

**PLANNING BOARD
RECORD OF MINUTES AND PROCEEDINGS
March 22, 2010**

The Planning Board of the Town of Weymouth held a public meeting on Tuesday, March 22, 2010 at 7:00pm at McCulloch Building Conference Room, 182 Green Street, Weymouth, MA

Present:	Walter Flynn, Chairperson Sandra Williams, Vice Chairperson (arrived at 7:15) Mary Akoury, Clerk Paul Hurley
Not Present:	David Chandler
Staff:	Rod Fuqua, Principal Planner
Recording Secretary:	Janet Murray

Chairman Flynn called the meeting to order at 7:00 pm.

Continued review of overall zoning

Mrs. Akoury made a MOTION to TABLE the zoning review and was seconded by Mr. Hurley and UNANIMOUSLY VOTED.

Randall Street Rezoning Amendment

Map 22, Block 300, Lot 38

Mr. Fuqua stated that this site originally had a water tank on it that was torn down. It is currently zoned Public Open Space (POS) which allows municipal use or a cemetery with a provision for special permit for usage such as multi-family.

Mr. Fuqua noted that this is a predominantly single family area except for multi-family to the southwest, Ledgewood Condominiums at the site of the former Humphrey School. The lot is a total of 56,000 square foot and could be subdivided into two single family lots. In order to do this the property needs to be rezoned from POS to R-1.

Mr. Fuqua stated that per state law and charter regulations zoning proposals may be filed by the property owner. In this case, Mayor Kay is the custodian of the property and she has requested this zoning change. He noted that a joint public hearing with the Town Council is scheduled for April 5, 2010. State law requires the Planning Board to hold public hearing and Town ordinance requires the Town Council to hold public hearing.

Mr. Hurley stated that he would not be able to attend this meeting.

Mr. Fuqua stated that the Planning Board makes a recommendation to the Town Council. This recommendation can be favorable as submitted, opposed to, or recommend changes. The Council is not obligated to follow the recommendation. He pointed out that the Town Council needs a 2/3 vote to enact the zoning change (8 of 11 councilors need to vote in favor). If the zoning change is approved, the lot will be put up for town auction with single family as the intended use.

Mr. Fuqua stated that there is currently a group that is meeting to review town parcels. The committee includes Jim Wilson, tax collection, assessors, George Lane, Jim Clarke, and Jeff Richards.

Mr. Fuqua referenced a memo from Council President Arthur Mathews regarding this rezoning request.

Mrs. Akoury asked about contamination concerns. Mr. Fuqua stated that there is lead in the soil. This particular piece has been identified and surveyed. The piece is the former location of the water tank. There will be use restrictions on this portion of the property. No building or garden is allowed. The spot could be capped and covered and used for parking or a tennis court.

Mr. Flynn asked about the town's potential obligation.

Mr. Fuqua stated that the property is sold with a deed restriction. The town maintains responsibility for the site. In order to sell without a deed restriction, the town would have to go through a 21E process for decontamination.

Mrs. Akoury asked if now was a good time to auction the property considering the economic conditions

Mr. Fuqua stated that there is a minimum bid and the determination to sell comes from the administration.

Ms. Williams asked if the new owner could be required to clean up the lead.

Mr. Fuqua stated that the process is cost prohibitive.

Mr. Flynn asked if there was leaching into the water supply.

Mr. Fuqua stated that there is not due to the existence of ledge on the site and the properties of lead.

If the site were left in the open space zoning, a multi-family is allowed with a special permit.

Ms. Williams asked if an owner would be able to come back and sue the town.

Mr. Fuqua stated that the contaminated area is plotted on the plan and is noted in the deed. He noted that abutters' notification is not required for zoning changes.

Weymouth Landing Village Center Zoning Overlay

Mr. Fuqua stated that there will be a meeting on March 24, 2010 where the Metropolitan Area Planning Commission (MAPC) will explain the overall plan and concept for the Weymouth Landing Village Center Zoning Overlay.

Mr. Fuqua did not know where the meeting was being held. He stated that he would find out and get back to the board.

Mrs. Akoury asked if this is a joint meeting with Braintree.

Mr. Fuqua stated that it is and the meeting will cover the overall plan.

Mr. Flynn asked if there is anything significant different from what Braintree is considering.

Mr. Fuqua stated that Braintree is looking at something similar.

Other Business

Mr. Fuqua discussed 40R zoning. He stated that there is a developer who is putting together a plan, but it has not been turned in to Mayor Kay yet. She is not comfortable with going forward with the zoning change until the plan is received. He noted that the state approved the request to submit the zoning change.

Mr. Fuqua stated that 40R is very similar to contract zoning but it has to follow zoning with no variations. He noted that the town's ability to turn it down are greatly reduced once zoning is put in place and a plan follows the zoning; the town is all but obligated to approve the zoning. This zoning change will require a joint meeting

Adjournment

At 7:45 pm, there being no further business, a MOTION was made by Mrs. Akoury to adjourn and was seconded by Mr. Hurley, and UNANIMOUSLY VOTED.

Walter Flynn, Chairperson

Date