

TOWN OF WEYMOUTH

PLANNING BOARD

MINUTES

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WEYMOUTH, MASS.

There was a Planning Board meeting held on Monday, February 10, 1997 at 7:30 P.M. at the Town Hall.

Members present: Paul M. Dillon, Chairman
Paul F. Lynch, Sr, Vice-Chairman
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. Form A Plan - Michelle Drive - Sheet 64, Block 640, Lots 32 and 33

Mr. Fuqua explained the Form A Plan for Michelle Drive which is located in South Farm Estates. This is just a change of lot lines, the frontage remains the same.

Mr. Lang asked what the reason is for the change of lines. Mr. Fuqua replied that he wasn't in the office when the plan was dropped off by Ed Jordan. The likelihood is that the change of lines is for the siting of the house.

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

VOTED: 5-1 (Mrs. Abbott opposed) to approve the Form A Plan for Michelle Drive - Sheet 64, Block 640, Lots 32 and 33.

2. Subdivision Performance Guarantee

a. Western Avenue - final release

Mr. Fuqua stated that the work is complete and has been inspected by DPW. The final bond of \$500 may be released.

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

UNANIMOUSLY VOTED: to release the final bond of \$500 for Western Avenue.

b. 18 Rhitu Drive - final release

Mr. Fuqua stated that there was one lot that was part of Rhitu Drive but not part of the subdivision plan. The Board required a \$500 bond to make sure that there was no damage done during construction. The work has been complete and inspected by DPW and the bond may be released.

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

UNANIMOUSLY VOTED: to release the \$500 bond for 18 Rhitu Drive.

3. Delegate Reports

- a. Naval Air Station Planning Committee. Mrs. McElroy stated that there is a NASPC meeting tomorrow night at the Base.
- b. Greenbush Mitigation Committee. Mr. Clarke stated that this Wednesday there is a meeting of the Greenbush Mitigation Committee at the library at 7 P.M. to review the mitigation document that was presented about 14 days ago. They will be meeting with the MBTA representatives again on February 26.

4. Other Business

- a. Metropolitan Planning Organization. Mr. Lang stated that he left an envelope on Mr. Clarke's desk regarding the Metropolitan Planning Organization. Mr. Lang stated that he had the impression that Mr. Clarke was going to serve on the MPO. Mr. Clarke replied that he had reported to the Board that the South Shore Coalition wanted Weymouth to run for the MPO, in particular, for him to serve as the town's representative. Mr. Clarke stated that as he began to go through the process, he was getting mixed signals. A week before nominations were due, he made the decision not to pursue this. He talked with the Chairman of the Coalition and the Chairman was comfortable with the decision.
- b. Meeting with Appropriation Committee. Mr. Clarke stated that the Appropriation Committee has asked that the Planning Board be prepared to present the zoning articles on March 20th. He would recommend that we advertise the zoning hearing for March 10th.

5. 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 day care center

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

UNANIMOUSLY VOTED: to continue the public hearing at 7:45 P.M.

Mr. Rob Campbell stated that he is here as a representative for the owner of the property.

Mr. Clarke stated that the Board has a copy of the letter from Searles Builders requesting a continuation of the public hearing.

Mr. Dillon asked if it was correct that Mr. Campbell is requesting that the Board continue the public hearing to February 24, 1997 at 9:00 P.M. Mr. Campbell replied in the affirmative.

Mr. Dillon asked for comments from the Board.

Mrs. Abbott asked if the reason for the additional time was to provide complete and comprehensive information as requested by the Planning Board. Mr. Campbell replied in the affirmative.

Mrs. Abbott asked what items they need additional time for. Mr. Campbell replied that they requested information from the Planning Board and they are reviewing that information in a complete and comprehensive manner.

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

UNANIMOUSLY VOTED: to grant the applicant's request for a continuation of the public hearing to February 24, 1997 at 9:00 P.M.

Mrs. Abbott asked if abutters will be notified. Mr. Fuqua replied that the applicant will be asked to notify the abutters of the continued public hearing date.

6. Budget - FY98

Mr. Clarke stated that he wanted to give the Board an update on the budget process.

Mr. Fuqua stated that the budget had to be in by February 6th. We didn't have a meeting from the time we received the memo on the budget until the budget was due. The guidelines from the Secretary of the Appropriation Committee said they wanted a level service budget. The only change in salary is the Economic Development Planner who is due a step increase. All other items remain the same.

Mrs. Abbott asked about a line item for traffic study analysis. Mr. Clarke replied that funds for hiring a traffic consultant are not in our budget. The funds come from a request that is made of the applicant and paid to the consultant.

Mrs. Ryan asked if the Economic Development Planner would be canvassing the town and looking at things such as the number of donut shops in an area. Mr. Clarke replied that is not something the Economic Development Planner would normally do. Common Victualler's licenses are under the jurisdiction of the Board of Selectmen.

Mrs. Ryan asked if the Board of Selectmen have any resource in town to guide them. She asked if we have anything in this town that serves as a data base for the Board of Selectmen in making their decision. Mr. Clarke replied that there is no data base in the town. It would come from the licensing board which is the Board of Selectmen. An area where the Board could be involved is if we looked at certain type of uses such as sales stores. The Board might decide there are area appropriate to be zoned for retail, or they could decide there is too much retail and change the use. We get more involved in uses by zoning. We're not in a position to say there are two Blockbusters in town and we don't need a third, but if Blockbuster wanted to build in a residential area, we could look at it and decide not to rezone the property.

Mrs. Ryan stated that if we all work together on an issue we find troubling, we could come to Town Meeting with certain issues and look at the big picture.

Mr. Clarke stated that in the past there have been times when boards have gotten together and discussed issues. Maybe we should do that in the next couple of months and discuss concerns of interest.

Mrs. Ryan stated that a joint meeting could be to the benefit of all of us.

Mr. Clarke stated that a fair amount is done on the staff level but he feels it's important for officials to sit down and discuss issues.

Mr. Lang questioned the first page of the budget - the difference in salary amounts. Mr. Clarke replied that the difference in the salary amounts is because of longevity. Mr. Lang asked about raises. Mr. Clarke replied that raises are done separately.

Mr. Clarke stated that the next step is to meet with the Appropriation Committee Subcommittee. One thing he wants to bring up to the Subcommittee is the need for a new copier. Our copier is over ten years old.

Mr. Clarke passed out job descriptions for the staff. There have been a few

changes to the job descriptions. He has asked the staff to review their job descriptions and in draft form, submit changes to Personnel. Personnel will review the job descriptions and send them back to the departments. He would like to get approval from the Board to ask Personnel to include the three positions funded by CDBG - Housing Coordinator, Community Development Coordinator and Community Development Planner. Those three positions all receive the same benefits and have the same pay scale. In the past Personnel has not wanted to review those positions since they are not under their purview. He does not see any reason why those positions should not be reviewed in the same manner as town funded positions. Mr. Clarke stated that he would like the Board's concurrence to send a letter to Personnel.

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

UNANIMOUSLY VOTED: to send a letter to Personnel requesting that the three federally funded positions be incorporated in the review by Personnel of job descriptions.

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

UNANIMOUSLY VOTED: to approve the budget as submitted.

7. Other Business

- a. Mary Lou's. Mr. Lang asked with regards to the sign - large pink cup - for Mary Lou's, what does the bylaw say. Mr. Fuqua replied that Mrs. Ryan called him about Mary Lou's and he has discussed the matter with Mr. Coates. Mr. Fuqua stated that Mr. Coates checked on the matter and said that it does conform to the sign bylaw.

Mrs. Abbott stated that Mary Lou's is on a state road. She asked if the state has any restrictions. Mr. Clarke replied that he assumes Mary Lou's checked on state requirements.

Mr. Lang asked if anyone can have anything that is any size. Mr. Clarke replied that all signs must conform to the sign bylaw.

Mr. Fuqua stated that Mr. Coates did take the size of the cup into consideration.

Mr. Clarke stated that another problem is the awning fad. Now everyone has an awning with their name on it. What actually constitutes a sign has been an issue for Mr. Coates.

Mr. Dillon stated that both locations of Quikava have illegal signs. He will call Mr. Aikens in the Building Department about those signs tomorrow.

- b. Caldor. Mrs. Ryan asked where Caldor's stands and where the enforcement is. Mr. Clarke replied that Caldor is not in violation of anything.

Mrs. Ryan stated that she feels the Jersey barriers are dangerous and terribly confusing.

Mrs. McElroy stated that the drainage is bad at Caldor's. Whenever it rains there are big puddles, the same as at Shaws.

Mr. Clarke stated that every couple of weeks he talks to Mr. Coates about Caldor and Mr. Coates speaks to Caldor's attorney, Mr. Jennings.

Mrs. Ryan asked if Caldor has agreed to anything. Mr. Clarke replied that Caldor has not come to any final agreement because they are looking at the bank. An agreement is needed between Caldor, the bank and McDonald's, and then Caldor can prepare a plan. Mr. Clarke stated that he has no enforcement authority over Caldor, and to his knowledge, Mr. Coates does not either.

Mr. Lang stated that the Jersey barriers do funnel traffic, but they are very ugly.

Mr. Lynch asked if McDonald's is going to have their own curb cut on Route 18. Mr. Clarke replied that they are not.

- c. Mary Lou's. Mrs. Ryan asked what the outcome was of Mary Lou's pink cup. Mr. Fuqua replied that he discussed it with Mr. Coates and Mr. Coates said that the sign is in conformance with the sign bylaw. Mrs. Ryan stated that it is a judgment call. Mr. Fuqua replied that in terms of the size of the sign, that was measured. In terms of obstructing traffic, that's a judgment.

Mr. Clarke stated that Mary Lou's sign meets all the requirements.

Mr. Lang suggested that we send a letter to the Board of Selectmen expressing our concern over the sign.

Mr. Lynch stated that people are parking in front of the building and backing out onto Route 18.

- d. Dilapidated Building - Front Street. Mr. Lang stated that he has done some research with Frank Fryer with regards to dilapidated buildings. Mr. Fryer suggested that the matter be brought up to the Board of Selectmen and that there be a meeting with the owner. Mr. Lang stated

that this concerns a house on Front Street, and that he is going to pursue this through Selectman Sue Kay who is also a Town Meeting member in the Front Street precinct. Mr. Lang stated that it looks like it will take a comprehensive effort from a lot of people. He suggested that demolition funds could come from CDBG.

Mrs. McElroy asked why it was not the owner's responsibility to pay for the demolition. Mr. Lang replied that he thinks the building should be demolished and a lien put on the property.

The Chairman declared a ten minute recess at 8:50 P.M.

8. Public Hearing - 9:00 P.M. (cont.)

Petr: William V. Catania

Locus: 151 Main Street

Sheet 29, Block 372, Lots 33, 28

Sheet 29, Block 374, Lot 18

Zoning: B-1

Request for special permit for 235 seat restaurant

Present on behalf of the petitioner were: William Catania, applicant; William Tierney, attorney; William Scully, from traffic consultant from McDonough & Scully; and Robert Merrill from Merrill Associates.

Mr. Barry Porter from The BSC Group was present as a traffic consultant to the Board.

Mr. Tierney stated that there were several items that caused the Board to ask them for further information. The first item was for an update on their traffic study. There was a concern that their traffic study did not analyze sufficiently the A.M. peak traffic. The second issue that arose from the first hearing was a comment from Health Department about the possibility of contaminant material being on the property. They did indicate to the Board at the last hearing that there were two 21E Reports. Both reports showed the site was sufficiently clean to build there. The question was raised regarding taxes owed.

At the last hearing a representative from East Side Marios was here. Her opinion was that the taxes were paid. He checked last Friday and \$26 was owed. He spoke to Janice Matthews, a representative of the owner, and she said that a check would go out today for the taxes. Mr. Tierney stated that Mrs. McElroy requested a children's menu which he presented to her. At the previous hearing the Chairman raised the question regarding the proposed sign, and they have submitted a drawing of the sign for the Board's review. At the last meeting a police detail was mentioned. He's not sure whether the Board wanted a police detail every day or Friday, Saturday and Sunday for East Side Marios. Mr. Tierney stated that he has discussed this with Mr.

Catania and they are hoping that the Board would not seek a similar condition for the Hearth and Kettle. For East Side Marios, the biggest portion of their business is between 4 P.M. and 8 P.M. The Hearth and Kettle expects approximately 300 customers over the course of the whole day. East Side Marios had 295 seats and the Hearth and Kettle is proposing 235 seats. Mr. Tierney stated that there is no need of a police detail at any of their other restaurants. If the Police Chief deems it necessary they would provide a police detail.

Mr. Dillon stated that the Hearth and Kettle is coming to a community that is much larger than their restaurants located on the Cape, and that peak time during the summer on the Cape is probably what you will see here all year round. If the Board wishes to do so, it is the discretion of the Chief of Police to suggest to the owner that if business does get to a situation, especially since it's a state highway, that a police detail be provided. He is willing to let the discretion of law enforcement officials in the town make the determination as to whether a police detail is necessary.

Mr. Tierney introduced Mr. Scully who will provide the Board with an update on traffic issues requested by the Board at the last hearing.

Mr. Scully stated that he was not at the last meeting - another representative from McDonough and Scully was present. It is his understanding that there was a question raised concerning their A.M. and Saturday analysis and the type of restaurant it was. They had done additional analysis and have provided the staff with an additional report.

Mr. Scully reviewed the findings of their traffic study. Their analysis indicates that the morning volume of traffic on Main Street is lower than the midday and evening peak hour volumes. They have made projections of activity at the site and the ability of vehicles to enter/exit the site. They have determined that there will be a LOS D and E which is essentially acceptable. The Saturday analysis is very similar to the East Side Marios report and shows results similar to the midday and P.M. peak hours. There would be similar LOS and delays.

Mr. Scully stated that the question that did come up was regarding the type of restaurant the Hearth and Kettle was, and whether they would have a high or low turnover. Someone having dinner at the Hearth and Kettle would be there for about an hour so that would be a low turnover rate.

Mr. Dillon asked if Board members had any questions regarding the traffic.

Mrs. Abbott stated that she has not had much time to read the information that was just passed out.

Mr. Dillon asked Mr. Porter for his comments.

Mr. Porter read his letter from the BSC Group to James Clarke dated February 10, 1997. The letter concluded that BSC is of the opinion that the proponent, through McDonough and Scully, has adequately responded to their comments. They would recommend that the proposed mitigation identified in the Traffic Impact Study prepared by McDonough and Scully in December, 1996 be made part of the site approval. In addition, the Board should be provided with copies of all correspondence between the proponent and the Mass. Highway Department, including any permit conditions.

Mr. Tierney stated that there were several other issues raised at the previous hearing dealing with the site plan.

Mr. Merrill, site engineer, stated that since the last meeting, he has received copies of all correspondence from the staff, and his office has made revisions to the plan. On February 6th they submitted a letter to the Planning Office which provided a comprehensive response to comments from DPW and concerns raised at the January 27th meeting.

Mr. Merrill reviewed their response to comments from DPW.

1. They are aware it will be necessary to meet the Board of Public Works requirement of no net gain for the sewer system. It will be necessary for the applicant to meet directly with the sewer department to discuss alternatives for meeting this requirement.
2. The plan has been revised to provide 3 feet of cover on top of all sewer pipe.
3. The plan has been revised to provide an 8,000 gallon grease trap.
4. The detail of the sewer manhole has been changed to an inside drop instead of the outside drop manhole originally proposed.
5. A note has been added to the plan that the manhole frame and cover will be a LeBaron or equal.
6. A note has been added to the plan that the manhole wall will be a minimum of 6"
7. The manhole detail has been revised to show steps as required.
8. The plan has been revised to show a 12" x 8" Tap Sleeve and Valve across Main Street to provide for a fire line for the sprinkler system. The plan has also been modified to show a domestic tap off the 8" main prior to entering the proposed building.

9. The grading at the site drive has been modified slightly to demonstrate that the site will be sloped to prevent any increase of runoff from entering the catch basin just north of this site.
10. They have begun the application process for a Mass. Highway street opening, curb cut and sidewalk permits, as well as Town of Weymouth street opening and sidewalk permits. They have spoken with the Town Engineer, and will be working closely with him during this process.
11. Their most recent copy of the Weymouth Zoning Map, which they obtained in October, 1995, indicates that the entire site is located within the Watershed Protection District and therefore the district line does not show on the plan.
12. They spoke with the Fire Safety Officer Lt. Borellini regarding the sprinkling requirements of the fire department. They have revised the plan to show two additional hydrants which are located near the site. The closest hydrant is directly across the street and there are also two additional hydrants which are located within 500 feet of this property. Lt. Borellini indicated that this meets their requirements for the site. Prior to issuance of a building permit the applicant will be required to submit a sprinkler system plan stamped and signed by an engineer to the Fire Department for approval. It will also be necessary to meet with Superintendent Warren Smith regarding the fire alarm requirements.
13. The site plan has been revised to add a dense screening of Canadian Hemlock at the rear and side of the property to provide additional visual buffer for the abutting residences.

Mrs. Abbott asked if there was a maintenance plan for the grease trap. Mr. Merrill replied that on the last page is a note on the maintenance plan.

Mrs. Abbott asked about item #12 regarding the sprinkler system - isn't it the Fire Department that maintains them. Mr. Clarke replied that the Fire Department has to inspect the sprinkler system. Mr. Fuqua stated that regarding the sprinkler system, it is handled through the Building Code and the Fire Department.

Mr. Dillon stated that he wants to emphasize the all lighting be directed downward and that it is very crucial that the site be well lit.

Mr. Dillon stated that this question is outside of the Board's jurisdiction, but he asked why did they pick Weymouth and why this particular site. Mr. Catania replied that they wanted to get outside of the Cape area, and they felt the demographics for this area were good.

Mr. Dillon asked when they are going to the Board of Selectmen for their common victualers license. Mr. Tierney replied that they are scheduled to go before the Board of Selectmen on February 24th.

Mrs. Abbott asked how the sign will be lit. Mr. Dillon asked if it was correct that the sign will be lit from underneath up. Mr. Merrill replied that is correct.

Mr. Dillon asked where the closest Hearth and Kettle was that is similar to what is proposed in Weymouth. Mr. Catania replied that the closest, most similar Hearth and Kettle is located in South Yarmouth.

Mr. Lang stated that he's glad they picked Weymouth. He asked what color the shutters will be. Mr. Contania asked Mr. Lang what his recommendation was. Mr. Lang stated that Mr. Contania should pick a nice color because it would really set the building off.

Mrs. Ryan asked if we have a sign off from the Board of Health regarding the 21E report. Mr. Fuqua replied that a letter was sent to the Board of Health regarding an allegation of dumping on the site. We have a copy of the 21E report and will send a copy to the Board of Health so they have one on record. Similar to the Pine Street subdivision, he would recommend that once the site is open that the Board of Health is notified.

Mr. Clarke stated that he did read Mr. Marino's letter at the last meeting, but he agrees with Rod's comment regarding the Board of Health being notified when excavation begins.

Mr. Dillon asked for comments/questions from the public.

Ms. Sandy Gildea comment was to make the building pretty.

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

UNANIMOUSLY VOTED: to close the public hearing at 9:30 P.M.

A motion was made by Mrs. McElroy and seconded by Mrs. Ryan to approve the special permit as per plan entitled: "Site Plan - 151 Main Street - Weymouth, Massachusetts" dated December 20, 1996, revised February 4, 1997, drawn by Merrill Associates, Inc. with the following conditions:

1. Letter from Merrill Associates dated February 6, 1997 regarding site changes to the revised plans.
2. The Board of Health shall be notified no less than forty-eight (48) hours prior to any excavation on site with a copy sent to the Office of Planning

and Community Development.

3. The applicant shall provide to the Office of Planning and Community Development a copy of the Mass. Highway street opening permit.
4. New landscaping shall be kept low to the ground and set back so that good visibility can be maintained at the project's site drive. Signing shall also be set back.
5. Signing and pavement markings for the development shall clearly define allowed travel paths to motorists, including those for vehicles entering and exiting the site.
6. Requirements for "no net gain" for water and "I&I" for sewer are the responsibility of DPW through sewer and water connection policies.
7. A municipal lien certificate shall be recorded with the recording of the special permit approval.
8. Copies of all permits to tie into the water, sewer, storm drain, and curb cut, if required, shall be provided to the Office of Planning and Community Development.
9. A grease trap maintenance plan shall be forwarded to the Board of Health.
10. After the restaurant has been in operation for six (6) months, the applicant shall forward a review of traffic conditions to the Chief of Police for his evaluation.
11. The site plan shall be revised to include a section entitled: "Conditions of Approval" and said section shall list all of the above conditions.

Mr. Dillon called for a roll call vote.

Mary Sue Ryan - aye
Susan Abbott - aye
Robert S. Lang - aye
Mary S. McElroy - aye
Paul F. Lynch, Sr. - aye
Paul M. Dillon - aye

Motion carries on a 6-0 vote.


Mr. Lang asked what they expect to pay for taxes to the Town of Weymouth. Mr. Tierney replied that their fourth quarter tax bill was for \$1,078.

Mr. Clarke asked what the estimate was for construction. Mr. Catania replied that they expect construction costs to be approximately a million dollars and they hope to break ground in the spring.

Ms. Gildea asked if this establishment charges the same price at every restaurant or if they have different prices at different locations. Mr. Catania replied that at this time they have only one menu for all of their restaurants.

The meeting was adjourned at 9:45 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 February 10, 1997.



Paul M. Dillon, Chairman