

TOWN COUNCIL MINUTES
Ordinance Committee
May 30, 2023

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

Absent: Arthur Mathews, Councilor

Also Present: Robert Luongo, Director of Planning
Owen MacDonald, Traffic Engineer
Lt. Brian Morse, WPD
Chris Primiano, SRA
Pat O’Leary, SRA
David Rubin, SRA
John Twohig, NE Development
Tim Sullivan, Goulston & Storrs

Recording Secretary: Mary Barker

Chair DiFazio called the meeting to order at 6:30 PM. He announced that Councilor Mathews was unable to be present as he is recuperating from recent surgery. Councilor Belmarsh was at a prior commitment and may arrive late. The chair does not anticipate taking up a vote on Measure 23 022 at this time.

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. The committee met on May 2, and May 16, 2023. A public hearing was conducted on May 1, 2023. On May 23, 2023, the Weymouth Planning Board voted unanimously to support the zoning change.

The proponents were invited forward. Mr. Twohig and Sullivan presented a review of the final section of the zoning, picking up where they left off at the last meeting with Article 8, and gave the committee a handout summarizing the remaining articles. These relate to the existing zoning sections, which are essentially unchanged.

Councilor Abbott asked for confirmation that this section refers to areas already developed on the base. Mr. Twohig confirmed it.

Article 8- Low Density District

There are no changes. This is the low-density residential zoning. Mr. Sullivan explained what the article covers.

Article 9- Water Resource Protection Overlay Districts

There are no changes. It protects water quality and references boundaries and list prohibited uses, etc.

Article 9A- Weymouth Ground Mounted Solar PV Overlay District

There are no changes. It promotes new large-scale installations, describes them, etc.

Chair DiFazio asked where this district is located? Director Luongo responded that he worked with the Union Point developer on this. There is only one designated area, and it's a capped landfill site on Trotter Road next to the Coast Guard area, and past the buoy station. (It was done through an amendment to the original zoning in 2016.)

Article 10- Wireless Communications

There are no changes. It defines equipment, and requirements, etc. and design criteria.

Article 11- Special Permits

There are no changes. 11, 12 and 13 are similar. It refers to special permits apply in the existing areas- applicability, etc.

Vice Chair MacDougall asked if the SRA is the granting authority. The response was yes.

Councilor Abbott asked if there are any key differences in permit process to what currently exists and proposed? The response was if it is space already developed, it will not differ. If it is undeveloped space, it is subject to the submission guidelines with baselines comparing impacts. It is a more robust process. If it involves rebuilding parts, it would rely on existing by-laws, and those are what is left in place.

Chair DiFazio asked Mr. Luongo is the criteria the same as on what BZA relies? Mr. Luongo responded yes, for variance and special permit. Mr. Twohig added that the by-laws actually refer to 40(a) M.G.L.

Vice Chair MacDougall pointed out that town boards can offer testimony to the BZA and asked what latitude does town board have here? Mr. Luongo responded that any decision is appealable; if they have standing it will go through the court process. That doesn't change.

The chair noted that not all who might object live on the site. It is their only avenue of relief. Mr. Luongo suggested they not think of SWNAS as different- it's another community of Weymouth. The nature of the makeup of SRA is incentive for the board to do the right thing; they are not disengaged from the process.

Councilor Abbott asked how many applications of the current development went through the SRA for relief. Was it a common occurrence? Mr. Rubin responded that specific underlying variances routinely come up. Mr. Primiano added that it is not the number that comes to the BZA and typically they involve minor tweaks. He doesn't recall many special permit applications during his term on the board. Mr. Twohig pointed out that the only difference is the venue but it's not different than any other process. Mr. Primiano added that there is a notice process. Public hearings are posted in all three municipalities. In the case of the recent hotel plan, it was a very robust process and was well attended. The chair noted for the record that there is a process. Ms. O'Leary added that the towns submit impact letters. Mr. Luongo added that they are required to advertise and notify abutters, just like the BZA. The same rules apply. Community meetings are not required, but he often holds them. The chair asked if there is any other place in the zoning that the SRA is required to get permission from the town. Mr. Twohig responded that building permits are the Town's final checks and balances. Inspectors are required to sign off and the building inspector issues the building permit. Mr. Luongo responded that's why the Building Department meets with the developer and continues through to the issuance of the occupancy permit.

Article 12- Site Plan Review

It applies to the existing developed areas. Mr. Sullivan explained what is included.

Chair DiFazio asked if this is under the SRA's authority. The response was that it is, and it's a pretty common construct. The Planning director in Weymouth has most of the oversight authority on site plan review. He can make recommendations, but he cannot not deny it.

Article 13- Development Plan Review

This applies to projects over a certain size. Mr. Sullivan explained what it includes.

Councilor Abbott the only time these articles would be invoked, would be major redevelopment of an existing development? Mr. Sullivan responded yes.

Article 14- Nonconforming Uses and Structures- no changes

This was cleaned up- nothing substantive has changed.

Vice Chair MacDougall asked what's the scale of nonconforming use now? The response is that it's fairly limited. It's essentially a list of structures, not in the MUDD but the existing areas. Mr. Sullivan will confirm for the committee whether it applies to buildings that existed before the base was rezoned.

Article 15- Enforcement

There are no changes.

The enforcement officer is the Land Use Administrator of the SRA. It establishes a board of appeals that is a subset of the SRA. Chair DiFazio Mass Board of Appeals members of the SRA? Can an individual appeal? Director Luongo responded it's just like here. If one

is appealing the decision of the LUA or the Building Inspector, this is the vehicle for the aggrieved.

Article 16- Earth Removal

Mr. Sullivan explained what it includes. There are no changes.

Article 17- Subdivisions- no changes

Mr. Sullivan explained what it includes. There are no changes.

Article 18- Revisions to the By-Laws

This deals with revisions and minor amendments to the bylaw.

Chair DiFazio asked the proponents if they have any issue with the Planning Board decision? Mr. Twohig responded no; it's a well thought out decision.

Councilor Abbott asked about sharing a final version that includes any comments by the Planning Director during deliberation, and the Planning Board's recommendations. Mr. Twohig responded they can produce a draft when the Planning Director gives the go-ahead.

Director Luongo when the committee is ready to take a vote, they can revise the document, and that can be presented to the full board. Changes recommended will be noted by the recording secretary and incorporated into the final document. The final plan signed off is the one that will ultimately get adopted.

Councilor MacDougall noted in his research that Westwood's project included a peer review. He asked why it wasn't considered here when it's such a larger project. Mr. Twohig responded that there were extensive reports done and thousands of pages of reviews submitted. The SRA has actually has a peer review going and has paid a party to come in. Councilor MacDougall asked if it is available. Mr. Twohig responded that the peer review in Westwood was completed because a particular project was being brought forward. They peer reviewed the project part. They submitted all the studies for an overall envelope of a project. Unlike Westwood, they aren't proposing a specific project. Councilor MacDougall asked if the SRA peer review is specific to the zoning change and does the SRA have a result. Mr. Rubin responded that it is in process and there are no red flags identified in the initial review. Chair DiFazio asked if it includes a review of the master plan. Mr. Twohig responded that and the impacts associated with the master plan. For example, the stormwater plan they are reviewing is the base-wide plan. If they were to bring a project forward, they would have to show the impacts based on the guidelines. Chair DiFazio reported that it's difficult without having complete information on the master plan. The previous developer ran roughshod on the town. There was phased development and the legislation dictated how metrics had to be met during the phases before moving to the next. There were checks and balances. This plan indicates total numbers. If there is mitigation he isn't aware of it. They get the phone calls asking about the plan's number. Mr. Twohig disagreed there are no checks and balances; they were required to submit reports. But this is all that can be done because it is all that can be

mitigated. If they can't mitigate 72 intersections and show that the traffic works, they can't build anything. It's not true that there were checks and balances on the former developer- they always looked at the increment. They studied how to mitigate for so many more homes, incrementally, and that's what they decided to do. It wasn't a holistic approach to the whole plan. In his initial remarks, he explained how the prior plan was a fallacy. The problem has always been that no one has taken the time to say they had to solve the water problem for the base, and for the entire system. Same for sewer. They did not address and show how they would mitigate all of the impacts. The reason why they agreed to that locally, nor submitted the materials in the MEPA certificate is because they knew in order to do that, they would have to show how they would mitigate it. What NE Development has done at the local level is when they go through the approval process, this is far more difficult than what's before the Planning Board today. It's far more robust and requires a lot more upfront work, and they have to be able to prove they can do it. Before even getting to file a project, mitigation has to be shown, and how it relates to the overall impacts of the project at full build out, and that the project brought forward is still a fiscally positive for the community. None of those things exist. He argued that there is probably more control, more checks and balances and more upfront information than any project has had, and certainly than the last project. Yes, the developer came in, and showed renderings and pretty pictures and spent millions on marketing material showing fake ponds, and buildings that looked as though they came from Dubai; none of which had any basis or could be developed if there isn't any demand. He is not going to come in with renderings because part of it relies on the market. He responded to the other question of whether there should be residential and commercial or some mix; they are commercial developers. They want there to be commercial space and it is needed, but it can't be one-for-one offset or it is unfinanceable. The timing will never work. It can't be financed, it's a separate set of tenants. NE Development was asked to do that once and they said they wouldn't go forward with that request, and he would say the same here tonight. It is a recipe for failure. This project has failed four times in a row and they do not want to be the fifth. They are strongly focused on presenting a MEPA filing preferred approach. They believe it has a lot of local checks and balances and they know it will have a lot of state checks and balances, because for all of the things that need to be fixed, they will show how they will be able to mitigate them and in a signed agreement. Those are things the last developer didn't do, and they never actually signed any of those documents. It's a contract that says if they are going to build, they are going to make these improvements, and unless they are done, they can't build. It's a very different approach than was traditionally taken. If they can't do a project of this size, then there is no reason to do it. There is a lot there to answer a constituent with concerns.

Councilor Belmarsh arrived at 7:13 PM during this discussion.

Councilor MacDougall agreed with this, but he gets a lot of calls. This zoning enables a for a massive development- much more than what the legislation allotted from 3855 to over 7000. His constituents are asking what about the commercial- this what supposed to benefit the town. This zoning flies in the face to what most see; a massive build out using water and other resources. Mr. Twohig disagreed. They are not looking at the fiscal impacts of the commercial and residential space. He referred the councilor to the fiscal

impacts of the study- which is what the department heads and administration has reviewed. Today's world is different; when the commercial piece was always going to be superior from a net tax yield standpoint. Actually, from a net revenue standpoint, the type of housing being built there is more net positive. The net benefit to Weymouth is actually skewed two ways; 75% commercial/75% residential. The better net number to Weymouth is actually the residential because of how the world has changed, how people live, the number of children they have; it's just a very different cost analysis than it was before. In every community they've worked over the last 7-10 years, this is what they have found. There is nothing in the proposal that precludes them from an opportunity to bring in a heavy commercial project or bring in a bio-farmer or mix of the two. It is more of what they do, and with consideration for the residents already there. Also, this is 1400 acres. It's not small scale but master community planning that is huge. It has to be looked at with the knowledge that any one use is not a barrier or constraint on another potential use, and that goes to whether it is commercial or residential and type of residential. This type of site can have multifamily, row houses, traditional single family, etc. it can have zero lot line single family. All of those are there because of the sheer size, and in the same way commercial uses can vary, and not only in the town center, but there are other areas where they can have commercial development. The issue with biopharming and other commercial endeavors they handle is they all have an extraordinarily high demand for water and utilities. If they can address the water issue, they can bring that type of commercial development here and it makes sense. It brings good jobs. If they can attract other commercial that doesn't have the same infrastructure demands, they will. Water and sewer is critical and they don't yet have an answer.

Chair DiFazio asked if he believes this site has the potential to take on a large commercial entity; that the ordinance gives them the flexibility? Mr. Twohig responded yes. There are 3 potential locations that could be commercial.

Councilor Belmarsh concurred they are hearing concern from the residents about more developments. It's hard for people to understand the impact. Is there a plan with a timeline; first zoning, then MEPA, etc. It's hard to have a discussion without a scheme of what's going to happen. She doesn't feel she has that breadth of knowledge, such as ballparks? Mr. Twohig reviewed a basic timeline- SRA is first on board, and then refer it to Weymouth first, because it is the largest partner. They based infrastructure on Weymouth's standards. There will be a MEPA process with Weymouth's sustainability. The way the legislation is set up, they have 90 days from the date of referral to get it in and the goal is to be finished by end of June with Weymouth and to hold town meetings in Rockland and Abington in the fall during summer. MEPA filings and the impacts will be done in summer. He explained what it will include. MEPA filing is in the fall, but in the meantime they have to have all their filings done, meet with MassDOT, National Heritage on those restrictions, Mass DEP, and a Section 61 certificate. And at the same time they will be doing new legislation that complies with the zoning that will have been approved. MEPA will issue a certificate; National Heritage will amend their certificate, etc. The water / sewer system improvements have to be resolved. All of this happens over the next year and 3 months. They hope to see activity actually start the end of 2024 and 2025 and will be about 1.5-2 years to building. Money will be spent on permits, etc. they

are working with Navy on PFAS. Others - roadway improvements, transportation improvement, funding an MWRA study. There are a lot of moving pieces. The risk is not being able to solve one of these issues and it can't move forward.

Councilor Belmarsh noted a comment from last meeting. Water was discussed. The MWRA is a bigger issue than Weymouth. There's hope that entering a discussion will help a number of South Shore towns and she hopes the state is going to give some financial assistance. It isn't just a Weymouth issue, but a regional issue. Questions have also been brought up about peer review? Councilor MacDougall responded that it was already discussed. She asked if incremental phasing; is that built into the zoning? Mr. Twohig responded that all materials will be for complete build out. One of the reasons it failed so many times is because it was presented incrementally. He reiterated from the previous discussion. What they are saying is they should be anticipating- there should be a lot of thought process on what they are going to be developing. Mr. Twohig responded that there are a lot of false narratives regarding schools and schoolchildren. He suggested she look through the indices and see what is in there to understand what the best indicators are for the future. It addresses a lot of the questions. Councilor Belmarsh asked when to start thinking about innovative ideas, such as minority owned businesses, conservation measures, not using fossil fuels. When do those conversations happen? Mr. Twohig responded that much of energy code requirements are mandated by the state. They have to be careful as some are regulated by DPU and not local. Omission of certain things may preclude inclusion by certain types of commercial business. Councilor Belmarsh asked what if the land was just returned to the towns? Mr. Twohig responded that it can't be done with a former base with cleanup. It would be an abject failure. The SRA board does a really good job and focused on what should happen there. There are so many things to consider if trying to unwind it. How do you take governance back? How do you deal with the clean up that the feds are liable for? What about the residents already there. How does Abington and Rockland do that? What about the tens of millions lost in pension funds? He doesn't see how it can be done.

Councilor MacDougall noted this is the fourth developer- it sounds like fitting a square peg in a round hole. At some point they will have to decide if this is worth it. Then what happens? Mr. Twohig responded that he is looking at it completely opposite of how he should. Look at it as, the base has failed. People were promised things they never received. There is no master developer taking care of the property, doing what they should, showing what future development should be, creating the amenities and things that were promised. There are permits, approvals and commitments, all of which have not been done. There are requirements on Conservation Commission, and other things that are not being followed because there is no one there to follow up. If they are able to achieve the zoning and the MEPA filing, address the water and sewer. All of these things are potentially solvable and the project can move forward. If it doesn't go forward they are back to status quo, and it's not good for the people who live there or the towns that own the land. It will continue to deteriorate or it will attract unwanted uses. it's about trying to get everything in place to move forward. There are no good answers to not moving it.

Councilor Abbott asked if that were to happen who would be liable for the default? Mr. Twohig responded that the Navy is owed money. Will they just take it back and determine a different use that the towns can't predict.

Director Luongo added that the works thing that can happen is if each town took back their land and did their own zoning. Communities have a history of putting their worst uses along borders. He wouldn't trust them to be good neighbors and zone compatibly. He pointed out some examples of Weymouth's neighboring towns' incompatible businesses butted up to Weymouth's residential neighborhoods.

The chair concluded the discussion and reminded the committee they will have another opportunity to discuss before they take a vote to send this to the full Town Council.

Chair DiFazio informed the committee that public hearings will be scheduled for the next two measures on June 20, 2023.

23 070- School Zone (20 MPH Speed Limit) on Portions of Pleasant, Commercial and Washington Streets

This measure was referred to committee on April 24, 2023. Mr. MacDonald reported that this was originally proposed for 2 locations. MassDOT amended the previous criteria from grades K-8, to allow to grade 12. Ms. Dalpe, the Grants Manager, submitted an application that was approved under the competitive grant program Safe Routes to Schools. It includes installation of signage and speed feedback signs. In a series of slides, Mr. MacDonald pointed out where school zones will be placed, for Weymouth High School, on Pleasant Street north facing traffic and on the south the approach opposite Wildcat Way. Councilor Abbott asked why no restriction requested on Park Ave.? Mr. MacDonald responded that Park Ave is a state highway, and signage already exists for St. Francis. Parking is not allowed for pickup on a state highway. Signs will be posted with times. He is unsure if it will include flashing beacons. It also adds a layer of enforcement. Lt. Morse added that Sacred Heart School has a pretty good system in place and this is an additional layer for safety. MassDOT guidelines indicate these can be set up for any school so it does not preclude Sacred Heart. It was discussed with the pastor. He explained the bounds of the signage for the school. Cars stack on the first side street and pull into the parking lot. Commercial Street for traffic approaching from the west. A temporary crosswalk was installed during the Delegas construction, and it likely will be installed permanently at some point. This location will only have signs installed with restriction times. Lt. Morse added that the system in place works, but this will add a layer of enforcement. Councilor MacDougall asked if the WHS sets will be lit? Lt. Morse responded that the feedback signs are illuminated. Mr. MacDonald said he doesn't believe flashing beacons are not included. Councilor Belmarsh reported she has fielded complaints of traffic jams when busses drop off students at the corner, they park going up the hill on Commercial Street. Lt. Morse responded that the whole area was revamped with no parking signs, and school resource officer is aware and is out there. It is a streamlined process for the most part.

Chair DiFazio asked how these two locations were selected? Mr. MacDonald responded that the school department prioritized it when MassDOT announced the award.

Councilor Abbott asked if there are there any remaining schools without school zone signage? Mr. MacDonald responded that he is unsure if Nash does. Murphy does, Wessagusset has them and they are being beefed up by request. Councilor MacDougall noted that Nash is tucked away off the main road, and probably doesn't need them. Councilor MacDougall also pointed out the additional lot was lost for WHS with the Ryder project. Lt. Morse responded it's more of an issue with event parking. It's 75-100 spots gone. There wasn't a lot of daily school parking there. Councilor Belmarsh added that it was also used as a holding place while picking up students.

Chair DiFazio reminded the two traffic ordinances have public hearings scheduled for June 20, 2023.

23 092-Traffic Regulations – Lane Beach Vicinity

This measure was referred to committee on May 15, 2023

Mr. MacDonald reported that at the time they started looking into this, it appeared to be a simple regulation but they have feedback that it may not be what the some of the people in the area want. They might want to consider restricting times of day and the year.

He provided a brief history of the concerns about the parking along the street. Last year in the area there were concerns about cars parked along the street. The lot is paid parking. There is nothing that prohibits parking. Lt. Morse reported it was a problem at the corner, and when it became hazardous, and without signage or enforcement, they put in temporary signage. This measure is a way to address it as more of a long-term solution. This is about people not wanting to pay for parking; there are times the parking lot is fairly empty but the street is lined with parked vehicles. It's not meant to be punitive to the residents and it might be best to go back to the drawing board. If parking is restricted, it moves the problem further down the street. They do not want unintended consequences and have spoken with the town solicitor.

Chair DiFazio asked if they still want to go forward? Does the mayor want to take it back. Lt. Morse would like to reconvene on it? The signs were just for summer? That was the thought. Enforceability of it year-round might be an issue and with adoption of Ft. Point Road as public Way. The residents want to park there but don't want others to. Real problem is that corner from Regatta around River. Chair DiFazio asked what they would like to do at this time? Lt. Morse suggested he'd like to hear comments, but is inclined to withdraw the measure at this time. Councilor MacDougall asked if these are all public roadways. Mr. MacDonald responded that Ft. Point is on the list to be adopted this year. Chair DiFazio corrected him- it was approved by the Town Council. The others are public. Councilor MacDonald asked if it is a public road the town can do what it chooses an put up a no parking sign? Mr. MacDonald responded that the town cannot regulate parking on a private way. There are area homes on without off-street parking. Lt. Morse responded that was addressed with overnight parking passes to those residents. Councilor MacDougall asked if the goal is to just not have parking on all of the street? Is there

enough parking to accommodate everyone? Councilor Belmarsh responded her opinion is that people don't care if people park- the concern is public safety. Emergency vehicles cannot safely pass without it being a hazard around the tight corners. She believes it's too restrictive the way it's written. Lt. Morse agreed- it will just move the problem further along. Just taking the corner for no parking would be a better solution. Councilor Belmarsh agreed, and suggested it as soon as possible. The beach is already in use and people are parking all along there again. Can people pay for a daily pass? Lt. Morse responded yes. Councilor Belmarsh suggested installing a sign that says it. She is unsure people realize they can. Lt. Morse said he can speak with Park and Rec about it. It's a \$10 daily rate or \$30 for the whole season and it can be paid there at the kiosk.

The District 1 Councilor Burga was invited to add her comments. She noticed the past weekend the parking lot was partially empty but there were cars parked on the street. There is a general lack of how the parking works. There may be a few areas where restricting any parking makes sense, but enforcement is needed. The real issue is speeding.

Mr. MacDonald will go back with Lt. Morse to amend the measure and address the corner parking, and have it back for the public hearing.

Councilor Belmarsh thanked the chair for acknowledging Councilor Burga and allowing her comments. She offered other suggestions to consider: temporary signage to slow traffic down, placement of cones, or opening the lot gate at sunset.

ADJOURNMENT

At 8:30 PM, there being no further business, Councilor MacDougall motioned to adjourn and was seconded by Councilor Abbott.

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Ken DiFazio as Ordinance Committee Chairman
Voted unanimously on 31 July 2023