr. Luongo explained how the town would have more content control over the proposed billboards on Route 3.

Councilor Haugh inquired as to the involvement the town has on content control of the current billboards on 3A. Mayor Hedlund asked to approach the committee. He explained how the town currently has no control over what advertisements may be placed on the current 3A billboards, but that the town would have local control over any new billboards in this ordinance-going forward. He mentioned the possibility of relocating billboards throughout the town to areas that are less of a problem for surrounding neighbors.

Councilor DiFazio stated that the committee would meet again soon and would discuss the next section in further detail.

AT 8:24 PM a motion was made by Vice Chairman Smart to adjourn and seconded by Councilor Mathews. UNANIMOUSLY VOTED FAVORABLY 5-0.

Respectively submitted by Councilor Rebecca Haugh and Diane Hachey

Approved by Kenneth DiFazio as Chair of the Ordinance Committee

Voted unanimously on 20 February 2018