

**PLANNING BOARD  
RECORD OF MINUTES AND PROCEEDINGS  
March 20, 2007**

The Planning Board of the Town of Weymouth held a public meeting on Tuesday, March 20, 2007, at 7:30pm at McCulloch Building, Whipple Center Conference Room, 182 Green Street, Weymouth, MA

Present: Paul Hurley, Chairperson  
Mary Akoury, Clerk  
Sandra Williams  
Frank Hawkins  
Not Present: Walter Flynn  
Staff: Rod Fuqua, Principal Planner  
Recording Secretary: Janet Murray

Paul Hurley called the meeting to order at 7:30 pm.

**Form A**

King Avenue/D. F. Havilland Drive Sheet 20, Block 282, Lot 31

Mr. Fuqua stated that the lots in this area are zoned Industrial-2 (I-2). He noted that there is a zoning request to be discussed later regarding a change in zoning from I-2 to R-1. If this Form A request is approved, the I-2 zoning would be protected for a period of three years. If nothing is built within this three year time period and the zoning is changed to R-1, any further use would have to conform to R-1 zoning requirements.

There is currently a possible proposal to make this location a cab dispatch. Mr. Fuqua noted that he did not have any particular details on this proposal.

He noted that this subdivision meets all frontage and access requirements for endorsement as a Form A Plan.

Mr. Fuqua noted that this is a Form A, approval not required. If the Planning Board does not endorse this, the Town Clerk would certify that the Board took no action and the Form A would then be endorsed.

Mrs. Akoury made a MOTION to TAKE NO ACTION on the Form A for King Avenue/D.F. Haviland Drive and was seconded by Frank Hawkins and PASSED on a 3-1 vote.

61 Granite Street Sheet 16, Block 205, Lot 12

This is in the Weymouth Landing area near Webb Park. Lot A has a tail that goes down to Granite Street. This has been approved by the BZA to be subdivided and transferred to the neighbor.

Mr. Hawkins made a MOTION to ENDORSE the Form A for 61 Granite Stret and was seconded by Mrs. Akoury and UNANIMOUSLY VOTED.

Trefton Avenue/Hyde Street Sheet 13, Block 156, Lot 18

This is in the Idlewell neighborhood. This change does not create a new buildable lot.

Mr. Hawkins made a MOTION to ENDORSE the Form A for Trefton Avenue/Hyde Street and was seconded by Mrs. Akoury and UNANIMOUSLY VOTED.

**Definitive Subdivision plan**

Petr: Frances Pearce/Public Family, LLC

Locus: off Wampum Street

Sheet 48, Block 543, Lot 2

Zoning: R-1

Discussion and/or Vote on Definitive Subdivision Plan to create five (5) buildable lots

Mr. Fuqua stated that the public hearing is now closed. He also noted that Mrs. Akoury was not present at one of the meetings and thus cannot vote on this matter.

Mr. Fuqua noted that there is a bend in the road on the layout. A plan marked “for review only” was discussed. Mr. Fuqua noted that there are two land court bounds Solicitor Lane stated must be held. He noted that the existing stone wall by the Braintree line has a wave in it, even though on the plans it seems straight.

Forest Street is a 50 foot right of way. Forest Street was previously widened from a 33 foot road to a 50 foot road, but there is no plan on record. This is why the land court markings must be followed.

There are no sidewalks on the existing portion of Wampum Street to connect to, so no sidewalk will be required. The first 300 feet of Wampum Street are already laid out and the suggestion is to follow the existing cross section, which the plan does.

The following waivers were recommended: There should be no island within the proposed turnaround; there are no sidewalks required within the previously approved portion of Wampum Street layout; the roadway cross section should follow the approved layout as approved for the start of Wampum St.

The following conditions were recommended: The roadway layout should follow the layout as recommended through Town Solicitor, George E. Lane, Jr. Progress print shows layout as agreed to; all municipal utilities shall be designed as per DPW standards and specifications. Water main should extend and loop out to Forest Street; sewer easement should be re-labeled as a utility easement to also contain the water main; sewer and water house connections, to accommodate all future growth on Wampum Street, should be installed from the street mains out past the edge of pavement. Exact locations to be determined at the time of construction in coordination with DPW; drainage system should note all pipe sizes and invert/outlet elevations; an additional fire hydrant shall be installed as close to the intersection of Samoset Street as possible; all construction for the first 100’ of Wampum Street at the Samoset Street intersection shall be staked with construction lines, limits of work and proposed grades. A review by DPW, Engineering and Department of Planning and Community Development shall review to insure there is no encroachment onto private property. Construction may not take place until after the area is staked and reviewed; there should be temporary stabilization of all slopes within the area first 100’ of Wampum Street at the Samoset Street intersection during construction until

vegetation is established; the operation and maintenance plan for the storm drain system should be submitted to the Conservation Commission prior to construction. The definitive plan should be revised, with a revision date of March 20, 2007 to reflect all waivers and conditions as approved by the Planning Board.

Mr. Hurley stated that at the beginning of Wampum Street, temporary stabilization where the slope is 2/1 is needed.

Mr. Hurley asked about the drainage system and the retention basin's operation and maintenance schedule. Mr. Fuqua stated that this schedule could be required to be submitted to the Conservation Commission, as it is under their purview.

A MOTION was made by Mr. Hawkins to APPROVE the Definitive Subdivision Plan for off Wampum Street with the following waivers and conditions:

Waivers:

1. Section 5.5 of the *Rules and Regulations of the Planning Board of Weymouth, Massachusetts Governing the Subdivision of Land*, adopted March 4, 1954, latest amendment May 10, 1991, to eliminate the landscaped island.
2. Section 5 and 6 of the *Rules and Regulations of the Planning Board of Weymouth, Massachusetts Governing the Subdivision of Land*, adopted March 4, 1954, latest amendment May 10, 1991 to eliminate sidewalks within the Wampum Street layout.
3. Section 5 and 6 of the *Rules and Regulations of the Planning Board of Weymouth, Massachusetts Governing the Subdivision of Land*, adopted March 4, 1954, latest amendment May 10, 1991 to allow a roadway cross section as per plan.

Conditions:

1. The roadway layout shall follow the layout adhering to the land court property line at the westerly edge of Lot 21 on Sheet 48, Block 542.
2. All municipal utilities shall be designed as per DPW standards and specifications.
3. Water main shall extend and loop out to Forest Street.
4. Sewer easement shall be re-labeled as a utility easement to also contain the water main.
5. Sewer and water house connections, to accommodate all future growth on Wampum Street, shall be installed from the street mains out past the edge of pavement. Exact locations to be determined at the time of construction in coordination with DPW.
6. Drainage system shall note all pipe sizes and invert/outlet elevations.
7. An additional fire hydrant shall be installed as close to the intersection of Samoset Street as possible.
8. All construction for the first 100' of Wampum Street at the Samoset Street intersection shall be staked with construction lines, limits of work and proposed grades. A review by DPW, Engineering and Department of Planning and Community Development shall review to insure there is no encroachment onto private property. Construction may not take place until after the area is staked and reviewed.
9. There shall be temporary stabilization of all slopes within the area first 100' of Wampum Street at the Samoset Street intersection during construction until vegetation is established.

10. The operation and maintenance plan for the storm drain system shall be submitted to the Conservation Commission prior to construction.
11. Definitive Plan shall be revised, with a revision date of March 20, 2007 to reflect all waivers and conditions as approved by the Planning Board.

The MOTION was seconded by Ms. Williams and passed on a 3-0-1 vote with Mrs. Akoury abstaining.

### **Minutes**

1/30/07

A MOTION was made by Mr. Hawkins to accept the minutes from the 1/30/07 Planning Board Meeting and was seconded by Mrs. Akoury and UNANIMOUSLY VOTED.

2/6/07

A MOTION was made to accept the minutes from the 2/6/07 Planning Board Meeting and was seconded and UNANIMOUSLY VOTED.

2/13/07

A MOTION was made to accept the minutes from the 2/13/07 Planning Board Meeting and was seconded and UNANIMOUSLY VOTED.

2/20/07

A MOTION was made to accept the minutes from the 2/20/07 Planning Board Meeting and was seconded and UNANIMOUSLY VOTED.

### **Town Council Communication** - Proposed Zoning Map Amendment Requests

Mr. Fuqua stated that there are three requests submitted for zoning map changes; Middle Street, Cyprus Street, and King Avenue/DF Haviland Drive. He noted that there is a chart for the three requests. On April 17, Tuesday, there will be a joint meeting with Town Council to be held in the Council Chambers.

Mr. Hurley asked for clarification on spot zoning. Mr. Fuqua stated that it is if you rezone a particular piece of property solely for the benefit of the owner. If there is no other benefit to the town or community, and the only benefit is an economic benefit to the property owner, this is spot zoning.

Mr. Fuqua stated that there is a letter stating that he and Councilor Leary give their full support to this article. Mr. Fuqua stated, for the record, that neither he nor Councilor Leary have given their support to these requests.

### **Performance Guarantee**

Cardinal Circle – set bond

This is off Jacob's Lane, the utilities are in place. The bond amount is \$38,370 based on fine grade of roadway, with an amount factored in for utilities, as well as road paving, loam and seed, street lighting, signs, bounds, and as built plans.

Mr. Hurley asked if the installation calls for asphalt. Mr. Fuqua stated that it is.

A MOTION was made by Mrs. Akoury to SET the bond for Cardinal Circle at \$38,370 and was seconded by Mr. Hawkins and was UNANIMOUSLY VOTED.

Fairfax Avenue – release bond

Mr. Fuqua noted that a little bit of remedial work needs to be done. The as built plan is in progress. The recommendation is to reduce bond from \$17,000 to \$5000.

Mrs. Akoury made a MOTION to REDUCE the bond for Fairfax Avenue from \$17,000 to \$5000 and was seconded by Ms. Williams and UNANIMOUSLY VOTED.

D. F. Havilland Drive – release bond

A MOTION was made by Frank Hawkins to TABLE the request to RELEASE the bond on D.F. Haviland Drive and was seconded by Mrs. Akoury and UNANIMOUSLY VOTED.

Town Council Communication - Proposed Zoning Map Amendment Requests

Mr. Fuqua stated that there are three requests for zoning that have been submitted by Town Council: Middle Street, King Street at D. F. Havilland Drive, and Cyprus Street. There is a table that shows the schedule of when they were filed, when they were forwarded to the Planning Board. A hearing must be held by May 6, 2007. April 17, 2007 is the proposed date for a joint hearing with the Town Council.

Mr. Hurley noted that there is a regular scheduled meeting for that date. Mr. Fuqua stated that another meeting will probably need to be scheduled the next week.

The meeting will be held during the regularly scheduled Town Council meeting at Town Hall Council chamber.

Mr. Hurley asked for a definition of spot zoning. Mr. Fuqua stated that it is when you rezone a particular parcel of property, and it is solely for the benefit of the owner, and the Board cannot find any benefit for the town or community beyond the economic benefit of the owner then it would be considered spot zoning.

Mr. Fuqua made a note for the record that the application for the zoning article for Cypress Street states that Mr. Fuqua and Councilor Paul J. Leary gave their full support for the article when in fact this is not true.

**Adjournment**

At 8:30 pm, there being no further business, a MOTION was made by Mr. Hawkins to adjourn and was seconded by Mrs. Akoury, and UNANIMOUSLY VOTED.

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Paul Hurley, Chairperson

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Date