

**TOWN COUNCIL MINUTES  
ORDINANCE COMMITTEE**

VIA Zoom # 836 6042 9528

October 27, 2020

Present: Ken DiFazio, Chair  
Brian Dwyer, Vice Chair  
Rebecca Haugh, Councilor  
Christopher Heffernan, Councilor  
Arthur Mathews, Councilor

Also Present: Joseph Callanan, Town Solicitor  
Robert Luongo, Director of Planning  
Kathy Swain, Resident  
Robert Delaney, Resident  
Amy Kabilian, Resident

Recording Secretary: Mary Barker

Chair DiFazio called the meeting to order at 6:05 PM. He called the roll, with one committee member, Councilor Haugh, not present.

The chair provided a summary. Two items are on the agenda. Mr. Delaney appeared before the council in August and the first item was continued. The second is the measure. At the last meeting there were many comments/questions from the three residents. There were too many to expect the administration to answer them then, so they were documented. The chair issued the members a list of documents (19) in reviewing the billboard situation. He also issued a list of questions by constituents and sent it to administration. Because of the amount and lateness in providing them, the previously scheduled meeting was postponed to today. Yesterday he received a memo from Ted Langill and Councilor Mathews read it into the record:

*To: Ordinance Committee Chair, Councilor DiFazio  
From: Robert Hedlund, Mayor  
Re: October 27, 2020 Ordinance Committee Meeting  
Date: October 26, 2020  
CC: Council President Mathews, Town Council*

*On October 14, 2020, Ordinance Committee Chair Councilor DiFazio provided a letter to Chief of Staff Langill requesting that Town Solicitor Callanan prepare written responses to questions attached to the letter in advance of the Ordinance Committee meeting scheduled for October 27, 2020. These were questions raised by residents Kathy Swain, Amy Kabilian, and Robert Delaney at the October 6, 2020 meeting of the Ordinance Committee. Many, if not all, of these questions were generated after the Town circulated a September 2020 draft amendment to the Billboard Relocation Agreement*

*between the Town, Cove Outdoor LLC, Bates Brothers Seam Face Granite Co. Inc., and Lorusso-Bristol Stone Corp.*

*In the time since the October 6<sup>th</sup> Ordinance Committee meeting and the upcoming meeting on the 27<sup>th</sup>, the Town has not approved, nor executed that draft amendment, nor agreed to the potential changes articulated therein. In fact, the Town shelved that proposed amendment and the Town is working with Cove Outdoor, LLC on an entirely new proposal to address the issues at the existing 611 Pleasant Street billboard, permitted 613 Pleasant Street billboard, and proposed 0 Finnell Drive billboard for which there is a permit before the Massachusetts Office of Outdoor Advertising Board.*

*Because of this unanticipated and drastic change in course that came about last week, we are requesting that the Ordinance Committee continue its discussion until a later date. Based on the need for additional discussions and potential new amendment to the agreement, the Town suggests the Ordinance Committee meet on November 10, 2020 at which time the Town can supply responses to any questions and provide a status update to the Ordinance Committee.*

The chair continued that he received correspondence from Ms. Howe in the afternoon today, notifying him that the town will post a meeting facilitated by the Mayor for all impacted residents (by preregistration) and surrounding neighborhoods impacted by the 611 and 613 billboards, to a virtual meeting on November 5, 2020 at 7 PM. The purpose of the meeting is to discuss the latest proposal from Cove Outdoor LLC, which is to remove the billboard at 611, install one at 613 with LBT (already permitted), instead of lowering the existing board at 611 and adding LBT to that one. The chair included this memo as well as the earlier one to be entered into the record.

Chair DiFazio suggested that since these two matters impact the constituents' concerns, that the deliberation be postponed until after the public meeting and the committee receives responses to their questions. There is a joint public hearing scheduled for November 9, 2020.

**Robert Delaney of 27 Belmont Street- Discussion on Electronic Billboards and Billboard Agreements-Matter Referred by the Town Council to the Ordinance Committee on August 10, 2020 and continued from October 6, 2020**

The chair entertained a motion to delay this measure until November 9, 2020.

Councilor Mathews noted he was disappointed at this point. The reason the meeting wasn't held as scheduled last week was because they wanted to give the administration adequate time to respond to their questions. He would have liked to go through the list and check off those no longer applicable; some of the 30 could have been answered.

The chair agreed; the situation is dynamic with events happening almost before they can schedule meetings.

Councilor Heffernan noted he hadn't seen either piece of correspondence before this meeting and there is little they can do without the answers to those questions.

Vice Chair Dwyer echoed these comments. It makes sense to delay until they have some answers.

The chair asked Solicitor Callanan if they reschedule to November 10<sup>th</sup>, would that give enough time to provide the responses? Solicitor Callanan responded that it would be up to Ted Langill and the administration. The chair asked that he convey to the administration that they expect the answers to be ready for that meeting.

Councilor Mathews commented that while they are not privy to the Mayor's negotiations, he would urge that 611 needs to come down before 613 is begun. There are too many things that could go wrong, and they could be stuck with 611 forever. He asked to go on the record urging the administration that no board is erected on 613 until 611 has come down.

During this discussion (6:23 PM), Councilor Haugh arrived.

**20 100-Citizen Petition- Request to Change Zoning Ordinance Section 120-64.7.1**

Chair DiFazio noted that the actual petition is item 7 in the packet he provided. The joint public hearing is scheduled for November 9, 2020 and tonight they have the opportunity to review the petition that was submitted and pose any questions that can be answered by administration or petition signers. There will be time to comment on November 9<sup>th</sup>.

The petition calls for two changes to the zoning ordinance; eliminate section C- eliminate language for 3 billboards and insert language that allows only for 2.

Councilor Mathews outlined the process of the public hearing. It will be advertised twice, as required. Since it is a Citizen Petition, the proponents will make the presentation, then comments or questions from the Council. Then he will turn over to the Planning Board for the same. The public will then be allowed to comment.

Councilor Mathews asked if the proponent considered a 3 to 1 reduction instead of 3 to 2? They have seen the problems with 611 with no LBT and height, hours of operation, etc.

Kathy Swain responded. They would love to see just one board, but at the time there were already two (state) permitted, the billboard company owns the right to have two 2-faced boards. It could only be if the administration and Cove came to an agreement for a reduction. The solution the residents would prefer is no billboards. She assumes 0 Finnell is still considered? Councilor Mathews responded that is unknown. Ms. Swain asked the solicitor if he knows. The chair asked if he would care to respond to the question.

Solicitor Callanan responded that he is not familiar with the committee taking public comment or questions from the public, or public questions of the staff through the

committee. He is unfamiliar with the practice of the public being able to ask questions of the staff or the committee. He is here by rule of the Council, because the Council requires it and not as a representative of the administration. He is here because the Council requires him to be.

Councilor Mathews responded that Ms. Swain may direct her question to the administration at the public hearing. He asked, as it relates to the permit at 613; there was discussion at the last meeting that the permit had expired. It was renewed once and was due to be potentially renewed again. He asked what is the current status?

Solicitor Callanan responded that the permit from the Office of Outdoor Activities is valid; they do not have a local building permit.

Councilor Mathews responded that it was suggested at the last meeting that the permit was going to expire in October. Was it renewed?

Solicitor Callanan responded that that was a statement made by a resident. He believes the permit is good to the end of the year.

Chair DiFazio continued with the second part of the proposed change, Section E, which indicates the town's ability to review the application. The initial change has a complete lack of the town's ability to review, other than some vague language directing review by the Planning Department. This new section includes conditions for the town to obtain compliance; most pertinent is that the application will require special permit application review, which is the most significant of the changes.

He reminded the committee that this item will be continued to November 10, 2020. By then, they will have heard from the town and the citizens. He urged any Councilors who don't have everything they need to let him know so everyone is on the same page.

Councilor Mathews suggested they consider Rule 35, section E of the Council rules and regulations- and he read it for the committee:

*While meetings are open to the public, an individual may not address the committee without prior permission from the Chair. Opportunities to express one's opinion can be done so at a public hearing, if the measure so requires, or request to address the Council during Resident and Community Comment.*

He suggests they waive that section of the Rules so that the proponents can add their comment or anything before the public hearing. Because things are changing quickly, he would want to hear about them before the public hearing takes place.

The chair asked the administration to have the answers available 2-3 days before the November 9<sup>th</sup> public hearing so they can be circulated to the concerned citizens.

Robert Delaney responded to the question as to why it was not a reduction to two boards. At the time the petition was drafted, the permit was still valid and per John Romano, was extended to October 7, 2020. At this point, 20 days later, he is unable to confirm whether it is still valid or was extended beyond October 7<sup>th</sup>. He asked if it is possible, through the chair, Friends of Finnell receive the documents received today. Councilor Mathews responded that he will have the council secretary forward them.

Amy Kabilian noted that the questions that can't be answered tonight; her neighborhood has already received them. Yes, Finnell is still on the table and she doesn't know why they can't speak about it. They were given in-depth information at a neighborhood meeting. 611 would be kept going, then 613 would be built. Mr. McClary told them he would need to order new faces since they would require light blocking technology. While 611 is a huge neighborhood problem, and she believes 613 could be done the right way, she doesn't want to see them move the problem to another neighborhood. All the things they didn't get- lowered, light blocking technology, the tree line, content control- all the things they didn't do at 611. If the Finnell Drive doesn't happen, they will still get a billboard. This will all be funded by Bristol. She is not sure why the solicitor can't share the information here when it has already been shared with residents of Weymouth. There is a lot of information available, it just isn't shared with the Councilors.

Councilor Mathews responded that she is correct; they have not been provided with it. He explained Council Rule 35. The Solicitor suggested he did not want to entertain questions at this time from constituents. At the last meeting, he was provided a list of questions and as she heard tonight, the Committee is still waiting for responses. When they have been received they certainly will bring them back up in committee. They definitely are willing to allow citizens to speak.

Kathy Swain stated they knew Finnell was probably still on the table. At the October 6, 2020 committee meeting, they rushed questions to the chair. It's been three weeks and they still do not have answers. They haven't met with the Mayor; they requested one but he refuses to meet. They have no say on what happens on 0 Finnell Drive. They can't discuss size, height or content. It was already on the permit. Since announcing it in November 2019 they have not taken the opportunity to meet with the Friends of Finnell. Now they announce an informational meeting for the people of 611 and 613 and still 0 Finnell has not been spoken to. This is exactly the reason this citizen petition is on the table, so that special permitting will allow for input by the people who will be directly affected. What about the access to the site? The whole process has been unfair and frustrating. While she feels bad for the residents around 611 and 613, she questioned when will their concerns be heard?

Chair DiFazio stated that it appears to be a piecemeal approach. The November 5<sup>th</sup> meeting doesn't address 0 Finnell. When the Mayor addressed the plan at Adams School, he addressed the comments to all who would be affected. Whatever he does, he needs to address all three boards at the same time. He can't appease some and ignore the others. He will speak to the administration. He agrees that all three boards need to be part of any new plan.

Robert Delaney stated he doesn't think appeasement is the correct word for Century Road. They have been inundated with devastation. He thanked Ms. Kabilian for sharing the information she has been privy to. He agrees with Ms. Swain, that the residents of Finnell have had no communication with the administration, including Mayor, Solicitor or Ms. Howe. There has been consistent talk about accessibility to this site if the waiver from the state is approved. The power line company has restrictions on the easement. He said information has come out in documents from Ms. Howe that clearly states Cove has received an easement from Eversource to use it, but he doesn't believe it's true. He asked is it odd that since the petition was filed, the administration has put roadblocks up by the administration and Mayor against the residents being heard. Why? Isn't it strange to all, in all meetings, if the administration has not put as much effort into listening to their constituents in these neighborhoods, and who will not see any benefit from it? Why? He outlined the common denominators are the administration on one side, and Cove, Bristol, Bristol Lorusso on the other. Where do the residents come into play? There is no contribution from this company, yet they are dictating terms to the town. residents will bear the brunt and it's a travesty. Something is wrong.

Vice Chair Dwyer responded that he would like to make sure the committee has the answers from the administration and if not, let the residents know. It's not right that the folks who are represented are not getting answers.

Councilor Heffernan agreed; he discussed this with Councilor Dwyer that this has happened on other issues as well. He is distressed that they don't have answers and apologized to the constituents. Three weeks was more than enough time to get them.

Councilor Mathews responded that for the record, the questions were submitted in writing ten days prior, and was in compliance with the Charter. They did not know until a day before this meeting they would not have responses.

Chair DiFazio stated he wants the answers before the 10<sup>th</sup> so they can review and be prepared to discuss them on the 10<sup>th</sup>, and if they won't have them, let them know in enough time.

Councilor Heffernan clarified his response. Council did everything within their purview, because he believes they did. Councilor Mathews responded that the explanation was offered for the public's benefit.

Mr. Delaney reiterated that he was not referring to any obstruction by the Town Council, but merely pointing out administration's representation has consistently put up roadblocks.

## ADJOURNMENT

At 7:05 PM, there being no further business, a motion was made by Councilor Mathews to adjourn and was seconded by Councilor Heffernan.

A roll call vote was taken: Councilor Heffernan-Yes, Councilor Mathews-Yes, Vice Chair Dwyer-Yes , Chair DiFazio-Yes and Councilor Haugh-Yes.

UNANIMOUSLY VOTED.

Attachment: Memo- C. Howe- invitation to residents

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Ken DiFazio as Budget/Management Committee Chairman  
Approved unanimously on 7 December 2020