

TOWN COUNCIL MINUTES
Town Hall Council Chambers
October 21, 2019, Monday

Present: Arthur Mathews, Vice President
Kenneth DiFazio, Councilor
Jane Hackett, Councilor
Fred Happel, Councilor
Rebecca Haugh, Councilor
Christopher Heffernan, Councilor
Maureen Kiely, Councilor
Arthur Mathews, Councilor
Michael Molisse, Councilor

Absent: Michael Smart, President
Ed Harrington, Councilor

Also Present: Lee Hultin, Asst. Town Clerk
Joseph Callanan, Town Solicitor
Richard Swanson, Town Auditor
Robert Luongo, Director of Planning
John MacLeod, Director of Asset Management
Steve Reilly, Director of Recreation
Owen MacDonald, Traffic Engineer

Recording Secretary: Mary Barker

President Smart called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Assistant Town Clerk Lee Hultin called the roll, with two members absent. Vice President Mathews reported that President Smart and Councilor Harrington are both unable to attend.

MINUTES

Ordinance Committee Meeting Minutes of September 26, 2019

A motion was made by Councilor Molisse to approve the minutes from the September 26, 2019 Ordinance Committee meeting and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

Ordinance Committee Meeting Minutes of October 7, 2019

A motion was made by Councilor Molisse to approve the minutes from the October 7, 2019 Ordinance Committee meeting and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes of October 7, 2019

A motion was made by Vice President Mathews to approve the minutes from the October 7, 2019 Budget/Management Committee meeting and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of October 7, 2019

A motion was made by Vice President Mathews to approve the minutes from the October 7, 2019 Town Council meeting and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

RESIDENT AND COMMUNITY COMMENT

Robert Montgomery Thomas of 20 Humphrey Street-Housing Production Plan and 40B

Mr. Thomas read a prepared statement regarding a lack of affordable housing. The Housing Production Plan was supposed to ensure a certain number, but in his opinion is a way to halt 40B development. Vice President Mathews noted his comments were not submitted in advance and he asked him to refrain from using disparaging nicknames when he refers to others.

Robert Delaney of 27 Belmont Street-Proposed Amendment to the Billboard Relocation Overlay District Zoning

Mr. Delaney submitted a petition requesting a change to the zoning ordinances and asked that it be referred to Ordinance and Planning and set a public hearing date as soon as possible. He also recommended the current agreement be broken and the existing billboards be taken down and not to inflict any further ones on the community.

A motion was made by Councilor DiFazio to refer the matter to the Ordinance Committee and the Planning Board and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

19 097-Traffic Regulation-Bus Stop, Summer Street / Harland Road- continued from October 7, 2019

A motion was made by Councilor Molisse to open the public hearing on measure 19 097 and was seconded by Councilor DiFazio, continued from October 7, 2019. This was advertised on September 27, 2019. UNANIMOUSLY VOTED.

Owen MacDonald presented a brief outline for residents who were not present at the initial public hearing. The MBTA has completed additional design work that was provided shortly ahead of the meeting, and he reviewed the proposed change. They propose a relocated stop to the near side corner to avoid the guardrail because the resident at the house on the corner had some issues. With the additional design, they can relocate the guardrail closer to the property line and still install a sidewalk. Vice President Mathews asked that the MBTA representative Eric Chier, review the design change. A property survey was done showing they can accommodate the accessibility upgrade without encroaching. The work will not happen until the spring. Theresa Joyce, who owns the property that was in question, is happy to see the change they proposed.

Councilor Molisse thanked the MBTA for stepping up and resolving the issue. Councilor DiFazio asked if there was a property owner who is affected by the guardrail movement. Mr. Shier responded no, as the guardrail will remain on town property.

Vice President Mathews urged they make sure the owners are in synch with the project changes.

Vice President Mathews asked if there were any comments from the public, to which there were none. He would like to see an updated plan once finalized.

A motion was made by Councilor Molisse to close the public hearing on measure 19 097 and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

19 105- CPA Funding Request for Lovell Field Pedestrian Bridge

A motion was made by Councilor Molisse to open the public hearing on measure 19 105 and was seconded by Councilor DiFazio. This was advertised on October 1, 2019. UNANIMOUSLY VOTED.

Steve Reilly and John MacLeod presented. (Councilor Kiely stepped away).

Councilor Happel noted he spends many Saturdays in the area and parking is an issue. He asked how long it would be disrupted. Mr. MacLeod responded it should be completed in spring.

Councilor Hackett thanked them for bringing this forward.

Councilor DiFazio asked for confirmation on costs; that includes grant funding, CPA funding and in-kind labor.

Councilor Molisse noted the issue was reviewed in Budget/Management earlier. This is a great partnership with the town and MBTA. It's good for public safety, a great asset, and money well spent.

Vice President Mathews asked if there were any comments from the public, to which there were the following:

Matthew Tallon, 105 Trefton St.- reported that he walks the stretch along Commercial Street. This is an upgrade and will provide safer pedestrian access. He thanked them for putting the project forward.

A motion was made by Councilor Molisse to close the public hearing on measure 19 105 and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/Management Committee-Chair Michael Molisse

Councilor Molisse reported that the Budget/Management Committee met on October 21, 2019 and deliberated the following measures:

19 104-Director of Municipal Finance Appointment-James Malary

This measure was referred to committee on October 7, 2019. The committee deliberated on October 21, 2019 and voted to forward to the full Town Council with a recommendation for favorable action. Mr. Malary was invited to the table to review his qualifications.

On behalf of the Budget/Management Committee a motion was made by Councilor Molisse to approve measure 19 104; that the Town of Weymouth, in accordance with section 2-10 of the Town Charter, appoint James Malary to the position of Director of Municipal Finance. The motion was seconded by Councilor DiFazio. VOTED UNANIMOUSLY.

19 105- CPA Funding Request for Lovell Field Pedestrian Bridge

This measure was referred to committee on October 7, 2019. The committee deliberated on October 21, 2019, and voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on October 21, 2019.

On behalf of the Budget/Management Committee a motion was made by Councilor Molisse to approve measure 19 105; that the Town of Weymouth appropriate the sum of \$182,341 from the Unreserved Fund Balance account for the design, permitting and construction of a bridge over the Herring Run to Lovell Field; and was seconded by Councilor DiFazio. Councilor Hackett thanked the administration for this proposed solution to the parking issue and for securing the lot two years ago. UNANIMOUSLY VOTED.

Ordinance Committee-Chair Ken DiFazio

Councilor DiFazio reported that the Ordinance Committee met on October 17, 2019 and deliberated the following measures:

Restricting Single Use Plastic Bags

This measure was referred on September 3, 2019. The Committee met on September 23, 2019 and on October 17, 2019. On October 17, 2019, a vote was taken to forward a draft ordinance to the full Town Council for its consideration. He thanked Mr. Yavorsky for bringing the matter forward and Councilor Haugh for drafting a proposed ordinance. A public hearing will be scheduled.

On behalf of the Ordinance Committee, a motion was made by Councilor DiFazio to send the draft to the Mayor's office soliciting feedback and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

Route 3 Billboards

Councilor DiFazio provided an interim report. This measure was referred to committee on September 3, 2019. The committee deliberated on September 26, 2019, and October 17, 2019. The Mayor held an informational forum on October 1, 2019. The committee sent a letter requesting all work stop, evaluate potential damages resulting from this action.

On October 16, 2019, Cove offered to meet with the constituents and Councilor DiFazio. Cove met with the administration on October 10, 2019 to propose several alternative designs. On

October 19, 2019, stoppage was confirmed. Councilor DiFazio and the Ordinance Committee again sent the administration a request for a list of damages if the ordinance is repealed. Auditor Swanson outlined a draft of a scope of the audit he is to conduct for the committee. They still need to hear back from administration on a list of damages.

NEW BUSINESS

19 106-Town Clerk-Call of Town General Election

A motion was made by Councilor Molisse to consider the measure under 2-9(b), same night action and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

A motion was made by Councilor Molisse to approve measure 19 106 and was seconded by Councilor DiFazio; In the name of the Commonwealth, the Town of Weymouth is hereby required to notify and warn the inhabitants of said town, who are qualified to vote in the Town General Election to vote on Tuesday, November 5, 2019.

UNANIMOUSLY VOTED.

19 107-Rezone Request for the Historic Mill District

Mr. Luongo presented the request, with a request it be referred to the Ordinance Committee and the Weymouth Planning Board; to see if the Town will amend the Town of Weymouth Code of Ordinances in the following manner:

Section 1. Chapter 120 of the Town of Weymouth Ordinances is hereby amended by adding the following new article:

Section 120-25.24 – Purpose and Intent

The Historic Mill Overlay District (HMOD) is recognized as a special location and a place to be protected as a community resource because it represents an important part of the Town’s heritage and because its unusual character creates an identity for Weymouth today.

The HMOD ordinance is established first and foremost to promote preservation of a historic resource – the George E. Keith Company Shoe Mill at 44 Wharf Street (parcel ID 19-172-25) – through adaptive re-use and to encourage the transformation of industrial/commercial uses to residential uses. It encourages:

- A. Adaptive reuse and site redevelopment for residential uses that are economically viable
- B. Allow redevelopment for multi-family residential uses which are sensitive to the surrounding established uses
- C. Opportunities for affordable housing
- D. Opportunities for additional public access to Osprey Overlook Park and connections to the Back River Trail
- E. Connections to the commuter rail station

Section 120-25.25 – Applicability

The HMOD includes the Industrial (I-2) zoning district bounded by Wharf Street and East Street as well as one R-1 property on East Street. This zoning district is shown on the map entitled “Historic Mill Overlay” and prepared by the Town of Weymouth, on file with the Town Clerk

and hereby made a part of this ordinance. Specifically, the properties within the HMOD include Weymouth assessor's parcel numbers; 19-172-25, 19-172-26, 19-172-31, 19-251-8, 19-172-11.

Section 120-25.26 – Relationship to Existing Zoning and Other Regulations

- A. The HMOD shall not restrict the rights of any owner who elects to utilize the existing underlying zoning district regulations of the Weymouth Zoning Ordinance to develop or redevelop land. If an owner elects to utilize the HMOD to develop or redevelop land, the project shall conform to all applicable requirements of this district, including any regulations or guidelines that may be adopted to support this district.
- B. In the HMOD, all requirements of the underlying district(s) shall remain in effect except where these regulations supersede or provide an alternative to such requirements.
- C. If the provisions of this ordinance are in conflict with any other section of the Weymouth zoning ordinance, the regulations of the HMOD shall govern.

Section 120-25.27 – Administration

- A. For purposes of this ordinance the Zoning Board of Appeals (BZA) is designated as the Special Permit Granting Authority (SPGA) for all uses allowed within the HMOD.
- B. The decision of the BZA for the HMOD Special Permit may be approval, approval with conditions, or denial of the requested special permit(s).
- C. Consistent with Article XXIVA of the Weymouth Zoning Ordinances (Site Plan Review Authority), the Planning Director will perform Site Plan Review, including sign review, for all projects submitted under the HMOD.
- D. All uses allowed under the HMOD shall be by Special Permit.

Section 120-25.28 - Pre-Application Meeting

Prior to submitting an application to the Building Inspector for projects under the HMOD, applicants are strongly encouraged to contact the Planning Department and request a Pre-Application Meeting with relevant Town officials. The purpose of the meeting is to present the project concept and discuss zoning, public safety, conservation, historic resources, housing concerns, etc. as applicable, in order to facilitate project development and coordinate the permitting processes. Project proponents are encouraged to bring sufficient information to the meeting to enable attendees to become familiar with the site and the project. This information includes photographs, a map of existing conditions, and a preliminary concept plan for the proposed project.

Section 120-25.29 - Special Permit/Design Review Criteria

The BZA and the Planning Director (under site plan review) shall each consider the criteria listed in Sections 120-25.29 and 120-25.30 before issuing a Special Permit/Design Review approval for development or redevelopment under the provisions of the HMOD:

- A. Adequacy of the site for the size of the proposed project.
- B. Suitability of the site for the proposed uses(s).
- C. Degree to which the proposed project complies with the purposes of the HMOD.
- D. Extent to which the project contributes to the historic context of the HMOD.

- E. Extent to which affordable housing is a component of the project – 10% affordable housing should be considered.
- F. Extent to which the project contributes to public access and/or trail connectivity to land along the Back River Trail and Osprey Overlook Park.
- G. Impact on traffic and pedestrian flow, safety and access for emergency vehicles.
- H. Extent to which the project promotes sustainable building and site design.

Section 120-25.30- Design Criteria

Design Criteria promotes quality development that is compatible with the character of the HMOD and the desire for contextual, pedestrian-scaled projects. Compatible Design helps to enhance the quality of life for all residents while strengthening the economic viability of the HMOD. The Design Criteria seeks to encourage visual harmony and historic integrity, and encourage creative design solutions. It encourages a variety of choices for achieving design compatibility within the HMOD. The following Design Criteria shall be used to evaluate all projects that require a Special Permit and Site Plan Review submitted under the provisions of the HMOD:

- A. New structures and additions shall relate to the pedestrian scale and residential scale of the surrounding neighborhood by including appropriate architectural details along the ground floor of all facades that face streets, existing residential neighborhood, and pedestrian spaces.
- B. External building treatments of existing buildings shall relate to and be in harmony with the existing historic structure.
- C. Continuous lengths of flat, blank walls adjacent to streets and pathways are to be minimized.
- D. For visibility and accessibility, primary building entrances shall be located on main street frontages, to the extent possible.
- E. For parking located to the rear or side of the building, these secondary entrances to the building are to be visible and accessible from the parking lot.
- F. Any alteration to the historic structure shall use materials, colors and textures, massing, size, scale and architectural features that are compatible with the original structure(s). Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. Any awnings and canopies shall be compatible with the architectural style of the building.
- G. All new residential structures approved under the HMOD shall incorporate architectural elements that are compatible with the existing historic mill or housing styles in the surrounding neighborhood.
- H. Mechanical equipment shall be screened, and if located on roofs, it shall be organized and designed so as not to appear to be a “leftover” or “add-on” element and to the maximum extent feasible shall incorporate baffles to mitigate any noises coming from such equipment.
- I. Projects shall enhance the pedestrian environment and bicycle circulation by providing safe and convenient pedestrian access into plans for existing buildings as well as new construction and parking areas should be designed in concert with landscaping plans so as to:

- a. Minimize the number and size of curb cuts and provide sidewalks along Wharf and East Streets to the extent possible.
 - b. Provide improvements to pedestrian access to buildings, sidewalks and parking areas with utmost consideration of pedestrian safety, handicapped access and visual quality.
 - c. Provide pedestrian and/or bicycle paths connecting their site with abutting areas, as feasible, in order to promote pedestrian and bicycle circulation safety in area of the Mill District and Town owned open space. When parking is located in the rear, pedestrian access via a pedestrian-oriented walkway through to the primary street is encouraged.
- J. Projects abutting Osprey Overlook Park and the Back River Trail shall ensure that existing public access to this area is maintained, and where none exists, public access is provided consistent with the Town's goal for more and improved trail access.
- K. As feasible, building rehabilitation and site design will incorporate green building techniques (such as those developed by the U.S. Green Building Council) and Low Impact Site design techniques aimed at protecting and enhancing the existing natural resources and buffer zones.
- L. Exposed storage areas, machinery, garbage dumpster, service areas, truck loading areas, utility buildings and structures shall be screened from the view of abutting properties and streets using plantings and/or opaque fences.
- M. Underground utilities for new and redeveloped buildings are required unless physically restricted or blocked by existing underground obstructions, or not possible due to specific site conditions.
- N. Landscaping will be a critical component in any project proposal. Landscape plans shall show the type, size and location of all proposed plantings. The plan shall show the location of plantings, including use of plantings to buffer neighboring properties and along the street frontage and pedestrian ways.
- O. Large parking areas or areas greater than 20 parking spaces shall be separated by landscaped islands of 8 to 10 feet in width or in the alternative shall devote at least 5% of the interior of the parking lot to landscaping. In addition, a minimum of one shade tree shall be planted for every 6 parking spaces required or built, within appropriate locations on the lot(s). Trees planted within parking areas shall be planted in protected pervious plots of at least 60 square feet of area. In the alternative, if the above parking design standards are not feasible, parking design stands shall utilize low impact design techniques aimed at enhancing parking area by utilizing landscaping features and greenery that will meet the intent of this subsection.

Section 120-25.31 – Uses

Except as provided in the Zoning Act, Ch. 40A M.G.L., the Weymouth Zoning Ordinance or in this HMOD, no building, structure or land shall be used except for the purpose permitted in the underlying zoning or the HMOD as described. Any use not listed herein shall be construed to be prohibited.

The following uses are permitted within the HMOD subject to a Special Permit from the BZA and administrative Site Plan Review by the Director of Planning and Community Development.

- A. Multi-family housing including artist housing
- B. Live/work units defined as the conversion of an existing commercial, industrial or institutional building into units used jointly for commercial and residential purposes whereby the residential use of the space is secondary or accessory to the principle use as a place of work.
- C. Two Family Dwellings
- D. Attached/detached Town Houses

Section 120-25.32 – Guidelines for Adaptive Reuse – Existing Mill Structures

In a redevelopment project, a minimum of 75% of the mill building’s original exterior characteristics deemed to be of historic architectural significance, must be preserved, restored, rehabilitated and redeveloped for residential use only. Determination of architectural and historical significance will be determined by the Planning Director in consultation with the Weymouth Historical Commission.

Up to 25% of the existing building’s footprint, including any out buildings deemed non historic or structurally unsound, may be demolished and a structure(s) may be built on the demolished structure’s footprint, or equivalent separate structure, provided that the new portion be in keeping with the character of the remaining building and not exceed the height of the highest point of the existing principal mill structure. If the existing square footage of the mill building remains in its entirety, it may be expanded by an additional 15% either attached to the main building or as a separate building.

Section 120-25.33 – Density Guidelines for New Construction – Existing Mill Buildings

The following density requirements will apply to any new construction proposals initiated as the result of the demolition of the entire existing mill building only:

- A. FAR - .50
- B. Minimum Setbacks
 - Front – 25 feet
 - Side – 15 feet
 - Rear – 20 feet
- C. Height - 5 stories and 70 feet max
- D. Lot Coverage - 60% max with min 15% of site as open space. No more than 75% of site as impervious.

In addition to the required setbacks, an additional 20 foot “no build” buffer will be required when a project abuts existing single-family residential property.

The BZA may consider proposals with more than one principal structure.

Section 120-25.34 – Density Guidelines for New Construction

The following guidelines will apply to any new construction proposals not covered by 120-25.33:

- A. FAR - .30 for multi-family residential
- B. Minimum Setbacks
 - Front – 25 feet
 - Side – 15 feet
 - Rear – 20 feet
- C. Height - 4 stories and 50 feet max
- D. Lot Coverage - 60% max with min 15% of site as open space. No more than 75% of site as impervious.

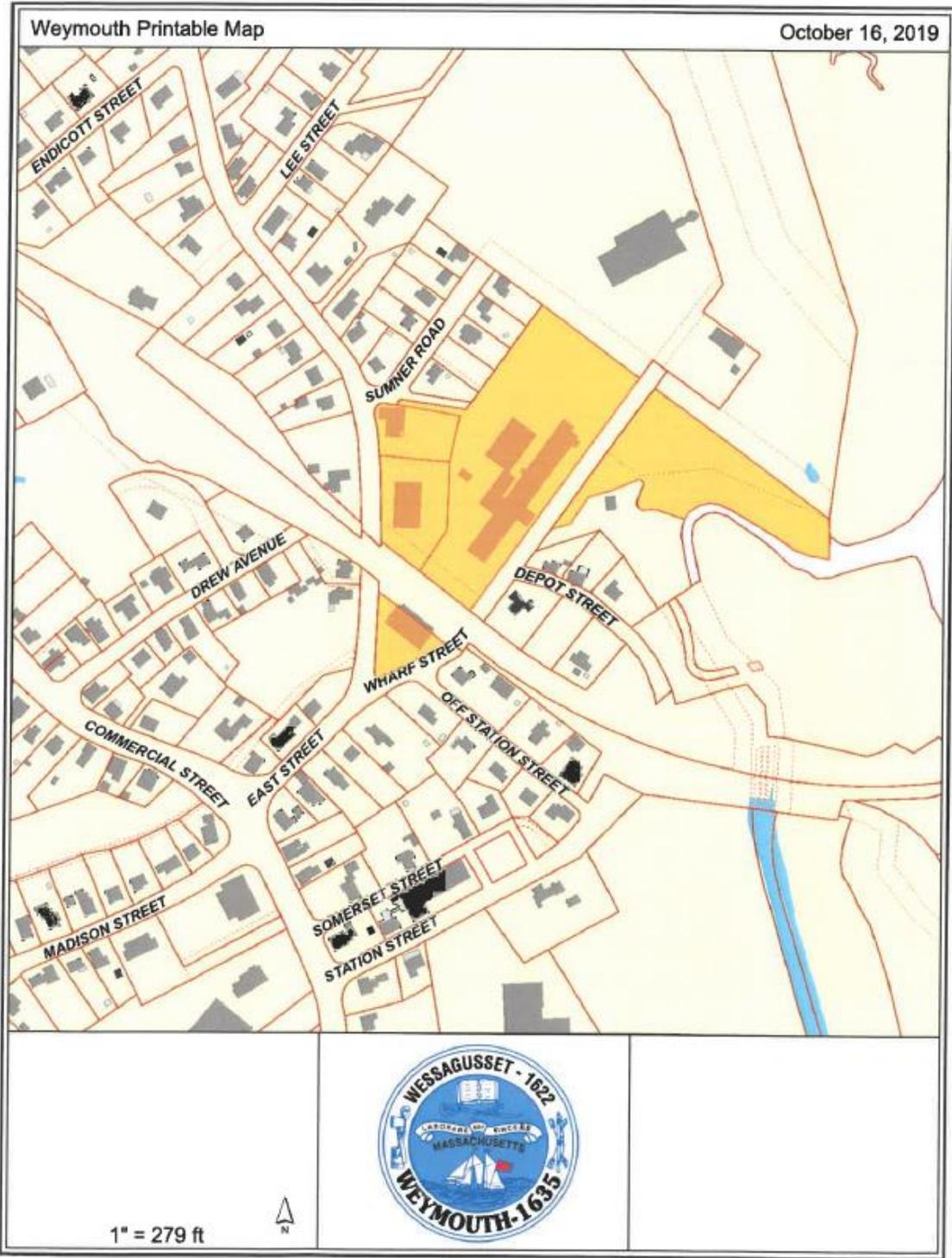
Section 120-25.35 - Parking

The following parking ratios will apply to all development proposals within the HMDO:

- A. Studios and 1 BRs – 1.5 spaces per unit
- B. 2 BR – 2 per unit

To promote a pedestrian friendly environment, parking in front of buildings is discouraged. Parking areas shall include provisions for the “parking” of bicycles in bicycle racks in locations that are safely segregated from automobile traffic and parking. For parking areas of ten or more spaces, bicycle racks facilitating locking shall be provided to accommodate 1 bicycle per twenty (20) parking spaces or fraction thereof.

Provisions shall be made for electric charging stations. The provision of electric vehicle charging devices in existing or future parking spaces shall not reduce the number of required spaces. Electric vehicle charging stations on parking spaces that meet the size standards of this ordinance for a parking space shall count as parking spaces in all respects. The number of parking spaces set aside for electric vehicles shall be determined by both the Building Inspector and Planning Director.



Mr. Luongo noted that the Francer property is an industrial use embedded in a residential neighborhood. The industrial owners are in support so long as they don't lose their underlying industrial use rights in the zoning overlay district. A motion was made by Councilor DiFazio to

refer measure 19 107 to the Ordinance Committee and the Planning Board and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

Ceremonial Bonfire Permit- George Raymond

Vice President Mathews noted this was proposed by the Weymouth 400 Club; however, after a meeting with the Mayor and Fire Chief they have requested this be withdrawn.

ADJOURNMENT

The next regular meeting of the Town Council has been scheduled for Tuesday, November 12, 2019. At 8:18 PM; there being no further business, a MOTION was made by Councilor Molisse to adjourn the meeting and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Councilor Mathews as Acting President

Voted unanimously on 18 November 2019

Attachments:

1. R.M.Thomas-Affordable Housing Inventory
2. B. Delaney- Citizen Petition in Support of Request for Change in Weymouth Zoning Ordinance