

WEYMOUTH PLANNING BOARD
McCulloch Building, Mary McElroy Meeting Room
182 Green Street, Weymouth, MA 02191
February 28, 2017
MINUTES

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

ALSO PRESENT: Eric Schneider, Principal Planner
Attorney Joseph Callanan

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

ANR SUBMITTALS: Spectra Energy – Bridge Street

Chairman Williams asked Attorney Callanan since this is a public meeting and not a public hearing; does the board entertain comments from the public this evening or not? Attorney Callanan stated there is no reason why the board could not entertain questions from the public.

Mr. Berg made a MOTION for Chairman Williams to ask that PUBLIC COMMENTS be related to item #4 only. Mr. Rotondo SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Mr. Berg made a MOTION to TAKE ITEMS FROM THE AGENDA OUT OF ORDER. Mr. Rotondo SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Attorney Callanan explained the ANR Submittals to the Planning Board:

- Algonquin subdivided the north parcel
- Planning Director rejected the 2 prior plans
 - a. Subdivided land in Quincy without saying how the land was subdivided
 - b. Unbuildable lots
- Compressor goes forward
- Algonquin goes forward

Attorney Callanan stated he doesn't see any legal basis to reject this plan. Attorney Callanan recommends not rejecting this plan. This plan was filed February 22, 2017.

Chairman Williams asked how Planning Board can say this is ok when Planning Board knows the subdivision of land in December was wrongful. Attorney Callanan stated as of actions of December 24, 2016, yes they were wrongful and they shall be dealt with in court. The town will go forward with lawsuit regarding wrongful information from December. However, this information is correct now. Repeat, what they did in December was wrong.

Mr. Berg asked can nothing happen until the lawsuit is solved? Attorney Callanan stated that is the courts' decision.

Chairman Williams asked Attorney Callanan how the regular old deed can allow this deed to be filed. Attorney Callanan said good question; because it is for land that did not exist. Chairman Williams stated it is a question of ownership of land. Attorney Callanan advised Planning Board not to take sides of who owns the land. If Planning Board rejects this plan because of ownership the Town of Weymouth is forcing the court to prove ownership. Attorney Callanan suggested Planning Board not reject this plan. If you take no action it will be approved in 21 days.

PUBLIC COMMENT

Councilor Becky Haugh

Councilor Haugh asked has the City of Quincy weighed in with comments regarding if the land is subdivided is Quincy willing to host the water on their land.

Attorney Callanan stated the MWRA gets water from Quincy, they intend to get water from Weymouth.

Councilor Haugh stated the power plant uses Quincy water.

Attorney Callanan stated whether or not a lot has water doesn't weigh in. Construction plans show a water pipe for Bridge Street.

Mr. Berg asked is there any other parcels being added. Attorney Callanan stated all other parcels are unbuildable.

Chris Bridge Street

Chris stated the land is illegally subdivided.

Attorney Callanan stated there is no basis for a delay. If the Planning Board rejects this plan based on ownership, Algonquin can sue the Town of Weymouth for the delay and damages. Attorney Callanan stated if he had a reasonable argument against this third plan he would be suggesting it now.

Merny Clifton 19 Ellis Circle

Ms. Clifton asked when will a ruling come regarding if the sale is legal. Attorney Callanan stated not any time soon.

Ms. Clifton asked does the developer begin construction while they wait for the ruling. Attorney Callanan stated no; the FERC certificate is conditional. They have a bunch of conditions to go thru and there are many things the Town of Weymouth does to prevent construction and going forward. There is the DEP Wetlands Appeal and there is hope on the Regulations and Environmental side.

Councilor Haugh

Councilor Haugh asked is there two entrances and exits to the proposed plan? Under Federal regulations/law there need to be two exits and entrances; only one is listed. They are not showing how they will abide by the Federal Law on this plan.

Attorney Callanan sated this is not what is being considered on an ANR. An ANR review is limited.

Councilor Haugh stated so Algonquin will now own parking lot so that nobody can park and go to the conservation land that the town owns, is that correct?

Attorney Callanan stated there are reserved rights in the parking lot; he will check the deed and report back to Councilor Haugh.

Councilor Haugh requested Planning Board continue this matter to March 14, 2017 in order to find out about access to open construction land.

Attorney Callanan stated that is not a basis to reject the plan. He will check the access to construction land and report to the board and email Councilor Haugh.

Mr. Schneider stated if Planning Board opts to not take action tonight this plan will automatically be approved in 21 days.

Attorney Callanan stated there is an existing parking lot easement regarding the conservation restriction; the Town of Weymouth has held onto this parking lot easement.

Attorney Callanan stated he is uncomfortable with rejecting the plan regarding the parking lot easement

Mr. Berg made a MOTION to TAKE NO ACTION on the ANR SUBMITTALS: Spectra Energy – Bridge Street, giving Power of Attorney to Planning Director if legal reason is found on Spectra Bridge Street ANR. Mr. Rotondo SECONDED the MOTION. It was UNANIMOUSLY VOTED.

2017 CIP UPDATE

Mr. Schneider stated he met with Ted Langill and John MacLeod to prioritize CIP items for 2017. They are close to come to a decision on free/expendable cash. These items are earmarked as “must do”. Mr. Schneider stated he would like to try to get Mr. Langill and Mr. MacLeod to come in at the end of March to a Planning Board meeting and get approval on these 8 items.

The top eight CIP items for are as follows:

- #5 Town Hall – Various Building Improvements
- #6 Station #5 –HVAC/Preventative maintenance
- #18 I.T. computer hardware replacement, schools only
- #28 Card Access System & Security Camera
- #41 Body Armor
- #44 Sidewalk Repair
- #73 Wessagusset – replace boilers and controls
- #88 Hamilton – replace boilers and controls

Mr. Berg made a MOTION to APPROVE the top eight items from the 2017 CIP BUDGET using free discretionary cash; items are listed as follows:

- #5 Town Hall – Various Building Improvements
- #6 Station #5 –HVAC/Preventative maintenance
- #18 I.T. computer hardware replacement, schools only
- #28 Card Access System & Security Camera
- #41 Body Armor
- #44 Sidewalk Repair
- #73 Wessagusset – replace boilers and controls
- #88 Hamilton – replace boilers and controls

Mr. Nayak SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Mr. Schneider stated he is currently working on Zoning Changes, specifically towards:

- B1 District, and
- Highway Transitional District

He will bring more information about these changes to the next meeting.

NEXT MEETING

The next meetings of the Planning Board will be held on March 14, 2017, April 18, 2017 and May 16, 2017.

ADJOURNMENT

Mr. Nayak made a MOTION to ADJOURN at 8:15PM. Mr. Rotondo SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Respectfully submitted,

Christine Malloy
Recording Secretary

Approve 

Sandra Williams, Chairman

Dated: 
