

**PLANNING BOARD
RECORD OF MINUTES AND PROCEEDINGS
April 17, 2007**

The Planning Board of the Town of Weymouth held a public meeting on Tuesday, April 17, 2007, at 7:30pm at Town Hall Council Chambers, 75 Middle Street, Weymouth, MA.

Present: Paul Hurley, Chairperson
Walter Flynn, Vice Chairperson
Mary Akoury, Clerk
Sandra Williams
Frank Hawkins
Staff: James Clarke, Planning Director
Recording Secretary: Janet Murray

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

Begin Joint Public Hearings with Town Council.

Public Hearings

07 024-Rezoning Request-1132 and 1136 Middle Street

A MOTION was made by Mr. Flynn to OPEN the Public Hearing on item number 07 024 and was seconded by Mr. Hawkins and UNANIMOUSLY VOTED.

This Item was published on 3/28/07 and 4/4/07. There was the following public comment.

Kathleen Gould-Norve and Barbara Gould appeared before the Council as proponents for this rezoning request.

Ms. Gould handed out a packet of information. She discussed the reasons for this change. She noted that 1132 and 1136 Middle Street will both lose their front lawns and will become the new corner of Route 18 and Middle Street.

She stated that these changes will have a detrimental impact on the value of these properties. Her request is to change the zoning from R-1 (residential) to HT (Highway Transition).

Mr. Hawkins stated that he does not have a problem with the content of the request. However, he noted that there is no other HT zoning and this could be seen as spot zoning. He suggested that it be zoned B-1 (business).

Ms. Gould-Norve stated that the neighbors got together and discussed the issue and they thought that the HT zoning was a balance.

Ms. Gould-Norve stated that they did not object to B-1 zoning.

Councilor DiFazio asked if abutters were notified. It was noted that abutters were notified as per standard procedure.

A MOTION was made by Mr. Flynn to CLOSE the Public Hearing on item number 07 024 and was seconded by Mr. Hawkins and UNANIMOUSLY VOTED.

07 026-Rezoning Request-DF Haviland/King

A MOTION was made by Mr. Flynn to OPEN the Public Hearing on item number 07 026 and was seconded by Mr. Hawkins and UNANIMOUSLY VOTED.

This Item was published on 3/28/07 and 4/4/07. There was the following public comment.

A MOTION was made by Councilor Leary to OPEN the Public Hearing on item number 07 026 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 3/28/07 and 4/4/07. There was the following public comment.

Councilor Lacey stated that the request is to change the zoning from I-2 (Industrial) to R-1. He referenced Sheet 20, Block 282, Lots 36, 31, and 37. He noted that these three parcels are an extension of the Electro Switch property which is zoned I-2. He noted that there is a subdivision abutting these properties and he sees this zoning change in keeping with the character of the neighborhood.

Gerald Mackin, stated that he represents Mr. & Mrs. Vasilitis. He stated that he is concerned about public welfare, safety, and health of the residents.

Mr. Mackin noted that the industrial uses permitted in an I-2 zone are varied and include such uses as helicopter landing area. Mr. Mackin noted that the market has outpaced the zoning. He noted that there are only two non-residential lots along King Street.

Mr. Mackin stated that a letter has been written that states that the opponent will sue if this zoning request is approved.

Maria Kamperides, 18 DF Haviland Lane, spoke in favor of the rezoning request.

David Mann, 75 King Ave, spoke to concerns regarding traffic. He stated that he is in favor of the rezoning request.

Mr. Mann stated that King Ave has become a cut through street. He noted that the clutch shop is the only commercial property although two of the lots are single family homes and the fourth lot is vacant.

Mr. Mann stated that the traffic problems on King Ave are part of the city-wide systemic traffic problems in Weymouth. The solution must be comprehensive including both zoning and traffic planning. The forthcoming zoning report is a positive step in the right direction. This zoning change is consistent with the comprehensive zoning recommendations. Failure to act can be expected to make the traffic problem worse.

Eddie MacDonald gave a little history. He stated that he knows Mr. Herlihy who is the property owner. Mr. MacDonald stated that he is looking for fairness to everyone, including the property owner. He noted that this area has a history of industrial use. He noted that Mr. Herlihy's business has existed long before the residential buildings were developed.

Mr. Jeffrey Tocchio, attorney, stated that he represents Mr. Herlihy, the property owner. Mr. Tocchio stated that there is a signed purchase and sale agreement to develop the property under the established I-2 zoning. Mr. Tocchio noted that the traffic concerns previously addressed, although a problem, are the result of cut through traffic, not from the I-2 zoning.

Mr. Tocchio submitted for the record a picture of a sign that stated "Save our neighborhood – stop the taxi repair shop."

Mr. Tocchio noted that the 2001 Master Plan makes no reference to King Ave. nor does it suggest needed zoning changes.

Councilor DiFazio asked what the date of the purchase and sale agreement is. Mr. Tocchio stated that it is 1/23/07.

Councilor DiFazio asked for a copy of the purchase and sale agreement. Mr. Tocchio agreed to provide a copy. He noted that he may need to submit a redacted copy regarding the financial aspects of the agreement.

Mark Kelly, 42 DF Haviland Drive stated that he is concerned about the changes that can occur with the I-2 zoning. He stated that he is in favor of the rezoning.

Tom Condon, 85 Kensington Road, disagreed with the statement that this property is an extension of the Electro Switch property. He noted that there is residential property surrounding the lots.

Sean Vargus, 27 King Ave, stated that he is in favor of the rezoning request. He stated that he is concerned regarding the traffic issues along King Ave and the safety of children.

Joan Collins stated that if this land is not rezoned it will have a detrimental effect on the value of her property. She stated that the rezoning would be in the best interest of the neighborhood and the best interest of the children.

Steven Barton, King Ave, stated that the times have changed as has the zoning use. He noted that the traffic issues are not caused by the people of the neighborhood. He stated that the issue is not whether or not a taxi stand is erected on the site. He stated that any industrial use on the lots would be detrimental to the neighborhood.

A MOTION was made by Mr. Hawkins to CLOSE the Public Hearing on item number 07 026 and was seconded by Ms. Williams and UNANIMOUSLY VOTED.

07 027-Rezoning Request-Cypress Street

A MOTION was made by Mr. Flynn to OPEN the Public Hearing on item number 07 027 and was seconded by Mr. Hawkins and UNANIMOUSLY VOTED.

This Item was published on 3/28/07 and 4/4/07. There was the following public comment.

Mrs. Cosgrove stated that she thinks that this is a simple matter. She stated that there is a doctor's office that abuts her property. There is a small parcel of land that abuts her property and the doctor's property. She noted that the land has been used as a dumping ground and compost area.

Councilor Leary asked for clarification on the reduction of traffic on Route 18. Mrs. Cosgrove stated that it would allow for parking which in turn would help to reduce backups.

Councilor Leary stated that he has not been able to find any reference to a small parcel of land that is being referred to.

Mr. Clarke stated that "Plan of Land. . ." 10/26/76 showed this as a setback and was part of a 1977 zoning case.

Councilor Mathews asked for a copy of the above mentioned plan.

Mr. Clarke stated that notification of abutters is not required for zoning changes.

Councilor DiFazio stated that the Ordinance Committee takes up the issue that abutters should be notified.

A MOTION was made by Mr. Flynn to CLOSE the Public Hearing on item number 07 027 and was seconded by Mr. Hawkins and UNANIMOUSLY VOTED.

End Joint Public Hearings with Town Council

Adjournment

At 9:18 pm, there being no further business, a MOTION was made by Mr. Flynn to adjourn and was seconded by Mr. Hawkins, and UNANIMOUSLY VOTED.

Paul Hurley, Chairperson

Date