

**TOWN COUNCIL MINUTES  
ORDINANCE COMMITTEE  
Town Hall Council Chambers  
September 28, 2021**

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

Absent: Brian Dwyer, Vice Chair

Also Present: Kathleen Deree, Town Clerk  
Joseph Callanan, Town Solicitor  
Richard Swanson, Town Auditor  
Robert Luongo, Director of Planning  
Eric Schneider, Principal Planner  
Owen MacDonald, Traffic Engineer  
Lt. Brian Morse, WPD

Recording Secretary: Mary Barker

Chair DiFazio called the meeting to order at 6:51 PM with Councilor Dwyer absent.

**21 106-Traffic Regulations Ledgebrook Road-Merrymount Area**

This measure was referred to the Ordinance Committee on June 28, 2021. The committee met on July 27, 2021 and a public hearing was conducted on August 30, 2021. Chair DiFazio reviewed the materials that had previously been provided to the members, including the transcribed comments from the public hearing and a draft letter to MassDOT.

Traffic Engineer Owen and Lt. Morse were invited to the table and noted that a handout was provided earlier. Mr. MacDonald noted that there were a number of comments at the public hearing, some that required responses, and he provided the following:

- M. Cronin- this was a proposal that deviated from the original- Old Pine Street as a one-way and a right turn prohibition on Merrymount and Hickory, between 6AM and 1 PM. very narrow. Old Pine is a state highway, which Weymouth has no jurisdiction over. It's also very narrow, and 2-way traffic is difficult. There is also the difficulty with enforcing a prohibition on a side street.
- T. Fulsom's comments-this can be looked at for the appropriate spot for a stop sign
- M. Gallagher-placing a speed bump in front of property is of concern to the solicitor; who has rights to it? Lt. Morse added that all public safety staff oppose this approach.

- R. Drysdale- lower speed limit. Lt. Morse- small. Side streets. He would like to look at that. The speed limit on smaller streets is the same as it is on the main roads. Multiway stops as suggested were previously discussed- national criteria. Volume and crash data doesn't support. As for creating resident-only parking, there are cities with permits, but they are citywide and not segregated to individual areas. The other suggestion, for radar signs is a good one, but it cost money.

Councilor Mathews reported that they have all heard from constituents about the problems with the intersection of Ralph Talbot and Pine. Much could be alleviated if the state fixes it; widen and re-signalize it. Having listened to the questions/comments, he had a letter drafted to MassDOT. Subsequent to any changes, he requested they consider voting to send it to MassDOT and voting as full council. Mr. MacDonald responded that the worst they can do is say no. Mr. MacDonald suggested some formatting amendments to the draft, which were accepted. Chair DiFazio read the letter into the record:

*“To Raj Kulen-*

*I am writing on behalf of the Town of Weymouth's Ordinance Committee and the Town Council, regarding the intersection located at Ralph Talbot and Pine Streets in Weymouth, Massachusetts. We have been contacted by several concerned constituents regarding a drastic increase in traffic due to build out in the area. Drivers, attempting to avoid traffic and lights are using neighborhood side streets as cut-throughs. This area is a bedroom community which houses many children and the activity inherent in this type of neighborhood are children riding bicycles, parents strolling with carriages and individuals walking their dogs.*

*Resultant from the number of complaints from the neighbors, several community meetings have been held in an effort to determine the appropriate calming measures.*

*A measure is currently under review by the Ordinance Committee and Planning Board which is a culmination of resident feedback and traffic studies conducted by the town's traffic engineer and police department via speed boards.*

*I am attaching both a copy of our measure and traffic studies which were conducted in the area for your perusal.*

*As one of the areas in question is state-owned (intersection of Ralph Talbot and Pine Streets), we are requesting your help in determining intersection realignment with associated utility relocation, and widening or re-signalization in order to calm the traffic and accommodate safety concerns.*

*Please feel free to contact me should you have questions, and I look forward to your response in this matter.*

*Sincerely,*

*Arthur Mathews, Town Council President*

*cc: all councilors, O. MacDonald, B. Morse, Rep. Murphy, Speaker Mariano, Sen. O'Connor*

The draft was reviewed and adjustments made. Mr. MacDonald asked that the letter be addressed to Mr. McInerney, who is the chief, but to the attention of Mr. Kulen. Also, Councilor Mathews noted that it should read “under review by the Ordinance Committee, Planning Department and Police Department.” Councilor Haugh asked if the measure would be held open until there is a response from the state? The chair responded that would make sense. Councilor Mathews suggested this is separate from consideration of the measure. In the meantime, they can take the appropriate measures as a town to calm traffic. They will still need help from staff to monitor as this goes forward. It’s a step in the right direction.

A motion was made by Councilor Mathews to send the letter and was seconded by Councilor Heffernan. Unanimously voted.

Chair DiFazio asked Mr. MacDonald if they stand by the original recommendation to move forward? Mr. MacDonald responded that based on the discussion here, the original measure is still the most effective approach to achieve the objective, minimizing cut-through traffic, albeit with inconvenience to the residents. Lt. Morse added that it will not make everyone happy, but it is a complex issue. It has been a hot topic in that neighborhood that’s pitted neighbor against neighbor. The cut-through traffic is an issue. The results of the speed study indicate not a lot of speeding is happening. The department will have to saturate the neighborhood with police if the measure passes and once the signs are up to monitor it but they can’t stay forever. He agreed, the overall measure as proposed is the best solution.

The chair asked if they had a suggestion for sequential implementation or do it all at once? Lt. Morse responded that he would like to see the speed limit reduced. The Tamarack end relies on MassDOT approval. Old Pine, Merrymount and Hickory could be done while still waiting for the other end. Mr. MacDonald responded that it could happen without their knowledge. Councilor Haugh responded that she takes issue with the Tamarack part. Does the no left turn have to be done? Is it the same in the morning as at night? Mr. MacDonald responded it is equal. She also asked if the council is required to do anything further? Mr. MacDonald responded their part is done; the rest will be the implementation. The chair noted that whatever they do, if they find the results are not what they expected, they have the ability come back to adjust as needed, and quickly even if it means another public hearing. Councilor Mathews suggested that if MassDOT fixes the intersection, some of the changes wouldn’t be necessary. Councilor Haugh noted they have the ability on town streets, but not state roads. Mr. MacDonald responded that would require a request to the state, and they have their procedures. Councilor Mathews noted that similar turn restrictions were made in East Weymouth at

Jackson Square-he questioned if there has there been negative consequences. The response was no, even though it is a smaller neighborhood.

A motion was made by Councilor Mathews to forward measure 21 106 to the full Town Council with a recommendation for favorable action and was seconded by Councilor Heffernan. Unanimously voted.

Chair DiFazio noted they are trying to do the right thing. Councilor Haugh asked if the council may vote to reduce the speed limit. Mr. MacDonald responded that as a result of legislation passed in 2014, a municipality can vote to reduce the speed limit for the entire town from 30 to 25 mph. The larger streets would need to be exempted. It would require a separate measure. Councilor Mathews responded that a town-wide request for speed limit reduction would need a full town study and discussion. Lt. Morse noted that several surrounding towns have done a similar action. The chair suggested that if they are not prepared to do it town wide at this time, they should look to change it for this neighborhood. Mr. MacDonald responded that a town-wide approach would be more expeditious. Councilor Mathews noted that speed is not the biggest issue here; it is the intersection as well.

A motion was made by Councilor Mathews to take measure 21 111 out of order and was seconded by Councilor Haugh. Unanimously voted.

#### **21 111- Acceptance of Conservation Land – 640 Union Street**

This measure was referred to the Ordinance Committee on September 20, 2021. Mr. Luongo presented the measure; that the Town of Weymouth, through Town Council with the approval of the Mayor, hereby accept for the sum of One Dollar (\$1.00) a parcel of land shown as Lot 3, containing approximately 56,263 square feet of land, as shown on a plan of land entitled “Plan of Land, 640 Union Street, Weymouth, MA dated 5/28/2021 and prepared by Hoyt Land Surveying. Said Plan being recorded in Norfolk Registry of Deeds in Book 704, Page 46.”

This parcel is conveyed to the Town of Weymouth under the provisions of General Laws, Chapter 40 Section 8C, as it may and hereinafter be amended and of Amendment Article 49 of the Massachusetts Constitution to be managed and controlled by the Conservation Commission of the Town of Weymouth for the promotion and development of the natural resources and for the protection of the watershed resources of said Town of Weymouth.

Director Luongo provided the committee with Handout #1- Mr. Ryder is purchasing property with a house on it. He proposes a 2-lot subdivision, keeping the original house on lot 1 and a new house to be built on lot 2. The neighbors are upset with the plan as it sites lot 2 would be built in the back yards of neighbors and there are privacy issue. Community meetings were held, on Zoom. Mr. Ryder proposed Exhibit B- a 2-lot subdivision, seeking relief to shrink the lots down to 17+ and 19+ thousand with a variance needed. The neighborhood wants that proposal and it’s in scale with houses on Union Street. BZA granted Exhibit B, subject to Mr. Ryder offering an open space lot (56,263 sq.ft.) for conservation purposes. Shown in handout #2, and the map from town GIS - the strip is not developable. If the town accepts this, they would then ask the

Redevelopment Authority to grant it to Weymouth for purposes of conservation in order to connect a trail from Union Street to Union Point. Eventually, the idea is to make a walkable way and trail system into the Union Point development. The variance is already approved; it's just a matter of the town accepting it.

Councilor Mathews asked the condition of the proposed parcel of land which is zoned R-1. Does the land have value? Mr. Schneider responded no; by virtue of the two houses being constructed, it's now landlocked (no frontage) Councilor Mathews asked can it be used by kids, as a playfield? Mr. Luongo responded no; not if it is restricted for conservation, which does not allow for any active use. It would not be an active area at all. It will have a conservation restriction, and would be for passive use.

The chair noted the lot to the left of Lot 1 it owned by the Redevelopment Authority. They were notified of the zoning board action. He asked if this is a good compromise? The decision was already made. The decision now is whether to accept the land or not.

Councilor Heffernan noted it's a shift of land to make a trail system -is that viable? Mr. Hultin from Conservation walked the land to see if a walking trail could be done. There is a perimeter of land around Union Point that is open space that will eventually connect to it. Councilor Heffernan noted the area right around it is a feeding point to swamp and is wetlands. It will be interesting to see how this will take place, and what terrain they are working with.

Councilor Haugh said she has no reservations. As she has parked at the cul-de-sac; is it public parking? Mr. Luongo responded that a portion is actually on Union Point land. It's upland of the 56,000 sq. ft. piece. The redevelopment land is not developable.

Councilor Mathews noted it was already decided by BZA; but what if the council chose not to accept? Mr. Schneider responded that the developer would be required to pay taxes on undevelopable land. It is negligible. Councilor Mathews asked what is the current assessed tax value? Mr. Schneider responded he wasn't sure. The chair noted that at BZA it was understood that it would be given as conservation land. Mr. Schneider responded that the Planning Department did not have the authority to accept it. If the council is not comfortable accepting it, it won't have negative impact on the neighborhood or the project. The question is what to do with the remaining undevelopable land? Last piece of the puzzle. They got to the end goal regardless. What do they do with the remainder? Given the time that's gone by and with the construction started on the second property, there is no question that the back piece cannot be developed and it gives the neighborhood some level of comfort.

Councilor Haugh asked is the Weymouth Redevelopment Authority land conservation land? Mr. Luongo responded no. The Authority would have to meet and vote to turn it over to the town for conservation purposes. It's in the works. It is town controlled, but it's a matter of transferring it over for conservation purposes.

The chair asked the solicitor if he sees any issue?

Solicitor Callanan responded that he could also ask the SRA to get the Weymouth portion (which should be clean); it's a first step in transferring it from Ryder to Weymouth, and ultimately end up with a nice walking trail from Liberty to Union Street and Union Point.

A motion was made by Councilor Haugh to forward measure 20 111 to the full Town Council with a recommendation for favorable action and was seconded by Councilor Mathews. If neighbors didn't support, he wouldn't-there are developers coming to the town, and they are giving the land they can't work with so they don't have to pay taxes. Mr. Schneider responded that they entertain it only if it is abutting open space. If it were not contiguous, it's not something they would consider. Option A was the only one offered for consideration until Planning worked with the developer to come up with an alternative, after an uproar from the neighbors. Mr. Luongo added that Exhibit A was by right. Unanimously voted.

### **21 107-Proposed Amendment to the Town's Commercial Corridor Overlay Zoning Ordinance-**

This measure was referred to the Ordinance Committee on June 28, 2021. The committee met on July 27, 2021 and a joint public hearing was conducted with the Planning Board on August 30, 2021. The Planning Board issued a unanimous decision on September 15, 2021, recommending approval of the measure.

Mr. Schneider provided a redline version and copies of the changes.

Councilor DiFazio noted the committee has received the recommendation from the Planning Board and it was read into the record:

*“On September 15, 2021 the Planning Board met to deliberate Measure 21 107 following a Joint Public Hearing with the Weymouth Town Council on August 30, 2021. As the public hearing had been closed following the joint public hearing, no additional public testimony was accepted.*

*The Planning Board discussed the objectives of the measure as put forward by the Office of Planning and Community Development as well as the testimony and comments heard during the public hearing.*

*It was the consensus of the Board that the proposed changes to the Commercial Corridor Overlay District represented a thoughtful and thorough review of the existing CCOD Ordinance and effectively addressed many of the concerns voiced by the Weymouth Town Council. The proposal reduces the allowable heights within the CCOD and significantly lowers the allowable density (FAR) of residential development. Further, the map amendment will remove a substantial number of parcels from the CCOD completely.*

*The Board then took action on Measure 21 107. A motion was made to recommend favorable action on the text of Measure 21 107 as amended by the Ordinance Committee and by Town Council during the public hearing. The*

*motion to recommended favorable action includes the set of plans as amended by the Planning Board and attached here dated September 15, 2021.*

*On the motion to recommend favorable action: Sandra Williams: Yes, Paul Rotondo: Yes, Benjamin Faust: Yes. The decision was unanimous to recommend favorable action to the Weymouth Town Council.*

Chair DiFazio summarized. The spurning of development in these corridors was more than anyone anticipated, hence why there is a revision. Mr. Schneider responded that they need to keep their eyes on it. With the new ways- work life balance related and what's working and what's not. The redline version has not changed. He reviewed the highlights- it maintained all of the protections that the Council and Planning department worked on for the abutting properties to the commercial corridors. None of the positive things from the original have been changed. He reviewed the changes.

- Centralized the districts- 4 subzones, with height limitations – 2 in the low density- 3 max, and in the medium density- 4 stories and all by special permit. Difference is height/ with a substantial reduction/ reduction to FAR to .5 across all the corridors.
- Ensure that retail portions substantial in nature- 25%, and caveat exclusive of leasing space or amenities.
- Since last meeting- they met with the planning board, and made few minor subtractions on the maps that were originally presented. Mr. Luongo reviewed those eliminations from the overlay:
  - Main Street- Stetson Bldg.- keep in existing overlay – 4 story – medical office use- with the exodus of tenants to new or other facilities, it could come under stress.
  - Next map- Oddfellows, Hingham Institute for Savings etc. keep in- max 3 stories
  - Johns' liquor- already being developed
  - 3 buildings next to Union Point at Shea Memorial Dr.- a developer would have to acquire all 3 parcels to develop it
- The rest along Main Street has already been developed.
- Next page is Washington Street:
  - Brewhouse property kept in; the Planning Board recommended they take out BJ's (sits on plateau- any development there would negatively affect residential next to it), Burns Property- Shwarma, massage, etc. that they propose with 3 stories.
  - Elks property-Washington street shrunk to 4 sites.

- 10 acres next to Hanover Co. project on 54. Washington street substantially shrunk to 4 sites.
- Next Page-
  - Rt 3A- Uhaul to Arbor Inn- stay 4 story,
  - Lowes Store stay in- 3 stories
- Last Piece
  - Columbian Street – not in blue – Veterinary Clinic, Quincy Credit Union, IT department of SSH, a lot of the back areas are undevelopable wetlands tracts along the railroad tracks.
- section 5- Preamble redlined

Chair DiFazio asked how many parcels were removed since the original maps from 2018. Mr. Schneider responded that it's about 75%, or 80-85% removed with all those under construction. Director Luongo responded that each map shows the original overlay. The objective of the original zoning was to make the major corridors amendable to reasonable development. HT and underlying zoning was not. Other changes included including low and high density in the areas.

The chair interpreted the language that 100% first floor was to be commercial? If changed from 25% to 100% it would require a massive lot to allow parking. Mr. Schneider responded that if 100% of the first floor is reserved for retail it will push out the parking; they are trying to avoid oceans of asphalt. Mr. Luongo noted that they could mandate that the first floor has to be commercial and parking (at least 25%). The chair said he was trying to respond to constituents. Mr. Schneider added they could stipulate that first floor can be parking or commercial but no residential.

Councilor Haugh pointed out a typo on page 2. Remove the word "or." She also said her vision for 3A is to continue the Hingham shipyard. The front is commercial and the back is parking. Neighbors were concerned with 4 stories on the ocean. Chair DiFazio noted that the 4 lots on 3A would be prime properties for condos with great views from the upper floors. Why wouldn't someone want 6 stories? Councilor Haugh liked what has been presented and is comfortable with the changes.

Councilor Mathews noted the conversation began in April and it was discussed at length after he received complaints from constituents that the density in proposals was too much. He and the chair met with the proponents of the Boston Motel site project. They assumed the first floor would all be commercial. Then, when the chair went to the BZA meeting, he learned differently, and the chair expressed his concerns then. The original plan was an estimated 150 parcels, and the number is now about 19-20 remain. Each parcel is not developable; some will have to be combined. The chair noted it has been substantially reduced. Mr. Luongo said if we reduce it anymore then it may as well be eliminated. Councilor Mathews noted his concern with the number of units going in to proposals. He has a major concern with the Elks property-and a group are present. A presentation was submitted to the Elks membership, by the same proponent who is

developing the Boston Motel. In it is a proposal including commercial and parking on the lower floor and apartments on the upper.

The chair noted they didn't want to get into discussion of possible presentations here, or anything that might be construed as spot zoning and he asked the solicitor if they can discuss this. Solicitor Callanan added that the concern is that they are not changing the zoning in response to a particular proposal. Councilor Mathews asked what is the FAR of that site, and how many units could be built there? Mr. Schneider had responded that 119 is the number, purely based on the math. It may not be feasible because of parking, and the new height limitations. He questioned when parking and 3-story limitation whether that number could be reached. The chair noted they are now talking about the proposed zoning, and not a particular project. They reviewed the site with Mr. Luongo. There is one site on the corner of Pleasant and Washington with a 2-family zoned B-1. A portion of the Elks site is also B-1 and the rest is zoned HT. the Elks front piece is in the HT zone. The remaining parcel in the back is R-1. that is the original reason to create the overlay, because of the different zones. In HT, nothing is allowed by right- it only covers conversion from residential to something else. There is no residential converting. Anything else in there would be by special permit; except for 2-family residential by right. Current allowable uses are private club (there now), conversion of an existing dwelling for up to 4 dwelling units. There is an existing dwelling on that site which is the Elks building, and it can be converted to a 4-family. Anything else- retail sales or service, except auto related, is by special permit. It could have a drive-through, clinic, office or business professional, medical office, veterinary or financial organization, barbershop, beauty salon, antique or gift shop, restaurant, trade professional or nonprofit organization. Self- storage is prohibited, as is outdoor sales of used cars. There isn't a vast array of good allowable uses, which is why it was all eliminated along the corridor. In the R-1, single family homes on 25,000 sq.ft. lots, and in B-1 it could be (by right) hotel, motel, restaurant (without drive through), private club, trade professional school, place of amusement or assembly, clinic or medical office, print shop, photography studio, retail business. It does not allow any residential use. These properties have been zoned this way for a long time. The problem is to find the right zoning.

Councilor Mathews noted his concern is that intersection is already plagued with traffic. With the addition of units up the street it will get worse. For the record the realtor for the Elks had reached out to him at different times, and he referred him to Mr. Luongo. If this is left in-- there is a potential for 119 apartments, and in his mind, the idea of reducing the density should not be to increase the number of apartments. He would venture that if a survey of residents was taken, the consensus would be an overwhelming "no" to building more apartments. It has never been brought to him as a suggestion. They do want affordable housing. Mr. Schneider added they want better roads and schools, and libraries and public services. Councilor Mathews responded that they could get those through commercial development. Mr. Luongo suggested they should bring in a commercial broker to do a realty check. He noted there would not be office development; if it was something that would work, it would already be here. If they don't do something with that site, it should be noted that school age population is falling. Councilor Mathews noted that the reason is because people switched to catholic schools as a result of a lack

of in-person learning due to the pandemic. Mr. Schneider noted at the last school committee that he watched, a consultant predicted a reduction of school aged children over the next ten years equivalent to the population of one school building. Mr. Luongo responded that it should be an honest discussion. Councilor Mathews suggested they visit the primary schools; they are not less populated.

Chair DiFazio noted this was developed to reduce density, and reduce the number of lots. Councilor Mathews noted they have been given additional proposals taking out more each time. Councilor Haugh noted that any proposal has to go before BZA for a special permit. Councilor Mathews noted he's been at numerous BZA meetings where the members have stated their hands are tied as a result of the zoning. The chair agreed. Mr. Schneider added that if a proposal comes before BZA and the councilor or constituents don't oppose it, the board would be likely to vote a project. If the rebuttal is not a financially feasible project, it likely wouldn't be voted. The trend now is to quality zoning, with quality building. Councilor Mathews asked whether any of the last several projects included any traffic improvements or water infrastructure improvements? Mr. Schneider will provide him with a list. Mr. Luongo asked if any of the members have gone into the developments to see the quality? Mr. Luongo suggested they are not governing by Facebook. Councilor Mathews responded that the councilors do get messages on social media sites, but they do not govern from there. Mr. Luongo said he spends too many nights at community meetings to build consensus, and he does not see the same of the councilors. The chair read a letter into the record from the group from the Elks:

*"We understand that the Ordinance Committee is planning on discussing the Commercial Corridor Overlay District and the impact that it has in the residential neighborhoods.*

*We understand the Weymouth-Braintree Elks, located at 1197 Washington Street in Weymouth falls within the current overlay district.*

*We wanted to share our thoughts with you about the importance of maintaining this location as part of the overlay district.*

*Given its location in the commercial corridor, it doesn't have an impact on the residential neighborhood. As you are likely aware, the Elks has fallen into hard times, not only due to COVID, but in the last many years. The building is in disarray and the Elks cannot maintain the upkeep. It would be in our best interest to sell this building to a commercial developer who would meet the requirements that are outlined in the current Commercial Corridor Overlay District by promoting economic development, providing attractive retail space on Rt. 53 while promoting an urban design that is consistent with the Town of Weymouth's economic development, planning and programmatic efforts.*

*If the current Commercial Corridor Overlay District is changed, the Elks will likely not be able to sell the building in its current state and the membership of the*

*Elks will likely not be able to afford to move elsewhere within the Town and chance the current charter to close.*

*Given the rich history that the Elks have made in Weymouth, it would be detrimental to the many groups that have benefitted from having this organization in our town. Some of these include veterans, elderly and children's organizations, as well as scholarships to our town's students.*

*We would appreciate your consideration of maintaining the current Overlay District.*

*Sincerely,*

*Members of the Elks in attendance at tonight's meeting."*

The chair noted that they will make more money by including the property in the zoning. He suggested the addition of the amendment, parking / 25% retail on first floor. The committee will use the next two weeks to continue their review.

No vote was taken at this time. Mr. Luongo apologized for his outburst. Councilor Haugh thanked the members of the community present for their involvement.

#### ADJOURNMENT

At 9:02 PM, there being no further business, a motion was made by Councilor Heffernan to adjourn and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Ken DiFazio as Ordinance Committee Chairman  
Voted unanimously on 18 October 2021