

**PLANNING BOARD
RECORD OF MINUTES AND PROCEEDINGS
May 16, 2006**

The Planning Board of the Town of Weymouth held a public meeting on Tuesday, May 16, 2006, at 7:30pm at McCullough Building, Whipple Center Conference Room, 182 Green Street, Weymouth, MA.

Present: Paul Hurley, Chairperson
Walter Flynn, Vice Chairperson
Mary Akoury, Clerk
Sandra Williams
Frank Hawkins

Staff: Rod Fuqua, Principal Planner

Recording Secretary: Janet Murray

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

Public Hearings

Ryder Development Corp. (Cont.)

Locus: off Norma Avenue and Healy Road, Sheets 24 & 28, Block 318, Lots 1 & 102

Zoning: R-1

Definitive Subdivision Plan creating three (3) new buildable lots

This is a continuation of a Public Hearing on 4/18/06.

Mr. Gregory Galvin and Mr. Scott Arnold appeared before the Board on behalf of Mr. Kenneth Ryder. The applicant is proposing a modification to the application.

He noted that the applicant was asked to have the wetlands re-flagged, the houses located on the lots, and where the driveways would be. Mr. Galvin stated that they would like to move forward on the two lots on Norma Avenue.

The lots were re-flagged and show more than the 75% of required upland area. The houses would be located in such a manner that they would have adequate setback from the wetland area. However, a notice of intent will be required as the work would be within the 100' setback from wetlands.

Mr. Galvin noted that there is adequate capacity for three lots, but this plan is for two lots.

Mr. Arnold stated that the Water and Sewer Division requested an 8" water main and hydrant, both of which can be incorporated into the plan. Several comments by the Engineering Division were minor in nature and easily incorporated into the final definitive plan.

He noted that there is still a question as to the town line; there is a discrepancy with the Town Assessors map.

Mr. Fuqua questioned the proposed hammerhead. He stated that it is the same layout as the original plan. Mr. Arnold stated that there was no change to the roadway layout on this plan other than the placement of the driveways.

Mr. Fuqua noted that the hammerhead lines are outside of the right of way. He asked if there is anything that marks out the easement. He asked why it is an easement rather than part of the right of way. Mr. Galvin stated that the lots would lose some of the upland square feet. He did not know if it would affect this, but he believed that it might impact both lots.

Mr. Fuqua questioned the layout of lot 2A; is there a 25' no disturb zone and 10' side setbacks? Mr. Arnold stated that there is enough room. The width of the house is set at 36'.

Mr. Fuqua stated that Healy Road is an existing right of way. Norma Avenue is an extension of an existing right of way. Lot 2B on the original subdivision plan would come in under the Ordinance of the town for improvements on an unimproved way (7 101 of the ordinance). He asked if this lot is no longer under consideration. Mr. Galvin stated that this is true at this time.

Mr. Fuqua stated that lots 1B, 2A, and 2B exist as two lots. They are being subdivided into three lots in the proposed plan. There is significant change on lot 2A with the movement of the property line over in an easterly direction towards Healey Road. He questioned if this still gives lot 2B the area and upland if lot 2B were shown on the plan. Mr. Galvin stated that he did not think that there would be enough upland.

Lot 2B is not under consideration at this time. With the drawing of the lots as presented this evening it would make lot 2B less than 25,000 square feet. The plans would have to show that this lot is not buildable. Mr. Fuqua asked what would happen to this lot in regards to maintenance if it were not buildable.

Mr. Hurley stated that it might be worth it for Mr. Ryder to go back to square one and look at the plans again. He noted that there are a lot of unanswered questions.

Mr. Ryder noted that there is a provision in the Planning Board Regulations that allow for 20,000 square foot lots if in the watershed district.

Mr. Fuqua stated that this section of the zoning is under the Watershed Protection District, which is an overlay district. It includes the area that drains into Whitman's Pond. In South Weymouth it starts at Great Pond and follows the outfall of Great Pond and the drainage basin of the Mill River up to Whitman's Pond. It also starts at the Swamp River near the Hingham Line. Mr. Fuqua stated that the lots being discussed are outside of the Watershed Protection District so that particular option would not be available.

Mr. Galvin stated that he believes that there is a provision for clusters. He asked if the Mill River goes into Smelt Brook. Mr. Fuqua stated that the Smelt Brook goes into the Fore River.

Mr. Ryder stated that timing is a concern for him as he can not purchase the property without the subdivision plan. He asked if Lot 2A and the lot on Healy could be labeled non-buildable at this time but approve lot 1B.

Mr. Hurley stated that he did not think approving a portion of a plan is a good planning.

Mr. Ryder stated that the road layouts have not changed from the previous plan. This modification is for the lot layouts but no changes to the road. The configuration of lot 2A is in question.

Mr. Galvin noted that lot 1B meets zoning requirements. He stated that the Healy Road lot may fall under the town ordinance under 7-101.

Mr. Flynn asked for clarification on the upland area of lot 2A. Mr. Galvin noted that this has been resolved as to where the wetland lines are located. He stated that this is noted on the plan.

Mr. Fuqua stated that there are three options for the applicant; withdraw the application, continue the hearing with more detailed plans to be submitted, or close the public hearing and make a decision. Based on what is before them, the Board does not have enough information to make a favorable decision. He commented that the plans presented are more in line with a preliminary plan or concept plan not a definitive plan.

Mr. Ryder asked if the Board has any problems with the layout of the roadway as presented this evening.

Mr. Hurley stated that a brand new subdivision should not have a hammerhead layout on private property.

Mr. Hawkins stated that he would like to see more frontage on the property.

Mr. Flynn made a MOTION to CONTINUE the hearing to June 20, 2006 at 7:45pm and was seconded by Frank Hawkins.

Mr. Hurley asked if the Healy Road lot issues would be resolved by the 20th. Mr. Ryder stated that he would most likely come back with a new plan.

Mr. Hurley stated that the plan before the Board is for three lots and would require significant changes to plan, such as the storm water plans.

The MOTION was UNANIMOUSLY VOTED.

Mr. Fuqua noted that the Board would like to have the plans available by June 5, 2006. He stated that he would send out a new notice as the plan may be significantly revised.

Road Conditions

Jose R. Donoso

Locus: 17 Beach Avenue, Sheet 34, Block 400, Lot 35, Sheet 34, Block 438, Lot 3

Zoning: R-1

Request to set roadway conditions (Cont.)

This is a continuation from the meeting on April 18, 2006.

Mr. Fuqua stated that this right of way, Beach Avenue, was approved and laid out 20 years ago. The conditions to build would be for improvements to the right of way. The hammerhead is a pre-existing condition.

Paul Mirabito represented the applicant. He noted that Mr. O'Connor had made a number of comments. He also noted that the revised plans incorporate these changes.

The sewer easement to the rear of the property near the pond will be abandoned.

A test pit was done last Friday and it noted all gravel.

Mr. Fuqua stated that he, Mr. Fontaine of DPW, and Ms. Schloss, of the Conservation Commission met and drafted the list that Mr. Mirabito just detailed.

The request to reduce the width of the road is due to the location and in no way an indication for changes to future requests.

Mr. Fuqua stated that the traffic engineer requested that the hammerhead be changed to allow 10' of pavement beyond the turn out. Mr. Mirabito agreed with this request.

The intersection of Beach and Patterson should have pavement width outside the private way as little as possible.

Lots #7 and #17 are currently owned by same person. An easement for grading is needed.

The modified plans came in today and have not been routed out as of yet. Mr. Fuqua noted that the applicant has agreed to all of the changes.

A MOTION was made by Mary Akoury to TAKE UNDER ADVISEMENT the request to set road conditions and was seconded by Frank Hawkins and was UNANIMOUSLY VOTED.

Other Business

Samantha Way – vote to allow re-endorsement of Definitive Subdivision

This is a definitive subdivision. Mr. Fuqua stated a vote is not actually needed as the Planning Director is the one to approve the plan. However, since it was approved by the Board over a year ago, he thought it best to get a consensus from the Board.

There have been no changes to the plans. The layout of the road and utilities remains the same. He informed the Board that the plan will be re-endorsed.

Frank Hawkins made a MOTION to ACCEPT the re-endorsement and was seconded by Mary Akoury and was UNANIMOUSLY VOTED.

Fairfax Street – bond adjustment

This is a small two lot subdivision off of Merryknoll Road. It needs a binder coat of pavement, bounds, street trees, as built plans, and erosion control. The erosion control is in place. There are still some bare spots; however, with the recent rains, there were no washouts. Also, DPW has inspected it.

Due to the increase in the price of asphalt, Mr. Fuqua recommended that the \$17,000 bond remain.

Sandra Williams made a MOTION to MAINTAIN the current bond amount of \$17,000 and was seconded by Frank Hawkins and was UNANIMOUSLY VOTED.

Weathervane - Form A

This is part of the Weathervane project. There were several paper streets, and several smaller lots that were grouped together. The Form A collects all of the new development under one lot.

Walter Flynn made a MOTION to ENDORSE the Form A for Weathervane and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

Adjournment

At 9:00 pm, there being no further business, a MOTION was made by Mary Akoury to ADJOURN and was seconded by Frank Hawkins, and UNANIMOUSLY VOTED.

Paul Hurley, Chairperson

Date