

**PLANNING BOARD  
RECORD OF MINUTES AND PROCEEDINGS  
September 25, 2007**

The Planning Board of the Town of Weymouth held a public meeting on Tuesday, September 25, 2007, at 7:30 at McCulloch 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  
Bob Luongo, Economic Development Planner

Recording Secretary: Janet Murray

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

**Performance Guarantees**

Samantha Way – bond release

A MOTION was made by Mr. Flynn to TABLE the performance guarantee for Samantha Way and was seconded by Mrs. Akoury and UNANIMOUSLY VOTED.

**Subdivisions**

Duncan Circle – eliminate grass strip

Mr. Fuqua stated that there is a grass strip between Granite Post Road and Duncan Circle. Between cape cod berm and the street the plan is to replace with sidewalk by moving sidewalk closer to street so that the grassy strip is on the homeowner side rather than on the street side. The reason is to avoid the need for town maintenance.

Mr. Flynn asked if there had been any discussion with the homeowners regarding this lot. Mr. Fuqua stated that this discussion has not taken place

Mrs. Akoury made a MOTION to have the Planning Department speak with the residents regarding this issue and was seconded by Mr. Flynn and UNANIMOUSLY VOTED.

**Public Hearings**

Public Hearing – 7:45 P.M.

Petr: Kenneth Ryder, Ryder Development Corporation  
Locus: end of Woodbine Road and an adjacent 0.98 acre island parcel of land in  
Whitman's Pond  
Sheet 30, Block 390, Lot 1 and Block 391, Lot 1  
Zoning: R-1  
Proposed subdivision creates three (3) buildable lots

Ms. Williams read the public notice.

Mr. Flynn made a MOTION to OPEN the public hearing and was seconded by Mr. Hawkins and UNANIMOUSLY VOTED.

Attorney Gregory Galvin appeared before the Board with Al Trachimas, Sitec Engineering, and the applicant, Ken Ryder.

Mr. Ryder stated that he will not at this time challenge the opinion from Town Solicitor in regards to lot 1 and the island. Lot 1 will not be considered a buildable lot as part of this application. The applicant is seeking to approve the subdivision; road conditions to be set and other aspects to be taken under advisement.

Chairman Hurley asked that the above comment be put in writing.

Mr. Trachimas presented the details of the subdivision. This is an extension of Woodbine Road. He noted on the map that the white area is Woodbine Road as it currently exists and the grey area is the extension which will end in a cul de sac. This will provide a turn around. He noted that there is existing sewer and water to be extended to service the lots. The drainage has been evaluated. A recharge system has been designed to recharge up to the 100 year event. The water runoff from the roadway will be totally recharged into the ground.

The applicant has been before the Conservation Commission.

Mr. Fuqua stated that this plan was routed out to other departments. He noted that Mr. Galvin has already addressed the issue of lot 1. Lot 1 is not a buildable lot. The subdivision will have three lots of which only two are buildable lots.

- Engineering: 8" ductile iron water pipe, looping of the water main to Washington Street, and a hydrant added at back of cul de sac.
- Sewer: 8" PVC sewer pipe, double check sewer tie in as per DPW records, town's standard specifications for manhole.
- Engineering: Retaining wall at end of Woodbine Road – there is a layout in the road layout – DPW does not want a retaining wall in the existing right of way. Other options for the retaining wall need to be considered with plans certified by a structural PE, catch basin revised to DPW standards. There is disagreement as to whether island can be used for lot area. Existing water main is 6" – need to show on plans where the increaser will be located.
- The Conservation Commission has completed and closed the public hearing but has not issued the order of conditions. The revisions as of 8/10/07 encompass all comments by Conservation Commission. Slight change in outfall at flared end section of pipe at Whitman's pond. Operation and maintenance plan was included. Conservation Commission plan does not include buildings.
- Health Department had no objections.
- School Department had no concerns.
- Tax Department noted that the taxes are current.

Mrs. Akoury asked about the construction access. Mr. Galvin stated that it would proceed down Island View Road and then to Woodbine Road. She noted that these are heavily congested, narrow, residential streets.

Mr. Hawkins asked if the plan could be redesigned with a layout to show only two buildable lots.

Mr. Galvin stated that the applicant is thinking that he could donate the island to the town to allow for the third lot at 20,000 square foot lot in the future.

Mr. Flynn stated that he does not want to see the island turned over to the town as it would be an attractive nuisance.

Mr. Hurley asked how long Woodbine Road is currently. Mr. Ryder estimated approximately 300 feet. The extension with the cul de sac would be approximately 120 feet.

Mrs. Akoury expressed concern about the width of Woodbine Road. She noted that the road is very narrow. Mr. Galvin stated that the paved area of the road is not the only part of the public way. Mrs. Akoury also expressed concern regarding neighborhood safety. Mr. Ryder pointed out that many of the houses do not have driveways. He stated that he believes that the right of way is 20 feet wide.

Councilor Arthur Mathews, District 4 Councilor, stated that he is concerned about the plans for the third lot. He stated that he has spoken with the fire chief in regards to public safety. Mr. Fuqua stated that there had not been any contact with the Fire Department. Councilor Mathews suggested that the Board reach out to the Fire Department regarding fire trucks being able to navigate the narrow street.

Councilor Mathews stated that he would have liked to see the access road be from Washington Street.

Karen Oliverio, 17 Woodbine Road, stated that when the original project was discussed the neighbors had wanted the entire property to be considered at the same time, but this didn't happen. She noted that the street has not been touched in probably 40 years. She also noted that the neighborhood is located on ledge. There are no sidewalks. She has tried to get a dead end sign or a slow children sign at the beginning of Woodbine Road to no avail. She thinks that the plan should not be considered as currently designed.

Trisha Pries, 15 Woodbine Road, agreed with Ms. Oliverio about the property being considered with a holistic approach. She expressed concern about backfilling and the effects on Whitman's Pond. She stated that there are many children in the neighborhood and public safety will be compromised. She would like to see the Police and Fire Departments' comments regarding public safety.

Mr. Ryder stated that he was initially before the BZA with a different scenario. The previous plan called for access to this property from Washington Street with a cul de sac at the top and condos for sale. He suggested that the Planning Board review the minutes from previous

meetings. This alternate plan called for four buildable lots with condos for sale but the neighbors wanted single family homes.

Mr. Hurley noted that the Board must focus on the plan before them and not what went on in the past. That focus is on safeguarding the residents while allowing the developer to build on his property.

Mary Ann Lindsay, 25 Woodbine Road, stated that she has asked for a dead end sign but has not received a response. She noted that cars speed down Woodbine Road unaware that it is a dead end road.

A resident stated that she does not believe that it is a good idea to leave the third lot on the plan as unbuildable. The applicant should have two buildable lots and that's it.

Susanne Helmar, 20 Woodbine Road, expressed concern regarding the possibility of blasting. She stated that blasting in the past has shaken her home and scared her.

Mr. Hurley stated that the board does not have any jurisdiction over blasting. This is under the purview of the fire department.

Christine Williams, 21 Woodbine Road, stated that construction traffic will adversely impact the neighbors' access to their property. Mr. Hurley stated that there will be a construction schedule.

Mr. Cunningham stated that he is concerned about the destruction of a natural area. He questioned if the proposed lots encroach upon a river rather than a pond as the Old Swamp River is in the area.

Mr. Ryder noted that there is a mechanism for the town to purchase the property. He suggested that the residents need to speak up in regards to this parcel to the Community Preservation Committee (CPC).

A resident asked about the amount that Mr. Ryder would be looking for to purchase the property. Mr. Hurley stated that this is not the forum to discuss this. He suggested that the neighbors discuss this with Mr. Ryder. Mr. Flynn stated that Mr. Ryder has approached the CPC regarding this property; however no information is available as the discussions have been in executive session.

Mr. Flynn stated that there is currently discussion between Mr. Ryder and the CPC but it is being discussed in executive session and is confidential at this time.

Information needed:

Utility layout – sewer, water, storm drain  
Access to property – police and fire feedback  
Lot layout: 2 lots or 3 lots  
Retaining wall  
Letter regarding 2 lots

Mr. Fuqua stated that updated plans should be submitted to the Planning Department by October 22, 2007.

Councilor Mathews asked the Board to consult Solicitor Lane regarding interest in obtaining the island as town property.

A MOTION was made by Mr. Hawkins to CONTINUE the public hearing to 10/30/07 at 7:45pm and was seconded by Mr. Flynn and was UNANIMOUSLY VOTED.

It was suggested by a resident to check with Historic Commission regarding taking down building and ownership of the island. Mr. Hurley stated that the opinion of the town solicitor is that the island cannot be used toward lot size.

### **Street Acceptances**

Mr. Fuqua stated that there is a memorandum from Diane Hachey, administrator for the Town Council, regarding acceptance of twelve streets as public ways. Before this can proceed to the next step the Planning Board needs to look at the streets and express any objections or concerns regarding the streets and take a vote.

Mr. Hurley stated that this issue was before the Town Council last week.

When a street is a public way the town is responsible for maintaining the roadway and the collection of rubbish.

Mr. Flynn suggested that paper streets be abandoned to allow for open space.

Mr. Fuqua stated that the process to abandon a street is very complicated. He stated that the plans need to be looked at when it was originally laid out. Anyone who has rights to the paper street must be notified. When the road is abandoned it does not become town property. The owners obtain the right to the center of road. The Redevelopment Authority could take the street.

Mr. Hurley asked if there was a cost to the town. Mr. Fuqua stated that in the rules and regulations it now states that the developer would retain ownership of the road in fee and then it can be turned over to the town. There is a cost on some of the older roads.

A MOTION was made by Mr. Hawkins to APPROVE the acceptance of the twelve streets submitted by the Town Council and was seconded by Mr. Flynn and UNANIMOUSLY VOTED.

### **Discussion of Chapter 40R**

Mr. Luongo, Economic Development Planner, gave a presentation on Chapter 40R. He stated that 40 R is a friendly 40B affordable housing overlay district. He stated that the Mayor would like to see the town go forward with this. It creates a more dense development and it has a lot of

incentives for the developer to get an aesthetically pleasing plan. It would be specific to each site.

Mr. Luongo stated that the Clapp Memorial building at 203 Middle Street is being considered for 40R. He noted that 20% of the units would be affordable. A developer is considering this site for 46 units. Contract zoning is not generally used in Weymouth; however, 40R is similar to this type of zoning.

Mr. Luongo stated that the site in question is zoned R-1 which would only allow for four single family homes. The 40R process would result in 20 units per acre – 2.5 acres on the lot = 46 units.

The Planning Board's role is to hold the public hearing regarding the 40R. The zoning board will issue the 40R permit. The process begins with the submission of the 40R application to the Department of Housing and Urban Development (HUD) who will then pre-approve the plan. The Planning Board would hold a public hearing. There is a question regarding if the Planning Board will actually be required to vote on this. The petitioner would then come before the Board of Zoning Appeals for a special permit. The town should hear back from the state within two weeks with the determination if the property is eligible.

These units will count towards the 40B requirements.

There is state funding under this 40R in the amount of \$75,000 one-time payment for 30-65 units. Once the building permit is issued the town will receive \$3000 per unit for a total of \$201,000. There is 40S money available for every school child in the development. There will be reimbursement by the state through a certification process. He noted that the state has run out of money for the \$75,000 and \$3000 payments but still has money for the school child reimbursement. The state has a formula to determine how much it costs to educate a child.

Mr. Luongo noted that the location would have professional offices on the lower level in the rear.

Mr. Flynn asked if the developer has financing in place. Mr. Luongo stated that financing has not been discussed at this time.

The proposal is for the 46 units: 10 units will be in the main building and the remaining 26 units will be to the back and left a new building would be built and attached town houses further back on the property.

### **Adjournment**

At 9:30 pm, there being no further business, a MOTION was made by Mr. Hawkins to adjourn and was seconded by Mr. Flynn, and UNANIMOUSLY VOTED.

---

Paul Hurley, Chairperson

---

Date