

TOWN OF WEYMOUTH

PLANNING BOARD

MINUTES

There was a Planning Board meeting held on Monday, March 17, 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 - 9/23/96

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

UNANIMOUSLY VOTED: to approve the Minutes of September 23, 1996.

2. Form A Plan - Pond Street

Mr. Fuqua stated that this plan was before the Board recently and was denied because the plan showed an access easement. There is a small piece that is going to the abutter. The plan has been redrawn with a note that it's an existing easement and the piece is going to the abutter. The plan is not laying out this easement.

Mrs. Ryan asked what the problem was with the previous plan. Mr. Fuqua replied that the previous plan showed an access easement and there was the question whether the Board was approving the easement.

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

UNANIMOUSLY VOTED: to approve the Form A Plan for Pond Street.

3. Community Development Block Grant - vote on Year 23 allocations

Mr. Dillon stated that he received a call from Bob Lang. Mr. Land would like to discuss an item that was not funded. Mr. Dillon stated that he spoke to most of the Board members on the phone and they did not have a problem with Mr. Lang speaking on this item. Mr. Lang stated that his request is for the Board to reconsider the first request from Union Towers and to change the vote from no. The request is for Union Towers II for a study - the same kind of study that was done for all town buildings. This qualifies for an ADA study because it's elderly and they are low to very low income elderly. It qualifies in many, many ways. Most importantly, the money already exists; it can be part of the Planning funds available. The building is home for 110 families and they are r the poorest of the poor. If funded, this study won't take one dollar away from any other project. There is \$13,000 available for Planning funds and Union Towers is requesting \$5,000. There is a court action between Union Towers and the town, but he thought it was resolved last year when Town Counsel said it had no bearing on CDBG money. Please don't assume the role of jury and assume Union Towers is wrong and the town is right. Mr. Lang asked that the Board please reconsider their vote and consider funding for this study.

Mrs. Ryan stated that she does not think it was a question of the court action. It was a case of prioritizing. The Board had to make hard decisions. There was a 4% decrease in funds available, and there were hard choices that had to be made. She asked Ms. Cinotti if this study would come out of Planning funds. Mrs. Cinotti replied that the \$5,000 requested for the study would have to come out of the \$13,000 that is available for Planning funds.

Mrs. Ryan stated that to infer that because of the court action, the Board denied funding, she does not believe that is correct. She is not questioning Union Tower's right to file suit, nor is it her intention to make a judgment on the suit. She thought the Board was prioritizing all of the projects. Union Towers certainly has rental income. Her vote was based on the prioritization of projects, and she has no plans to reconsider. Mrs. Ryan noted that the Board also turned down the Housing Authority. Union Towers has been an ongoing recipient of CDBG funds.

Mrs. Abbott stated that she has nothing to add to what Mrs. Ryan said.

Mrs. McElroy stated that she felt bad about turning down Union Towers because every year they have come before us, we have always given them what they asked for. This year the money was tight, we took a 4% cut.

Mr. Lynch stated that the Board has given Union Towers money over the years. There were other projects that applicants thought should have received more funds than the Board allocated. He feels the Board made the right decisions and the Board worked hard on their decisions for funding.

Mr. Hurley stated that the Board voted on the premise of what we had. If there is money that the Board can spend for this, he feels, we should give it to them. Ms. Cinotti replied that there is \$13,000 in the Planning budget that can be used to fund planning activities. Mr. Hurley stated that money is used for different things during the year.

Mr. Dillon questioned whether the Board wanted to take \$5,000 out of the Planning budget.

Mrs. Ryan asked if it was correct that as the year progresses, if we need to fund further studies, the money would come out of the Planning budget. Ms. Cinotti replied in the affirmative.

Mrs. Ryan stated that as the year progresses if we have a need to fund further studies, the Planning budget is where the money would come from. Ms. Cinotti replied that is correct.

Mrs. Ryan stated that with all the things that are coming down in this town such as the Naval Air Station and the commuter rail, she feels it would be wise to hold those funds. She is opposed to any change in their tentative allocations.

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

UNANIMOUSLY VOTED: 5-0 (the Chairman and Mr. Lang did not vote) to leave the funding as tentatively allocated with Union Towers II at zero funding.

Mr. Lang stated that he hereby resigns. This was the most unfair vote he has ever seen in his twenty-three years on the Planning Board.

A five minute recess was declared at 7:45 P.M., and the meeting was reconvened at 7:50 P.M.

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

UNANIMOUSLY VOTED: to allocate Year 23 public service funds as follows:

SSARC - Tuition	\$11,520
Dept. of Elder Services	
- Volunteer Coordinator	\$25,396
- Transportation	\$17,013
- Outreach Survey	\$5,000
Council for the Hungry	\$4,127
LMTA - GED	\$14,400
LMTA - WPFS	\$12,005
Atlantic House	\$13,440

Park Commission - Scholarships	\$2,340
Country Academy Children's Center	<u>\$19,709</u>
Total for Public Services	\$124,950

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

UNANIMOUSLY VOTED: to allocate Year 23 project funds as follows:

Youth and Family Services	
- ADA - Teen Center	\$172,514
Housing Services	\$78,433
Tufts Library - ADA Compliance	\$37,100
SSARC - ADA Compliance	\$19,975
School Dept. - ADA Compliance	\$42,320
DPW - Target Area Drainage	\$96,000
Park Dept. - Lane Beach ADA	\$23,570
QCAP - Weatherization and	
Water Conservation	\$50,000
Administration & Planning	\$166,600
Contingency	<u>\$24,538</u>
Total	\$711,050

4. Petr: Richard Burns
Locus: off Durant Road
Sheet 50, Block 561, Lots 2, 4
Zoning: R-1 (Watershed Protection District)

Preliminary subdivision plan for nine (9) lot single family homes

Present were Richard Burns, applicant; and Charles Arnold from Arnold Associates.

Mr. Arnold stated that he is the engineer for the applicant. The parcel is an eleven acre site located off White Street and Durant Road. They are proposing to subdivide six acres into nine buildable lots. The other five acres are mostly wetlands. To service the nine lots, they are proposing to construct a 600' road with a cul-de-sac off Durant Road. He explained the elevations of the site. The vegetated wetlands line is at elevation 176' and at about 185' is the roadway. The remainder of the site is 3' higher at elevation 188'. The entire site drains into the wetlands. All utilities will be underground. The road will be 24' with a 4' sidewalk on the left side, and a landscaped island.

Mr. Dillon asked what the radius was of the cul-de-sac. Mr. Arnold replied that the cul-de-sac has a radius of 50' which meets the Board's minimum requirement.

Mr. Arnold stated that on one side of the street there will be a 6' grass strip in the right of way, and on the other side there will be a 2' grass strip between the proposed sidewalk and berm of the roadway. He pointed out where it would be necessary for cuts in the roadway, and stated that the cuts will approximate the amount of fill so there will not be any large, heavy trucks going in and out. All of the lots are over 25,000 square feet, and would conform to the new zoning that is proposed. There is a large tree that they plan to save, and have bent the road around it. They have made an application to the Conservation Commission to confirm the wetlands line before they go into the final design stage.

Mr. Hurley asked if it was correct that lot B1 is almost all wetlands. Mr. Arnold replied in the affirmative.

Mr. Hurley asked if for the storm water management area they are talking about a basin. Mr. Arnold replied that a basin would be designed.

Mr. Hurley asked how far it was from the intersection of this proposed road and Durant Road out to White Street. The reason he asks is because there is only a 6" water line in Durant Road. Mr. Arnold replied that it is roughly 500'.

Mr. Hurley asked if it was correct that all the drainage is going to run in from Durant and will run towards the drainage easement. Mr. Arnold replied that it would. Mr. Hurley asked why there is a double catch basin. Mr. Arnold replied that it is the low spot in the road and is needed to handle the runoff.

Mr. Hurley expressed concern over the 6" water main. He stated that people in the area have a problem with their water pressure.

Mr. Hurley asked Mr. Arnold to point out the location of the fire hydrant. Mr. Arnold replied that there is a hydrant proposed between lots 5 and 6.

Mr. Hurley asked what the length was of the dead end road. Mr. Arnold replied that the dead end road is approximately 600'.

Mr. Lynch asked why the sidewalk is proposed for the left side of the roadway. Mr. Arnold replied that the sidewalk is proposed for the left side because it is the high side. Mr. Arnold stated that there are no sidewalks in the area, the closest sidewalk is on White Street.

Mrs. Abbott asked about the water and sewer lines in the street. Mr. Arnold replied that there is an 8" sewer line, and a 6" water line coming down Durant Road.

Mrs. Abbott asked about the upland area on lot 6 and whether it meets the 50% requirement of the lot area of 38,000 square feet. Mr. Arnold replied that the

50% requirement is based on the 25,000 square foot minimum; only 12,500 square feet of upland is required.

Mrs. Abbott asked about the storm water management area on lot 9, and if it would include the whole back of the lot. Mr. Arnold replied in the affirmative. The detention basin will be approximately 10,000 square feet so there will be approximately 15,000 square feet remaining for that lot

Mrs. Abbott stated that she feels a detention basin in a residential area is a safety issue.

Mrs. Ryan stated that she shares Mrs. Abbott's concern over the detention area.

Mr. Arnold stated that he will try to keep the detention basin with gentle slopes.

Mr. Dillon stated that he thinks the biggest problem with detention basins is that they are not maintained.

Mr. Hurley stated that there is a pretty serious concern about water. He requested that the applicant look at looping the water main.

Mr. Lynch asked if there was any ledge in the area. Mr. Arnold replied that he did not see any ledge in the proposed subdivision area.

Mr. Fuqua reviewed comments received from town departments. Comments were received from the Conservation Commission, DPW, Fire Department, Police Department and Tax Office.

Mr. Fuqua asked if it was possible for the storm water management area to be moved more over onto lot B1. Mr. Arnold replied in the affirmative.

Mr. Fuqua stated that at the entranceway off Durant Road where you come in beside the existing house there is a lot B3 and B2. He believes that would require a waiver of the Planning Board rules and regulations if you have that strip along the side. He asked what is going to happen to those two pieces. Mr. Arnold replied that right now he doesn't know; it could be deeded to the abutters.

Mr. Fuqua asked at the end of Elinor Road what was the long term goal for lot B1. He asked if that would become a buildable lot with access off of Elinor Road. Mr. Arnold replied that the lot does not have proper frontage off Elinor Road. They would like to handle it by putting a note on the plan that lot B1 is not a buildable lot.

Mr. Fuqua asked about any future extension of Elinor Road, is it a consideration or possible. Mr. Arnold replied that it is possible. Mr. Fuqua asked if it was correct that the plan now is to market it as not a buildable lot. Mr. Arnold replied in the affirmative.

Mr. Lynch asked what the name was of the proposed street. Mr. Arnold replied that they are looking to call the road Tayla Way, but that is subject to change.

Mr. Clarke stated that he has received a request to name a new street for Gilbert Newton Lewis who was a scientist who either was born here or lived here.

In response to a question from Mrs. Abbott, Mr. Fuqua stated that the Fountains and/or Gaslight have hired an engineer to look at the drainage situation. There is a drainage problem in that area. Those are all private drain systems and are being looked at by an engineer. He can get more information on this matter from the Town Engineer when the definitive plan comes in.

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

UNANIMOUSLY VOTED: to take the preliminary plan under advisement.

5. Petr: Kenneth Ryder
Locus: Plymouth and Shubert Roads, off Sanderson Avenue
Sheet 31, Block 404, Lots 18, 19
Zoning: R-1

Decision on three (3) lot preliminary plan

Mr. Clarke stated that included in the Board's packet was a memo prepared by Rod that lists many of the issues and concerns raised during the preliminary hearing by town departments, staff and the Board. There are some pretty significant issues, particularly with lot 2 - house location, and Shubert Road. There are also concerns about Sanderson Avenue. They were out there recently, and to the west of Shubert Road there was a fair amount of ponding and puddling in the street. If this was to come in as a definitive we would want to have that situation addressed. Mr. Clarke stated that the Board has three options: approve the plan, deny the plan with specific reasons, or approve the plan with conditions.

Mrs. McElroy stated that a comment was made regarding a sidewalk, but one of the streets is only 20' wide.

Mr. Fuqua stated that the comment was from the Police Department that they were requesting a sidewalk on one side. Within our rules and regulations you are not required to put a sidewalk on a subdivision of less than four lots.

Mrs. Abbott stated that there is the issue of the retaining wall and upland area. They are trying to split the upland area for the lot in order to try to build, and she doesn't think it's appropriate. There are too many things wrong with the plan - issue of ponding, the swale, etc.

Mrs. Ryan stated that she shares Mrs. Abbott's concerns. It seems like there is more wrong than right with the plan, and she would not be in favor of approving this plan.

Mr. Dillon asked for Mr. Fuqua's comments.

Mr. Fuqua stated that there was a comment raised about a turnaround and that needs to be addressed, and should be added as item E. under #2.

A motion was made by Mrs. Ryan to deny the plan.

Mr. Hurley stated that if the Board denies the plan, the applicant can go back and address all of the concerns and then come back with another preliminary plan. Mr. Clarke stated that the applicant would probably come back with a definitive plan.

Mr. Hurley asked what the timeframe was for the applicant to come back. Mr. Fuqua replied that there was no timeframe.

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

UNANIMOUSLY VOTED: to deny a preliminary plan entitled: "PRELIMINARY SUBDIVISION PLAN, PLYMOUTH AND SHUBERT ROAD, WEYMOUTH, MASS." submitted by: Kenneth Ryder; filed with the Town Clerk on January 30, 1997, concerning property located on Plymouth and Shubert Roads, shown on the Weymouth Town Atlas Sheet 31, Block 404, Lots 18 & 19, for the following reasons:

1. Comments from other town agencies:
 - a. A Notice of Intent to Conservation Commission will be required.
 - b. Police comments request a sidewalk on at least one side of the street.
(NOTE: sidewalks are not required in a subdivision of four lots or less.)
 - c. See attached comments dated Mar. 3, 1997 from Andrew Fontaine, Town Engineer.
2. Comments raised at March 10, 1997 Planning Board meeting:
 - a. Drainage at the outlet control should be reviewed.
 - b. Assess development potential beyond the three lots shown on the plan.
 - c. Review hydrant location.
 - d. Location of retaining wall on proposed on Shubert Road needs to be reviewed.

- e. Roadways do not contain any turn around provision.
3. Comments raised by staff review.
- a. Drainage review should be expanded to include the area of ponding on Sanderson Rd. west of Shubert Rd.
 - b. Isolated areas of upland of Lot 2 should be calculated separately.
 - c. Consider regrading of Sanderson Rd. between Pleasant St. and Shubert Ave.
6. Annual Town Meeting - vote on zoning articles

Article 40 -

Mr. Clarke stated that Article 40 is the proposed change from 15,000 square foot minimum lot size to 25,000 square foot minimum lot requirement.

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

UNANIMOUSLY VOTED: to recommend favorable action for Article 40.

Article 41

Mr. Clarke stated that Article 41 is the proposed changes to parking requirements.

Mr. Fuqua stated that the staff has reviewed the report from the Zoning Bylaw Committee. The only item was they did submit a substitute motion for review for the one on day care which added the phrase "provide sufficient off street parking for loading and unloading", and they changed the word students to clients.

Mr. Clarke stated that the staff is supportive of this change.

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

UNANIMOUSLY VOTED: to recommend favorable action on the substitute motion for Article 41.

Article 42

Mr. Clarke stated that Article 42 is the pork chop lot article. There was discussion at the public hearing and we had a proposed substitute motion through the Zoning Bylaw Committee from the Inspector of Buildings.

Mr. Fuqua stated that the substitute motion would retain the provision for two lots or less to have 40' of frontage, but would eliminate the neck downs on both the 40' and 72'.

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

UNANIMOUSLY VOTED: to recommend favorable action on the substitute motion for Article 42.

Article 43

Mr. Clarke stated that Article 43 is the change on site plan review and is just a housekeeping item.

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

UNANIMOUSLY VOTED: to recommend favorable action on Article 43.

Article 44

Mr. Clarke stated that Article 44 is for a proposed zoning change in the Woodside Path area from POP to R-1.

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

UNANIMOUSLY VOTED: to recommend favorable action on Article 44.

Article 45

Mr. Fuqua stated that on Article 45 a substitute motion was submitted by Greg Galvin at the last meeting that defines the article. As a general comment, Article 45 in its current format, is nothing that can be supported since it does not really define the area. If the Board is inclined to look on favorable action, then it should be favorable action on the substitute motion as presented by Mr. Galvin.

Mrs. Abbott stated that her concern is the abutters really being aware of what the substitute motion is really about.

Mrs. McElroy stated that none of the abutters were present at the hearing.

Mrs. Abbott asked if the abutters were aware of the hearing for the article. Mr. Clarke replied that we are not required to notify abutters of proposed zoning changes.

Mr. Clarke stated that Rod will speak to Greg Galvin to make sure he speaks to the abutters. If the Board feels this is an issue, this article can be tabled at this time.

Mr. Hurley stated that he does not see a problem going ahead with this article. Dunkin Donuts will still have to come before the Board with for a site plan review.

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

VOTED: 4-1 (Mrs. Abbott opposed) to recommend favorable action on the substitute motion as presented by Mr. Galvin for Article 45.

7. Subdivision Performance Guarantee

a. Northern Avenue - set bond

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

UNANIMOUSLY VOTED: to set a bond amount of \$8,150 for Northern Avenue and to release the lot pending posting of a suitable bond.

b. Sears Road - set bond

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

UNANIMOUSLY VOTED: to set the bond at \$59,800 for Sears Road.

8. Other Business

a. Town Hall Hours

Mr. Clarke stated that as the Board knows Town Hall has been open, on an experimental basis once a month. The Board of Selectmen are still pursuing staying open on Wednesday evenings and they are looking at closing a half day on Friday.

Mr. Clarke stated that the issue has been raised with regards to having Planning Board meetings on the same night as the Board of Selectmen. It was suggested that the Planning Board meet on Wednesday nights.

Mrs. McElroy stated that Wednesday is not good for her.

Mr. Dillon stated that Wednesday is a good idea so that we can have our meetings on a different date from the Board of Selectmen's meetings.

Mrs. Abbott stated that Conservation meets on Wednesdays.

Mr. Clarke stated that another problem occurs when there is a holiday which are mostly on Mondays. It means that the Planning Board and Board of Selectmen will probably meet on the same night.

8. Delegate Reports

a. NASPC

Mr. Clarke stated that the NASPC is scheduled to meet April 1st. Steve Thomas from VHB is meeting with Rockland officials this evening.

9. Correspondence

Mr. Hurley read a letter to Paul Dillon from Linda Nardella from the Atlantic House.

10. Other Business (cont.)

a. Board Member Resignation

In response to a question raised by Mrs. McElroy, Mr. Clarke stated that we have thirty days to notify the Board of Selectmen who will advertise the vacancy. It will be a joint appointment with the Board of Selectmen and Planning Board.

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

UNANIMOUSLY VOTED: to adjourn the meeting at 9:10 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 17, 1997.



Paul M. Dillon, Chairman