

**WEYMOUTH PLANNING BOARD**  
**McCulloch Building, Whipple Center, 182 Green Street**  
**February 21, 2012**  
**Minutes**

**PRESENT:**

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

**ALSO PRESENT:**

Robert Luongo, Economic Development Planner

Chairman Flynn called the February 21, 2012 meeting of the Planning Board to order at 7:15PM.

Chairman Flynn accepted a MOTION to Open the Public Hearing by Mr. Chandler and SECONDED by Ms. Williams and waive the reading of the notice of Public Hearing. It was UNANIMOUSLY VOTED.

**PUBLIC HEARING**

Petr: Edmund McLelland and James Miller  
Locus: 119 Randolph Street  
Sheets 48 and 49, Block 509, Lot 16  
Zoning: R-1  
Proposed subdivision to create four (4) buildable lots

Attorney Gregory F. Galvin  
775 Pleasant Street, Unit 16  
Weymouth, Ma 02189

Attorney Galvin stated that he came before the Planning Board on behalf of the applicant in 2009 for a preliminary subdivision; Planning Board acted favorably on that at the time. Currently the applicant has engaged Shawn Hardy as their engineer to put together a definitive subdivision for Planning Board's consideration.

Mr. Chandler stated his application is not signed by anyone. Other Planning Board members have signed copies of the application.

Attorney Galvin stated he would turn the discussion over to Mr. Hardy for presentation of the sub-division.

Mr. Shawn Hardy, Engineer  
Hardy Engineering  
1287 Washington Street, 2<sup>nd</sup> Floor  
Weymouth, Ma 02189

Mr. Hardy stated this is a proposed 4-lot residential subdivision with wetlands that eat up a good portion of the property. The proposed infiltration system is sized to handle the 100-year storm with one and a half foot extra storage. DPW wanted the applicant to loop the water system to Oakdale Street and they have done this.

Mr. Hardy stated that if proposed 348 sq. ft. Lot 5 (unbuildable) is not to be sold or otherwise transferred to the abutting owner at 125 Randolph Street then DPW recommends that it be incorporated into the street layout. Mr. Hardy stated he needs a waiver for the width of roadway. The applicant plans to keep the parcel as common space for the subdivision.

Mr. Hardy stated that DPW questioned the triangle area near Lot 4. This parcel would be owned and operated by Lot 4 still.

Attorney Galvin stated he did research on Oakdale Street and it is not an approved street in the town. It was put in for one house at the end of the street; over time as other parcels were subdivided and built upon others have started using this street. Other than by usage there has never been any officiality made to this street. It is proposed that this subdivision not use Oakdale Street at all but use Dandelion Path instead.

Chairman Flynn asked Mr. Hardy what is the date he wrote his letter in response to the DPW letter. Mr. Hardy stated the date should be February 21, 2012.

Attorney Galvin stated his client needs to file with Conservation Commission because of grading of the road; other than that the layout of the subdivision is not within their jurisdiction. Only need to deal with order of conditions. Mr. Chandler asked why the houses are not drawn on the handouts. Attorney Galvin stated the lots have significant upland, he could give an envelope of where house would be on several of the lots but until someone purchases the land and decides what kind of house they want to build there they are open lots. Mr. Hardy stated the intent is that each person who purchased these lots has to file a notice of intent because each house would be custom designed. Mr. Chandler asked how Planning Board keeps track on these subdivisions if lots are not already set. Attorney Galvin stated that Planning Board's decision goes on record. Internal controls of the town will take care of this.

Ms. Akoury asked Attorney Galvin to explain how owners are responsible for the open basin. Attorney Galvin stated it is similar to a condo, individual owners come in and have to abide by homeowners association; all would be on record with the town. Ms. Akoury stated it would have been preferable to see the layout of homes and driveways. Attorney Galvin stated when houses are being proposed they need to wait until have a buyer for each lot. Ms. Akoury stated that she drove to the site and viewed the lots; it was hard to conceptualize where the houses will go. This is not a good clean subdivision. Mr. Hardy stated that odds are that each homeowner will be before Conservation Commission with plans for dream home.

Ms. Williams read item #7 from Mary Ellen Schloss' memo from the Conservation Commission as follows:

7. *The Conservation Commission has not yet reviewed or verified the wetland delineation. Additional documentation on the wetland delineation should be submitted. It is probably advisable for me to review the wetland line prior to the approval of the definitive subdivision plan, given that Lot 2 is less than 100 square feet over the minimum amount of upland required.*

Mr. Hardy stated that the lot was verified by Steve Ivis. Ms. Williams asked shouldn't all issues be settled at Conservation first before coming to Planning Board? Attorney Galvin stated no, because then Zoning Board could say the same and then Conservation Commission could say the same. Attorney Galvin stated his client is confident that the footage is accurate.

Mr. Chandler asked what kind of pipe is used on Oakdale. Mr. Hardy stated DPW requested to tie into it which could help water at Oakdale.

Mr. Chandler asked what the width of Oakdale Road is. Mr. Luongo stated 20 feet at the most.

Chairman Flynn stated that he has to appreciate the emotions displayed here tonight; so many questions. Conservation Commission will play a significant role in this. Chairman Flynn asked members to keep their minds open.

Mr. Luongo stated that he encourages the applicant to look at the traffic engineers comments. The taxes are paid up to date. The subdivision control law does not require showing house lots in a subdivision. Conservation will be going out to check on markings to verify the markings; to make sure 75% of each lot is uplands area to build a house on. At time of individual filing that is when the individual would go before Conservation. Right now needs to only check on 75% of buildable uplands. This may seem like going in the wrong direction but it is actually the right way to proceed.

Mr. Hurley stated technically this is a five (5) lot sub division; which would kick in storm water. Mr. Hurley had a question about the lot configuration; is there a strip of land that belongs to lot 4? Answer yes. A stop sign will be needed. Cross section of drainage is needed, street lights are not marked on map, 30 foot island (is this the radius? That would make the island 60 feet). Utilities should be underground; this is not clearly marked on the map. Can applicant show 120 foot line on the map? Mr. Hurley stated he would support any effort to put drainage under custody of people who live there.

Mr. Chandler asked why Cape Cod berms? Why not granite curbing? Mr. Hardy stated it is not a mandate of Weymouth's subdivision law. Mr. Chandler asked why not put in the decent type of curb right from the beginning.

### **PUBLIC HEARING COMMENTS**

**Claire Rexford**

**1/5 of land owner of Oakdale Street.**

Ms. Rexford asked how wide Dandelion Road is. Mr. Hardy stated 40 feet wide, 24 feet will be paved. Ms. Rexford asked is that permissible? Chairman Flynn stated yes, the issue is the corners and the radius of the island.

**Anne Hilbert**  
**45 Doris Drive**

Ms. Hilbert stated that the minutes from the last meeting stated conflicts with the setbacks, have they been resolved. Chairman Flynn stated that it would appear that Ms. Hilbert is talking about the small lot that is unbuildable. Ms. Hilbert stated that the Health Department stated that it is not a good layout for health and gravity. Chairman Flynn stated the Health Department currently has no comment. Mr. Hardy stated that layout has been changed. Attorney Galvin stated that the sewer layout has been changed. Ms. Hilbert asked what the width of Dandelion Road is. Attorney Galvin stated 40 feet, it meets the requirements. Ms. Hilbert stated that the water needs to be looped, has this been worked on yet? Chairman Flynn answered yes. Ms. Hilbert stated that she feels this should not be improved, Mr. Harrington said this has potential for ponding and who will maintain the sewer pumps. Mr. Hardy stated they have changed the sewer easement and it will go with gravity.

Chairman Flynn read a memo to Mr. James Clarke from Mr. Ed Harrington dated Tuesday, February 21, 2012:

*Hi Jim,*

*I cannot make the Tuesday, Planning meeting regarding this 119 Randolph Street proposal. It conflicts with the 6:30 meeting and 7:30 Council meetings that I have.*

*If you go forward with this meeting on Tuesday, please note that I have serious reservations about this proposal. We are currently dealing with drainage issues around Hickory and Dacia. I believe that the Hickory/Dacia issue allows us to look back and study an aging system that is not now functioning as well as planned.*

*It may provide us with a learning opportunity regarding whether to issue permits in the future/now, where there are delicate ecosystems and drainage considerations. If the Hickory and Dacia system is found to have significant issues that arose over time we might avoid making those flawed decisions now, and in the future.*

*Councilor Smart and I spoke about this issue and neither of us is available to attend the Planning meeting. It is an issue that interests both of us.*

*Thank you. I will contact you by phone on Tuesday, February 21, 2012.*

*Ed Harrington, District 5*

Mr. Chandler stated in all fairness you cannot compare Hickory/Dacia to what is happening here.

Ms. Hilbert asked does this applicant meet the square foot requirements. Chairman Flynn answered yes.

**Alice Grant**  
**30 Oakdale Street**

Ms. Grant asked how this will happen. Are they going to build and then hope that the lots sell, how will this play out? When the applicants bought the land from the lady who owned it before them, they promised they would not build on the land.

**Stephanie Dwyer**  
**Oakdale Street**

Ms. Dwyer asked if this project goes forward how will it all play out, will they come in and build and hope people purchase the homes. Ms. Dwyer asked for the respect of an answer from the applicants. Are they going to take the woods down? Attorney Galvin stated now these questions are getting into economics. The applicants have owned the land for a significant period of time; many things have delayed the development. Chairman Flynn answered the question; the applicant intends to take down the woods, put up the road, and then as requested, based on purchase of lots houses will go up.

**Keith McCray**  
**120 Randolph Street**

Mr. McCray stated that his issue is with safety. There are always accidents on this strip of road. The telephone pole has been hit twice; the bushes have been hit once. Mr. McCray stated he is very concerned with safety of where to put the road. Mr. McCray had a question for the developers, until all four lots sell who will maintain the snow/land. Attorney Galvin stated as generally seen in condo associations when initially going forward developers maintains control of the condo association until all lots are sold. Attorney Galvin stated regarding the issue of safety on the new road, all vehicles exiting the home will have appropriate line of sight. Chairman Flynn stated that the traffic engineer stated in his report that speeds of 30-37mph were reported on this road.

**Alice Grant**  
**30 Oakdale Street**

Ms. Grant stated that she had something to say about the home that the applicants own and rent. The 78 year old woman that lives there now could not come out and shovel her walk way or take care of her heat; the applicants are not good homeowners/renters. They do not live there; they do not deal with what is happening in the area. They just want the money. Ms. Grant stated that she does not feel confident with these people.

Mr. Chandler asked the applicants if they are asking for a waiver on the cul-de-sac. Attorney Galvin stated the map says the radius is 50. Mr. Luongo stated he will clarify that the cul-de-sac is radius 50.

Ms. Hilbert asked what the order of conditions is. Mr. Luongo stated after Ms. Schloss decides if it needs further considerations; they may start construction. They have to go before Conservation Commission. Attorney Galvin stated he expects a need for order of conditions. Mr. Luongo stated that Ms. Schloss will verify the requirements.

**Judy Carey**  
**115 Randolph Street**

Ms. Carey stated this new property abuts hers. There have been many accidents in front of the house; she has a great deal of concern for accidents and traffic regarding the new road. Ms. Carey stated that her house 115 Randolph has a lot of water; she is walking in water. People will have issues with water at these proposed new houses; for the goodness of the neighborhood and buyers this is not a good option for the buyers.

Chairman Flynn stated he would entertain a MOTION to CONTINUE the PUBLIC HEARING until MARCH 20, 2012.

Mr. Hurley made a MOTION to CONTINUE the PUBLIC HEARING until MARCH 20, 2012. Ms. Akoury SECONDED the MOTION. Mr. Chandler asked Attorney Galvin if the applicant has filed with Conservation Commission yet. Attorney Galvin stated no. It was UNANIMOUSLY VOTED.

**CAPITAL IMPROVEMENT PLAN REVIEW AND APPROVAL**

**Requested Vehicles**

#3	4 wheel drive pickup truck	PB recommends 2
#8	Check with Chief is this for FY15 or FY13?	
#9	changed to \$140,000 for vehicles	PB recommends 1
#16	ok	PB recommends 2
#15	please change	PB recommends 2
#17	please change	PB recommends 2

Mr. Chandler asked can this town use snow removal monies to repair town vehicles. Mr. Hurley stated only if it was a snow vehicle.

#22 and #26	all incorporated into line #22	PB recommends 1
#27	was 2 pickup trucks, now 2 dump trucks	
	Question: did they purchase these already?	
#28	1-ton dump truck w/plow package	PB recommends 1
#35	take rating out b/c FY14 purchase	

**Proposed Building, Grounds and Equipment**

#32 Police Station windows, Mr. Luongo will check to see why this item was removed from

The CIP listing. Mr. Luongo will have the item returned to the listing because it is A FY14 item.

#31 Planning Board recommends construction new building/cost comparison with rehabilitation of old building. PR recommends 1

#33 typo, re-siding, add hyphen

#49 Chairman Flynn asked for clarification, what was decided.

Mr. Luongo stated he is to check on asbestos; if yes #1; if no #2.

Mr. Slattery said asbestos is above the tiles; leave as #1.

Mr. Hurley made a MOTION to APPROVE the CAPITAL IMPROVEMENT PLAN as amended for the Town of Weymouth. Ms. Akoury SECONDED the MOTION. It was UNANIMOUSLY VOTED.

### **NEXT MEETING**

The next meeting of the Planning Board will be held on March 30, 2012 at 7:00PM at the McCulloch Building, Whipple Center, 182 Green Street.

### **ADJOURNMENT**

At 9:15PM, there being no further business, a MOTION was made by Mr. Hurley to ADJOURN and was SECONDED by Ms. Akoury. It was UNANIMOUSLY VOTED.

Respectfully submitted,

Christine Callbeck  
Recording Secretary

Approved by:

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Chairman, Walter H. Flynn, Jr.

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Date