

TOWN OF WEYMOUTH
PLANNING BOARD
MINUTES

There was a Planning Board meeting held on March 9, 1998 at 7:30 P.M. at the Town Hall.

Members present: Paul F. Lynch, Sr., Chairman
Paul Hurley, Sr, Vice-Chairman
Susan Abbott, Clerk
Paul M. Dillon
Patrick Leary
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 Lynch.

1. Form A Plan - Pond Street - Sheet 49, Block 557, Lots 6 & 7

The Board reviewed the Form A Plan for Pond Street which subdividing two lots into three; all having proper frontage on Pond Street.

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

VOTED: 5-1 (Mrs. Abbott opposed) to approve the Form A Plan for Pond Street - Sheet 49, Block 557, Lots 6 and 7.

2. Performance Guarantee

a. Sears Road - request for reduction

Mr. Fuqua stated that currently there is a bond of \$59,000 for Sears Road, and based on the work remaining to be done, the bond may be reduced to \$18,550.

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

UNANIMOUSLY VOTED: to reduce the bond for Sears Road to \$18,550.

b. Hanifan Lane - set performance guarantee

Mr. Fuqua stated that the Board set road conditions under 60-3 last August. Based on the road conditions set by the Board, Mr. Fuqua recommended that the Board set the bond at \$24,025.

Mr. Hurley asked about the 6" water line being changed to an 8" line and a fire hydrant installed. Mr. Fuqua replied that DPW will review the plans.

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

UNANIMOUSLY VOTED: to set the bond at \$24,025 for Hanifan Lane.

(Mr. Leary arrived at 7:45 P.M.)

3. Other Business

Mr. Clarke stated that there was a department heads meeting today and Mr. Wilson, Secretary to the Appropriation Committee, informed them that Appropriation wanted to have all recommendations ready by April 7th. The Budget Subcommittee will be setting their schedule shortly to meet with departments.

Mr. Clarke asked Mr. Lynch when he would be available to meet with the Budget Subcommittee. Mr. Lynch replied that he is available Tuesday and Wednesday for the next two weeks.

4. Public Hearing - 7:45 P.M.

Petr: Bristol Brothers Development, James Bristol III
Locus: north of Liberty Street & Union Street School,
west of Lintric Drive, Courier Street, Delia Walker Avenue,
Blackhawk Road, Bengal Road & Bonnie Road,
south of Ralph Talbot School and Old Swamp River
Sheet 51, Block 535, Lot 79
Sheet 5 1, Block 5 74, Lots 1, 2, 3, & 4
Sheet 51, Block 577, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, & 14
Zoning: R- 1, PIP, Watershed Protection District

Special permit and definitive subdivision plan for a Planned Unit Development, 126 housing units and 9 hole golf course

Mrs. Abbott read the public hearing notices for the subdivision and special permit hearings.

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

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

Mr. Hurley excused himself from the meeting stating that he was a direct abutter.

Mr. Clarke stated that there are two hearings being held concurrently. One for the special permit and one for the definitive subdivision plan. He

explained the process for each hearing and the procedure that would be followed.

Mr. Bill Burbank stated that he is a Principal with Abbellire. They are landscape architects and planners. They have a particular focus and practice with golf course development and permitting. Mr. Burbank stated that he would like to address some general parts of the proposal and then go through the assessment statement. They have filed an assessment statement for the special permit and an EIR for the definitive subdivision plan. They will focus on the assessment statement relative to the special permit. He stated that they have filed applications with other agencies in the community.

Mr. Burbank stated that in 1995 they began their work after Jim Bristol, Jr. and Jim Bristol III began their active work on the site. They were finishing up the permitting for Widow's Walk which is a golf course in Scituate. Widow's Walk went through an extensive local and state review, many issues they studied for Widow's Walk are pertinent for Weathervane.

Mr. Burbank stated that over the three year period they have gone through an in depth study of the parcel. He pointed out the boundaries of the site and what borders the 130 acre site. Part of the requirements for a PUD, is to show a by right of conventional plan. In November, 1995, Gale Associates presented a conventional site plan for the 130 acres. As a result of deliberations by the Board, 126 units were determined. As part of a planned unit development, you take what could be developed in a conventional plan and use that number, but less land. In 1996-97 they moved forward with the wetlands determination and worked closely with the Conservation Commission to delineate the wetlands. It was determined by the Conservation Commission that a Notice of Intent would have to take place. In 1997 there were some zoning changes from industrial to residential that made development of a residential use possible. Mr. Burbank stated that over the last several years there have been effort on the town and the Bristols to position a development such as this into a planned unit development format. They have filed two permit applications with this Board and have filed a Notice of Intent with the Conservation Commission. The Conservation Commission started the hearing process a month ago with the hearing continued to April 8th. They will meet with the Conservation Commission's consultant on site this Thursday morning.

Mr. Burbank stated that with the Board of Public Works there are three significant issues. Those issues are domestic water, sewer and water management. Concerning water, the applicant has provided a detailed plan of action for a no net gain for water consumption that would save 35,000 gallons a day. The second application has been to the Water and Sewer Division for the 2 for 1 for sewer. There needs to be an equation met (2 for 1) that when this development is done, less water will be used by this whole development than is currently being used within the entire system without this development. Both of those applications have been filed by the DPW and are being reviewed at this time. They made their presentation to DPW a month

ago and are on the agenda for the Board of Public Works this Thursday night. The third element is the irrigation issue. When they started their planning, the golf course represents the outer edges of development with most of the housing within the internal portion, at that time they were talking about a typical golf course environment. He passed out pictures showing the green area of what a typical golf course in Arizona looks like and pictures of what they project their course will look like. He passed out a picture of how they expect Weathervane to look in two to three years with brownish hues as a result of not using as much water. A typical golf course in Arizona with all of the green area uses one million gallons of water a day. In Widow's Walk, they project one hundred gallons of water a day. They expect to submit a water budget report for this nine hole facility and some community areas this week to the DPW, Planning Board and Conservation Commission. They expect it to be reviewed by all agencies, but particularly the DPW. Mr. Burbank stated that those three elements - sewer, domestic water and irrigation water, are issues they would like to talk about in greater length, but they do not have input yet from the DPW.

Mr. Burbank stated that he would like to discuss the assessment statement.

Assessment #1 - Compatibility of the Weathervane Development with existing neighborhood uses. Mr. Burbank stated that one of the important parts of the PUD is the ability to save open space. There is a nine hole golf course with open space and then there is permanently reserved open space. There are four basic land uses that are part of this development. The yellow areas on the plan represents the detached units. They are part of the equation of the 126 units, but they really conform to what would be traditionally looked at as ANR lots. They range in size from .36 acres up to 1.8 acres. There are 8 lots with the smallest lot at the end of Courier Street, and is about 1.5 times the size of the existing lots on Courier Street. These lots would form the closure of those existing streets. The area in orange is the 118 village housing units with lots sizes between 6,000 and 8,000 square feet. The larger of the lots are on the outside facing the golf course. The smaller lots are internal and face onto the community, open space. Every lot opens out onto open space. The red area includes the new public roadway which is approximately 1.7 acres. The roadway is one of their significant study areas. Because it is on a road that has a lot of capacity available and because it does not really impact residential neighborhood, in discussions with planning staff, this was agreed to be the best location for primary access. In discussions with fire and police, they have said they would like to see a boulevard approach which means one way in and one way out. This is the preferred way and also assumes a fair amount of wetlands crossing because there are significant wetlands proposed for filling, approximately 20,000 square feet of wetlands. In order to overcome this issue, they needed to look at other potential areas of access. There is no other access for this development that would not have to cross wetlands. At the request of public safety officials, they have proposed gated, access to the Constitution Avenue neighborhood that would only be used in case of an emergency. Also coming through this area would be a water extension into this development

that would loop back out onto Liberty Street. Mr. Burbank stated that the largest land use is the area in green. There is about 94 acres that will be left as open space. He pointed out the green area that would have been left with a conventional plan. The proposal for planned unit development is to consume less land, take the 126 units, consolidate them and put them in a workable environment that allows for the community to benefit. Their feeling is that the buffer, which is the green area, really enhances the quality of the property for the people living in the residential area abutting the site. With regards to the buffer issue, the Conservation Commission requires a 25' no disturb zone. Except for a couple of crossings which he pointed out, they do not cross that 25' buffer.

Assessment #2 - Impacts from the proposed Weathervane development on existing vehicular and foot traffic conditions. Mr. Burbank stated that they engaged a traffic consultant who met with Rod Fuqua of the Planning Department and discussed issues that would be specifically important and relative to the Weathervane development. All intersections are predicted to operate at the same or better conditions because there may be some signage recommended in order to slow the traffic down. Sight lines are beneficial to the development, it is relatively flat and Liberty Street is very straight. The traffic results indicate that the weekday AM peak hour would be 57 vehicles, the weekday PM peak hour would be 67 vehicles, and the weekend mid-day peak hour would be 76 vehicles. They believe that the level of service to Liberty Street will not change. Under Assessment 2 there is a requirement for assessing foot traffic. They do not see a lot of people walking to this development. They will be building a 6'wide walking trail.

Assessment #3. Impacts from the Weathervane development on waste management of sewer, solid and stormwater resulting from the buildout of 126 dwelling units, golf, and function clubhouse uses. Mr. Burbank stated that one of the benefits of the PUD is that you have a lot less road. He stated that the Weathervane development will meet all sewer and water use restrictions as required by the DPW. Regarding solid waste, all units will have compactors as well as the clubhouse. One of the more important elements of the plan is storm water management. This project has been designed and engineered by Gale Associates. The secret of the new DEP policies is that a development of this size can have no net change in the water discharged from the development into neighboring wetlands communities. He explained how that would be accomplished. In terms of storm water management, this site has been engineered and designed to meet all DEP requirements. They hope to reuse some of the water captured in some of the ponds. A no net gain is a commitment and the project goes only if the no net gain is met. They have been told that the water pressure at the ends of the streets are pretty severe, particularly during the summer. Part of their proposal is to loop all these roads. By linking the water and the applicant is committed to adding a 12" water main from part of Liberty Street to Union Street, the water pressure will increase dramatically.

Assessment #4 - Provisions for adequate delivery of goods and services to the Weathervane Village residents and Golf Club's patrons. Mr. Burbank stated that the public way is Weathervane Lane. It is approximately 1700 feet long and it is a boulevard roadway with a planted median, planted shoulders and public sidewalk. All the goods and services will come in at this location except for utilities. Mr. Burbank stated that the proposed development will add vehicular traffic to Liberty Street. However, as stated in Assessment #2, the increase, even at peak hours, will not change the level of service on area streets and intersections. Also, deliveries of goods and services to the Village and Clubhouse will be completed with no detrimental impact to the neighborhood. The service area to the Clubhouse is not facing the public street and storage of solid waste will be contained within the Village dwelling units. The Weathervane proposal provides adequate and appropriate facilities to meet the needs of development users, approximately 250 residents and an average of 100 daily golfers, plus the occasional function at the Clubhouse.

Assessment #5. Ability of community wide services to meet the proposed development needs without compromising the public's convenience and welfare of the Town of Weymouth. Mr. Burbank stated that this goes back to water, sewer, police protection, fire protection, recreation demand, and school demand. In all counts they are going to be helping the community. With regards to fire protection, they will be connecting and looping the water mains that are currently dead end. Fire protection will be greatly enhanced with this proposal.

Mr. Burbank stated that the development will be for 55 and over. There is some opportunity to do that legally, but the bottom line is that the units will be designed so that children will not necessarily fit into the development. The units will be two bedrooms, for the most part. Some units will be one bedroom with a study. They will not be a size that they can be expanded. The market is a driven thing, but this will definitely be targeted towards an older community of residents. As a result there will be minimal impact on schools. The 126 units of housing will be built for purposes of approximately 250 people.

Mr. Burbank stated that within the approximate 24 acre orange area on the map, there will be a public 9 hole golf course, a public driving range with 25 stations, a private network of trails/paths within the development, private onsite recreation including swimming, and tennis.

Mr. Burbank stated that they feel this development will be an important asset of the community.

Mr. Lynch asked for comments from the staff.

Mr. Fuqua stated that the application was sent to town departments for their comments. He reviewed comments received from the Board of Health,

Conservation Commission, DPW, Fire Department, Police Department, Tax Collector and Street Lighting Committee.

Mr. Dillon stated that he is concerned with the length of the entrance road. He asked if it was correct that it was the only way in/out of the entire development. Mr. Burbank replied that was correct. They also have an emergency access, but they don't ever expect to have to use that access.

Mr. Dillon asked what happens if the 9 hole golf course is leased out for a major tournament. He stated that we can't predict what will happen. He would feel better if they had another way in/out of the development.

Mr. Dillon asked about signage. Mr. Burbank replied that the primary signs will be at the clubhouse and gate house.

Mrs. Ryan asked about the estimated market value of the units. Mr. Bristol III replied that at this time they estimate the market value to be approximately \$133,000.

Mrs. Ryan stated that two bedroom units would not preclude children. Mr. Bristol replied that they can legally stipulate 55 and older. Mrs. Ryan asked if there will be a covenant on the deed. Mr. Bristol replied in the affirmative.

In response to Mrs. Ryan's concerns over drainage issues and standing water, Mr. Burbank stated that the information is in the Water Management Report, but he will locate it and put it in correspondence to the Board.

Mrs. Ryan asked if there will be private security. Mr. Bristol replied that they will have security at the gate house at the end of Weathervane Drive.

Mrs. Ryan stated that she is concerned with the amount of traffic there will be for a 9 hole golf course.

Mrs. Ryan stated that she is not disputing the calculations, but it is amazing to hear that the town will not only not lose any water but will be better off because of this development.

Mr. Leary asked how the no net gain for the water would be accomplished. Mr. Bristol explained what they are proposing to do for the no net gain, and noted that most of the work would be done in the schools.

Mr. Leary questioned the smaller lots. Mr. Burbank stated that the whole parcel is under the PUD which allows for flexibility of smaller lots.

Mr. Leary questioned the size of the single family home lots. Mr. Bristol explained that the whole development is included in the PUD.

Mr. Leary stated that the intent of the bylaw was so that single family homes are 25,000 square feet. Mr. Bristol replied that they can make those lots 25,000 square feet, but the intent is to keep as much open space as possible. Mr. Leary stated that he would like to see the single family lots 25,000 square feet.

Mr. Leary asked if the 55 and older requirement will be guaranteed and part of the covenant. Mr. Bristol replied that it goes with the deed.

Mrs. McElroy asked how many cars the parking lot by the clubhouse holds. Mr. Burbank replied that the clubhouse parking will hold approximately 100 cars. There will be additional parking at the maintenance building relative to golf. For function related there is overflow parking along the road as well as designated lawn areas. Total car anticipation is approximately 175.

Mrs. McElroy asked about water in the ponds. Mr. Burbank replied that the intent is to have as much water in the ponds at all times, and they will be planted as wet meadows.

In response to questions raised by Mrs. Abbott, Mr. Burbank explained the proposed water usage for the development, and how it compared with Widows Walk.

Mrs. Abbott asked about the recreation center. Mr. Burbank replied that the clubhouse would be private and for residents only.

Mrs. Abbott stated that the police appear to have to have looked at the plan from the traffic point of view. She asked if this could be referred to Civil Defense for review with regards to the one way in/out.

Mrs. Abbott stated that with regards to hazardous materials, has there been a study done on the property. She would not want to see anything done to the site until it has been determined what's there and the cost to dean it up.

Mrs. Abbott asked about the impact of wildlife and the impact of the wetlands around there with our water supply. Mr. Burbank stated that the Conservation Commission's consultant will be reviewing that item.

In response to a question raised by Mr. Lynch, Mr. Burbank stated that there are 94 single, detached units, leaving approximately 24 in 5/6 structures.

There will be 3 to 5 units in each structure and they will look like very large homes.

Mr. Lynch asked if the golf clubhouse is a function room also. Mr. Bristol replied in the affirmative and stated that it has a capacity of 150.

Mr. Lynch asked for the single family homes if there will be an association fee also. Mr. Bristol replied in the affirmative. He stated that the roads will all be privately maintained.

Mr. Lynch asked how much the association fee will be. Mr. Bristol replied that he does not know. The fee will be typical of what condo fees are.

Mr. Dillon asked if it was correct that the condo fees will apply to everyone except for the 8 single family lots. Mr. Bristol replied in the affirmative. The 8 single family lots will be part of the existing neighborhood.

Mr. Lynch opened the meeting for questions from the public.

Mr. Jim Duchaney, 25 Liberty Street, expressed concern over construction vehicles coming and going on Liberty Street with regards to increased traffic and congestion at the entrance to the Weathervane development. There was a speed study conducted on Liberty Street in the vicinity of the proposed access road, and the average speed was approximately 45 miles per hour, 15 miles greater than the speed limit. There will be increased traffic and the school is only two houses down from him, and cars go above the speed limit. He asked what enforcement policy there was. Mr. Burbank replied that the police are the enforcement agency. They have made suggestions to slow people down, but enforcement is a police issue.

Mr. Dave McCauley, 63 Courier Street, asked what time golf starts on the weekends and if it will be fenced in away from the neighborhoods. Mr. Burbank replied that the golf course will not be fenced. The usual start time for golf is 7:30 or 8.

Mr. McCauley asked if there can be a stipulation on when golf starts. Mr. Clarke replied that we will take a look at that.

Mr. McCauley stated that he is the last lot on Courier Street and he does not want a lot next to him. He asked if everyone is supposed to have 25,000 square foot lots, why these lots are different, and does he have any recourse.

Mr. Clarke stated that if the Planning Board approves this plan, and someone doesn't agree with the decision, the decision can be appealed.

Mr. Richard Chretien, 120 Constitution Avenue, asked what the process was for submitting comments, and if there was any possibility of getting copies of the Storm Water Management Plan. Mr. Burbank stated that he would give Mr. Chretien a copy of the Storm Water Management Plan.

Mr. Clarke stated that this is a public hearing, and the public has the right to submit comments until the public hearing is dosed. The recommendation tonight will be to continue the public hearing to a meeting date in April.

A resident asked about the MEPA process. Mr. Burbank replied that they will be filing with MEPA later in the spring because they need a sewer extension permit.

A resident asked whether the traffic has been adequately assessed with regards to the effect on Columbian Square. Mr. Burbank replied that the traffic study did not go that far. If the Board feels that it needs to be done, they will do it.

A resident expressed concern over the municipal water supply. With regards to lowering the groundwater, he was concerned that there would not be the same amount of recharge during July and August.

A resident of Bald Eagle Road, stated that he uses the Ralph Talbot walkway several times a week. He asked if there has been any type of wildlife study done with regards to impact from this development. Mr. Burbank replied that a study has been done by a wildlife botanist. The resident asked how much land there would be for wildlife habitat. Mr. Burbank replied that right now they are talking about a building envelope of the village of about 25 acres.

Mr. Michael Hartigan, 54 Erika Lane, asked about the capacity of the clubhouse. Mr. Burbank replied that the clubhouse has a 150 seat function capacity.

A resident stated that she is in agreement with the smaller lots - no one over 55 wants to mow grass.

Ms. Rosemary Chretien, 120 Constitution Avenue, stated that they have a very good plan, but she doesn't understand why they have the 8 scattered lots. Those lots are not part of the 55 and older community. She feels those lots will have a negative impact on Constitution Avenue, and she does not understand why those lots are part of the plan. Mr. Burbank replied that under the PUD the applicant has the right to establish the mix they want. There is already an existence of small lots in the neighborhood.

Mr. Bristol stated that those 8 lots are part of the economics of the development. The people who own the property have been very patient with this process. The owners are very capable of coming in with a conventional subdivision with the lots. Mr. Bristol stated that the lots are laid out and they have tried to be sensitive to the neighbors and to limit the lots so there would be no road construction.

Mr. James Bristol, Jr. stated that they will try to work with the neighbors on the 8 lots.

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

UNANIMOUSLY VOTED: to continue the public hearing to April 27, 1998 at 7:45 P.M.

(Mr. Dillon left the meeting at 10:15 P.M.).

5. Tayla Drive - update on construction status

Mr. Clarke stated that at the last meeting Board members expressed concern over construction at Tayla Drive, and asked that Mr. Burns attend the next meeting to discuss the status of the subdivision.

Mr. Leary stated that last fall he got a request to visit the property. There is suppose to be a 40' buffer. As he saw it, there was less than 10'. Even if the developer tries to replace the trees, it will take 20 years.

Mr. Richard Burns stated that he has no knowledge of a 40' buffer. It is not to his benefit to cut down trees.

Mr. Clarke stated that the Board moved the detention basin back 40'.

Mr. Leary asked how moving the detention basin caused the developer to cut down all the trees. Mr. Clarke replied that the detention basin was moved 40' from the rear of the property line, and that is part of the decision, but the sewer line was not changed and that had to be constructed.

Mrs. Ryan asked for clarification.

Mr. Clarke stated that there was a proposal for a 10' buffer when the detention basin was in the original location. When the Board moved the detention basin, the buffer was eliminated.

Mr. Fuqua stated that the original plan had the sewer line along the back of the property; then the sewer line was moved out closer to the detention basin with a 10' buffer, and that is the part that was never accepted. During discussions, the sewer line was put back in its original place and the detention basin was moved back.

Mr. Leary stated that the Board's intention was to push the detention basin back and keep the buffer which could have been done. Mr. Clarke replied that it could have been done, but that's not what was voted.

Mr. Leary stated that Charlie Arnold said there would not be water, but every time he's been there, there has been water. Mr. Burns replied that he is not done yet.

Mrs. Ryan stated that it was not the intent of the Board to have all the trees taken down.

Mrs. Abbott stated that the intent was to protect the neighbors. It makes no sense to remove the trees.

Mrs. Ryan stated that the intent was to move the detention basin so it would not be in the neighbors yards.

Residents of 62 Durant Road spoke of concerns they had with water and the condition of the site, and that Mr. Burns was asked by Conservation to fence the detention basin.

Mrs. Ryan stated that the detention basin is a safety hazard.

Mr. Clarke stated that the staff will work with Mr. Burns, and look at what plantings could be put in to block the neighbors view. This will be on the agenda for the next meeting for an update.

Mrs. Abbott asked about fencing the detention basin. Mr. Burns replied that he will look into fencing the detention basin.

6. Petr: Ryder Development Corp., Kenneth Ryder
Locus: at the end of Meredith way
 Sheets 21 & 25, Block 283, Lot 4; Block 284, Lot 4; Block 285, Lot 3
Zoning: R-1

Presentation of an eighteen (18) lot single family subdivision

Mr. Clarke stated that this is a preliminary subdivision plan and the Board has 45 days from submittal to make a decision. This is on for a presentation this evening and a decision will be scheduled for the next meeting.

Present were Ken Ryder, developer; Ken Teebagy, engineer; and Doug Bailey, Surveyor.

Mr. Ken Teebagy presented an overall plan that shows the whole area. The property is located off Essex Street and the existing Meredith Way. The project is made up of 2 parcels, comprises approximately 22 acres of land, and includes 1 existing house on lot 17. Eighteen lots are proposed with 3 segments of roadway. Meredith Way extension is approximately 300', Samantha Circle which is a cul-de-sac is approximately 500' and a short section of roadway off Essex Heights Drive called Eugene Way for a total of 1,265 feet of road. They have met on a preliminary basis with the Conservation Commission and have filled a request for determination. There is public sewer available, and they have shown water service into the proposed subdivision.

Mrs. Ryan stated that the detention basin is very large. She asked what the depth was. Mr. Teebagy replied that the working depth is probably about 6' from the bottom of the basin. He stated that the size of the detention basin is

determined by the amount runoff that is generated from the road and lots. Mrs. Ryan stated that the area is hilly and she would imagine there would be a lot of water. Mr. Teebagy replied that there is only about 1300' of road, and the basin is only as large as it has to be to accommodate the runoff. It is a necessary part of every subdivision now.

In response to Mr. Leary's question, Mr. Teebagy explained the drainage for the site and how the detention basin works.

Mrs. McElroy asked if the developer would consider fencing the detention basin. Mr. Ryder replied that he plans to have a 6' fence and shrubs around the detention basin.

Mr. Hurley asked what lot the detention basin is part of. Mr. Teebagy replied that the detention basin is half on lot 3 and half on lot 4.

Mr. Hurley asked with regards to storm water regulations, if they have looked into underground storage systems. Mr. Teebagy replied that it is possible to satisfy storm water management requirements with an underground facility, but it is not practical.

Mr. Hurley asked about sidewalks. Mr. Teebagy replied that sidewalks are proposed for one side of the street.

Mr. Hurley asked if they are requesting any waivers. Mr. Teebagy replied that they do not anticipate requesting any waivers.

Mr. Hurley asked if the proposed location of the detention basin is the best location. Mr. Teebagy replied that they really don't have an opportunity to put the basin anywhere else.

Mrs. Abbott stated that the two lots with the detention basin shouldn't have to consider the detention basin as part of the buildable lot area because you can't build there.

Mrs. Abbott asked where the houses can be located on lots 3 and 4. Mr. Teebagy pointed out house locations for lots 3 and 4.

Mrs. Abbott asked if Eugene Way is connected now to Essex Heights. Mr. Teebagy replied that the stub was left for future development. They are proposing to construct Eugene Way up to the pavement line.

Mr. Hurley asked what the slope was around the edge of the cul-de-sac. Mr. Teebagy replied that it is shown as a 2-1 slope and conforms to Planning Board regulations.

Mr. Fuqua stated that the plan was sent to departments for their comments. He reviewed the comment received from the Police Department. Mr. Fuqua

stated that he received a letter from F. X. Messina who owns the adjoining subdivision. Mr. Messina does not feel that this proposed development can use Essex Heights Drive as an entrance for Eugene Way.

Mr. Teebagy stated that they looked at Essex Heights Drive which is a single access subdivision now and has not been accepted by the town. It seems to make sense to connect for a second access to the subdivision.

Mr. Teebagy asked if Messina has demonstrated that they own the fee to the stub and street. Mr. Fuqua replied that the stub and street is owned by Messina in fee. Mr. Teebagy stated that Mr. Ryder has attempted to contact Messina and hopefully they can work this out.

Mr. Clarke stated that this will be on the agenda for the meeting on March 23rd for a decision on the preliminary plan.

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

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

Mr. Clarke stated that the Board received a summary of issues that was prepared by the staff. Those issues were:

1. Comments from other town agencies:
 - a. From Board of Health: Developer on notice there was a subterranean release of solvent that poses no threat at this time. Any future release could re-activate a DEP investigation.
 - b. DPW, Water/Sewer Div.: Project is subject to "no net gain" and inflow/infiltration abatement policies.
 - c. DPW, Highway Div.: Handicapped ramps required at curb cuts. Utility trenches to use controlled density fill and infrared treatment on all patches. Any granite curbing to be returned to DPW. Any special requirements between parking lot and Herring Run?
 - d. DPW, Engineering: Building address to be set by DPW. Drainage calculations not reviewed. Elevations should be in Weymouth base.
 - e. Conservation Commission: (verbal) Notice of Intent will be required.
 - f. Police Dept: Area appears good for traffic purposes. All structures and vegetation at entrance should not obstruct visibility.
2. Comments at the Planning Board Public Hearing sessions of October 20, November 24 & December 15, 1997.
 - a. Discussion about the traffic generation numbers projected in the traffic study for the application.

- b. Discussion about drive through service on a town street vs. drive through service on major highways (state routes) in Weymouth.
 - c. Discussion about school children walking to Pingree School.
 - d. Discussion about impact of the commuter rail station on the site.
3. Comments at the Planning Board discussions on January 12, 1998.
 - a. Concern for the future of the Herring Run.
 - b. Concern for impacts on the site with the recent change in station size from a 240 car to 300 car parking lot.
 - c. Concern for the character of the Town.
4. Staff comments.
 - a. Only action at Nov. 24 public hearing session was to continue hearing to Dec. 15, 1998. All Board members were at public hearing sessions on Oct. 20 & Dec. 15 and are eligible to vote on the application.
 - b. Letter from MBTA (dated Mar. 5, 1998) regarding the change in parking is included for the Board's information.
 - c. The edge of all impervious surfaces should have a berm to contain all runoff on site and be handled through the onsite storm drain system.
 - d. Site is across the street from residential houses. All building and site lights, except for necessary security lighting, should be turned off when the building is closed to the public.
 - e. All landscaping in the buffer area between the property and the Herring Run should be addressed through the Notice of Intent at Conservation Commission.

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

UNANIMOUSLY VOTED TO DENY the special permit application for construction of a retail building with drive-thru service for the following reasons:

1. The use will be detrimental to the established or future character of the neighborhood or town. The drive thru is inappropriate for the historic, commercial center and could impact the Herring Run area.
2. There will be nuisance or serious hazard to vehicles or pedestrians. A coffee shop next to a 300 car MBTA lot could become a destination and attract more traffic because it does offer the service of a drive thru.
3. The public convenience and welfare will not be substantially served because there are other coffee shops in the area.
4. Traffic will be crossing the queue line for the drive thru service, and the applicant did not address cars exiting the site and going into the MBTA site.

5. The area is densely populated and there was a concern for children walking to school.
6. The application does not provide an alternate layout showing a site plan without drive thru window service for consideration.

Members vote:

Paul F. Lynch, Sr., Chairman - aye

Paul Hurley, Vice-Chairman - aye

Susan Abbott, Clerk - aye

Paul M. Dillon - aye

Patrick Leary - aye

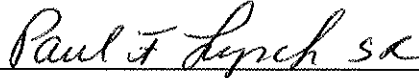
Mary S. McElroy - aye

Mary Sue Ryan - aye

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

UNANIMOUSLY VOTED: to adjourn the meeting at 11:20 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 March 9, 1998.



Paul F. -Lynch, Sr., Chairman

**Public Meeting
Citizen Attendance**

Date: March 9, 1998
Location: _____

Name	Address	Organization	Phone #
JAMES DeCHATEAU	25 LIBERTY ST	Weymouth RESIDENT	335-1518
Dave McCarty	63 CONRAD ST		
HAARVEY JOSEY	15 Louisa Ave		
James Campbell	63 Delia Walker Ave		335-6721
Glenn Campbell	63 Delia Walker Ave		335-6721
Richard Hartigan	62 Dumont Rd	RESIDENT	337-6582
Patricia Hartigan	62 Dumont Rd		337-6582
Michael Hartigan	54 Erika Ln.	Weymouth Abutter	335-6644
Jean McCann-Hartigan	54 Erika Lane	Weymouth Abutter	335-6644
MICHAEL McDERMOTT	PATRIOT LEADER		786-7026
Joan Patriquin	RE Broker (selling & listing)		749-4300
Donna Rose	Office Manager		335-1500
Rosemary Christian	120 Constitution Ave	Resident	337-8586
RICHARD CHRISTIAN	"	"	"