

**TOWN OF WEYMOUTH  
PLANNING BOARD  
MINUTES**

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WEYMOUTH, MASS.

There was a Planning Board meeting held on January 12, 1998 at 7:30 P.M. at the Town Hall.

Members present: Paul Hurley, Sr, Vice-Chairman  
Susan Abbott, Clerk  
Paul M. Dillon  
Patrick Leary  
Mary Sue Ryan

Staff present: Roderick M. Fuqua, Principal Planner  
Elizabeth Durkee, Community Development Coordinator  
John T. Parnaby, Housing Coordinator  
Daniel J. Rogers, Housing Planner

The meeting was called to order at 7:30 P.M. by Vice-Chairman Hurley.

1. Form A Plans

a. Libbey Parkway - Sheet 38, Block 445, Lot 2

Upon motion made by Mr. Dillon and seconded by Mrs. Ryan, it was:

UNANIMOUSLY VOTED: to endorse the Form A Plan for Libbey Parkway - Sheet 38, Block 445, Lot 2.

b. Front Street

Upon motion made by Mr. Dillon and seconded by Mrs. Ryan, it was:

UNANIMOUSLY VOTED: to endorse the Form A Plan for Front Street.

2. Public Hearing - 7:45 P.M. (cont.)

Petr: Diane Pompeo  
Locus: off Fairfax Street  
Sheet 8, Block 118, Lot 4  
Zoning: R-1

Definitive plan for two (2) lot subdivision

Present was the applicant, Diane Pompeo and Patrick Roseingrave from CCR

Associates.

Mr. Roseingrave stated that he is an engineer/survey from CCR Association and they are before the Board for a two lot subdivision off Fairfax Street. From the last hearing there were a number of items that the Board wanted additional information. He spoke to the Town Engineer and Rod Fuqua regarding Engineering comments, and he believes all items have been worked out.

Mr. Roseingrave stated an abutter was concerned with two items. One was a street light and the other was widening the intersection and removing overgrown plantings/shrubs. With regards to the intersection, the applicant does not own the property and can't go in and fix it. Mr. Roseingrave suggested that they talk to the town because the town may be able to cut down the bushes. They have not proposed a street light, but if the Board wants a light, they will do that.

Mr. Fuqua stated that according to the rules and regulations, a street light is required at the intersection of Merryknoll and Fairfax.

Mr. Hurley asked about the list of concerns from DPW including the looping of the water line.

Mr. Fuqua stated that he met with Ted Collagan and the Town Engineer to review the list of items that DPW was reviewing on the plan. There were a lot of items that DPW included in their list. Most of those items are standard comments from DPW. What's new is two sewer guards required for I/I. Usually participation is required, but here they have identified the work. The other items includes essentially construction details. The question of continuing the water line to Holmes Avenue was reviewed. Ted Collagan met with Jay Fink, Water Superintendent. At this point that what the applicant would do would be to bring a T over and align with a water gate at the edge of the pavement so that if there was ever a need to loop the water line, then it would be something that could be accomplished without digging impacting the development. The cost of looping the water line, given the ground conditions, would have been prohibitive.

Mr. Fuqua reviewed the comments from DPW.

Mr. Fuqua stated that the applicant did meet with the neighbors.

Mr. Dillon asked what type of house is proposed. Ms. Pompeo replied that she's not sure of the type of homes that will be built.

Mrs. Ryan stated that with regards to widening the intersection, if the road is ever to be accepted as a public road, it would have to be addressed.

Mr. Hurley stated that the applicant is requesting a waiver. The section going in is 22' and they a waiver to keep the width the same.

Mrs. Ryan asked about the bushes. She feels they would be a safety problem. Mr. Hurley suggested that we could ask DPW to take a look at the bushes and trim them back if they are in the right of way.

Mr. Hurley asked if anyone from the public had any questions or comments.

Mr. Tom Shannon, 153 Merryknoll Way, stated that he met with the applicant and the plans look okay but he does have a concern. When Merryknoll Way was approved 20 years, they were told it was going to be a circle, and Fairfax would never be extended. The way Fairfax feeds into Merryknoll is as a circle, and people use Merryknoll as a circle. What he would like to see happen is to bring Merryknoll to a point were you can't bear left, but have to stop and take a left. His other concern is that there be a street light.

Mr. Brent McCarthy, 142 Merryknoll Way, asked where the construction equipment would be stored at night and on the weekends. Mr. Hurley replied that it's normal procedure for equipment to be parked on site.

Mr. McCarthy asked what the purpose was of the leaching basin. Mr. Hurley replied that the leaching basin slows down the runoff.

Mr. McCarthy stated that he wants to reiterate what Mr. Shannon said with regards to Fairfax Street being at a right angle to Merryknoll Way.

Mr. Fuqua stated that a stop sign would be required as you come off Fairfax Street. We can review the layout with the Traffic Division, but it will look more like an intersection.

Upon motion made by Mr. Dillon and seconded by Mr. Leary, it was:

UNANIMOUSLY VOTED: to close the public hearing at 8:15 P.M.

Upon motion made by Mr. Dillon and seconded by Mr. Leary, it was:

UNANIMOUSLY VOTED: to take the definitive subdivision plan under advisement.

### 3. Six Month Update for Community Development Block Grant

Ms. Durkee stated that with her is John Parnaby and Dan Rogers. In the Board's package, there was information on public service programs and projects for Year 23.

Ms. Durkee updated the Board on the status of the Teen Center Elevator. Last Monday they met with the Board of Selectmen and they approved the proposal for a limited access elevator for the building. What that will allow is a quicker lead time getting into the building and also the funds will be utilized in a more appropriate manner and it will save some money.

Mr. Dillon asked if the funds will go back to the Contingency Account. Ms. Durkee replied in the affirmative.

Mrs. Abbott asked about the limited access elevator. Ms. Durkee explained that it is a smaller elevator. It has a door that you would pull open and a gate that you would need to shut rather than an automatic, opening door. It looks more like a residential type door than an elevator door, and it's a lot smaller. A limited access elevator is allowed in the ADA regulations for two story buildings.

Mr. Dillon asked if it was correct that a handicapped person would have to open the door, slide the gate across, and then close the door behind them. Ms. Durkee replied that it is a door that is typical of any other ADA door. Someone who is a paraplegic and could not use their arms, would need assistance with a normal ADA door and this is the same type of door.

Mr. Dillon asked why this type of elevator; it's like going backwards. Ms. Durkee replied that it's allowed in the ADA regulations for a two story building. It not only saves the town money; it saves lead time getting into the building.

Mrs. Abbott asked who's decision this was. Ms. Durkee replied that it was the Board of Selectmen's decision because it's their project.

Mr. Leary asked how much money this elevator is saving the town. Ms. Durkee replied that it is saving the town approximately \$35,000 and three to four months of construction.

Mr. Dillon stated that he thinks in the long run we'll pay for it. He sees a problem.

Mrs. Ryan asked if Bethany approved this. Ms. Durkee replied that Bethany reviewed the plans and she also called some places that are using the limited access elevator. Winter Street Architects has someone who does just ADA and they reviewed the plans. They also spoke with the Mass. Architectural Access Board and they didn't have a problem with it.

Ms. Durkee stated that she understands the Board's concerns. Winter Street Architect looked into this and brought it to the Board of Selectmen who after a lengthy discussion approved the limited access elevator.

Mrs. Abbott stated that it seems like a band aid approach to her. She thinks that the goal is to use CDBG funds to make the town as handicapped accessible as possible. We have spent a lot of money on the schools to make them accessible and to change now in mid stream, just to get the building open earlier, doesn't make sense.

Mr. Dillon asked Mrs. Goudy if this was approved the Commission on Disabilities. Mrs. Goudy replied she is Chairman of the Commission on Disabilities, and she asked the Building Inspector if a limited access elevator was up to ADA standards, and he said that it was. Her concern was whether the handicapped are going to be able to access it, and the Building Inspector they could.

Mr. Dillon stated that he feels for the money we are spending, we should have an elevator like at Town Hall. He feels we are going backwards.

Mrs. Goudy stated that she would just as soon spend the money. Her understanding was the Planning Board wanted the money back for other projects.

Ms. Durkee stated that it was told to the Board of Selectmen that if they did choose the limited access elevator that money would be transferred to the Contingency Account and allocated to other projects that were not given funds at the beginning of the year or could access the funds later.

Ms. Durkee stated that Dover Elevator who is working on the elevator for Memorial School is putting in the order this week for the elevator. It will take a couple of months before the elevator comes in. Most of the outside construction work is complete.

Mr. Dillon asked if it was correct that the elevator at the Memorial School is a full, automatic elevator. Ms. Durkee replied in the affirmative.

Ms. Durkee stated that the Woodside Path Urban Renewal Plan was submitted to the Redevelopment Authority for their review and then submission to the Department of Housing and Community Development.

Ms. Durkee stated that she will be putting a RFP out for construction work for the SSARC kitchen for handicapped accessibility probably mid February.

Ms. Durkee stated that DPW has completed about 90% of their drainage project at Lake Street. They have started getting their plans together for Westminster and Alpine Road for construction of the drainage project in the spring.

Ms. Durkee stated that she has been working on activities for Community Development week which is the week of April 6th. She will be going on

Viewpoint and invites Board members to join her. She will be putting together a pamphlet and would like to have some activity at the Food Pantry where they have just completed the floor.

Ms. Durkee stated that they are in the process of interviewing for the C. D. Planner position.

Mrs. Abbott stated that she understands that nothing has happened with Pope Towers yet. Ms. Durkee replied that is correct. Since Amintha left, she has been running the C.D. program, and it's been very hectic. She plans to get everything up and running in February. It's just a matter of scheduling. She is starting the SSARC. She needs to put an RFP together for the SSARC. The Group Handicapped Accessibility project is going on. She is working on five projects for handicapped accessibility at the present time.

Mrs. Ryan stated that regarding the Department of Elder Services needs assessment, only a small percent returned the survey. Ms. Durkee replied it was about average for the return of surveys. The Outreach Workers will be able to better follow up on the surveys.

Mr. Parnaby updated the Board on housing programs and projects including the number of people served, program funds available, program interest

Mrs. Ryan stated that with regards to the Front Street project, when renting the building, what is considered. Mr. Parnaby replied that QCAP has a complete property management division. Mrs. Ryan asked if there is preference given to Weymouth residents. Mr. Parnaby replied that no preference is allowed.

Mrs. Ryan asked how many units were purchased at Greentree. Mr. Parnaby replied that there were six units purchased at Greentree.

Mr. Parnaby introduced Mr. Rogers and stated that he is in the process of compiling a data base of all people who have received assistance.

#### 4. South Farm Estates

Discussion with Roland Couillard about schedule for completion

Mr. Fuqua stated that the Board had raised some questions in December on the status of South Farm Estates, and Mr. Couillard and his attorney are present this evening.

Mr. Stephen David stated that he is here on behalf of Mr. Couillard. Essentially he's here because some of the reasons some of the things haven't been done involve legal issues. Mr. David stated that he would like to hear what the Board's concerns are.

Mr. Fuqua stated that last June Mr. Couillard was in to discuss scheduling and improvements to the road. From June to the end of the construction season there was minimal amount of work done. The Board has concerns exactly what is the schedule and some documentation as to what will be going on. Obviously, paving is not going to take place until the asphalt plants open up in the spring. The Board has asked on any number of occasions when the billboard would be taken down. There has been no action on the billboard. Installation of street lights can take place; that is not seasonal. The detention basin has not been completed; there is still some work to do there. There are a large number of houses in there. Since June there was a whole construction season. The Board has been asking why there hasn't been any progress on the subdivision and what is going to be put forth so the Board can see some kind of a good faith effort.

Mr. David stated that they are prepared to respond to the Board's concerns. Essentially, as the Board knows, this is a seventeen lot subdivision. Mr. Couillard has sold the lots off to local builders, and approximately fourteen lots have been completed. There are still three lots available.

Mr. David stated that with regards to the billboard, he has contacted Ackerley and requested that they take the billboard down. That billboard is situated on land that is totally in Abington.

Mr. Couillard explained the problems he's had with Ackerley with regards to the billboard.

Mr. Fuqua stated that Mr. Couillard owns the property. He asked when the lease runs out. Mr. Couillard replied that Ackerley is a tenant at will.

Mr. David stated that June or July of last year Mr. Couillard entered into an agreement with a local builder to complete the work. Money exchanged, however the person never did the work. Mr. David stated that with the concerns of the Board, he has instructed Mr. Couillard to retain Invernizzi who will complete the work. Some of the work, due to the time of the year, cannot be completed at this time.

Mr. Fuqua asked if Invernizzi is under contract for the work. Mr. David replied that it is their intention to contract with Invernizzi to do the work.

Mrs. Ryan stated that it is incredible to her that the billboard was a condition of the subdivision five years ago and has not been done. There has not been a good faith effort. She does not care that the billboard is in Abington; it was a condition of approval and she wants it removed.

Mr. David stated that his client needs to give written notice to Ackerley to

remove the billboard. They are asking the Board to give them a little more time to resolve the issues.

Mr. Hurley asked the applicant to meet with the staff and come up with a concrete, attainable schedule. If they will be contracting with Invernizzi for the work, he would like confirmation of that.

Mrs. Abbott stated that the water looping was supposed to be done and it has not. She is very upset to find that Conservation issues have not been attended to, and that is not acceptable to her.

Mr. David stated that they will itemize the Board's concerns and work on a time schedule for completion.

5. Petr: Richard Burns  
Locus: 341-375 Summer Street (Sherricks Farm)  
Sheets 28 & 32, Block 358, Lot 6  
Zoning: R-1

Decision on fourteen (14) lot definitive subdivision plan

Mr. Fuqua reviewed the draft conditions/findings.

Mr. Hurley asked if the Board had any questions or comments.

Mrs. Abbott stated that she is concerned about the letter she received from citizens regarding the Army Corp of Engineers. We need to see a plan for landscaping. She feels we should take a strong stand than just saying we strongly recommend they file with the Army Corp. Also Mr. Leary asked for a plan with the entrance as far away as possible.

Mr. Leary stated that he requested the applicant submit a plan with the entrance as close to the wetlands as possible, and he didn't get that.

Mrs. Ryan stated that she shares Mrs. Abbott's and Mr. Leary's concerns. She feels the plan requested by Mr. Leary should have been submitted.

Mr. Dillon stated that they did move the entrance down. The Board has to make a decision on what was submitted. He feels the alternative plan submitted is best.

Mr. Hurley stated that before the Board are two plan and the Board has had quite a bit of discussion on both plans.

Mr. Dillon asked what the procedure was for a vote. Mr. Fuqua replied that a vote requires the majority of the sitting quorum which is three.

Mr. Dillon made a motion to approve the alternative plan with the conditions the conditions prepared by the staff.

Mr. Fuqua asked if the motion also includes that the decision be sent to the Conservation Commission and Army Corp of Engineers. Mr. Dillon replied in the affirmative.

There was no second to the motion.

Upon motion made by Mr. Leary and seconded by Mrs. Ryan, it was:

VOTED: 3-2 (Mr. Dillon and Mr. Hurley opposed) to disapproved a definitive plan entitled: "SHERRICK'S FARM WEYMOUTH. MASS.", dated September 11, 1998, drawn by Arnold, Inc. Associates filed with the Town Clerk on September 16, 1997, concerning property located at 341 - 375 Summer Street, also shown on the Weymouth Town Atlas Sheets 28 and 32, Block 358, Lot 6 for the following reason:

Said plan did not meet the conditions of Section 1.1 of the Rules and Regulations of the Planning Board of Weymouth, Massachusetts Governing the Subdivision of Land "...with due regard for...reducing danger of life and limb in the operation of motor vehicles..." Applicant was requested by Planning Board member Patrick Leary to submit a revised plan with the roadway access at Summer Street moved (southerly) as close to the wetlands as possible. A revised plan submitted to the Planning Board dated December 5, 1997, marked "for review only" that moved the road did not fulfill the Planning Board request. A plan showing the roadway relocation, as requested, with access to all lots within the subdivision roadway is required.

Mr. Fuqua stated that where the subdivision is being denied for the roadway to be moved further south, because under the subdivision control law you have to give the conditions that they have to apply to get approval. If this subdivision comes back with the roadway as close as possible to the wetland, you must approve the plan.

Mrs. Ryan stated that the plan would be approved only if it met the criteria. The Board has never had the opportunity to review the plan requested by Mr. Leary.

Mr. Fuqua stated that when the plan comes back in and the roadway is shown further south, the subdivision control law mandates approval. A denial under the rules and regulations is for that section under safety, and what the Board is looking for is a road moved further south.

Mr. Leary stated that all the driveways should connect to the new roadway.

6. Petr: John P. Bellas  
Locus: 1540 Commercial Street  
Sheets 19 & 23, Block 253, Lot 35  
Zoning: B-2

Discussion on special permit for a retail building with drive up window service

Mr. Hurley asked when the Board has to make a decision on this special permit application. Mr. Fuqua replied that the Board has to file a decision by March 15, 1998.

Mr. Leary stated that we don't know the traffic impact because of the commuter rail, and people coming out of the parking lot and looping into the commuter rail parking. Regarding the design, he feels it's one of the more attractive Dunkin Donuts.

Mrs. Abbott stated the impact on the Herring Run is a concern, and it is located in an historic district. There is still the unknown of the railroad.

Mrs. Ryan stated that she shares the concerns of Mr. Leary and Mrs. Abbott. The amount of traffic that the train station will generate is unknown. She shares the concern with regards to the historic district.

Mr. Leary stated that there is the potential for grid lock with regards to vehicles entering the site, and vehicles queuing for the drive through.

Mrs. Peg Goudy, 29 Hawkins Court, stated that originally the MBTA plan called for a 314 car parking lot and that number was reduced to 250, but now they are back to 314 cars. She stated that maybe the Planning Board should take a look at the MBTA plans.

Mrs. Ryan stated that there are a lot of unknowns.

Mr. Hurley asked the staff to pursue the number of spaces proposed by the MBTA and to get confirmation of the number.

Mr. Dillon stated that 120-122.D. - Criteria for special permits, is where the Board needs to focus. He thinks there are three different areas where there is a problem. In all his years on the Board he has never seen the Board approve a drive through in a historic district.

Mr. Fuqua stated that the historic district is in Central Square. This site is located in an older area of town, but the property is not located in a historic district.

Mr. Dillon read from the special permit criteria. Criteria 3 and 5 are a concern

to him. He is concerned with school children walking to the Pingree School.

Mrs. Ryan stated that she agrees with Mr. Dillon. The special permit criteria gives us ample reasons to be concerned.

Mr. Hurley stated that they did present an excellent plan and they were going to do considerable work along the Herring Run.

7. Other Business

a. Contract award for Liberty Street property appraisals

Mr. Fuqua stated that this contract is for the appraisal on tax title property and the screening plant for property that Jim Bristol is looking to purchase. An RFP was sent out and two responses were received. A response was received from a firm that said they could not do the work for the price and the other was received from Eileen Partridge.

Upon motion made by Mr. Dillon and seconded by Mrs. Ryan, it was:

UNANIMOUSLY VOTED: to award the appraisal contract to Eileen Partridge.

b. Covenant Release - Erika Lane

Mr. Fuqua stated that Erika Lane was an accepted public way in 1993.

Upon motion made by Mr. Dillon and seconded by Mrs. Ryan, it was;

UNANIMOUSLY VOTED: to release the covenant for Erika Lane.

c. Zoning Articles

Mr. Fuqua stated that we received notice today that articles are due January 15<sup>th</sup>. He reviewed the zoning articles to be submitted for the Annual Town Meeting.

d. 1076-1078 Main Street; Sheet 49, Block 560, 612 - Best Chevrolet

The Planning Board reviewed the special permit application for an auto repair facility for 1076-1078 Main Street.

Upon motion made by Mrs. Ryan and seconded by Mr. Leary, it was:


UNANIMOUSLY VOTED: to oppose the special permit application for the following reasons.

1. The site uses an abutting lot for access and egress rather than open a new curb cut onto Route 18. Limiting the number of curb cuts is preferable, however, use of one lot for access to another should require that the two lots function as one lot for zoning purposes.
2. Notice of the special permit application did not mention the abutting car wash and auto body lot. The application makes significant alterations in the traffic circulation to an approved special permit for the car wash. There is no indication in the present application to amend the previous special permit.
3. Currently there are vehicles parking on the subject site for customers using the adjacent body shop. Parking on the application does not indicate parking requirements for vehicle storage, repair shop usage, employee and customer demand. The plan does not show where parking for the adjacent body shop is located.
4. Site plans show a two way curb cut on Route 18. Currently the car wash curb cuts are one way in and a second, one way out. Changes in traffic circulation and any changes in the operational level of service are not identified.
5. Landscape plans should indicate the type of improvements proposed. Screening the buffer between the residential property abutting should be addressed.
6. All debris from prior site usage should be cleared from site before any new uses are applied for.

Upon motion made by Mrs. McElroy and seconded by Mr. Dillon, it was:

UNANIMOUSLY VOTED: to adjourn the meeting at 10:20 P.M.

This is to certify that the foregoing is a true and complete statement of all actions and votes taken at this meeting on January 12, 1998.

  
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Paul Hurley, Vice-Chairman

**WEYMOUTH PLANNING BOARD  
PUBLIC MEETING – CITIZEN ATTENDANCE**

DATE:

Jan 12, 1998

LOCATION:

WEYMOUTH TOWN HALL

PLEASE PRINT LEGIBLY

NAME

ADDRESS

PHONE #

Bill Taber	30 off Summer St	331-4123
DON CLARKE	18 off Summer St.	331-0366
Susan Clarke	18 off Summer St.	331-0366
Ellen Murphy	6 off Summer St	335033.
Brent McCarthy	142 Merryknoll Rd	331-4545
Alice Barrett	143 Merryknoll Rd	331-5513
Tom Symon	153 Merryknoll Rd	337-6064
Paul & Vamps	1600 Penn Ave	341-8644