

**TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE
Town Council Chambers
October 14, 2021**

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

Absent: Brian Dwyer, Vice Chair

Also Present: Robert Luongo, Director of Planning
Eric Schneider, Principal Planner

Recording Secretary: Mary Barker

Chair DiFazio called the meeting to order at 7:00 PM.

21 107-Proposed Amendments 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 27th and September 28th. Amendments were made to the original measure and the following is the latest iteration:

“That the Town of Weymouth, through Town Council with the approval of the Mayor, hereby amends the Town of Weymouth Ordinances in the following manner:

SECTION 1. Section 120-25.15 (Applicability) of the Town of Weymouth Zoning Ordinance is hereby amended by striking out that entire subsection and inserting in place thereof the following new subsection:-

A. Definitions.

The following subzones within the Commercial Corridor Overlay District are established and defined. Refer to the Town of Weymouth Zoning Map for the precise extents of the Commercial Corridor Overlay District and its subzones.

- (1) Low-Density Commercial Corridor Subzone
- (2) Medium-Density Commercial Corridor Subzone

B. Generally.

Application for special permit can be made to the Board of Zoning Appeals under this article provided that the lot consists of at least 30,000 square feet and any of the below is true:

1. The proposal consists of both a residential and nonresidential use with a minimum of twenty-five per cent of the ground floor reserved for use as retail, office, or both. See § 120-25.23 (C). Proposals may also be comprised of more than one principal building on a lot whereas twenty-five per cent of the total ground floor area (exclusive of leasing offices and amenity space) is reserved for use as retail, office, or both with no residential being permitted on the ground floor; or
2. The proposal is for a professional office building of between three and four stories dependent on the additional requirements in § 120.25.17 (A)

SECTION 2. Section 120-25.17 (A) (Dimensional requirements: Height) of the Town of Weymouth Zoning Ordinance is hereby amended by striking out that entire subsection and inserting in place thereof the following new subsection:-

A. Height.

- (1) Proposals within the Low-Density Commercial Corridor Subzone shall not exceed three stories and 40 feet.
- (2) Proposals within the Medium-Density Commercial Corridor Subzone shall not exceed four stories and 50 feet.
- (3) The Board of Zoning Appeals shall consider the following in its review of the proposed height:
 - a. The purpose and intent of the Commercial Corridor Overlay District. See § 120-25.14;
 - b. Visual scale of proposal in context to the surrounding area;
 - c. Proximity to established residential areas; and
 - d. Extent to which a proposal utilizes topography, façade articulation, roof line variation, step-up techniques, and building materials to achieve appropriate visual scale.

SECTION 3. Section 120-25.18 (Density) of the Town of Weymouth Zoning Ordinance is hereby amended by striking out that entire subsection and inserting in place thereof the following new subsection:-

The building area for any building for occupancy shall not exceed a floor area ratio (FAR) of 0.50, as defined in § 120-6.

FAR, as defined here and in § 120-6, excludes commercial space and structured parking from FAR calculations.

SECTION 4. The Town of Weymouth Zoning Map is hereby amended to reflect the change in Commercial Corridor Overlay boundaries and to establish the locations of a Low-Density Commercial Corridor Overlay Subzone and a Medium-Density Commercial Corridor Overlay Subzone. Draft maps are attached, and may be amended by the Council.

SECTION 5. The following preamble shall be added to the beginning of Article VIIB: Amendments (the "2021 CCOD Amendments") to the existing Commercial Corridor Overlay District ("CCOD") provisions, which were enacted in 2018, Article VIIB, sections 120-25.14 through 120-25.23 (the "2018 CCOD"), Weymouth Zoning Ordinances ("WZO") are proposed. The intent of the 2021 CCOD Amendments is not to adversely affect any development approved under the 2018 CCOD provisions. Therefore, any development that has received a Special Permit from the Weymouth Zoning Board of Appeals, a foundation permit, a building permit or other approval under the 2018 CCOD provisions shall be exempt from any application of the 2021 CCOD Amendments to said development and its construction. The density, dimensional, FAR, height, parking and other provisions of the 2018 CCOD shall still apply of any development permitted prior to August 18, 2021. The requirements of the 2021 amendment shall apply only to projects submitted after August 18, 2021.

This measure requires a legal notice, a majority two-thirds vote, and a joint public hearing of the Town Council and Planning Board.”

Chair DiFazio reported that this matter was deliberated for several months, and after the last meeting, a discussion took place about which properties would be included in the zoning map covered in this ordinance. Councilor Mathews and the chair attended a meeting after with the potential seller/purchaser of a proposed property within the overlay and he asked the planning director to report out on the results of that. Mr. Schneider noted the ordinance language was revised to include two recommended changes made at the last meeting; a punctuation mistake pointed out by Councilor Haugh, and the other a change to the language – that no residential would be permitted on the ground floor of any proposal. The chair asked if section 5 had been resolved? Mr. Schneider responded that it was resolved during the joint public hearing. Director Luongo added that the meeting was held with representatives from the Elks organization, the seller/buyer, attorneys and two councilors. There was a consensus to keep the property within the CCOD. They expressed a strong desire to see something other than residential/commercial proposals, and strongly encouraged the prospective buyer to look at assisted living, memory care, medical office building proposals, or like alternatives. The proponents agreed to look at those options to attract someone to the site. They warned that if a proposal came in that met the zoning requirements, but the town, and the councilors in particular, did not feel was the right use for this area, there would be opposition at a Zoning Board of Appeals meeting. All of these uses are by special permit. The parties understood this, and agreed to work with the town, stay in contact and bring any potential proposals in to be evaluated. Director Luongo also provided the potential

buyer with some leads; he is aware of one group looking for a medical office building, and passed the contact information along. Even though it would remain in the overlay district, the town would like to see something other than the traditional residential / commercial development. It's not to say they won't come in with a mixed-use development but even if it meets the requirements or zoning, they know there could be opposition at the BZA.

Chair DiFazio emphasized that this one application has no bearing on whether the committee makes the recommendation to forward this measure to the full town council for action. They are not making a judgment on one application; it's just a discussion on one property in the corridor.

Councilor Mathews agreed; he reported it was a productive meeting and everyone knows where they stand. He brought up the examples such as the assisted living site at the old Penniman Hill farm.

He noted for the record that Vice Chair Dwyer was absent due to a work commitment and Solicitor Callanan asked to be excused for a family commitment.

Councilor Haugh noted that if this passes it takes away a lot of properties that could be developed. She also noticed the town advertised two community meetings- Iron Hill and Beal's Park and asked if they foresee any public meetings if proposals come forward for any of the properties in order to air them before a BZA meeting? Mr. Schneider responded that the administration has done that pretty consistently. He pointed out that the developer on the Main Street project was proactive as well. Director Luongo added that they hold community meetings even on the smaller scaled proposals. Councilor Haugh reminded them of her favorite, a meeting on the gas station / apartments proposal for Bridge Street. She would hate to see proposals come forward and get turned down without making minor changes before coming to BZA.

Councilor Mathews noted community outreach and a meeting was held for the Boston Motel and he met virtually with them and the Hanover Group, who proposed using the leasing office as their commercial component.

Councilor Heffernan reported that at an event with the South Shore Chamber of Commerce, they expressed a lot of interest in this issue, particularly with outreach. They were not fully aware of what was proposed, and are intrigued and would like to speak with the Planning Department. Mr. Schneider was surprised they weren't more in the loop; as they do have a good working relationship. They will continue to work with them, and the Weymouth Chamber as well.

The chair asked Mr. Luongo to list the four major points to minimize the negative impact; FAR requirements, height, commercial and housing components, so he can provide it at the council meeting. Director Luongo responded they would be pleased to do so. This way, everyone will take it seriously and know the work has been done.

A motion was made by Councilor Haugh to forward measure 21 107, as amended, to the full Town Council, with a recommendation for favorable action and was seconded by Councilor Mathews. Councilor Haugh recommended that the number be added to page one of the measure.

ADJOURNMENT

At 7:15 PM, there being no further business, a motion was made by Councilor Mathews to adjourn and was seconded by Councilor Heffernan. Unanimously voted.

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Ken DiFazio as Ordinance Committee Chairman
Voted unanimously on 15 November 2021