

**TOWN COUNCIL MINUTES  
ORDINANCE COMMITTEE  
Town Hall Council Chambers  
September 26, Thursday**

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

Absent: Michael Smart, Vice Chairman

Also Present: Joseph Callanan, Town Solicitor  
Robert Luongo, Director of Planning  
Christine Howe, Procurement

Recording Secretary: Mary Barker

Chair DiFazio called the meeting to order at 7:10 PM. (Start was delayed due to an issue with the microphone system.)

**Issue-Route 3 Billboard**

Chair DiFazio stated that Mayor Hedlund introduced measure 17 127 to the Town Council, adding a new article to existing 120-11 of the town ordinances, the purpose was to create development and redevelopment along the major commercial corridors. It was referred to the Ordinance Committee on December 4, 2017. The committee deliberated it on January 29, 2018 and February 6, 2018. The Planning Board also deliberated and on a joint public hearing was held at the Town Council meeting on March 5, 2018. On March 26, the committee voted to forward it to the full Town Council, which approved passage on April 4, 2018. At the very end of the ordinance revision was an unrelated proposal to establish a billboard overlay district. It was established in order to remove and relocate billboards as well as achieve an overall reduction in their numbers. Specific language is included in Section 17- 120-64.7.1 **D** and he read the section into the record:

*Section 16. Section 120-64.7 of said chapter 120 shall be amended to read:*

*Billboards of any kind are prohibited outside the limits of the Billboard Relocation Overlay District.*

*Section 17. Section 120-64.7.1 said chapter 120 shall be added to read:*

*Billboard Relocation Overlay District*

- A. The Billboard Relocation Overlay District is established to provide for the removal and relocation of pre-existing, legally established billboards to new locations while achieving an overall reduction in the number of billboards throughout the Town.*
- B. The regulations set forth below are generally applied to portions of properties located along Route 3 that are currently zoned Limited Industrial (I-1). The overlay shall be limited to an area extending three hundred feet from the centerline of Route 3 within the designated areas and as specifically identified on the Town of Weymouth Zoning Map.*
- C. No more than three (3) electronic billboards are the only permitted use within the Billboard Relocation Overlay District and are subject to the approval of a billboard reduction and relocation agreement or development agreement for the reduction and relocation of billboards in compliance with this section.*
- D. All billboards and related facilities and structures approved or permitted pursuant to a billboard reduction and relocation agreement or development agreement must be within the Billboard Relocation Overlay District and must comply with the requirements of Code of Massachusetts Regulations as defined in 700 CMR 3.17 and with the guidelines developed by the Director of Planning and Community Development.***

17 months after approval of the ordinance change, on September 3, 2019, Amy Kabilian of 7 Kipling Road appeared before the Council under Resident and Community Comment to outline several neighborhood concerns. She provided a packet that included a 13-page contract for an electronic billboard to be erected at 611 and another proposed for 613 Pleasant Street. Her concerns were referred to the Ordinance Committee for review on September 3, 2019. They have since learned that issues continue to develop further, and as a result, the billboard located at 611 has been temporarily shut off. The siting, and changing sites has elicited the Mayor to issue two memos; on September 3<sup>rd</sup> and 5<sup>th</sup> addressing the issues in Ms. Kabilian's original presentation to Town Council, and it was recently announced that a public forum to be held on October 1<sup>st</sup> to discuss billboard improvements and recent developments.

In an effort to ensure that the community is fully apprised, there will be two presentations here; one from Amy Kabilian representing the neighbors on the north side of Route 3 and one from Robert Delaney of 27 Belmont Street, representing the neighbors on the south side-- as well as a report from administration, so all will have a clear understanding of the issues. After October 1<sup>st</sup>, Chair DiFazio will reconvene the committee and eventually report back to the full Town Council.

Amy Kabilian and Casey Conley, 131 Century Road presented a timeline of events:

*Presentation to Ordinance Committee 9/26/19*

*“April 16, 2019– Neighborhood meeting occurred on Century Road and Kipling Road. Mayor Hedlund, Bob Luongo and Peter McClary (cove billboard company) attended the meeting in the evening to see how the neighborhood was impacted. During this meeting the town officials told us that they did not know how bad this would look, they were shocked, and it “looks like a drive in theater”.*

*During this meeting town officials shared that this project was completed in order to halt 40b development on Finnell drive and allow the town to purchase Gagnon Park, take down billboards on RT3A and to help residents on RT18 since Abington has a static billboard that has lights shining into Weymouth homes near the billboard. Peter agreed to turn the billboard off at 7pm until the issue can be resolved. Also Peter talked about putting light blocking technology. Both the Mayor and Bob Luongo communicated to us that they were under the impression that the billboard was supposed to be built with the light technology already on it.*

*A follow up email on 4/19/19 from Bob Luongo “assured us he would look into relocation.”*

*April 23, 2019- a letter from our neighborhood was sent to the Mayor Office. (attachment 16). We did not receive a response to this letter until 6/23. (attachment 19).*

*April 24, 2019- Councilman Mathews writes a letter to the Mayor’s office on our behalf (attachment 15). This letter asks questions including: was the illumination considered, height discussed and location. The Mayors office did not respond to town council until 9/3/19 (attachment 21).*

*May 6, 2019- Casey Conley, Ruth Pacino and I met with Peter McClary at Panera bread to discuss options and review the light blocking technology. We asked Peter where we can see this technology to ensure it really works, he told us it is nowhere in this state or our surrounding states. At the end of the meeting Peter communicated to us that if we did not “back him in a corner” he will have the billboard moved.*

*May 8, 2019- Neighborhood meeting held at Ralph Talbot school. During this meeting we reviewed the lighting study, the neighborhood still advocated for the billboard to be moved. We asked why our formal letter had not been responded to, the Mayor offered for Joe Callanan to write a formal response rather than going through point by point. During this meeting we asked for a topography map of the neighborhood including where the billboard at 613 would be located. Again all town officials indicated they had no idea how badly it would affect our neighborhood.*

*June 10, 2019- Second neighborhood meeting was scheduled with no real agenda, there were no new updates from the previous meeting. Many of the neighbors were frustrated by the lack of agenda and the lack of response still by Joe Callanan. We still do not have a written response to our letter dated 4/23/19, something the Mayor told us we would get. Joe Callanan's response to this was that he has too much work to do and only gets 6 hours of sleep at night. Joe would not agree to respond to this letter in writing until the Mayor arrived at the meeting and assured us he would. We also requested the billboard guidelines that is referred to in many of the towns meeting minutes. During this meeting we were told the town is trying to secure a waiver to put a billboard at Finnell Drive that could potentially move the 611 pleasant street billboard.*

*The group settled on a plan that we would be provided with a topography map of the neighborhood at both pleasant street locations, a response to our letter, share the billboard guidelines created by the town, and we would meet again prior to the July 4<sup>th</sup> holiday.*

*June 23, 2019- we finally receive a written response from Joseph Callanan (attachment 19) as you can see this letter was received 2 months after it was sent and does not answer most of the questions we asked. Coincidentally it was received almost immediately after channel 5 aired a news segment about the billboard*

*June 25, 2019- We finally received the billboard agreement that was developed by the town. (attachment 24) As you can see these guidelines are very basic. The last paragraph says the billboard company must arrange for a certification showing compliance with brightness. We requested this certification from the town, the town was unable to provide because it was never requested by them. On July 1<sup>st</sup> Bob Luongo asked Peter McCleary for it, we received the certification on 8/20/19. The certification (attachment 23) was dated on August 13<sup>th</sup>, therefore indicating the billboard had been out of compliance with the towns guidelines since April when it began running ads.*

*July 16 2019 a meeting with town officials, Casey Conley, Ruth Pacino and myself was scheduled for this date at 4pm since the neighborhood meeting that was promised before July 4<sup>th</sup> never occurred. Unfortunately, the mayor cancelled this meeting to attend to a personal matter*

*July 30 2019- the above meeting was rescheduled for this date at 9am, again this meeting was cancelled by the mayor to attend to a personal matter*

*August 1, 2019- the above meeting was rescheduled for this date at 4pm. We were introduced to the newly hired Christine Howe who would now be handling anything related to the billboard.*

*During this meeting we were told that the town was still trying to secure a waiver to place a billboard at Finnell Drive and the town was still trying to buy Gagnon Park. The town officials indicated we were actually holding up this process because the state thought we were opposed to the construction of Finnell billboard not the current*

*billboard. Peter Luongo asked Casey to reach out to DOT to clarify. Also, we asked about why the route 3a billboards were not down since the “agreement” indicated they would be down by July 2019, the response was because of the hold up with this billboard being fully functional.*

*Prior to this meeting Casey had obtained the DOT applications and permits for the 611 Pleasant street billboard. The application includes an overhead map that does indicate out neighborhood would be impacted by the billboard. We asked the mayor why he signed it knowing this and why he was told us before he had no idea, his response was “do you know how many things I sign a day I cannot read everything I sign.” We were all truly shocked and disappointed with this response.*

*At the end of this meeting, it was decided that Christine Howe would regularly update not only the group in the meeting but the entire list of emails of the neighborhood (the mayor’s office had the list). And we would get the topography map we had been requesting. Christine thought there would be an update in 2 weeks on the waiver but that was just her best guess.*

*August 14, 2019- Topography map received.*

*August 20, 2019- Brightness certification received.*

*Throughout August and September Casey did sporadically talk to Christine Howe but there were no updates to the entire neighborhood as promised.*

*September 3, 2019- The Mayor writes a letter to town council about the Route 3 timeline and progress. This is the only time the mayor has responded to town council on this matter despite Councilman Mathews writing him a letter in April. Many of the questions that Councilman Mathews asked in that letter were not addressed. Also on this date I spoke at the Town Council*

*September 5, 2019- The mayor wrote another letter to Town council specifically addressing my presentation to town council. Since it is unproductive and unprofessional to go back and forth on the same issues, I will simply say that I stand behind all of what I said to Town Council and I believe the above timeline and documents that I have provided you support all of what I have said.*

*September 24, 2019- I spoke with Bob Luongo regarding the issue of over 90 trees being approved to be cut down. During this conversation I asked Bob if this meant the billboard would not be relocated. He said the billboard will not be moved.*

*On this day I also spoke with Christine Howe. During this conversation Christine relayed to me that the town’s plan is to allow over 90 trees to be cut down, allow the billboard to be run for 24 hours so the billboard company can make some revenue. Once enough revenue is made the billboard company can afford to get the light blocking technology and then they will install. When asked if this means the billboard will not be relocated Christine told me it still can be relocated, I questioned the logic in this since they are*

*cutting down so many trees, her response was that “this was the only solution.” When asked how long the billboard would run for with no light blocking technology and no When I questioned why Christine had not provided us with any updates as promised in almost 2 months, her simple response was “I have 25,000 things to do” Also Christine informed me that Cove had put in an application for Finnell Drive billboard this week or “maybe even last Friday” she said , this news surprised me greatly because we were told this was already in process.*

*This conversation was extremely unsettling and clear that the Mayors office is not advocating for the residents of Weymouth and only doing what’s best for the billboard company and Bristol. It seems absurd that a multi-million dollar company like Cove needs to “save up” money to get the technology. Also, it is absurd that this is the only solution the town can come up with.*

*On this same date Christine Howe sent an email to our neighborhood group at my request. She indicated there would be a community meeting on 10/1/19 at 7pm. Within this email she also stated that the billboard company had not yet submitted an application for Finnell Drive but would be. Again, this was surprising given she had just told me an hour before the application was submitted.*

*In regards to the administrations claim that they have been transparent and they have been working hard to help us, I think that you can see from above timeline this is untrue. There have been several broken promises, several meetings cancelled or not scheduled as planned and several shocking statements by town officials. The billboard has been up for 6 months and there has been little to no progress on helping OUR neighborhood. The town officials have made statements to us repeatedly that indicated they are too busy for this matter.*

*We truly feel this specific zoning change was not nearly given the attention it should and was a small paragraph of a much larger zoning change. We do not believe the town council or this committee was given all the details of the billboards and the mayors office has not disclosed many details without a fight from our neighborhood. We strongly believe that the current zoning and the billboard overlay district need to be reviewed and revised.*

*A few points I would like to make and a few issues in regards to the billboard agreement I think this committee would want to follow up on that was supposed to help Other neighborhoods*

*-The 3A billboards have not been removed – according to the agreement they were supposed to be removed within one year of the agreement therefore all billboards should have been removed by July 2018. In the Mayors letter dated 9/3/19 (attachment 21) he states “one of the 4 billboards was removed and the remaining 3 are planned to be removed in the upcoming year per agreement.” What agreement is he referencing- is there a new agreement? Also when I asked the Mayors office when they would be removed they could not provide a date.*

- Gagnon Park- in April the mayor communicated to our neighborhood that the town would be purchasing Gagnon park and/or Bristol brothers would give it to the town. When is the sale going to occur, why hasn't occurred yet and what is the price.  
-RT 18 billboard, the town stated that the billboard company was working with the owner of the RT 18 billboard – this has not occurred yet and when I asked at our 8/1/19 meeting when it would occur I could not be provided with an answer

*We understand you are only in the beginning stages of this and are gathering information, we are happy give you any other information needed. In the meantime, we ask that you please try to help us more immediately stop the cutting of 91 trees. This is excessive and just plain wrong. We are working with several state offices to revoke the permit to cut these trees, but we need all the help we can get.”*

Mr. Conley added that Bristol Development's political contributions to the Mayor should be taken into account.

Robert Delaney was invited to the table. He provided some background of Finnell Drive planned development proposed in December 2018.

He also submitted a timeline:

*“December 14, 2014 – Mildred Finnell gifts the land to South Shore Hospital for \$1.00. JAMES BRISTOL is on the South Shore Hospital Board of Directors*

*September 28, 2017 – Bristol Brothers applies for a wetland determination for O Finnell Drive to determine whether they are interested in buying the land. They had acquired purchase option. Remember Jim Bristol was on the Board of Directors*

*September 28, 2017 – Kathy Swain writes a letter to Mayor Hedlund asking the Mayor if there is any way the town could work with South Shore Hospital to try and acquire for Open Space.*

*November 2017 – The SOS, Save Open Space group is formed to try and save this parcel of land. They were meeting as a group and some of the Councilors attended. Their focus was still to try and get the Administration of the town to work with South Shore Hospital and figure out a deal to acquire the land. Our reasoning was South Shore Hospital pay no taxes to the town and has a negative impact on the town in some ways. Examples noise, traffic, light pollution and air quality. It is a city within a city.*

*South Shore Hospital:*

- *Cares for 86,000 patients annually*
- *Performs 3,990 annual and 10,917 outpatients' surgeries*
- *Fourth busiest Emergency Room in the state (more than 71,000 visits)*
- *Largest Acute Health Care Provider in the state*
- *Fifth Largest Employer in the region, with more than 3,000 Employees*
- *Daily number of ambulance patients can range from 50 to 110*
- *Daily number of Emergency patients can range from 230 to 310*

*November 29, 2017- The SOS group meets with the Mayor Hedlund at Tufts Library Canoe Room. Also, in attendance are Councilor Mike Molisse, Councilor T.J. Lacey, and Fred Happel. Mayor Hedlund tells the group of about 40 people that he does not think he can work a deal with South Shore Hospital. However, he is working on a deal to acquire the 45 acres and fold it into Gagnon Park. He asked that we not share any information until it goes through the proper channels. He mentions billboards saying they are very lucrative. The agreement has to do with billboards and the revenue from these billboards would allow the town to purchase the land.*

*December 1, 2017 – Bob Delaney is told by the Mayor that he had worked out a deal with Bristol and South Shore Hospital. The agreement would allow the town to purchase the land from Bristol. The town would obtain a 600,000.00 grant for open space and balance would be paid by the revenue from the billboards to purchase the land. He is told two billboards would be installed at 611 and 613 Pleasant St.*

*December 6, 2017- SOS attends the Conservation Meeting. We are told by the Administration they are moving forward with ANRAD (delineation of Wetlands) being done by Bristol. Then the town will be able to use this document towards the appraisal of the land for future purchase. This would save money for the town having Bristol do the delineation documents.*

*December 7, 2017- The Patriot Ledger publishes an article stating what the Mayor told us. Town officials are trying to acquire about 45 acres of land that connects to Gagnon Park off Rt. 3 near Rt, 18. “The goal is to fold it into Gagnon Park and seek some grants for trails,” Mayor Bob Hedlund*

*December 18, 2017 – Mayor Hedlund awards the town ambulance contract to South Shore Hospital after Brewster had built their home headquarters in Weymouth. Not sure this has anything to do with all of this but???*

*February 2018- Kathy Swain is contacted by Bob Luongo and he asks to meet with him. Kathy Swain meets with Bob Luongo and Eric Schneider at the Town Hall. Mr. Luongo asks her to support the Commercial Corridor Overlay and within that is the billboard ordinance.*

*February 14, 2018 – Kathy Swain sends an email to the SOS group asking them to attend the public hearing for the Zoning changes on Tuesday, February 20.*

*February 20, 2018 – SOS group attends the meeting and supports the Commercial Corridor Overlay. Some of the group speak in support of the zoning changes*

*August 8, 2018 – Bristol purchases the DONATED 42.5 acres from South Shore Hospital for 1,250,000.00*

*April 2019 – The first billboard is erected hovering over 70 feet in the air.*

*June 19,2019 – Article in the Patriot Ledger, Weymouth residents irked by brightly lit billboard. Mayor Hedlund says they did not anticipate the neighbors would be this impacted. I think to summarize he was shocked. The Ledger article states, " The billboards would allow the state to strike a deal with Bristol to strike a deal with Bristol Bros., which holds the purchase option for about 45 acres of land .....,but worked out an agreement to sell it to the town instead to be preserved as Open Space in exchange for the rights to put up and profit from billboards on their land along Rt.3." (Bristol owns 45 acres, deed recorded September 7,2018)*

*July/Aug.– Billboard lowered so now you cannot see the billboard. Bristol applies to the state for a waiver to cut down 92 mature trees. The trees are on state property. Bristol tells the state they will cut them down. The state receives the waiver and calls Mayor Hedlund's office. Mayor Hedland approved the cutting down of 92 trees, so the state grants the waiver.*

*September 3, 2019 – Patriot Ledger Article- Weymouth Residents want relief from the billboards. Again, the Administration tries to justify this failed process in the article. The billboards would allow the state to strike a deal with Bristol Bros., which holds the purchase option for about 45 acres of land... but worked out an agreement to sell it to the town instead to be preserved as Open Space in exchange for the rights to put up and profit from billboards on their land along Rt.3." (Bristol owns the land now, deed recorded September 7,2018) In this article it says three locations have been identified and 611 and 613 have been permitted by the state. Mayor Hedlund proposes constructing the second billboard on the southbound side of Rt, 3 near the 16B off ramp because of all the issues with the first one in that area.*

*September 25,2019 – Bob Luongo contacts Kathy Swain to say there is a new deal on the table. Bristol is not going to sell the 42.5 acres to the town that had been promised. They are now going develop 8 at the end of Finnell Drive and keep another 2 acres for the billboard at the 16B exit of Rt. 3. Bristol will then donate the remaining 32 acres "*

Mr. Delaney stated that at no point had they heard there would be 3 billboards. Collectively, they want to know where things went wrong and how to move forward limiting impact to these two close knit neighborhoods. This is a difficult battle; they should be able to come to a resolution to limit damage to Century Road and potential damage to Holly Hill Circle.

Planning Director Bob Luongo and Manager Christine Howe were joined by Solicitor Callanan at the table.

Chair DiFazio acknowledged the general rule not having constituents speak, but considering the issue, he made the decision to allow it. He asked that the administration address the impending tree cutting.

Ms. Howe explained that the targeted trees fall within state jurisdiction (MassDOT). Only 6 fall within Conservation Commission's jurisdiction. Comm. Schloss went out with the

billboard company representatives and proposed a recommendation that was approved pending a mitigation payment. Under a mitigation agreement, they identified 99 trees, a number of which are already dead. The town isn't cutting them; some are within the buffer zone along the highway. 60 trees will be removed in the first phase; and 23 in the second phase. Chair DiFazio asked within what timeline? Ms. Howe responded it would happen as soon as the mitigation payment (\$100,000) is paid. Chair DiFazio asked if it would be before the October 1<sup>st</sup> meeting? Ms. Howe responded it is scheduled possibly as early as October 2<sup>nd</sup>; the permit is contingent on payment. Chair DiFazio noted they lost control over stopping the cutting of trees outside of the Conservation jurisdiction. Only 6 of the trees are within the conservation jurisdiction. Ms. Howe added that they are following all regulations. They have control of only those trees within in the buffer zone. Solicitor Callanan added that only the trees in wetland areas are within Conservation Commission's control. The chair noted that the tree cutting appears to be an urgent issue and asked the committee to share their concerns at this time.

Councilor Mathews noted that whoever engineered the project didn't consider sightlines to neighborhoods and drivers-the engineering is a disaster. There's a better view from Century Road than there is from the highway. Height was not taken into consideration. The problem is the trees need to be cut because the engineering and design is poorly done. It's not about jurisdiction, but where the billboard is sited is a mistake.

Councilor Haugh asked who is paying mitigation fees and to whom? Cove is paying the state. Councilor Haugh responded that Cove didn't have the money to pay for light blocking technology but has \$100,000 to cut trees? Ms. Howe responded that the payment is what has delayed the tree cutting. Councilor Haugh asked how big an area does 99 trees encompass? Do they have a map? Solicitor Callanan responded that they have one that will be provided.

Chair DiFazio noted that removal of trees will make for a better sightline for viewing from the highway, but will it be better for the neighborhood? Ms. Howe responded that all of the trees in question are on the northbound side of the highway. The chair responded that they created an overlay district and the very first one takes away their control over the district and inability to assist the residents. He would have thought twice before voting the ordinance change. Solicitor Callanan responded that they are heavily regulated by state and federal laws. Local ordinances have no control over tree cutting. Tree cutting in Hyde Street was an issue; but here, local control has no control over state land. They haven't lost it; they never had it. The chair noted that if this wasn't put in place, they would not now be at the mercy of the state. Ms. Howe responded that they were not aware of the unanticipated unintended consequence to the neighborhood. That is why she is working to delay the erection of the second billboard, and to mitigate what's happening at 611 Pleasant. The original plan was not to cause harm to the residents, but to take down the billboards, protect the open space, and prevent an undesirable development on land abutting Gagnon Park, fix what's going on with the Rt. 18 billboard in Abington; there's a number of considerations that led to the current state. There haven't been a lot of updates to be able to provide.

The meeting on October 1<sup>st</sup> is to bring everyone up to speed. It's an open forum to hear all sides. MassDOT approved the cutting, and without notifying the Council or the residents.

Councilor Heffernan noted that MassDOT approved the tree cutting at Cove's request without notification to the town or residents. This is not a highway maintenance issue, but one that Cove needed in order to improve sightlines. Ms. Howe responded that there was no notification made, but they weren't required to inform abutters. Councilor Heffernan responded that there may not have been a legal obligation, but it should have been done. Councilor Heffernan noted that they all have to work on communications so all are on the same page.

Councilor Haugh asked what is the cost to install light blocking technology. Solicitor Callanan responded \$100,000-200,000. Ms. Howe responded it's about \$300,000. Councilor Haugh asked if it has not been used in MA? The closest is in Georgia. There was an issue similar to this in Utah, and once the technology was installed it virtually eliminated all light. She wished that they could install the technology before cutting any trees. She understands this is an expense but that's what business is all about.

Councilor Mathews had several points to make:

When the Mayor got involved in this several years ago, it looked like he was trying to address several problems in town together; the billboard on Rt. 18 in Abington, the billboards in North Weymouth, open space land in town, and combine it all into one agreement. Councilor Mathew's mistake was agreeing to the 4 paragraphs in a comprehensive plan that was reviewed in depth in the Ordinance Committee. He recalled the majority of the time was spent discussing the commercial redevelopment along 3A, Rt. 53, and Rt. 18, and the time spent on the billboard topic was minimal. He only asked two questions around the billboards; what the guidelines will entail and he brought up Mr. Bristol's lack of adherence to his obligations in other parts of town (traffic lights on Pleasant Street, and at Alexan Arbor Hill). They didn't discuss specifics, but trusted the Mayor and administration would protect the residents and neighborhoods. It didn't happen. This is one of the poorest agreements he has seen. The contract between the administration and Cove is at the heart of the problem. Can it be fixed? Language is in the agreement to take down billboards on 3A within 1 year of execution of the contract. A copy of the contract and billboard guidelines were given to him by Ms. Kabilian, although he requested them from Mr. Luongo last April; she only had them because she filed a Freedom of Information Request. The guidelines are undated, so he can't tell when they were actually developed before or after the Mayor's agreement.

All of the problems for the billboard on Rt. 18 were addressed in the agreement; height, moving closer to highway, installing light blocking technology, reducing the face of the sign and point it away from the neighborhood, and the hours of operation...none of this is in the new billboard. This is a big mistake by the administration. All of this could have been incorporated into this agreement. This is frustrating to Council and the neighbors. To Director Luongo; nothing exists in the guidelines to protect the neighbors. He was under the impression that the administration would protect the neighborhood and he

apologized to the residents. He urged they look at the contract- Cove is not in compliance with the agreement. The billboards on 3A haven't come down. Ask the Mayor if there is a way to fix some of these things; to consider breach of contract; see what he recommends. They signed an agreement with a company that doesn't have the money to complete the other items, and now may have to install the second to put in the light blocking technology on the first. Maybe they don't have the money. Intentions of the Mayor were understandable, but it is at the expense of the neighborhood. The administration can't let any more billboards go up. Administration dropped the ball, and he did as a Councilor by voting the ordinance. Moving forward, he suggests finding a legal way to address this. At the summer meeting, revenue to the town was brought up repeatedly; he would give up every dime of revenue if it would help the residents of that neighborhood.

Director Luongo responded that the guidelines are basic. They felt CMR should have offered the protections. Light, etc. if they don't comply the state will come down on them. It was well intentioned; part of the deal was to get rid of billboards and get revenue. The town is joined with the billboard company to maximize revenue for the town. Restricting hours of operation would lessen the amount of revenue to the town. Size of the billboards on major arterials are all the same in MA.

Councilor Mathews responded that there could have been height requirements. Mr. Luongo responded that the lower height would have impacted other residents or have more impact to the ones already impacted. Height was determined to maximize revenue.

Councilor Mathews responded that many other things could have been included the agreement. Another municipality entered into an agreement that required approval by their Zoning Board of Appeals. They could have public hearings (as they do for EVERY other sign in town); he thought it would be included in the regulation. Salisbury has it in theirs and required a public hearing. Mr. Luongo responded that it would have had to be included in the ordinance language to be enforceable. The town cannot regulate special permits. Chair DiFazio noted that in hindsight, it should have been included in the ordinance. Now they need to do something in the future to protect the residents.

Solicitor Callanan addressed a breach of agreement strategy. Cove and Bristol entities are not parties to the agreement and can't be forced to an agreement. The punitive paragraph could stand. 50% of the profit can be surrendered if the billboards are not taken down within a certain time; however Cove hasn't realized any profits to surrender. Councilor Mathews noted that that's the point; he doesn't believe Cove has the money and asked Ms. Kabilian to give the article she cited regarding Cove's solvency. Solicitor Callanan responded that Cove needs a place for the second billboard. Councilor Mathews asked what date Cove was to pay the state mitigation? Ms. Howe responded it was 8/27 and has not been paid to date.

Councilor Heffernan thanked the attendees. He stated he wants what's best for residents of Weymouth and doesn't care if they make any money. They need to make sure

residents are cared for first and foremost. He has major concerns about property values dropping as a result of this, and he's received several calls on this.

The chair noted this action has resulted in a lot of angry people. The Mayor and administration were well intentioned, but a lot of people are potentially aggrieved and need help. He couldn't recall as big an issue in his tenure, outside of Union Point. They will have to listen on October 1<sup>st</sup>, and do what they can to stop cutting of trees before the meeting. After, the committee will deem what action it should take or potential avenues of relief. He urged they give the Mayor and administration the opportunity to show good faith.

#### ADJOURNMENT

At 8:34 PM, there being no further business, a motion was made by Councilor Heffernan to adjourn and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Attachment:

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Ken DiFazio as Budget/Management Committee Chairman  
Voted unanimously on 21 October 2019