

WEYMOUTH PLANNING BOARD
McCulloch Building, Mary McElroy Meeting Room
182 Green Street, Weymouth, MA 02191
October 18, 2016
MINUTES

PRESENT: Sandra Williams, Chairman
George Berg
B.D. Nayak

NOT PRESENT: Dave Chandler
Paul Rotondo

ALSO PRESENT: Robert Luongo, Director Planning & Development
Eric Schneider, Principal Planner

Chairman Williams called the meeting to order at 7:00PM.

Mr. Nayak made a MOTION to OPEN the PUBLIC HEARING. Mr. Berg SECONDED the MOTION. It was UNANIMOUSLY VOTED.

958 COMMERCIAL STREET, WEYMOUTH, MA – Public Hearing - Continued

Public Hearing – Continued from May 17, 2016, September 20, 2016 – on the Definitive Subdivision application of John Deady for property located at **958 Commercial Street, Weymouth, MA**, also shown on the Weymouth Town Atlas Sheet 18, block 189, Lots 8 and 17, for a proposed subdivision shown on a plan entitled: “Definitive Subdivision of Crowley Estates on Spencer Court, Weymouth, MA” prepared by J2M Consulting Associates, LLC, dated April 2, 2016. The subdivision application proposes to create 3 buildable lots for the construction of single-family homes in the R-1 district, and construct a ~300 ft. long road with utilities, fire hydrant and turnaround at the end.

Mr. John Deady stated he has meet with the various departments in town that had issue with his application and has the following statements to report:

- Safety: site lines are adequate for turning in and out of the property
- Radius: he is requesting a waiver of 10% (originally his request was for 4%) and is shifting the sidewalk from the left to the right to gain some footage
- Frontage issue: he has 120 feet

Mr. Deady stated he is requesting a waiver on the radius of the turning circle at the corner of Commercial Street and the proposed Cicchese Circle. This waiver is supported by the traffic study conducted by Gillon Associates and has been reviewed by the Town’s Traffic Engineer. Both agree that the sight lines are adequate to support this waiver.

Chairman Williams opened up meeting for questions from Planning Board for the applicant.

Mr. Berg asked Mr. Deady what is the value of the .9ft wide strip. Mr. Deady stated it is to not make the adjacent lot non-conforming.

Mr. Berg stated he is concerned with the steep grades on lots 2 and 3. This is a woodland area now. Mr. Berg would like to propose a restriction that the land cannot be cleared to the property line at any time.

Mr. Luongo stated he is not sure that Planning Board can enforce such a restriction with Conservation Commission's restrictions regarding the wetlands in the area, this could be challenged. Mr. Berg stated, well he wants it stated for the record as a concern. Mr. Schneider stated it will be on record as a concern only on the Endicott and Commercial Street side. Mr. Deady stated he is willing to put wording in the deed to this please the board in lot 4 and lot 3 for town drainage.

Mr. Nayak asked Mr. Deady what size trees are you proposing to plant. Mr. Deady stated 12 foot trees.

Chairman Williams asked will the road be acceptable as a "town road" with three houses. Mr. Deady answered yes.

PUBLIC HEARING

Mary Lee Herrin
54 Unicorn Avenue

Ms. Herrin asked will she get water in her back yard.

Dennis Coite
972 Commercial Street

Mr. Coite stated if the soil test was done this summer, many residents would like them to retest because we had a very dry summer. Can you please explain "frontage".

Stephanie Coite
972 Commercial Street

Ms. Coite asked that it be noted for the record that Mr. Deady said that he will not use the easement; further Mr. Deady stated he will deed the land to Mr. and Mrs. Coite. Ms. Coite asked what can be done about the noise regarding the blasting that she expects will be done at this site; concern for pets. Discussion regarding start and stop construction time ordinance conditions to be put into conditions of approval should applications be granted.

Wayne Mathews
552 Commercial Street

Mr. Mathews has concerns regarding:

- The side of the house becoming the front of the house; not conducive to look and flow of remainder of Commercial Street.
- The turning radius coming onto Commercial Street from Unicorn Avenue.

Some suggested conditions from Mr. Mathews are as follows:

- Applicant install a small fence around swimming pool from creepy construction workers
- Remove trees
- Dust control for Mr. Mathews and neighbors, this must be done nightly
- All neighbors must be notified of blasting
- No commercial vehicles on Commercial Street for more than 30 minutes
- Construction limited to 8:00am-5:00pm, Monday through Friday, no weekends or Federal holidays
- No construction delays
- No construction lot for five years in his back yard

Mr. Schneider stated as the proposed subdivision meets the requirements set forth in the Rules and regulations of the Planning Board, with the exception of the waivers, it is recommended that the subdivision plans dated 10/4/2016 be approved with the following conditions:

1. A 6 foot high white vinyl privacy fence shall be installed along the rear property line of the property located at 952 Commercial Street
2. A 6 foot high white vinyl privacy fence shall be installed along the rear property line of the property located at 972 Commercial Street. Mr. Dedy stated Mr. & Mrs. Dennis Kuat may apply for an 8 foot fence or larger, if it is approved he will have it installed.
3. Applicant shall prune trees that overhang the pool located at 958 Commercial Street.
4. Adequate dust control measures will be utilized and enforced by the Inspector of Buildings.
5. All neighbors must be notified of any blasting and homes should be inspected before and after.
6. Vertical curve of proposed street shall not exceed 3%. Final vertical curve data to be approved by DPW prior to issuance of building permits.
7. Detail of the intersection of Commercial Street with proposed Cicchese Circle with spot grades shall be provided. Detail shall be to scale and show handicap ramps in compliance with ADA requirements and to DPW requirements as a public road.
8. Add Cultex retention structure at rear of each proposed house to collect gutter run-off from rear of houses.
9. Extend storm water discharge pipe to end of slope (elevation 80) and add rip rap splash pad.
10. Granite curbing will be installed at entrance.
11. All retaining walls shall be constructed of split face granite to match existing. Retaining walls will require Building Inspector approval as road will be accepted as public.
12. No construction shall occur until these conditions are met to DPW satisfaction.
13. Director of Planning and Community Development will sign final plan only at such time that above have been satisfied. Any significant modifications to the plan entitled "Definitive

Subdivision of Crowley Estates on Cicchese Circle" and dated 10/4/16 will require approval of the Planning Board.

Mr. Schneider stated construction hours are to be:

Monday through Friday 7:00am – 5:00pm and Saturday 8:00am – 4:00pm.

Ross McGrath
982 Commercial Street

Mr. McGrath stated he also has displacement of water.

Keith DelVecchio
Shore Drive

Mr. DelVecchio asked what the relationship between Planning Board and Planning Department is, please explain.

Chairman Williams stated Planning Board appointed by the Mayor and that the Planning Department serves as staff. Mr. Luongo stated Planning Department is staff to Planning Board.

Mr. DelVecchio stated he overheard a telephone conversation earlier today in which he heard Chairman Williams and Mr. Schneider discussing the memo dated October 18, 2016 with the 13 proposed conditions and 2 requested waivers openly discussed. Mr. DelVecchio accused Chairman Williams of collusion. Chairman Williams stated she has done nothing out of the Rules and Regulations of Robert's Rules of Order. She was receiving information about the meeting this evening from Mr. Schneider. It was a letter received today that she had not received because she was at work. He read it to her over the telephone as her work doesn't permit her access to a computer. It was suggested to Mr. DelVecchio if his accusations were sincere that he take them up with the proper channels and not shout them out at the meeting during Public Comment.

Ken DiFazio
District 3 Councilor

Councilor DiFazio stated he feels Planning Board might be on the cusp of a potential ordinance change. With a new street behind houses with new houses on it; we need a new rule to protect our people.

Chairman Williams stated yes, Councilor DiFazio, Planning Board is trying to change things going forward.

Regina Keohane
Narragansett Avenue

Ms. Keohane asked when the law was written. Chairman Williams answered 1985.

Mr. Schneider stated this same presentation regarding ordinance changes has been given to Town Counsel. Things are outdated and impactful, need to re-evaluate.

Mr. Luongo stated to amend a Zoning Ordinance need a joint public hearing between Planning Board and Town Council. Planning Board can only recommend a zoning change. Town Council is the ultimate decision maker.

Don Rafferty
22 Sea Street

Mr. Rafferty stated the required radius is 40 feet; he only has 10 feet.

Mike MacMillian
Commercial Street

Mr. MacMillian suggested the applicant put the 40 foot radius in; anything less is very dangerous.

Mr. Schneider stated the traffic engineer says the sign lines are adequate in both directions and the largest dump truck in use can make the turn.

Mr. Berg made a MOTION to CLOSE the PUBLIC HEARING. Mr. Nayak SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Mr. Berg made a MOTION to APPROVE the Requested Waivers as follows:

- Section 5.2.4 – requiring a turning radius of 40' at the intersection of a minor road and a major road. Radius requirements shall be reduced to 10' at the eastern side of the intersection and 36' at the western side of the intersection.
- Section 5.5.4 – requiring a landscape island of 30' within the proposed cul-de-sac for snow removal purposes. This waiver is at the request of DPW to provide grade level pavers.

Mr. Nayak SECONDED the MOTION. Discussion. Mr. Nayak stated he will approve this application if the radius is changed to 40 feet. Mr. Berg stated another alternative is to take the house down. Remembering back to the last meeting there may have been people that were pro-house because the house is old? Can anyone comment on that?

Motion Passes: Vote 2 – 1: Williams and Berg yes; Nayak no.

Mr. Berg made a MOTION to APPROVE the DEFINITIVE SUBDIVISION located at 958 COMMERCIAL STREET, WEYMOUTH, MA, with conditions as listed as follows (per memorandum dated October 18, 2016).

1. A 6 foot high white vinyl privacy fence shall be installed along the rear property line of the property located at 952 Commercial Street
2. A 6 foot high white vinyl privacy fence shall be installed along the rear property line of the property located at 972 Commercial Street. Mr. Deady stated Mr. & Mrs. Dennis Kuat may apply for an 8 foot fence or larger, if it is approved he will have it installed.
3. Applicant shall prune trees that overhang the pool located at 958 Commercial Street.
4. Adequate dust control measures will be utilized and enforced by the Inspector of Buildings.
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6. Vertical curve of proposed street shall not exceed 3%. Final vertical curve data to be approved by DPW prior to issuance of building permits.
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9. Extend storm water discharge pipe to end of slope (elevation 80) and add rip rap splash pad.
10. Granite curbing will be installed at entrance.
11. All retaining walls shall be constructed of split face granite to match existing. Retaining walls will require Building Inspector approval as road will be accepted as public.
12. No construction shall occur until these conditions are met to DPW satisfaction.
13. Director of Planning and Community Development will sign final plan only at such time that above have been satisfied. Any significant modifications to the plan entitled "Definitive Subdivision of Crowley Estates on Cicchese Circle" and dated 10/4/16 will require approval of the Planning Board.

Mr. Nayak SECONDED the MOTION. Discussion. Mr. Nayak still does not approve application.
Motion Passes: Vote 2 – 1: Williams and Berg yes; Nayak no.

REVIEW OF ZONING AMENDMENT

Chairman Williams stated will look closely at 2.5 acres to 5 acres at next meeting.

ANR APPROVALS

Hyde Street

Mr. Luongo recommended Planning Board take no action and not sign-off on this plan because of the contentious nature going on in the neighborhood. The ANR will become effective in 21 days.

957 Commercial Street

Mr. Berg made a MOTION to APPROVE the ANR form for 957 Commercial Street with the conditions as listed. Mr. Nayak SECONDED the MOTION. It was UNANIMOUSLY VOTED.

NEXT MEETING

The next meetings of the Planning Board will be held on November 1, 2016, November 15, 2016, and December 6, 2016.

ADJOURNMENT

Mr. Berg made a MOTION to ADJOURN at 8:30PM. Mr. Nayak SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Respectfully submitted,

Christine Malloy
Recording Secretary

Approve

Sandra Williams

Sandra Williams, Chairman

Dated:

2/7/2017