

TOWN OF WEYMOUTH

PLANNING BOARD

MINUTES

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WEYMOUTH, MASS.

There was a Planning Board meeting held on Monday, January 13, 1997 at 7:30 P.M. at the Town Hall.

Members present: Paul M. Dillon, Chairman
Paul F. Lynch, Sr, Vice-Chairman
Paul Hurley, Clerk
Susan Abbott
Robert S. Lang
Mary S. McElroy
Mary Sue Ryan

Staff present: James Clarke, Director of Planning & Community Development
Roderick M. Fuqua, Principal Planner

The meeting was called to order at 7:30 P.M. by Chairman Dillon.

1. Minutes - 10/28/96

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

UNANIMOUSLY VOTED: to approve the Minutes of October 28, 1996.

2. Subdivisions

a. Northern Avenue - endorse plan

Mr. Fuqua stated that his recommendation is to table Northern Avenue. There is additional information that must be provided by the developer.

b. Pasteur Street - bond release

Mr. Fuqua stated that this lot came in under 60-3, and the requirement of the Board was that the road be graded. The work has been completed and the recommendation is that the \$500 bond be released.

Upon motion made by Mr. Hurley and seconded by Mr. Lynch, it was:

UNANIMOUSLY VOTED: to release the \$500 bond for Pasteur Street.

3. Form A Plans

a. Union Street - Sheet 55, Block 601, Lots 3 & 4

Mr. Fuqua stated that Mr. Galvin is here representing the applicant of this Form A Plan.

Mr. Gregory Galvin stated that he is an attorney in South Weymouth, and he is here with two clients - Mr. Davidson and Mr. Bridgeman. His clients have recently purchased the property. This property is currently used in a commercial sense, but it is zoned residential. The plan before the Board would allow elimination of the commercial use and revert the property to a residential use. He presented pictures of the property showing the use and all of the buildings on the site. His clients have the expectation of taking down these buildings and using the property for residential. There has been quite a financial outlay by his clients so they are seeking to recover as best they can. This property is located in the Watershed Protection District so 25,000 square foot lots are required. Keeping within the zoning bylaw, this is the configuration they have come up with. The back of the property is wetland area and his clients must go to the Conservation Commission for a couple of the lots.

Mrs. Ryan stated that she has seen some chopped up lots but not quite like these. She understands the financial investment, but she finds these lots really incredible. The shape of these lots is just amazing. She feels there must be a better way.

Mrs. Ryan asked about upland area required. Mr. Clarke replied that 12,500 square feet of upland area is required.

Mrs. Ryan asked for comments from the staff.

Mr. Clarke stated that this plan is quite an effort to get around the regulations, but it does meet the bylaw.

Mrs. Ryan stated that she finds this plan incredible.

Mrs. Abbott stated that she cannot support this plan.

Mr. Lang asked where the houses would be located. Mr. Galvin explained the location of each of the four homes. He noted that what is before the Board is only a Form A Plan.

Mr. Lang asked how many lots there would be with a plan with conventional lots. Mr. Galvin replied that you would probably get three lots.

Mr. Lang asked if there was a certified botanist that attested to the upland area. Mr. Galvin replied that they need to go to the Conservation Commission for lots two and four. Mr. Lang asked what proof we have of the upland area. Mr. Galvin replied that a certified land surveyor has put his stamp on the plan.

Mr. Davidson stated that a botanist did go out and flag the wetland.

Mrs. McElroy stated that she has been on the Board for over ten years and she has never seen lots chopped up like this. She does not even want to comment.

Mr. Lynch stated that he thinks it would be better to revise the plan to have three lots. Mr. Galvin replied that three lots is not financially feasible.

Mr. Hurley stated that he does not think that the Board should endorse this plan. He knows the plan will be approved without endorsement by the Board. Also he feels the applicant should participate in the I/I program.

Mr. Clarke asked if there has been any thought given to going before the ZBA for an extension of a non-conforming use. Mr. Galvin replied that he has discussed that option with his clients. They do have their engineer working on a plan, but the problem is time and there is no guarantee that the ZBA would approve a plan.

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

UNANIMOUSLY VOTED: to take no action on the Form A Plan for Union Street - Sheet 55, Block 601, Lots 3 & 4.

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

Petr: Searles Builders

Locus: Neck Street

Sheet 5, Block 13, Lot 24

Zoning: R-1 (Flood Hazard Zone A4)

Request for floodplain special permit for daycare center

Upon motion made by Mr. Hurley and seconded by Mr. Lang, it was:

UNANIMOUSLY VOTED: to continue the public hearing at 7:50 P.M.

Present on behalf of the application were Sonny Searles, applicant; Walter Watson, engineer; Rob Campbell, future owner of daycare, and Attorney

Michael Morisi.

Mr. Dillon stated that he is disappointed in the late arrival of material by the applicant.

Mr. Morisi apologized for the later delivery. They are well aware that the late delivery would be an issue, however it was because they were trying to address all of the issues that were raised. They have provided a new footprint of the building and new parking for the proposed daycare center. The plan does represent a change in footprint and parking and has a revised date of January 13, 1997.

Mr. Dillon stated that this is a lot of material that the Board has not had a chance to review. He would request that the applicant withdraw for a couple of weeks. The Board is seeing this for the first time this evening.

Mr. Morisi stated that they are aware the Board just received this information.

Mr. Clarke explained that there were two deliveries from the applicant on Friday. One package came in the morning and was included in the Board's package. The information delivered in the afternoon was not included. The revised plan was received today at noon.

Mr. Morisi stated that perhaps they should not address the new plan, but address the information contained in a letter from the Board. Mr. Morisi stated that items 2 - 6 were provided to Mr. Clarke on Friday. He asked if the Board received that information. Mr. Clarke replied that the information received before noon on Friday was distributed to the Board on Friday. The second package of information which arrived Friday afternoon was not delivered to the Board. The Board now has all the information either delivered on Friday or passed out at this meeting.

Mr. Morisi stated that with regards to item #1 drainage calculation, the information was provided and it addressed some of the issues. The new plan also addresses, in a positive way, drainage issues. The purpose of the new plan is to address parking, specifically access/egress on Neck Street. He asked Mr. Campbell to describe the changes in the new plan.

Mr. Campbell stated that the old plan had ten parking spaces along the circular pattern of the driveway. The new plan has most of the parking on the right side of the building. With the old plan the building was parallel to the street. The first change they made was to change the location of the building so that the back of the building was parallel to the side lot line, and that opened up the entire right side of the lot when looking at the lot from Neck Street.. In doing that they were able to add two parking spaces. They were also able to limit the access to each of the parking spaces by requiring cars entering the lot to fully

enter the lot and then fully enter the parking space. It will not be possible for anybody entering the nine parking spaces on the right side of the lot to back out of those parking spaces onto Neck Street. The location of the dumpster is also identified on the revised plan as being adjacent to the front corner of the right side of the building. The dumpster is enclosed by a 6' stockade fence, and there will be access to the dumpster by any commercial operation that will be contracted to remove the trash without interfering with the flow of traffic on Neck Street, and also without interfering with any parking that is going on at the center. These are some of their reasons for altering the plan. Another major factor in their decision to alter the plan was that the driveway is still wide enough to have sufficient space along the inside of the driveway for several vehicles to park on a temporary basis while parents are dropping off their children. The additional parking spaces in the revised plan also allow for additional vehicles to be parked or stopped on a temporary basis. This will eliminate any backlog of vehicles on Neck Street. This will allow anyone attending the center to fully enter the property, park their vehicle and bring their children into the center in a safe environment without any risk to either the children or vehicles traveling on Neck Street. These were primary concerns of the Board, and their primary motivation in altering the plan. They still have three parking spots off to the left side of the building. These three spots appeared on the original plan and will be reserved for staff. For staff members parking there, it will be the first members of the staff in attendance at the center. The three spaces will be filled first before any clients show up so those spaces will not be available for clients. It is possible for vehicles to back out onto Neck Street from the three spaces on the left side, but since they will be used by staff, the staff will be required not to back out onto Neck Street.

Mr. Lynch asked about handicapped parking, and how a handicapped child would get into the building. Mr. Campbell replied that the entire parking area will be paved, but there is a paved walkway.

Mr. Searles stated that because of the grade a handicapped ramp is not needed.

Mrs. McElroy asked what is meant by the grading is such that a handicapped ramp is not needed. Mr. Watson replied that it is a very flat area and you really don't need a dedicated ramp. Mrs. McElroy asked if it was correct that someone in a wheelchair could go right up to the door. Mr. Watson replied in the affirmative.

Mrs. McElroy asked why the handicapped parking space was put behind the dumpster. Mr. Campbell replied that the size of the handicapped space determined its location.

Mr. Lang stated that he can see they provided a lot of parking as a result of our comments from the last meeting. He asked who will park in spaces 6,7 and 8. He stated that it seems like it would be staff parking. He can't image parents

Planning Board Minutes - January 13, 1997 - Page 6

parking there. Mr. Campbell replied that there may be times when clients park there. Spaces 9, 10, 11 are reserved for staff.

Mrs. Abbott asked how much they have increased the impervious surface with the new plan. Mr. Watson replied that the impervious area has been increased by approximately 600 square feet with the revised plan.

Mrs. Abbott stated that the calculations are based on the previous plan so therefore new calculations are needed. Mr. Watson replied that with the additional 600 square feet it won't change the calculations that much.

Mr. Dillon asked Mrs. Abbott if she wanted new drainage calculations. Mrs. Abbott replied in the affirmative.

Mrs. Abbott stated that the other plan included a playground. Mr. Campbell replied that there is a play area on the revised plan.

Mrs. Abbott asked at any given time how many children would be in the play area. Mr. Campbell replied the 3,000 square feet of play area allows for forty children at the most.

Mrs. Ryan stated that there are three spaces for staff. She asked how many spaces were increased from the old plan. Mr. Campbell replied that there are two additional parking spaces with the revised plan.

Mrs. Ryan asked where the van will be parked. Mr. Campbell replied that if the van is driven by an employee scheduled to be at the center first, then it would be parked in one of the three spaces for employees. If the van is driven by an employee that is not scheduled until 9, it would be parked in a parking space at the right of the building.

Mrs. Ryan asked about the vans. Mr. Campbell replied that they said at the last meeting they expect to have two mini vans. He couldn't say where they would be parked- it would depend on when they arrived at the center, but the vans would not be parked on the street or in front of the building.

Mrs. Ryan asked if at full capacity they would need two vans. Mr. Campbell replied in the affirmative.

Mrs. Ryan asked how much the play area decreased with the revised plan. Mr. Campbell replied that the amount of play area is not relevant as long as they have sufficient area for the children.

Mr. Dillon asked for comments from the office.

Mr. Fuqua stated that the new drainage calculations will be sent to DPW for

their review.

Mr. Dillon stated that the whole revised plan should go back to departments for review. This is a new plan and there are a lot of modifications that have been made. Mr. Fuqua replied that if that is the wish of the Board the new plan will be sent to departments for their review and comment.

Mrs. McElroy stated that she will make the motion to send the revised plan to departments for their review and comment.

Mrs. Abbott asked if new calculations would be sent for review. Mr. Clarke replied that if there has been an increase in impervious area, new calculations are needed.

Mr. Clarke stated that a vote is not needed, we will send the plan out for comment.

Mr. Hurley stated that in the original application fill was discussed. He asked if the amount of fill will change with the revised plan. Mr. Watson replied that the amount of fill is about the same.

Mr. Hurley asked if it was correct that the outside edge of the driveway is curbed - around the parking spaces and parking area. Mr. Watson replied that it can be curbed.

Mr. Hurley asked where the water running towards the back of the lot will go. Mr. Watson replied that they will put a cut in parking space #8 to allow the water to run towards the play area.

Mrs. Abbott stated that she did review two items that she received with regards to the Office for Children. The key is to protect the health and safety of children. A day care in the floodplain she does not see how the health and safety of children is taken into account at all. The information she received talks about different types of emergencies, but she did not see any plan for evacuation. Something should be prepared in writing. Our bylaw requires us to protect the health and safety the citizens of the town. A day care center in the floodplain seems to fly in the face of health and safety.

Mr. Campbell stated that if an evacuation plan is a requirement for the license, they will have one. They have a plan for fire, but the building itself will be above the floodplain. They are proposing a first floor elevation of 18.83' which is above the floodplain which is elevation 17.83'.

Mrs. Abbott stated that it is well and good that the building is above the floodplain, but we are talking about the street that is subject to flooding.

Mr. Campbell stated that he can understand the Board's need to protect the health and safety of citizens, but he believes that's the intent of the Office for Children. Obviously if the Office for Children feels their evacuation plan is inadequate, they will not issue a license.

Mr. Campbell stated that in response to a concern raised by Mrs. Ryan, they expect that at maximum capacity 53 children in the center at anyone time. The Office for Children in granting a license will only grant provisional license for a period of about up to one year. They will not issue a standard license. There are limitations on the number of children under a provisional license. The Office for Children is in direct contact with the Director of the center with regards to the operation of the center almost on a weekly basis to make sure from a children's safety point of view that everything required is in place including documentation, medical records and all other requirements. Mr. Campbell stated that they are undertaking a serious project. The health and safety of the children are a primary concern and they would not endanger the children in any way.

Mrs. McElroy stated that regarding health and safety of children, under Director Health Services, a Ruth C. Campbell is listed. She asked if it was correct that Ruth C. Campbell lives in New Hampshire. Mr. Campbell replied that her primary residence is New Hampshire. Mrs. McElroy asked how she is going to watch out for the health of the children if she lives in New Hampshire. Mr. Campbell replied that she will be the Director of Health Services. She will be responsible for all the health records, health procedures, and all the administrative requirements pertaining to the children. Mrs. McElroy stated she lives in New Hampshire - when is she going to do that. Mr. Campbell replied that Ruth Campbell doesn't spend all her time in New Hampshire. Mrs. McElroy stated that her residency is New Hampshire. Mr. Campbell replied that her primary residence is New Hampshire. Mrs. McElroy stated that Francis Campbell, Director of Administration and Finance, also lives in New Hampshire. Mr. Campbell replied that is correct; their primary residence is New Hampshire, but they do spend time here. He stated that these are not full time positions. Mrs. McElroy stated that these are positions, especially the nurse, that directly affect the care of children, and they will take young children also. Mr. Campbell replied that they will not take children below two years, nine months. He stated that the requirements for the Office for Children does not say they need a nurse on site full time.

Mrs. McElroy stated that the minimum requirement for staff to child ratio is one staff per thirteen children. She asked if that means there will only be three people in the building caring for thirty-five children. Mr. Campbell asked what age group Mrs. McElroy was talking about. Mrs. McElroy replied that it did not specify age. She read from requirements of the Office for Children regarding staff to children ratio. Mr. Campbell stated that children ages six to nine requires one staff per thirteen children. Mrs. McElroy asked if it was

correct that three people would be in charge of thirty-five children. Mr. Campbell replied that Mrs. McElroy is assuming there will be thirty-five six to nine year olds. Mr. Campbell stated that they will have appropriate staff levels in the center at all times, otherwise they are subject to losing their license.

Mr. Dillon stated that the Board should stay focused on the floodplain.

Mrs. Ryan stated that drainage calculations are most important since it is a floodplain area. She has heard many comments from people living in the area that the area is subject to flooding. We really have to look very carefully at parking spaces and whether there is enough parking. She is not convinced there will be adequate parking. This is an area that gets a lot of water and she is concerned that flooding is not made worse. She wonders if two vans are enough if they must evacuate.

Mr. Campbell stated that as he mentioned previously, they will have an evacuation plan and will provide safe shelter for the children.

Mrs. Ryan stated that one of these vans, she believes, will be parked at property across the street. Mr. Campbell replied that there is an employee that lives on the opposite side of the street, and at the end of the day, it is most likely that she will drive the vehicle home. Mrs. Ryan questions the van being parked at a residence. Mr. Campbell replied that it is an employee's residence. That van would not be parked there when the center was open. There is no regulation that says someone cannot drive a vehicle home and park it on their property.

Mrs. Ryan asked Mr. Campbell if he knew of any other day care center that was located in the floodplain. Mr. Campbell replied that he's not familiar with the elevations of other day cares so he really couldn't say.

Mr. Fuqua stated that no day care centers have been constructed in the floodplain since floodplain regulations have been in effect in Weymouth.

Mrs. Ryan stated that she would imagine that information (day cares in a floodplain) could be obtained from the Office for Children.

Mr. Dillon stated that he has two questions that were brought to his attention over the weekend. If you had a situation like last Friday and you had fifty-three people in the residence, where are you going to take the children. Where will the children go if you have to evacuate the building. Mr. Campbell replied that they have started to speak to different facilities, mostly banquet facilities, that meet the requirements of the Office for Children. This would be on a temporary basis, and if they have to provide an off site location, they are prepared to do that.

Mr. Dillon asked if it was correct that they are going to have two vans. Mr. Campbell replied that the center will have two vans under lease. Mr. Dillon asked if a situation came up where they had to get fifty-three children out of there, how are two vans going to be enough. Mr. Campbell replied that they will provide alternate transportation. If they have to hire a bus to come in for an hour or two, they will do that.

Mr. Dillon asked if the maximum children would be fifty-three children. Mr. Campbell replied in the affirmative. Mr. Dillon stated that at 6 in the morning they could have fifty-three children there. Mr. Campbell replied that is not correct because of the schedule of the programs. Mr. Dillon asked if Mr. Campbell is saying that they will only have fifty-three children there throughout the entire twelve hours a day the center is open. Mr. Campbell replied that they expect that at any one time to have no more than fifty-three children. Mr. Dillon stated that they could very well have two hundred children there in a day as long as there are not more than fifty-three at any time. Coming and going over the entire course of the day, they could have two hundred children at the center. Mr. Campbell replied that is not true because there are programs. Different age children are not allowed to mix in the same room. They could not use a room for a before school program for a pre school program. They would not under any circumstance have two hundred children in a day. He noted that there will be a turn over of children during the day.

Mr. Lang stated that the tide we had last Friday was a very high tide. He asked if they would have had to evacuate if the center had been open. Mr. Campbell replied that they would not have had to evacuate. He lives in the area and he saw no problem.

Mr. Lang asked if it was correct that he could have a day care center in his home with fifteen children. Mr. Campbell replied that they are proposing a group center, not a family day care center. Mr. Lang asked if there is a limit on the number of children in a home day care. Mr. Campbell replied that since he's never considered a family day care, he is not familiar with the regulations.

Mr. Dillon opened the meeting for questions from the audience.

Ms. Mary Fallon, 24 Julia Road, questioned the parking and the staff to children ratio. Fifty-three children at minimum staff would be four staff members, and there will be two vans.. If there are younger children, there may be more staff members. It would leave three parking spaces for clients. Mr. Campbell replied that Ms. Fallon's numbers are correct as stated but two employees will drive the vans to the center. Ms. Fallon asked if it was correct that the van drivers will also be staff members. Mr. Campbell replied in the affirmative.

Mr. Francis Dingwell, 267 Neck Street, asked what measures are being taken

Planning Board Minutes - January 13, 1997 - Page 11

to curtail heavy traffic coming through Neck Street. He has had three cats killed. He asked if there will be a fence at the day care center because children have a tendency to run towards the street. Mr. Watson replied that there is a fenced in area for the children to play in.

Ms. Dawn Whitten, 275 Neck Street, stated that she is concerned about the added burden on the sewer system. Mr. Dillon stated that the Board will get comments from the DPW on that.

Mr. Philip Tilton, 6 Great Hill Road, stated that for the record the area did flood last week.

Ms. Barbara Landman, 267 Neck Street, stated that she is concerned over the ratio of staff and children. She asked if it will be correct that there will be three staff. Mr. Campbell explained the ratio of staff per children required. They will have the appropriate number of staff.

Ms. Landman stated that she comes out of Neck Street when going to work. She's concerned with additional traffic and feels it will be an added burden. Regarding flooding, she has been there ten years and there has been very bad flooding, but this past storm was the first flooding with a very high tide.

Mrs. Fallon stated that she has now heard there will be eight staff and eleven parking spaces. That means there will only be three spaces for clients. Mr. Campbell replied that there are be a total of twelve allotted parking spaces on the plan. Assuming they have eight staff, there will be four long term spaces available for clients. There will be an additional eight temporary spaces along the curb of the driveway and in the parking area.

Mrs. McElroy asked about the temporary parking spaces and if people would be parking all over the place. Mr. Campbell replied that the driveway is wide enough for two vehicles. There is room along inner curb of the driveway for four additional cars parked on a temporary basis. Mrs. McElroy stated that those are not parking spaces. Mr. Campbell replied that those spaces are temporary.

Mrs. McElroy stated that she received a letter that was left at her home. She asked the Clerk to read it. Mr. Hurley stated that the letter was not signed or addressed and he did not feel it should be read.

Mrs. Abbott asked about a lighting plan. Mr. Campbell replied that on the revised plan there are lighting specifications.

Mr. Dillon asked for a copy of the actual lighting that will be put in. Mr. Watson replied in the affirmative.

Planning Board Minutes - January 13, 1997 - Page 12

Mrs. Ryan asked if one handicapped space is sufficient. Mr. Clarke replied that the plan will need to be reviewed by the Inspector of Buildings for compliance with parking regulations.

Mrs. Abbott stated that she is concerned about traffic and parking. She is still concerned about an evacuation plan - she feels the Board needs more specifics on such a plan. Mr. Campbell replied that they have started working with the Weymouth Fire Department to develop a plan in case of fire. In terms of flooding, they can prepare a written plan for evacuation.

Mrs. Tammy Campbell stated that she did talk to the Deputy Chief and he will look at the plan and tell them what is expected.

Upon motion made by Mr. Lynch and seconded by Mr. Hurley, it was:

UNANIMOUSLY VOTED: to continue the public hearing to February 13, 1997 at 7:45 P.M.

It was brought to the Board's attention that February 13, 1997 was a Thursday and the Board took another vote to continue the public hearing to February 10, 1997.

Upon motion made by Mr. Lynch and seconded by Mr. Hurley, it was:

UNANIMOUSLY VOTED: to continue the public hearing to February 10, 1997 at 7:45 P.M.

5. Form A Plans (cont.)

a. White Street - Sheets 49 and 50, Block 561, Lot 2

Mr. Fuqua stated that this plan is a ten acre parcel off Union Street in South Weymouth. The principle house comes in off Durant Street. Lot a is being subdivided out and will have frontage on White Street.

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

UNANIMOUSLY VOTED: to endorse the Form A Plan for White Street- Sheets 49 and 50, Block 561, Lot 2.

6. ATM Zoning Articles

Mr. Clarke stated that the Board received information that was submitted by this office to the Board of Selectmen. That information includes five articles for the Annual Town Meeting. The articles submitted were: (1) change of minimum lot requirement to 25,000 square feet, (2) frontage width

Planning Board Minutes - January 13, 1997 - Page 13

requirement, (3) revisions to parking requirements, (4) housekeeping article, and (5) change of zoning of parcel on Woodside Path from POP to R-1.

Mr. Clarke reviewed the first article which was a change in the minimum lot requirement to 25,000 square feet.

Mr. Fuqua reviewed the second article which deals with further addressing pork chop lots.

Mr. Lang asked if it was correct that in the B-2 zone there is not lot width. Mr. Fuqua replied in the affirmative. Mr. Lang asked if that should be changed. Mr. Fuqua replied that it is probably best not to change lot width in B-2 unless you want to get into major revisions.

Mr. Fuqua stated that the third article deals with parking requirements. He reviewed the proposed article. He stated that the reason for two different types of criteria is that some restaurants have more standing area than seats.

Mr. Lang asked how it was decided to go from 3 to 2½. Mr. Fuqua replied that APA did a survey nationwide. The staff also looked at some of the newer restaurants, and those restaurants all provided more than the town required.

Mr. Lang asked if the 99 restaurant provided more parking than required. Mr. Fuqua replied in the affirmative. Mr. Lang asked to what extent did they exceed the requirements. Mr. Fuqua replied that fifty-seven spaces were required and they provided one hundred twelve spaces.

Mr. Fuqua stated that another issue dealt with offices. The question has been what you define as a tenant. For nursing homes they are proposing one space for every two beds instead of three beds. For offices it would be similar. Proposed is one space for every two hundred square feet so it would eliminate the issue of tenants and would be based on square footage.

Mr. Fuqua stated that for a day care center one space would be required per employee plus one space for every eight children based upon their license.

Mr. Clarke stated that the next article is a housekeeping article and changes a reference from F. to E. for site plan review.

Mr. Fuqua stated that the last article is a zoning change for a parcel on Woodside Path. One lot which has frontage on Woodside Path is zoned POP, and the proposal is to change the zoning to R-1.

Mrs. Abbott asked how large the parcel is. Mr. Fuqua replied that the parcel is 40,000 square feet.

Planning Board Minutes - January 13, 1997 - Page 14

Mr. Fuqua stated that the owner of the parcel had intended the Board of Selectmen to receive a letter requesting the change for the previous Town Meeting.

Mr. Lang asked about overhead lighting at the Getty Station, and what the staff has found out. He asked about submitting an article that says overhead lighting must be directed so as not to extend beyond the property.

Mrs. Ryan stated that the overhead lighting at the Getty Station is so illuminating that it's distracting.

Mrs. McElroy suggested that the Board send a letter to the owner of the Getty Station.

Mr. Fuqua stated that the Inspector of Buildings has talked to the owner of the Getty Station and Mr. Coates will be following up on it.

Mr. Lang stated that a bylaw is needed to specify that the lighting must be directed downward.

Mr. Dillon stated that he will speak to Mr. Coates on Thursday. Mr. Lang is right that the lighting looks awful.

Mrs. Abbott asked about pork chop lots and the amount of upland required for a 25,000 square foot lot. If only half the required area or 12,500 square feet of upland is required that leaves very little that can be built on. Mr. Clarke replied that to his knowledge, we are one of the few communities that requires a certain amount of upland area. He would think that you could change the percent of upland required but he would hesitate on 100% because that would be some kind of a taking.

Mrs. Abbott stated that she does not think that the small amount of 12,500 square feet of upland is acceptable anymore.

Discussion ensued regarding parking spaces required and the Board felt the article should be changed under item #2 to read "one (1) space for each one and one-half (1½) seats".

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

UNANIMOUSLY VOTED: to change the requirement under item #2 to read "one (1) space for each one and one-half (1½) seats".

Mrs. Ryan asked if under the new requirements would Mediplex have sufficient parking. Mr. Fuqua replied that there are adequate parking spaces at Mediplex, but people don't park in the spaces. He will check to see if Mediplex

would meet the new requirements.

Mrs. Ryan asked about hospitals. Mr. Fuqua replied that when we did the Medical Service District, we reviewed parking, and our bylaw is probably more restrictive than neighboring towns and nationwide.

Mrs. Ryan asked if employees were taken into consideration when determining parking requirements. Mr. Clarke replied that parking always used to be determined by the number of beds, and that is why we changed the requirements and added that a certain number of spaces are required per square foot.

Mrs. Ryan stated that parking at the Nevin Building is very congested. She asked how the new requirements would affect medical buildings. Mr. Clarke replied that one of the ways it will help is that spaces per tenant has been changed to spaces per square foot so it should provide more parking for medical offices as well as business offices.

Mr. Clarke stated that they have one more article to present. Michael Milanoski has been working on this article with Jerry Byrne and DPW. This will be submitted jointly with the Planning Office, Assessors and DPW and it would be for the purpose of funding and/or to use as matching funding for a Geographic Information System User Needs Analysis for the town. The cost would be between \$6,000 to \$12,000.

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

UNANIMOUSLY VOTED: to accept all six articles.

Mr. Clarke stated that a public hearing will be scheduled for the zoning articles probably late February or early March.

7. Other Business

- a. Newsbrief Item #3 - MPO. Mrs. Abbott asked Mr. Clarke to explain this item. Mr. Clarke replied that MPO is the Metropolitan Planning Organization. They are the agency charged with reviewing all transportation requests that come into the Boston Metro area. They pretty much prioritize and decide upon projects to be put in the Transportation Improvement Program. Because of some of the new requirements of the federal legislation for a transportation program known as ISETEA there have been requests in a couple of areas, in Boston in particular, to revamp their Metropolitan Planning Organization so that it more directly reflects participation from the local communities. As such the MPO has expanded to include the city of Boston, three towns, and three cities. Nominations are due in this month and will be voted on the end of February. Mr. Clarke

stated that the South Shore Coalition has suggested and has voted to support the nomination of Weymouth, in particular they would like him to serve on the MPO. The Chief Elected Official must run for the position and he can designate someone. The Selectmen have to apply and they have voted to support this. It appears that all ten towns on the South Shore are going to support Weymouth.

Mrs. McElroy stated that this is definitely to our advantage.

Mr. Hurley stated that this money would be available to all cities/towns and they would have to apply for funds. Mr. Clarke replied that is correct, but we would be in a better position to argue for funding for the South Shore if Weymouth were a member.

8. Wycliffe Road - discussion of project status

Mr. Clarke stated that he wanted to have some discussion and get some direction from the Board concerning the Wycliffe Road project. We had a preliminary plan reviewed and completed. They have been working with the residents in the area to look at improvements to the road system. The Board has raised the issue of betterments, and they have asked George Lane to look into the betterment issue. Board members all received Mr. Lane's letter concerning betterments. We do have some property off Wycliffe Road that is vacant and can be developed. If we provide access for the homes that are already there, we are going to be opening up several lots for development. He would like to find out how the Board wants to approach this. We have been petitioned by the residents and they do meet eligibility of low/moderate income criteria of the Block Grant. We need to look at some of the options and make some decisions. He would like to hear how the Board wants us to approach this. Mr. Clarke stated that one thing he would like to mention as a possibility of addressing some of this issue is that it may be appropriate to have the Redevelopment Authority involved. If the Redevelopment Authority is involved in the construction of the road, they might also be able to do the takings of the vacant parcels and develop them in a manner more in keeping with what the Board would like to see. Mr. Clarke stated that he has talked briefly with Amintha to see if this is something that is possible. He would like to get comments from the Board this evening. We do need to make a decision on this project.

Mrs. McElroy asked if the Board has already allocated money for this project from CDBG. Mr. Fuqua replied that a portion of the money required for the project has been allocated by the Board from the Block Grant.

Mrs. McElroy asked how many lots are undeveloped. Mr. Fuqua presented a map of the area and pointed out the vacant lots.

Planning Board Minutes - January 13, 1997 - Page 17

Mr. Lang asked about the preliminary plan. Mr. Fuqua replied that the preliminary plan was approved by the Board with the conditions that we investigate the betterment issue. George Lane looked at the betterment issue and submitted a letter which stated that if the Board comes up with a betterment policy, it must be for everyone because you cannot put a betterment charge on undeveloped property only. Mr. Fuqua stated that under the Community Development Block Grant requirements, there is a policy where if you recoup money and it is a low/moderate income person, the Block Grant must pay.

Mr. Fuqua stated that there is one parcel which has the potential for three to five lots. He asked if the Board wanted to bring in the Redevelopment Authority.

Mrs. McElroy stated that she would rather that the Redevelopment Authority get involved.

Mr. Lang stated that he would rather let the property be developed naturally.

Mr. Clarke stated that the residents in the area have requested road improvements, and the Board has raised certain issues. It's possible if the Redevelopment Authority took over the larger piece, that you could maybe put in three homes and one could be an affordable unit.

Mr. Lang stated that he does not want any more affordable homes.

Mrs. McElroy stated that the Redevelopment Authority is doing a good job at Pine Grove. She does not see any reason why they couldn't do this project.

Mrs. Ryan asked if the Redevelopment Authority took over the project, aside from having affordable housing, what would the Redevelopment Authority do with regards to a betterment policy. Mr. Fuqua replied that the Redevelopment Authority would do nothing with regards to a betterment policy. Once the Redevelopment Authority owned the parcel, they would subdivide the property and sell the lots. Whatever the net gain would be, it would be used to offset the road improvements.

Mrs. Ryan stated that her concern is that the town is going to get nothing.

Mr. Clarke stated that he could schedule this again for discussion on January 27th, and he will talk to Amintha with regards to the issues discussed this evening.

Mr. Lang stated that he's in favor of carrying through with the project and let property be re-evaluated and reassessed.

Planning Board Minutes - January 13, 1997 - Page 18

Mrs. Abbott stated that without a betterment policy, she's not sure this is a good way to spend CDBG funds.

Mr. Clarke stated that he will prepare a matrix of different options and have it for the Board's review for the next meeting.

9. Other Business (cont.)

a. The 99 Restaurant

Mr. Lang stated that the 99 restaurant was going to redesign Nash's Corner and Independence Square. He asked where that stands. Mr. Fuqua replied that he's been in touch with David Kelly, attorney for the 99. Mr. Kelly has said that he's aware of the condition for traffic improvements at Independence Square and the 99 would be scheduling the work.

Mr. Lang stated that he thought that Nash's Corner was included in the condition. Mr. Clarke replied that he will check on that.

b. Open Space Plan Committee - request for CDBG funds

Mr. Hurley stated that he is a member of the Open Space Plan Committee and they have met numerous times. They have incurred costs and have been using the Park Department funds. Aaron Stump, Park Director, approached Amintha about using CDBG funds for expenses incurred for the Open Space Plan. Mr. Hurley read the letter from Mr. Stump to Ms. Cinotti requesting \$1,200 from CDBG. Mr. Hurley stated that he thinks the Open Space Plan will be a worthwhile document.

A motion was made by Mrs. McElroy and seconded by Mrs. Ryan to allocate \$1,500 for the Open Space Plan.

Mr. Dillon stated that they only requested \$1,200 and he thinks that the vote should be for \$1,200. If they need additional funds, they can request more.

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

UNANIMOUSLY VOTED: to allocate \$1,200 to the Park Department for the Open Space Plan with funds being transferred from Yr. 22 Planning funds.

c. Mr. Dillon stated that he is a little upset and wants to send a letter to the Board of Selectmen regarding their not making appointments from this Board for committees.

Mrs. McElroy stated that the Board has been very concerned about getting

Planning Board Minutes - January 13, 1997 - Page 19

someone to help shut-in seniors. She was going to meet with Sue Kay and Elaine DeCoste to discuss this matter. Instead the Selectmen set up a committee.

Mrs. Ryan stated that there should be protocol to follow.

Mr. Clarke stated that he will draft a letter.

d. Redevelopment Authority Article for Town Meeting

Mr. Clarke stated that since the warrant was closing the Redevelopment Authority decided to submit an article for property that Jim Bristol is hoping to acquire for a golf course. This would assemble town land for disposition.

e. Review of ZBA Cases

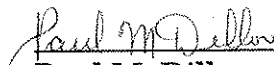
The Board reviewed cases scheduled for the ZBA meeting on January 30th and decided to send a letter regarding 100 East Street, Case #2374. The proposal is for a self storage structure with a small addition in the front. The Board expressed concern about what was proposed for planting and landscaping in the back of the lot by Judith Road. Also proposed were two house lots, both under 10,000 square feet. Mr. Clarke expressed concern over the exterior treatment of the self-storage building.

It was the consensus of the Board that a letter be sent regarding 100 East Street with regards to the exterior treatment of the self-storage building and landscaping at the rear of the lot.

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

UNANIMOUSLY VOTED: to adjourn the meeting at 10:30 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 13, 1997.



Paul M. Dillon, Chairman

Citizen Attendance (partial listing)

F. W. Dingwell, 267 Neck Street, B4
Mary Dingwell, 267 Neck Street, B4
Mary Fallon, 24 Julia Road
Ruth and Francis Campbell, 8 Davids Island Road
Jean Comeau, 267 Neck Street
Sheilah Shea, 267 NeckStreet
Clair Cummingham, 28 Norma Avenue
Sandra Gildea, River Street
Dorothy Tilton, 6 Great Hill Road
Craig Ricciarelli, 300 Neck Street
Philip E. Tilton, 6 Great Hill Road
Nancy Graham, 84 Broad Reach #504
Karen Graham, 267 Neck Street, Atp. 11
Tammy Campbell, 8 Davids Island Road
Patricia Sullivan, 294 Neck Street
Janet A. Sullivan, 371 Neck Street
Sandy Amos, 275 Neck Street
Barbara Landman, 267 NeckStreet
Chris Cazeault, 19 Davids Island Road
Dawn Whitten, 275 Neck Street, A4