

TOWN COUNCIL MINUTES  
Ordinance Committee  
May 2, 2023

Present: Ken DiFazio, Chair  
Gary MacDougall, Vice Chair  
John Abbott, Councilor  
Lisa Belmarsh, Councilor  
Arthur Mathews, Councilor

Also Present: Richard McLeod, Town Solicitor  
Robert Luongo, Director of Planning  
David Rubin, SRA  
Chris Primiano, SRA  
Pat O’Leary, SRA  
Monica Horan, SRA  
John Twohig, N. E. Development  
Tim Sullivan, Sullivan Storrs

Recording Secretary: Mary Barker

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

23 022- Zoning and Land Use by-Laws and Map for South Weymouth Naval Air Station, as Amended

The measure was referred to committee on April 3, 2023. John Twohig, New England Development, was invited to the table with David Rubin of the SRA. Mr. Twohig introduced the members on his team, and the SRA members present were introduced. Jim Young is both the Land Use Administrator and Enforcement Officer.

Chair DiFazio asked about the status for Abington and Rockland. The response was that all three communities have to approve the zoning. They have already met with Rockland and Abington leadership. The process will start with Weymouth since it’s better resourced. Filings in the two other towns will take place in the fall.

John Twohig presented the measure with his team: that the Town of Weymouth approve the Zoning and Land Use By-Laws and Map of Naval Air Station (NAS) South Weymouth, as amended and dated March 7, 2023.

Summary of Changes proposed includes a book and map, and were summarized by the administration:

*Enclosed are the proposed NAS South Weymouth Zoning Map and Zoning By-Laws for your consideration. Below are short summaries of the key changes (as compared to the*

existing Zoning Map and By-laws for NAS South Weymouth) that have been incorporated.

Please note that the zoning updates (text and Map) are based on several months of review with the SRA, its counsel and were voted on March 29, 2023 to be forwarded to Weymouth. A few key highlights:

- Most of the zoning text remains the same; a new Article 7A was created to address the undeveloped land.
- The existing developed land stays in the same zoning.
- The Map creates two (2) new consolidated zones – Mixed Use Development District and Open Space District.

A Summary is attached as Exhibit A.

## **EXHIBIT A**

### **I. Zoning Map - Summary of Key Changes**

The proposed Zoning Map was generally developed by incorporating the following changes to the Zoning Map as it exists today:

1. Retained the following districts limited to where development has occurred:
  - Village Center District (VCD);
  - Mixed Use Village District (MUVD);
  - Shea Village Commercial District (SVCD);
  - Recreation District (RecD);
  - Mixed Use Overlay District (MUOD);
    - Neighborhood Sub-District
    - Town Center Sub-District
  - Residential District (R-1); and
  - Weymouth Ground Mounted Solar PV District.
2. Created one consolidated Open Space (OSD) District in lieu of multiple Open Space Districts.
3. Created one new Mixed-Use Development District (MUDD) to govern the remaining developable area at the base, and eliminated any remaining zoning districts where development has not occurred.

### **II. Amended and Restated Zoning By-Laws – Summary of Key Changes**

As a general matter, the existing zoning districts and the provisions related to them were retained for developed land to maintain the “rules of the road.” In addition to the creation of a new Article 7A to govern the undeveloped land (detailed below), there were

*some limited changes to the general provisions of the Zoning By-Laws, including the key changes summarized below.*

*1. Administration*

- Incorporated language to insure consistency with Redevelopment Plan. As you may be aware, the Southfield Redevelopment Authority (SRA) recently unanimously approved a new Redevelopment Plan and the new Zoning By-Laws are consistent with, and a means for implementing, the planning vision set forth in such new Plan.*
- Zoning Enforcement Officer issues a Zoning Compliance Certificate to the applicable building department to confirm a proposed development complies with zoning.*
- Proposed expansion of a zoning district that does not increase the area of such district by more than ten percent (10%) can be approved by SRA.*

*2. Zoning Districts (See Summary of Zoning Map Changes above)*

- Retain existing districts where development has occurred and eliminates districts without development.*
- One new consolidated open space into one new Open Space District (OSD).*
- Consolidate the remaining developable land into one Mixed Use Development District (MUDD) governed by new Article 7A of the By-laws.*

*3. Allowed Uses and Dimensional Standards*

- Allowed uses and dimensional standards remain the same for existing zoning districts.*
- Uses and dimensional standards for developable land governed by MUDD district (Article 7A).*

*4. Mixed Use Development District (MUDD), Article 7A*

- Purpose – to encourage development of a mix of uses in undeveloped areas at the base.*
- Consolidated Standards for Development – allowed and prohibited uses, dimensional standards and requirements and performance standards all set forth in one place.*

- *Affordable Housing* – a minimum of ten percent (10%) of the dwelling units in any multi-family residential project or subdivision of 10 lots or more must be devoted to Affordable Housing and remain affordable in perpetuity (Fee in lieu available for multi-family projects and subdivisions of 10 lots or more; Fee in lieu required for subdivisions of 9 lots or less).
- *Master Development Plan (MPD)* – submitted a package of MDP materials, including the following information, which, upon approval, will become the basis of the zoning:
  - *Master Development Plan, showing boundaries of land to be developed*
  - *Existing Conditions Plan*
  - *Examples of amenities, open space areas, streetscapes, etc.*
  - *General examples of architecture*
  - *Core Development Area*
  - *(detailing the start of the development, including conceptual locations of buildings, parking, loading, landscaped areas and pathways)*
  - *Technical reports, including stormwater/drainage, utilities, fiscal and traffic*
- *Approval Process*
  - *Conformance Determination/ Project Development Review by the SRA to ensure the development conforms to the MDP materials, results in overall net positive fiscal impacts and complies with the MUDD*
    - *[The Core Development Area shall undergo Conformance Determination review simultaneously with the SRA’s approval of Article 7A*
    - *Following approval of the Master Development Plan, the proponent shall undergo Project Development Review (PDR) for any phase or area of the approved MUDD project (other than the CDA) prior to issuance of a building permit for such phase or area.]*

The chair suggested they provide a brief summary on each section so the committee members could ask questions as needed.

Mr. Twohig provided a handout and made introductory remarks. It consists of the first phase- ART 1-7, then Mixed Use, then third. Overview. He has taken table of comments and annotate the first 7 articles. Tim Sullivan will review each.

Opening remarks- the first 7 articles are the existing zoning that was passed by the 3 towns. The proposed changes in Article 7A consist of content and formatting much the same. The original zoning has of over 20 zones, complicated and somewhat inconsistent and it must also be financeable to move the project forward

#### Article 1 – General Provisions

Councilor MacDougall noted this is the first they are seeing this. Why change it now? Mr. Twohig responded that they need to in order to be able to develop the land. The legislation requires it and the communities are expected to opine during the state permitting process. Each community has 90 days to act, and they have to start and complete all 3 communities within the 90 days. They have been working on it for a while. The biggest part of the zoning will be determining if it can move forward. What are water, sewer, transportation, etc. needs?

Councilor MacDougall noted the number of units in the enabling legislation has to be changed. How can they change without knowing how many units? Mr. Twohig provided the current limits on residential units and commercial square footage. They will work within the rubric permitted in 2017. They have to work within what is supported and geared towards the impacts. They will need a MEPA certificate that certifies what they can build. There are reasons (beyond fraud) that the previous developer's plan was not viable. The three communities have ceded authority to the SRA, and they have the power. Councilor MacDougall asked why they aren't working on the enabling legislation first. The government authority will first ask, do you have the communities' okay?

Chair DiFazio suggested the prior developer's plan looks like parts of Dubai. The analysis in the files on the thumb drive has concrete information. Mr. Twohig responded that the analysis to provide a bellwether. The test, like the Westwood project, must be based on the impacts. They have to have a baseline to begin to make it work. It's a different philosophy than trying to project numbers.

Councilor Mathews provided the historical background. He voted on every vote, and served on the advisory committee. He spent a lot of time with the FEIR and MEPA process. Mr. Twohig responded they start with the last certificate that was submitted, and analyze every piece before filing a notice of project change, and will probably have a preferred number increase to housing as a preferred alternative, based on the impact of that amount. Councilor Mathews asked how do they determine numbers for water, sewer, etc. with such a broad scope. This is a significant change. He had proposed the onsite wastewater treatment plant. Is it their intent to use Weymouth's system? Mr. Twohig responded that the team is not done with all studies. Councilor Mathews asked where

would Abington and Rockland's wastewater go? Mr. Twohig responded that they have their own challenges. Without having completed all of the studies, he doesn't want to commit, but they don't feel a wastewater plant would work. Councilor Mathews responded that he will not support accepting Abington's and Rockland's wastewater into Weymouth's system. That's why he wants to know what the numbers are. The same could be said for the traffic. Mr. Twohig responded that they are not unfamiliar with the challenges in Weymouth's system. They will have some analysis and costs to mitigate to try to address those. It all has to be part of the report, along with calculations. Before the committee is the zoning piece, but they know have to deal with water and sewer as part of the process. They have to be able to demonstrate the flow can be tamed. Councilor Mathew cited a recent study from MWRA indicating Weymouth's system does not have the capacity to accept additional wastewater- MWRA doesn't have capacity on their end. Mr. Twohig responded that it's all under analysis. There are ways and methodologies to deal with the issues and it's all are part of what they are working on to get a certificate; otherwise it can't move forward. Councilor Mathews responded that there are protections in place right now in the current MEPA certificate. Councilor MacDougall noted the MEPA certificate requires sewage treatment on site. Mr. Twohig responded that the studies indicate it isn't feasible. Some of the information is dated, but they are looking at alternatives. If they can't all of the parameters, the project cannot move forward.

Councilor Belmarsh asked if this is following a similar timeline process as Westwood. Mr. Twohig responded that it is, beginning with the zoning, then the Notice of Project Change, state certificates, MassDOT, environmental - wildlife, etc., and solving infrastructure issues. It is a common path, but there is uncertainty and risk. She asked if MWRA will only service Southfield. Mr. Twohig responded that it was going to be a direct pipe, but now SRA is a co-applicant with Weymouth on the application. There is a desire to look at MWRA in its entirety. Councilor Belmarsh responded that she wants to see the project succeed, especially for the residents already living there, but she doesn't want to complicate the potential for success by tying in the whole town. She would prefer a focus solely on the base.

Councilor Abbott reminded them this is not the only opportunity to make their opinions known. This is to talk about the zoning, so it can move forward. They can have a chance to have those other conversations with the administration, residents, etc. What they are being asked to do is focus on the zoning. Councilor MacDougall responded this is the time to ask questions on the implications of the zoning, water, etc. Chair DiFazio responded that this is only item before them. They are only voting on the ordinance change, and it's a procedure. Councilor Mathews pointed out that half of the presentation had nothing to do with zoning. The developers invited the scrutiny by making it a part of the presentation. Chair DiFazio responded that they were asked to come because it's been years since any updates. He suggested they focus on the ordinance, and if there are questions as they go along, ask.

Councilor Mathews asked about revenue projections. The analysis does deduct potential bonding. Revenue projection doesn't consider it – if SRA has to bond to bring in water sewer, and wastewater, it will impact the revenue projections. Mr. Twohig responded that

it's a leap to assume there is a Weymouth obligation as done with the parkway. They aren't there yet. These are gross numbers. They were asked to present far greater than what the zoning would be, so they presented gross numbers. On an annualized basis, if the base is developed correctly, there is opportunity for significant revenue.

Councilor Mathews noted that transportation also brought up. Under the MEPA certificate, the master developer was required to mitigate traffic improvements in Columbian Square. Instead, Weymouth has picked it up at a cost of \$10 million from ARPA funding, and if it had been, ARPA funds could have been used to fix Weymouth's wastewater issues. While he wants this to succeed and likes a lot of the content, they have to be mindful of the impacts to Weymouth. Those things concern him, and it remains a requirement of the MEPA certificate.

Tim Sullivan, Sullivan Storrs- general provisions:

Article 1- General Provisions.

This was adopted pursuant to the enabling legislation. If the zoning is amended, changes take effect the day after last municipality adopts severability.

Councilor Belmarsh asked who has the ultimate permitting power? The response was SRA. Building permits still come through the town and are governed by the town in which the building is sited.

Chair DiFazio asked how density is established. Is there a minimum lot size? Councilor Mathews asked if FAR (Floor Area Ratio) is taken into consideration. Mr. Sullivan responded that it refers to the whole by-law. It's a mixed-use development, and the focus on impact. Councilor Mathews explained FAR and how it limits what can be built on a lot. Mr. Luongo explained that the building department is the permit issuing authority and under Mayor Hedlund instituted that developers must meet with department heads to vet a project before a permit is issued. Councilor MacDougall asked what's the benefit of having SRA having permitting authority over the local communities. The response was that this project is different- straddling 3 communities. It is effective if used properly.

Article 2- administration of the bylaws- recitation of the enabling legislation

Mr. Twohig noted they will ask for change in the enabling legislation, by creating a larger perimeter of open space. Mr. Luongo explained how White street was overseen.

Article 3- definitions and terms. Rest is largely what is already there.

Unused terms will be cleaned up and deleted and new ones added for what is being proposed. Chair DiFazio asked where the central development area is and whether the standards and guidelines from 2019 will be modified.

Article 4- establishment of zoning districts

When the application for a hotel was submitted by the previous developer, the plan called for it to be accessed through open space in order to be built. They had to get permission to do it. Mr. Sullivan pointed out they still have that right. SRA was asked to alter

easements and for other relief and it remains an open application. Councilor Abbott asked what is new in the districts? The response was there is one new; a mixed-use development district, all the rest are preexisting and the open space district is consolidated.

Article 5- regulation of uses- establishes the standards of uses.

Main, accessory, secondary, nonconforming uses, permitting- allowed as of right, prohibited, special permitted, Use definitions, Table of permitted uses.

Councilor Belmarsh asked how permitted uses were determined. The response was that there were already there and are fairly standard. Vice Chair MacDougall asked if there are any currently nonconforming uses. Jim Young will need to confirm. Chair DiFazio asked for the chart in this section to be explained.

Article 6- dimensional standards- regulatory standards, building forms where applicable. Defined terms related to dimensional concepts. Form based codes.

Chair DiFazio noted there aren't too many in exhibit F. It does not apply to 7A.

Article 7- mixed use overlay (not mixed-use development district) facilitate long term sustainable development. Neighborhood and town. Parking / loading. Multiple buildings on a lot. Left in place, because things have been developed here.

Chair DiFazio asked why an overlay is necessary here. It relies on the underlying zoning, but with additional protections. They want to leave it as it does no harm to what is there. Mr. Luongo asked if this zoning confirms to 40A state zoning. The response was yes; and the enabling legislation.

Councilor Abbott asked if the exceptions – definitions remain unchanged? The response was there are small changes, but anything of substance will be in 7A.

Councilor Belmarsh asked if the same applies to Abington and Rockland. The response was that Weymouth has most of the land. The bulk of A has the natural heritage habitat restrictions in place. There is a further piece of Abington and Rockland that will be further restricted. They are working to amend it. Councilor Belmarsh asked if both towns support this. The response was that leadership of both communities have said they want the development and want to see this move forward. Vice Chair MacDougall pointed out that in an October presentation, one community only wanted commercial development for economic reasons. The response was that a well-planned residential community can net tax revenue as well as commercial. Mr. Luongo pointed out that the same zoning proposed in Weymouth will be proposed in Abington and Rockland. They can't introduce a separate mix without coming back to Weymouth. Rockland's sports complex was not permitted because it is sited outside of the base. Vice Chair MacDougall asked how the current student numbers and anticipated numbers will impact schools.

Councilor Mathews asked if there was a signed DDA. It will be signed after the zoning is adopted. The negotiation is between the master development and SRA. Councilor Abbott noted if a DDA isn't signed, SRA is on the hook for the obligations which then are

passed on to the residents. Mr. Twohig responded that even so, for the last 2 years, they have been making the payments to the Navy as a sign of their commitment. The balance owed is about \$10 million.

#### ADJOURNMENT

At 8:25 PM, there being no further business, Councilor Abbott motioned to adjourn and was seconded by Vice Chair MacDougall.

Respectfully Submitted by Mary Barker as Recording Secretary.

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Approved by Ken DiFazio as Ordinance Committee Chairman

Voted unanimously on 20 June 2023