

**Special Town Council Minutes
Town Hall Council Chambers
31 July 2023, 7:30 p.m.**

Present: Arthur Mathews, President
Michael Molisse, Vice President
John Abbot, Councilor
Lisa Belmarsh, Councilor
Pascale Burga, Councilor
Kenneth DiFazio, Councilor
Fred Happel, Councilor
Maureen Kiely, Councilor
Gary MacDougall, Councilor
Greg Shanahan, Councilor

Not Present: Christopher Heffernan, Councilor

Also Present: Kathleen Deree, Town Clerk
Richard McLeod, Town Solicitor
Brian Connolly, Town Auditor
James Clarke, Chair of the Historical Commission

Recording Secretary: Janet P. Murray

President Mathews called the meeting to order at 7:54 p.m. Following the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll. Councilor Heffernan was not present.

ANNOUNCEMENTS

Citation Issuance Recognizing Weymouth Fire Engine Company Two for Heroic Actions
- Mayor's Office
- Michael Molisse, Vice President
- Fred Happel, Public Safety Committee Chair

Councilor Molisse recognized Fire Engine Company Two for their heroic actions taken on July 23, 2023. After receiving a report of a missing resident at a fire on Commercial Street, Engine 2 made entry to the second floor of the dwelling. Taking quick action, they located the resident and brought her to safety. He noted that the other crews from Group Four were able to control and extinguish the fire. The team effort of all involved exemplifies Weymouth's fire department's mission of service, pride, and commitment.

Councilor Happel also recognized Engine 3, Ladder 1, and Engine 2 who were dispatched to Whitman's Pond, today, for reports of a person in the water. Upon arrival on scene, the report was confirmed. A successful water rescue was made. He noted that retired fire fighter Thomas Bradley assisted the resident until emergency services arrived.

While presenting a citation on behalf of Mayor Hedlund, Ted Langill thanked the members of Engine 2 for their service to the Town.

Councilor Kiely stated that the Weymouth Candlelight Vigil in remembrance of overdose victims will be held on August 31, 2023, at 6:30 p.m. at the Brad Hawes Park located on Lakehurst Ave in Weymouth.

MINUTES

Vice President Molisse motioned for approval of the **Ordinance Committee meeting minutes of May 30, 2023**. Motion seconded by Councilor Kiely and voted unanimously.

Vice President Molisse motioned for approval of the **Ordinance Committee Meeting minutes of June 15, 2023**. Motion seconded by Councilor Kiely, and unanimously voted.

Vice President Molisse motioned for approval of the **Town Council Meeting minutes of June 20, 2023**. Motion seconded by Councilor Kiely, and unanimously voted.

Vice President Molisse motioned for approval of the **Ordinance Committee Meeting minutes of June 22, 2023**. Motion seconded by Councilor Kiely, and unanimously voted.

RESIDENT AND COMMUNITY COMMENT

David McCauley of 63 Courier Street
-Weathervane Golf Course-Golf Ball Issue

Mr. McCauley informed the Council that he has had a problem with golf balls landing on his property from the abutting Weathervane Golf Course for many years. He stated that he has made multiple attempts to resolve this problem with Mr. Bristol. He stated that he retrieved 22 golf balls from this year alone. He stated that he has not had a satisfactory response from Mr. Bristol. He continued that he has also reached out to Town Councilors and the Mayor without any resolution.

Mr. McCauley stated that when the permit for this property was granted, there should have been a stipulation that the residents would not be affected.

Council President Mathews stated that the Town Council did not grant the permit, the Board of Zoning Appeals (BZA) granted it. He continued that he would send a letter to Mr. Bristol requesting that he meet with Mr. McCauley and the neighbors about this situation but added that the Council has limited jurisdiction over private entities and that the Council does not have the authority to send the building inspector or the police to handle the situation.

Town Solicitor McLeod stated that tomorrow morning he would review the special permit for conditions that was issued and get in touch with Mr. McCauley.

PUBLIC HEARINGS

23 110 – CPA Funding Request – Historic Map Restoration

Vice President Molisse made a motion to open the public hearing on measure #23 110 which was published on July 21, 2023, and was seconded by Councilor Kiely. UNANIMOUSLY VOTED.

James Clarke, chair of the Historical Commission, stated that he is before the Council to request \$4,500 to restore an 1853 Henry Walling map of the town of Weymouth. The intent is to have it restored professionally. He noted that he had been working with Kathy Deree from the clerk's office. He reported that when the work is completed, the map will be located somewhere in town hall for people to have an opportunity to view it.

Vice President Molisse reported that this measure was just in the Budget/Management Committee meeting prior to this meeting.

Councilor Abbot asked if there has been any progress as to where items like this might be able to be presented.

Mr. Clarke stated that although not to the extent that previously existed, there is a history room at the new Tufts library where there is the same map. It was restored by the library about 10 years ago. He added that the intent was to have this map at town hall.

Council President Mathews asked if there was anyone from the public who would like to speak on measure #23 110 to which there was no response. He also asked if there was anyone on the Zoom simulcast who would like to speak to which there was no response.

Vice President Molisse made a motion to close the public hearing on measure 23 110 which was seconded by Councilor Kiely. UNANIMOUSLY VOTED.

23 111 – Proposed Amendment to Union Point Zoning District Map at Exhibit A of Zoning and Land Use By-Laws for NAS-South Weymouth

Vice President Molisse made a motion to open the public hearing on our measure #23 111. This was published on July 15, 2023, and July 22, 2023, which was seconded by Councilor Kiely. UNANIMOUSLY VOTED.

Mr. Brent McDonald, Attorney, Nutter McClennan & Fish LLP appeared before the Council along with Anthony Borghi, Principal at Endeavor Capital, and Marco Crugnale, Founder and Principal, Crugnale Properties.

Mr. McDonald gave an overview of the project using a PowerPoint presentation.

Mr. McDonald stated that Endeavor Capital, a lender, came to own this property through foreclosure after the loan that was made to the former master developer at Union Point was not repaid. He noted that Endeavor Capital owns approximately 40 acres of land within Union Point

in the town of Weymouth, as well as approximately 25 acres of land in Rockland, just outside of the Union Point boundaries.

After acquiring the property, Endeavor Capital is looking to put it into productive reuse and has partnered with Crugnale Properties, a local real estate developer who has projects throughout the Commonwealth.

Mr. McDonald stated that the two properties to be discussed are tax parcels 598 45 and 46. He showed aerial photos of the parcels. This is the site of the former gymnasium at the Naval Air Station, South Weymouth. It is immediately adjacent to the Union Point Sports Complex and very close to the high density development area in the proposal that was recently approved by this Council for the new designated master developer in the mixed use development district. The site is approximately 3.4 acres. He noted that the property boundaries are roughly shown in red and pointed out the details of the adjacent sites.

Mr. McDonald continued that they are seeking to amend the Zoning Map Exhibit A to the Zoning and Land Use Bylaws of Union Point for this property off Memorial Grove Avenue under the enabling legislation and the Zoning Bylaw. He added that this is considered a major zoning amendment and therefore requires the approval of the Weymouth Town Council.

Mr. McDonald reviewed the rezoning request, noting that the property is currently subject to both an underlying zoning district as well as an overlay zoning district. He added that this is a single property in single ownership that it is in three different underlying zoning districts. When developing and trying to design property for redevelopment, it is difficult to work under multiple sets of different rules.

Mr. McDonald stated that two options being considered are a hotel development with a restaurant, or a multifamily residential. He noted that they could do either of these projects under the existing zoning and would still have to go through the full review process before the Southfield Redevelopment Authority (SRA) which would involve development plan review, site plan review, and any conservation commission process that would be required based on any wetlands in the area. He noted that they are not a part of the new process for Brookfield/New England

Mr. McDonald stated that they could put this into productive reuse for a hotel, and it would be utilizing portions of the overlay district, and portions of the underlying zoning but this creates a disjointed development. He reviewed how the buildings and parking would be sited and noted that this request would help them design their project in a better way.

Mr. McDonald addressed the parking situation. He stated that they are aware that a lot of people currently use this site for parking for the sports complex. This use was originally permitted through the SRA. It included all of the sports complex and some other adjacent parcels.

This was originally permitted for a restaurant and the gym was supposed to be retrofitted into a health club. A wiffle ball court and basketball courts were included in the original approval. Under that approval, the parking that would have been required for the health club and restaurant use alone was 99 spaces. At the moment there are approximately 45 lined spaces on the site and

somewhere between 55 and 60 unlined spaces. He noted that it is difficult to tell exactly how many cars have been getting in there as it depends on the car size.

Mr. McDonald stated that any agreements they have will not change whether it is rezoned or not. He continued that they are not changing agreements with the adjacent owners, and they will be working with them to create a solution that works for everybody. He added that they believe that they can create a significant amount of parking that could be used either exclusively or in some sort of shared capacity for the two uses.

Mr. McDonald stated that they have owned the site for quite a while and there are economic consequences that go along with rezoning. He continued that they do not know exactly what they want to do but would do it under some permitted use of the rezoning in an orderly fashion. He noted that the current zoning is abstract and boxes in the site. He added that they can reach out to the owner of the sports complex, Jerry Shaffer, to work out the parking situation.

Council President Mathews noted that there is going to be an ordinance committee meeting next week.

Council President Mathews asked if there was anyone who would like to speak this evening. There was the following response.

Mr. Luongo stated that there are a couple of issues. He noted that the town does not know where the new mixed use zoning is going. The Town Council passed that zoning at the end of June. It is going to be voted in Rockland and Abington this fall at their town meetings. He stated that this zoning was based on a master plan which was approved by the SRA. Even though Endeavor Capital is not a part of that master plan or a part of that zoning, they are in the center of this development. He noted that there are a number of uses that could be put on that site, either under their proposed new zoning, or even under the existing zoning that could be detrimental to the Master Plan Development.

Mr. Luongo pointed out that there was an agreement between the sports complex and the previous owners to allow parking on the current owner's site. He stated that it is unclear what will happen to that parking agreement.

Mr. Luongo stated that the Planning Board had their public hearing and will meet tomorrow night to vote on their recommendation to the full Council. He indicated that his recommendation to the planning board will be the same as his recommendation to the Council that the town vote "no" on this under the special legislation. He added that the applicant can resubmit in six months; they do not have to wait two years.

George Berg, 74 Summer Street, Weymouth, agreed with Mr. Luongo. He continued that it would be a mistake as it is such an early time to effectively look at such a small parcel in the middle of a much larger project. He stated that the Town is waiting for the SRA, Abington, and Rockland to vote on the overall master plan, and it would send a bad message to them for Weymouth to already be reevaluating smaller pieces.

He added that he would like to know how this zoning would affect other groups that have already constructed around this parcel of land. They invested in the property, took that risk, and they made certain assumptions and agreements, recognizing some of the things that they may have to deal with in the future. He stated that he would recommend that the Council ask for more information on what that parking agreement might be.

Mr. Berg urged the Council not to pass this measure and allow these gentlemen to come back in six months with a revised proposal.

Counselor DiFazio asked if Endeavor Capital has spoken New England Development to see how this change fits in with the master plan.

Mr. McDonald stated that they have made several attempts, both directly and through the SRA to reach out to New England Development/Brookfield. He continued that other than cursory informal conversations before and after hearings, those requests to meet and discuss this have gone unanswered.

Councilor DiFazio questioned if they have a copy of the parking agreement between the abutter and their property?

Mr. McDonald stated that Mr. Luongo provided it right before this hearing.

Councilor DiFazio requested a copy for the Ordinance Committee which is going to meet on August 7, 2023.

Mr. McDonald stated that rezoning the site does not change any off record agreements that may exist between the parties, and they have to abide by any agreements, to the extent they are legally enforceable,

Councilor DiFazio stated that he does not think the approval of Rockland and Abington has anything significance with this request and he does not see the relevance waiting for them.

Councilor MacDougall asked how much land is remaining under this zoning under this particular older agreement. He noted that it seems like this is a parcel that falls into the older zoning but now we have a new zoning agreement.

Mr. Luongo responded that it is hard to say. He continued that the amendment requested by Brookfield Development dealt with only the undeveloped land on the site. The idea was not to change any of the developed land at Union Point.

He stated that if the mixed use zoning does not pass Abington and Rockland then they are back to square one with the existing zoning. He added that he thinks it is relevant to know whether or not the mixed zoning passes; he stated that if it did not pass then the underlying zoning remains in place.

Mr. Luongo noted that the parking agreement has no beginning or end date, and it is an agreement not an easement.

Councilor Burga stated that she was surprised to see the presentation here this early. She continued that with the zoning changes in the master plan not fully approved she would think that they would want to wait to see what happens.

Mr. McDonald stated that they would have pursued this several years ago as they were interested in pursuing a rezoning then. However, after speaking with the administration, they were told that they should hold off because LStar was on its way out. He continued that they have waited 3 and a half years. Finally, the process went forward with the new master developer; he noted that they would have preferred to piggyback with this change, but he understood that Brookfield Development is very focused on getting their plan approved.

Councilor Burga noted that there are concerns about shared parking. She questioned changing the zoning before the parking issue was resolved.

Mr. McDonald stated that one part of it informs the other. If the rezoning gets approved, then the design will look different than if the rezoning does not get approved. The design has to be done in a very specific way based on the parameters that exist now and therefore the location and the access to parking, the number of spots that are shared or not shared, and when those spaces can be used is difficult to flesh that out until we know what the design would look like.

If the zoning change would go through, they do have a good sense of the number of spaces that could be given to the sports complex. If it was commercial use, or if it was residential use, they would have to explore that further.

Mr. Borghi stated that conceptually it would be a lot less restrictive for parking purposes if the building could be sited more liberally, rather than being prohibited by this zoning map.

He pointed out that there are engineered plans that show potential cross easements and that they are open to discussions, but they have been there for three and a half years waiting and nothing has happened.

He continued that they own this parcel, and it is a sizable part of their portfolio. They are not only ready to develop the property; they have financing as well as a partner to develop the property. He stated that to continue to be pushed out, waiting for something to happen is unreasonable.

Vice President Molisse stated that he has a large concern on the parking and that the agreement needs to be straightened out.

Vice President Molisse stated that he is concerned about a hotel being located at the site, and what it would be as Weymouth has not had a good track record with hotels.

Mr. McDonald stated that he thinks that the sport complex's parking situation would be much better than it is today under the rezoning. He believes that they can accommodate a much better parking plan.

Councilor Shanahan asked if they have had any interactions with the neighbors as whatever is developed impacts them, their property value, and quality of life.

Mr. McDonald stated that they would be happy to meet with anybody and everybody that wants to meet with them. He noted that the neighbors have certainly turned out for some of their other projects, through the permitting process, and they've been well informed.

Councilor Abbott stated that he represents the residents of Union Point, and it is very important to get the residents involved. He added that for many years, their voices have been ignored over the interests of people who owned the property, and who were doing things definitely not in the resident's interest.

Mr. McDonald stated that Endeavor Capitol owns 40 acres within the town of Weymouth, within the base, and then there's about 25 acres that they own in Rockland.

Councilor Abbott suggested that Endeavor Capital have bigger public discussions to review the overall zoning for all the Endeavour-owned properties, so that it is all done under one big package and see how it fits into the multi-use development district which was just approved.

Council Di Fazio noted that the presentation this evening is inadequate to compare the advantages and disadvantages of whether it is developed with each of the zoning possibilities. Councilor DiFazio requested that Mr. McDonald provide some drawings as to what could happen under the different types of zoning and to provide the advantages and disadvantages to them and to the surrounding areas under each.

Mr. McDonald stated that they do have some pictures but might not have pictures of all the alternatives. However, he stated that they can give parameters noting if they did it under underlying zoning and with a particular product it would require this much parking and if you rezone it requires that much parking for that same product.

Vice President Molisse read a communication submitted to the Council from the South Shore Chamber of Commerce which addresses this measure.

Vice President Molisse made a motion to close the public hearing on measure #23 111 which was seconded by Councilor Kiely. The motion passed 10 to 0.

REPORTS OF COMMITTEE

Budget/Management Committee - Chair Michael Molisse

23 110 - CPA Request – Historic Map Restoration

Vice President Molisse stated that this is a funding request for historic map restorations. This was referred to the Committee on 6/20/2023 and the Budget/Management Committee met this evening, and a public hearing was held at that time. The committee voted unanimous favorable action.

Vice President Molisse made a motion to recommend favorable action on measure 23 110 to the full Town Council to the town of Weymouth to appropriate the sum of \$4,500 from the historic preservation fund balance accounts 40 906 3201 005 for the costs associated with conservation and preservation of a historical map of Weymouth. The motion passed 10 to 0.

23 090 – Free Cash for Riley Field Pickleball Courts

Vice President Molisse stated that this was referred to the Committee on 5/15/2023 and the Budget/Management Committee had a public hearing on 6/5/2023 at which was a favorable public hearing. But after the public hearing, he had conversations with the neighborhood.

Councilors Happel, Kiely and Burga met with Steve Riley at the field. It was decided there were a lot of concerns. Mr. Riley stated that he would work to put some things together for the residents and listen to their concerns about traffic and noise.

This measure was tabled on 6/12/2023 and again on 6/26/2023. This was taken off the table this evening for discussion. Mr. Riley is still working on outreach to the neighbors, so the decision was made to keep the measure on the table until 9/18/2023.

23 003 – Legal Counsel Representation for Town Council

Vice President Molisse stated that this item is more of a housekeeping one. This is measure 16 101 and is for legal counsel representation for the Town Council. It was drafted in June of 2016 by Councilor McDonald. It was received 6/2/2016 and brought up on 6/17/2016 at the town council meeting which referred it to the Budget/Management Committee. The Budget/Management Committee met four different times: 9/16/2016, 6/27/2017, and 3/19/2018. On 12/17/2018 it was voted to carry it over until 2019.

Vice President Molisse stated that Councilors were sent back up information on this measure. He briefly reviewed it.

He noted that there had been controversies with the town solicitor at the time resulting in different interpretations of the law on behalf of the Town Council. The Council investigated hiring legal counsel to represent just the Council itself.

He continued that this measure has been sitting in committee and would like to get it out of committee. He pointed out that the Council is in a great spot now. The town solicitor we have is doing a great job and they do not see any need for anything like this.

Vice President Molisse made a motion to recommend no action on measure 16 101 to the full Town Council which was seconded by Councilor Kiely. The motion passed 10 to 0.

NEW BUSINESS

Special Committee Formation-Pursuant to Town Council Rule Number 35

-Southfield/Union Point Committee

-President Arthur Mathews

President Mathews stated that he is looking to establish a special committee for Southfield/Union Point. He stated that if this passes with favorable action, Ms. Hachey will send an email to Councilors to determine interest in serving on the committee. The Town Council President can select up to five members for that committee, as has been done previously with other standing committees.

Councilor McDougall made a motion to accept a special committee formation pursuant to Town Council rule number 35 which was seconded by Councilor Molisse. The motion passed 10-0.

President Mathews stated that the next Town Council Meeting will be held Tuesday, September 5, 2023, due to the Labor Day holiday.

ADJOURNMENT

At 9:15 p.m., there being no further business, Vice President Molisse motioned to adjourn the meeting, and was seconded by Councilor Kiely. Motion passed 10-0.

Respectfully Submitted by Janet P. Murray as Recording Secretary

Approved by Arthur Mathews as President of the Town Council
Minutes approved unanimously on 18 September 2023