

**TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE
Town Hall Council Chambers
October 7, Monday**

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

Absent: Michael Smart, Vice Chairman

Also Present: Joseph Callanan, Town Solicitor

Recording Secretary: Mary Barker

Chair DiFazio called the meeting to order at 6:37 PM.

Issue-Route 3 Billboard

Chairman DiFazio reported that the committee met on September 26, 2019. A public forum was held by the Mayor on October 1, 2019. Vice Chair arrived at 6:38 PM.

Committee members were asked to review the proposed correspondence authored by the chair:

The adverse impacts of electronic billboard siting within the new billboard relocation overlay district upon abutting residents was referred to the Ordinance Committee on September 3, 2019 upon the concerns voiced clearly by Weymouth citizen Amy Kabilian, 7 Kipling Road. The committee deliberated the matter on September 26, 2019 and Mayor Hedlund has conducted an informational forum on October 1, 2019, that was both well-attended and videotaped for the general public. Although the matter remains under continued review by the Ordinance Committee, this evening the Ordinance Committee members voted unanimously to provide the full Town Council an interim report on the subject. The overriding justification for this report is based upon:

- 1. the information obtained by the committee during deliberations*
- 2. the citizens' description of the adverse impacts of electronic billboard siting and*
- 3. the administration's responses to the concerned citizens at the Mayor's informational public meeting*

As a result of this committee's deliberations, it was learned that on or about July 25, 2018, the town of Weymouth entered into a billboard relocation agreement with Cove Outdoor, LLC. Amongst several aspects of the agreement, the agreement outlined electronic billboards to be installed at the newly approved billboard relocation overlay district at the Route 3 corridor, designated revenue distributions to the applicable parties and set forth the removal of all paper billboards in North Weymouth. There is currently one electronic billboard already permitted and installed, but currently off, located at 611

Pleasant Street location. This electronic billboard was operational for a time period, which resulted in a multitude of abutting citizens' complaints of lighting in their residences. A second electronic billboard is fully permitted for the 613 Pleasant Street location. Both of these electronic billboards are located on the northern side of Route 3. A third electronic billboard location is currently being contemplated on the southern side of Route 3. None of the proposed electronic billboards, or the one already installed, incorporates light-blocking technology, and the owner of the already-installed electronic billboard has recently been granted permission to cut down over 90 trees to enhance the visibility of the electronic billboard. This tree cutting would almost certainly further have adverse impacts on the nearby residents. In summary, it can be reasonably concluded that there exists ongoing serious concerns by residents of several neighborhoods of the detrimental effects of electronic billboard lighting on their respective properties. It can be further concluded that these detrimental effects were not contemplated during the proposal and subsequent approval of the billboard relocation overlay district, which was voted on April 4, 2018. Based upon the ongoing imminent electronic billboard process, the Ordinance Committee voted this evening recommending that the full town council issue written correspondence to all members of the billboard relocation agreement, as well as the Department of Transportation on billboard permitting, requesting the following:

- 1. That all parties to the agreement halt any further permitting, siting, or operation of the electronic billboards in question.*
- 2. No tree cutting will take place by any of the parties.*
- 3. The parties shall immediately participate in a good faith negotiation concerning the repealing of the overlay district, removal of the existing electronic billboard located at 611 Pleasant Street and computing a real estimate of damages, if any, to and from the appropriate parties aggrieved under the executed contract. We are hopeful that the Mayor continues to pursue an avenue to help residents in south Weymouth with their billboard problem, which currently exists. We acknowledge the concerns of both the residents on Route 3A as well as those on Route 18 Abington border.*
- 4. The administration shall report the results of said negotiations to the town council forthwith.*
- 5. Pursuant to section M of the agreement, we are requesting that our internal auditor conduct a detailed audit of all documents and records related to revenue, expenses, costs, pricing data, and permitting as related to this agreement.*
- 6. We are of the opinion that the permit application submitted by Cove to MassDOT does not comply with 700 CMR 317(1). "The written approval of the municipality is required prior to the submission of said application unless otherwise exempted by state law." On April 10, 2018, Mayor Hedlund signed under option 1, which certifies that the proposed signs are in conformity with zoning ordinances and by laws and are subject to final agreement with the town on a billboard reduction and relocation agreement, which includes all relevant documents. As the billboard agreement wasn't signed by the Mayor until July 25, 2018, there was no agreement in place at that time.*

Once these issues are resolved, the town council will continue to deliberate the continued existence of the billboard relocation overlay district.

Councilor Mathews suggested it be sent to the Mayor, Cove and MassDOT. Let MassDOT know there is a problem that the council is trying to resolve.

Councilor Haugh noted she has been quiet during this with regard to the North Weymouth billboards. The lighting issue is the priority. She was hoping a solution would have been reached by all parties before now. She has been trying for nearly 2 decades to beautify Route 3A. At the Mayor's presentation, the Route 3A was part of it. This was not the catalyst, but it is a much needed mitigation in the grand scheme. It took 15 years to get the abandoned billboard over Panda Rug taken down. There were a lot of comments from residents, colleagues, town hall, to the effect of- what's the big deal with 3A billboards; they don't bother anyone. The comments made by those who don't want billboards on Route 3 are exactly why she and others fought to get them removed in North Weymouth. The boards on 3A are outdated, rusty and cheap and cheap to rent, which she knows because they have rented it in the compressor station siting fight. It's not a highly desirable area to rent space. As a mother who travels by them daily, she and her teens are subjected to ads for alcohol, birth control, pregnancy, Narcan, religious messages, pot and other tasteless and tacky advertising in North Weymouth. Billboards along 3A are an economic and societal problem in Weymouth. Ads along highways are more expensive and better quality. The town banned all billboards back in 1982. She applauded the Mayor's attempt in trying to think of 3A while preventing an unwelcome development elsewhere in town. She sympathizes and empathizes with South Weymouth neighbors. She wants the language to be stronger and is not willing to let this die. It has never been North vs. South Weymouth. She wished they had installed the light-blocking technology from the beginning. There should have been a certified engineer who looked at this beforehand. They were lied to and no one has trust going forward. It could have been extremely beneficial to all parties and they missed out on the opportunity. She urged stronger language on #3; an amendment that states *"The town will ban the renewal of all static billboard leases effectively immediately. It is understood that all owners of static billboards on Route 3A have agreed to have their billboards removed with this zoning change at no cost to the business owner. The town has an established beautification fund and will submit a measure upon each static billboard owner's lease expiration, to the town council in the amount of the billboard removal."*

Councilor Heffernan reported that he had the opportunity to speak with many of the residents. This requires positive action. It was unforeseen by the residents or the Council. it's a quality of life issue. They need to take a strong stand against nuisance billboards in neighborhoods. They are not pitting neighbor against neighbor. He seeks a full moratorium. He wants to see a full comprehensive and transparent process. Going forward he will demand more in a project. He does not want it repeated ever again.

Chair DiFazio asked for Councilor Haugh's requested language change and the committee reviewed it. Chair DiFazio noted it is a point well taken.

Councilor Mathews noted in section 6- the permit from Cove to MassDOT, it notes; the following authorizations must be obtained before submitting the application to the office of Outdoor Advertising. The written approval of the municipality is required unless otherwise exempted by MGL. The date the Mayor signed was on April 18, 2018-- 106 days later the Mayor signed the agreement with Cove. In his opinion, the state should not have processed the application because there was no agreement at that time. It doesn't appear the state followed the guidelines.

The chair invited the administration or all parties to comment on Mr. Mathews' assertion. Solicitor Callanan responded that he was present at this meeting as legal counsel for this committee- not the administration. There is a separate process for having administrative representatives present.

Vice Chair Mathews urged they keep the language – let the administration figure it out.

Chair DiFazio noted the letter is proposed to be sent to the entities. It is his understanding that the Mayor would be expected to respond.

Solicitor Callanan reiterated that he is present as their lawyer, not as a representation of the administration.

A motion was made to recommend the town council send the attached letter to the administration, to Cove and MassDOT with amendments. Councilor Haugh noted for the audience that the committee is not able to negotiate. UNANIMOUSLY VOTED.

ADJOURNMENT

At 7:04 PM, there being no further business, a motion was made by Councilor Mathews to adjourn and was seconded by Councilor Haugh. UNANIMOUSLY VOTED.

Respectfully Submitted by Mary Barker as Recording Secretary.

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