

WEYMOUTH PLANNING BOARD
McCulloch Building, Whipple Center, 182 Green Street
July 10, 2012
Minutes

PRESENT:

Walter Flynn, Chairman
Sandra Williams, Vice Chairman
Mary Akoury, Clerk
Dave Chandler
Paul Hurley

ALSO PRESENT:

James Clarke, Director Planning & Development
Robert Luongo, Economic Development Planner

Chairman Flynn called the July 10, 2012 meeting of the Planning Board to order at 7:00PM.

REORGANIZATION

Mr. Clarke assumed control of the meeting for the purpose of election of officers.

Mr. Chandler made a MOTION to NOMINATE Mr. Flynn as Chairman of the Planning Board.
Ms. Williams SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Mr. Flynn assumed position of Chairman of Planning Board.

Chairman Flynn assumed control of the meeting.

Ms. Akoury made a MOTION to NOMINATE Ms. Williams as Vice Chairman of the Planning Board. Mr. Hurley SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Ms. Williams made a MOTION to NOMINATE Ms. Akoury as Clerk of the Planning Board.
Mr. Hurley SECONDED the MOTION. It was UNANIMOUSLY VOTED.

119 RANDOLPH STREET - DISCUSSION AND DECISION

1. Section 5.2.4 - seek a waiver from the required 30 foot street radius at the intersection of Randolph Street to allow for a 30 foot radius on one side only and a 10 foot radius on the other. Waiver is requested based on the width and shape of existing lot.
2. Section 5.2.5 - seek a waiver from the requirement for streets to intersect in a range from 600 feet to 1,200 feet. This waiver is requested based on existing lot configuration and lack of alternative access.
3. Section 5.3.1 - seeks a waiver of the required minimum 40 foot right of way width. This waiver is requested based on existing lot configuration and lack of feasible alternative access to the rear portion of the lot.

4. Section 5.5.4 - seek a waiver to the required 30 foot landscape island in the turn around. This waiver is requested due to existing substantial vegetation on-site. See attached memo from Jay Donovan, Civil Engineer Town of Weymouth.
5. Section 6.10.3 - seek a waiver to granite curbing at cul-de-sac.

Mr. Clarke stated usually the Planning Board will approve applicants requests with comments listed out. Mr. Clarke stated that the Civil Engineer has commented that the Department of Public Works will revise as requested if the request is approved by Planning Board items 2, 3 and 4.

Chairman Flynn gave an overview of what the Planning Board has heard of the requests to-date. Applicant says cannot make more changes. The plan meets regulations, so Planning Board will have to weigh in with its opinion/decision. Chairman Flynn stated the two small parcels (slivers); applicant does not want to add to the parcels because it will impact zoning compliance for the abutting lots. On item #12 maintenance of the basin is an issue; same with item #13. Chairman Flynn asked the Planning Board for their itemized and individual opinions on these requests.

Mr. Hurley stated he feels the Planning Board should listen to and value the professional decision of the Town's engineer.

Ms. Akoury stated that she agrees with Mr. Hurley's comment.

Chairman Flynn stated that the applicant is following all rules and regulations without including the suggestions from the Town's engineer; what this Board has come to now is opinion time and what people think is the correct thing to do.

Mr. Chandler stated that he does not think it is right to have a swale go across a person's driveway.

Ms. Williams stated she agrees with DPW, Mr. Hurley and Ms. Akoury.

Mr. Clarke stated that three fourths of the Board wants to go with a sub-surface system; that will be a requirement. Mr. Clarke stated regarding the small parcels; he doesn't see why there is any need to put those property holders in any jeopardy. Mr. Hurley stated that he respectfully disagrees. Mr. Hurley stated that if the applicant creates a lot it should be numbered as a lot; this is pushing the Planning Board to set a bad precedent. Mr. Clarke stated the town has approved these requests in the past.

Ms. Williams asked to confirm that the parcels will be included in the common areas and taxes will be paid on the slivers. Chairman Flynn stated that the town's engineer recommends the Planning Board proceed with recommendations and Mr. Clarke further stated staff concludes with the town engineer.

Chairman Flynn stated on item #12 town's engineer suggests a sub-surface infiltration system. Ms. Williams stated Article K says association has to maintain and if the association is defunct who will pay?

#16

Chairman Flynn stated DPW requested the applicant provide complete soil evaluation reports, including percolation test results, for TP1 and TP2. The soil evaluation reports must be endorsed by a MA DEP Approved Soil Evaluator. The reports are included with the drainage report. The DPW requested complete soil evaluation reports, including percolation test results. The results of percolation tests were not included with the soil evaluation reports. Hardy Engineering stated "Static" Method was utilized to size the infiltration basin. Under DEP Regulations, the "Static" Method specifies the use of a Rawls Infiltration Rate associated with the Hydrologic Soil Group confirmed by conducting a soil evaluation and does not require a percolation test. DPW agrees with Hardy Engineering that method utilized to size the infiltration basin complies with DEP regulations. However, DPW recommends the Board require the submittal of percolation test results to confirm the suitability of existing on-site soils.

#17

Applicant will use a Stormceptor storm water treatment unit to provide additional TSS removal, as required.

#18

Town engineer requested pre and post evaluation; applicants stated they will do this. This information is more specific to the Conservation Commission but included in the Planning Board report as well.

#19

Hardy Engineering will submit revised flow path drainage calculations.

#20

Hardy Engineering will provide assumptions used to estimate and will submit revised flow path drainage calculations.

#22

Hardy Engineering will submit revised drainage and TSS removal calculations.

Chairman Flynn stated 4 out of 5 members agree on sub surface infiltration system. Chairman Flynn asked Mr. Hurley if the two slivers of land is a voting issue. Mr. Hurley stated yes, technically it is a five lot sub division and requires sidewalks.

Chairman Flynn stated the alternatives are to 1) disapprove, 2) approve with conditions, and 3) include waivers, voting on each separately.

- 1. Section 5.2.4 - seek a waiver from the required 30 foot street radius at the intersection of Randolph Street to allow for a 30 foot radius on one side only and a 10 foot radius on the other. Waiver is requested based on the width and shape of existing lot.**

Chairman Flynn stated the town engineer said the sight lines are adequate. Mr. Chandler asked, did Fire Department have any comments. Mr. Clarke stated no.

- 2. Section 5.2.5 - seek a waiver from the requirement for streets to intersect in a range from 600 feet to 1,200 feet. This waiver is requested based on existing lot configuration and lack of alternative access.**

Chairman Flynn stated when large tracks are being created the streets should not be created.

- 3. Section 5.3.1 - seeks a waiver of the required minimum 40 foot right of way width. This waiver is requested based on existing lot configuration and lack of feasible alternative access to the rear portion of the lot.**

Mr. Clarke talked about sliver and how it narrows at roadway.

- 4. Section 5.5.4 - seek a waiver to the required 30 foot landscape island in the turn around. This waiver is requested due to existing substantial vegetation on-site. See attached memo from Jay Donovan, Civil Engineer Town of Weymouth.**

- 5. Section 6.10.3 - seek a waiver to granite curbing at cul-de-sac.**

Ms. Williams made a MOTION to DISAPPROVE the PROPOSAL. Ms. Akoury SECONDED the MOTION. Discussion.

Ms. Williams stated she feels there are too many open ends; applicants have had time to get homework done. There are still too many items to be approved with conditions.

Chairman Flynn stated one example could be that there is only one week left to review by-laws and vote.

Ms. Williams stated she does not see street enforcement; dues payments in the sense of if all owners don't want to pay the town could be left to pick up the pieces.

Chairman Flynn stated this Board has not received sufficient information to base its action upon.

Ms. Akoury stated regarding the sub surface drainage, applicants says they don't have means to provide sub surface drainage, so therefore Ms. Akoury does not see how Planning Board can approve with conditions if applicants cannot afford recommendations.

Mr. Chandler stated these are serious issues, and he further believes Planning Board should follow DPW suggestions.

Mr. Hurley stated if this request were to be approved it would include all waivers; Planning Board would disagree with waivers #3 and #5. Mr. Hurley stated he does not feel it is ok to give permission for overflow of drainage system and he will not support this subdivision.

Mr. Clarke stated this is a motion to deny, does the Board approve of any of the waivers?

Mr. Chandler made a MOTION to APPROVE WAIVER #1. Ms. Akoury SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Ms. Williams made a MOTION to APPROVE WAIVER #2. Mr. Chandler SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Mr. Hurley made a MOTION to DENY WAIVER #3. Ms. Akoury SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Ms. Williams made a MOTION to APPROVE WAIVER #4. Mr. Chandler SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Mr. Hurley made a MOTION to DENY WAIVER #5. Mr. Chandler SECONDED the MOTION. It was UNANIMOUSLY VOTED.

VOTE on REQUEST:

Ms. Williams, Ms. Akoury, and Mr. Hurley DISAPPROVE. Mr. Chandler and Mr. Flynn APPROVE. MOTION PASSES on 3-2 vote.

Mr. Hurley advised Board that he was not at the Public Hearing but he has reviewed the video of the Public Hearing and is able to vote at this meeting.

Chairman Flynn stated Public Law has changed to all Board members to view minutes and videos of meetings and vote on information supplied at those missed meetings.

11 ADAMS PLACE/CUMBERLAND FARMS - DISCUSSION AND DECISION

Chairman Flynn stated this is a request to change the zoning map at 11 Adams Place from a R1 to a B1.

Mr. Hurley asked if the Planning Board makes recommendation and gives it to Town Council is the zoning change a separate issue than the applicant. If Planning Board says no and Town Council says yes, does anything change? Mr. Clarke stated yes, it will stay B1.

Mr. Chandler made a MOTION to DENY the PETITION. Ms. Akoury SECONDED the MOTION. Discussion.

Mr. Chandler stated he feels this property is large enough to use 6 gas pumps instead of 12 gas pumps. When looking at Route 18 this property enlargement keeps on happening. Mr. Chandler stated when a person buys a house and subsequently a 30 year mortgage they expect to have the property stay R1 not be changed to B1. It is not fair to the neighborhood.

Ms. Akoury stated her concerns are with safety. The traffic in this area is intense. The safety of residents on Adams Place is her concern. Ms. Akoury stated she has gone and observed the happenings at the gas station and the street in question; enlarging this property will put individuals at risk.

Mr. Hurley stated that Massachusetts Department of Transportation has plans to widen Route 18 within the next year or so, which could change the configuration of these lots.

VOTE on REQUEST:

Mr. Hurley, Ms. Akoury, Ms. Williams, and Mr. Chandler DENY REQUEST. Mr. Flynn APPROVES. MOTION DENIED on 4-1 vote.

KIMBALL ROAD

Mr. Clarke stated this item is a request to set road conditions for a single family house; staff will resolve issues before coming back to Planning Board.

Mr. Hurley made a MOTION to TABLE KIMBALL ROAD until more information is gathered. Ms. Williams SECONDED the MOTION. It was UNANIMOUSLY VOTED.

WALTON STREET

Mr. Clarke stated this is a Ryder Development request to revise roadway conditions and Form A. Mr. Clarke introduced Mr. Al Trakimas, of SITEC Environmental.

Mr. Trakimas stated this is a new Form A to maintain second lot, decrease paving by forty feet, and paved thirty feet based on court order. No changed to drainage, only shortening up the road to accommodate adverse possession.

Mr. Hurley asked how much roadway did the court granted these people through the adverse passion petition. Mr. Trakimas stated 110 feet. Mr. Hurley asked was this added to their deed so consequently added to their taxes. Mr. Hurley asked if Planning Board needs to send a letter to the assessor's office. Mr. Clarke stated it does not need to happen.

Mr. Hurley made a MOTION to APPROVE the REQUEST for REVISED CONDITIONS. Ms. Williams SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Mr. Hurley made a MOTION to APPROVE the FORM A. Ms. Williams SECONDED the MOTION. It was UNANIMOUSLY VOTED.

OTHER BUSINESS

Mr. Clarke reminded the Board that there is a joint Public Hearing of Town Council and Planning Board regarding the Clapp Building on Monday night.

Chairman Flynn stated CPA approved and signed new laws to allow recreation funding provided annual redistribution of excess funds.

ADJOURNMENT

At 9:25PM, there being no further business, a MOTION was made by Mr. Hurley to ADJOURN and was SECONDED by Mr. Chandler. It was UNANIMOUSLY VOTED.

Respectfully submitted,

Christine Callbeck
Recording Secretary

Approved by:

Chairman, Walter Flynn

Dated:
