

**TOWN OF WEYMOUTH
PLANNING BOARD
MINUTES**

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There was a Planning Board meeting held on Monday, March 29, 1999 at 7:30 P.M. at the Town Hall.

OFFICE OF TOWN CLERK
WEYMOUTH, MASS.

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

1. Form A Plans

- a. Sundin Circle – Sheet 21, Block 289, Lots 1 & 66; Block 288, Lot 114

Mr. Fuqua stated that the Form A Plan is to combine three lots into two lots.

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

UNANIMOUSLY VOTED: to endorse the Form A Plan for Sundin Circle – Sheet 21, Block 289, Lots 1 & 66; Block 288, Lot 114.

- b. Bridge Street – Sheet 8, Block 15, Lots 4 & 6

Mr. Fuqua stated that the Form A Plan is for the Super Shine Car Wash on Bridge Street by Harborlight Mall, and the plan is to change the side lot line.

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

UNANIMOUSLY VOTED: to endorse the Form A Plan of Bridge Street – Sheet 8, Block 15, Lots 4 & 6.

2. Meredith Way Extension – endorse plan

Mr. Fuqua stated that the plan has been updated and includes all the conditions the Board wanted on the plan, and is ready for endorsement by the Board.

The Board endorsed the Meredith Way Extension plan.

3. Other Business

- a. Meeting with Appropriation Committee. Mr. Clarke stated that the Planning Board is scheduled to go before the Appropriation Committee this Thursday to discuss the budget. There was a meeting of the budget subcommittee and his understanding is that there is a freeze on new positions.
- b. Schedule of Meetings. Mr. Clarke stated that the Planning Board will meet on April 12th and April 26th.

Mr. Lynch stated that he would be away April 12th.

Mr. Clarke stated that the Osco Drug special permit hearing would be scheduled for April 26th.

- c. CDBG Projects. Mr. Clarke stated that the Great Hill project and SSARC Kitchen Rehab project both came in under budget.
- d. Economic Development Planner position. Mr. Hurley asked about the status of the position. Mr. Clarke replied that he has offered the position to a person and expects to hear by the middle of the week if that person is going to accept. He is hoping that within the next seven to fourteen days to have someone on board.

4. Public Hearing – 7:45 P.M. – Annual Town Meeting zoning articles

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

UNANIMOUSLY VOTED: to open the public hearing for the zoning articles for the Annual Town Meeting at 7:45 P.M.

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

UNANIMOUSLY VOTED: to waive the reading of the public hearing notice.

Article 18 – floodplain changes

Mr. Fuqua stated that Article 18 came about because the town is enrolled in the Federal Flood Insurance Program, and part of the criteria is that the town must have certain regulations for construction within the floodplain; one of those items being floodplain zoning. Recently the State reviewed our zoning and the article that is before the Board came about because of that review. The changes before the Board could really be considered

housekeeping. They do not change any of the criteria for activity within the floodplain.

Mr. Fuqua reviewed the article and proposed changes.

There were no questions from the Board or from anyone in the audience.

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

UNANIMOUSLY VOTED: to take Article 18 under advisement.

Article 19 – proposed by the Quality of Life Committee

Mr. Lynch, a member of the Quality of Life Committee, read the article.

Mr. Clarke stated that the first part of the article proposes to change the language with regards to the intent of the addition of a home office. There is a new definition of home office that provides a little more leeway and at the same time it clearly states what the limitations are and the number of employees permitted. He thinks this will help, not only with enforcement issues, but all with traffic.

Mr. Hurley asked for questions/comments from the audience. There was no one present who wished to speak on the article.

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

UNANIMOUSLY VOTED: to take Article 19 under advisement.

Article 20 – proposed by the Quality of Life Committee

Mr. Lynch, a member of the Quality of Life Committee, read the article.

Mrs. Ryan stated that she thinks this is a good recommendation from the Quality of Life Committee.

Mr. Clarke stated that this has been an area where the Inspector of Buildings has received complaints. He thinks this will help to clarify types of storage, and it limits junk cars.

Mr. Hurley asked for questions/comments from the public. There was no one who wished to speak on the article.

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

UNANIMOUSLY VOTED: to take Article 20 under advisement.

Article 8 of the Special Town Meeting – proposed by the Quality of Life Committee

Mr. Hurley read the article.

Mr. Fuqua stated that the current bylaw reads “automobile” and the article is proposing to change the wording to say “commercial motor vehicle”.

Mr. Clarke stated that the article also limits vehicles to two axles.

Mrs. Ryan asked with regards to farm vehicles, what is the definition of a farm. Mr. Fuqua replied that according to the Assessors, the property must be at least five acres and used for farming.

Mr. Hurley asked for questions/comments from the public. There was no one who wished to speak on the article.

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

UNANIMOUSLY VOTED: to take Article 8 under advisement.

Article 21 – proposed by citizen petition to rezone from B-1 to R-1 parcels on Middle and Broad Streets.

Ms. Paula Cushner, 626 Broad Street, stated that she’s one of the residents who brought this to the Planning Board to rezone six residences in the Central Square area. She is before the Planning Board to ask for a favorable review. They would like to maintain the character of the neighborhood. She presented a map of the area colored in by use which she explained. Based on the existing use of the properties, she thinks it would be appropriate to rezone the properties to residential. Also the properties are on the National Register of Historic Places. This is a neighborhood that is not transient; the people have lived here for twenty plus years. Ms. Cushner stated that she is relatively new to the neighborhood – she has only been here for fourteen years. She asks for favorable action by the Planning Board on this article.

Mr. Lynch stated that the Board has been working on this for a couple of years. He would like to see the area changed to residential. He just can’t see how we can destroy the historic area. He is 100% in favor of the change.

Mrs. Ryan stated that this is certainly a residential area and has a great deal of traffic on Broad Street. The properties are also on the National Historic Register. We have lost so much of our history in Weymouth and she does not want to lose any more.

Mrs. McElroy asked if it is a conflict of interest with regards to the special permit application that will be before the Board in April for anyone on the Board to get up at Town Meeting for this particular article. Mr. Clarke replied that we are in a unique situation in that we have a zoning article before us that the Board is going to take a position on, and at Town Meeting the Board is required to make a report. He thinks it will be very clear how the Board feels on this particular zoning article. The other application is a different process. It is through the special permit process and the Board will be sitting as a hearing authority. It is a separate issue. The Board will take testimony and it will be determined on its merits.

Mrs. Ryan asked if the Board could have a ruling on this because at Town Meeting she does not want to do anything that could jeopardize anything before the Board. Mr. Clarke replied that he would speak to Town Counsel. Mr. Clarke stated that if the Board take a position on zoning article; Board members are free to speak for or against that article.

Mr. Hurley opened the meeting for questions/comments from the public.

Ms. Karen Quigley, 16 Cain Street, stated that she would like to explain why she believes the article did not pass previously. She received a notice, but felt that "if it was not broken, you don't fix it". Had the residents been aware that there was something big coming down the road, they would have been there for the article. The residents all feel it's a residential area and they like it that way. The residents in the area all like their neighborhood and want to keep it.

Mr. Hurley stated that he would like to make one comment with regards to a comment by Ms. Quigley. This zoning change was not proposed as a result of something big coming down the line. This was something that was a continuation. We continue year to year, to look at our zoning regulations and zoning parcels. It goes back to probably a little before his time on this Board, which was 1989, when the town did a rezoning. As we go on year after year, we realize we may have missed some crucial areas. He would like to make it clear that the are two years ago was not in response to something proposed coming down the line.

Ms. Rita Walsh, Weymouth Glen, stated that she has lived there for sixteen years. Until last fall, she assumed it was a residential area. She supports this article for a zoning change.

Ms. Elizabeth Bugbee, 630 Broad Street, stated that she is in favor of keeping the neighborhood just the way it is.

Ms. Jodi Purdy-Quinlan, 152 Middle Street, stated that she is a Town Meeting member from precinct 8. She lives in the Central Square historic district, and she is here this evening speaking as a Town Meeting

representative and as a resident of this neighborhood. She would like to speak on something she has personal knowledge of and that is the historic nature of this neighborhood. She has studied the history of Weymouth for the past twelve years. When the first zoning attempt came to her attention, she was in the midst of planning the 375th anniversary grand finale ball. She did not realize that her own historic neighborhood was in jeopardy. When she did find out in 1998, she tried to help with the rezoning. As a precinct 8 Town Meeting member, she has gone out and canvassed the neighborhood and has spoken to the people who live in these houses that are being affected. She is here tonight to go on record to say that as a Town Meeting member for this precinct, she has gotten numerous phone calls, has been stopped in the street, and asked to please help protect this residential neighborhood.

Mr. William Ryan, Chairman of the Board of Selectmen, stated that he is speaking as a member of the Board of Selectmen, not as Chairman because the Selectmen have not taken a position on this article. He stated that this change is consistent with the residential character of the neighborhood. He would like to follow up on comments by Mr. Hurley. He believes the Board of Selectmen's view, when they accepted this article, was that this change was consistent with the residential character of the neighborhood. There are a number of zoning configurations that we need to re-visit and look at from time to time, and this is one of those cases.

Mr. Clarke stated that he has a communication from the Weymouth Historical Commission.

Mrs. McElroy read the letter to the Weymouth Planning Board from the Weymouth Historical Commission in support of the article.

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

UNANIMOUSLY VOTED: to take Article 21 under advisement.

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

UNANIMOUSLY VOTED: to close the public hearing at 8:30 P.M.

Mr. Hurley declared a five minute recess at 8:30 P.M. and reconvened the meeting at 8:35 P.M.

5. Conservation Commission appointment

Mr. Hurley stated that there are two applicants for the Planning Board's representative on the Conservation Commission – Paul Dandrade and George Loring.

Interview with Paul Dandrade

Mr. Hurley asked Mr. Dandrade to tell the Board about himself and why he would like to be the Board's representative on Conservation.

Mr. Dandrade stated that he lives in Gaslight Village apartments. He hopes to purchase a house in the town of Weymouth in the next six months or so. He has lived in the town for only eight months, but as he indicated, he has been impressed enough with the town to want to stay and purchase a house here. His educational background is in environmental science. He graduated last May, 1998. Where he is new to the town, he would like to get involved. Considering his education, a position on the Conservation Commission seems appropriate. He sent the Board a copy of his resume and will answer any questions the Board may have.

Mr. Dillon asked Mr. Dandrade if it was correct that he works for Cumberland Farms. Mr. Dandrade replied in the affirmative. He stated that he works in their environmental department.

Mr. Dillon asked if he was aware of the amount of work involved and that Conservation meets quite frequently. Mr. Dandrade replied in the affirmative.

Mr. Dillon stated that he thinks Mr. Dandrade's education makes him a good candidate.

Mrs. Abbott asked if it was correct that being new to the town Mr. Dandrade did not have any business connections with any other member of the Commission. She asked if he knows any of them or suspect that there might be a conflict with any of them. Mr. Dandrade replied that Mr. Thompson is his insurance agent.

Mrs. Abbott stated that she sat on the Conservation Commission for four years, and there is a need to have a new person to bring some new ideas to the Commission.

Mrs. McElroy stated that she likes the fact that Mr. Dandrade did some work for the National Audubon Society, and she likes the fact that he did some rehabilitation for endangered animals. She asked if he was a registered voter. Mr. Dandrade replied in the affirmative. Mr. Dandrade stated that he would like to add that his volunteer work has not been limited to animals and wetlands. He has also done a lot of work for Habitat for Humanity.

Mrs. Ryan asked Mr. Dandrade if he was currently employed by Cumberland Farms. Mr. Dandrade replied in the affirmative.

Mrs. Ryan stated that according to Mr. Dandrade's resume, he is well represented in the New England area, but has not been in Massachusetts that long. Mr. Dandrade replied that he is new to the South Shore, but has lived in the state virtually all of his life.

Mrs. Ryan asked Mr. Dandrade how familiar he was with the Mass. Rules and Regulations concerning wetlands, the Rivers Act, etc. Mr. Dandrade replied that he has some knowledge of them, but as a project manager, his responsibilities are for Rhode Island, New Hampshire, Vermont, and Maine. He does not really have any involvement in Massachusetts, but he does have some knowledge of the wetlands regulations generally.

Mr. Lynch stated that he's nice to see someone young wanting to get involved.

Mrs. Abbott asked Mr. Dandrade how would he convey to us or report to us Conservation issues that the Planning Board may need to know about. Presently the Board has a member to report on Conservation issues. Mrs. Abbott stated that this is a very big commitment for someone to make.

Mr. Dandrade stated that his understanding is he would be representing the Planning Board on the Conservation Commission. He would attend Conservation Commission meetings and if necessary attend Planning Board meetings as well so he can accurately represent the Board.

Mr. Clarke stated that one of the things the staff can do is to share agendas, and maybe through email we could receive updates. On a quarterly basis, or whatever the Board decides, we could have the representative come in and give the Board an update.

Mr. Hurley stated that as Mrs. Abbott and Mr. Dillon said, this is a huge commitment. It takes a lot of time and understanding. He thanked Mr. Dandrade for his interest in the position.

Interview with George Loring

Mr. Hurley asked Mr. Loring to tell the Board about himself and why he would like to be the Board's representative on Conservation.

Mr. Loring stated that he lives on Pine Street and has lived in Weymouth for fifteen years. Before that he lived in Hingham. He served four years in the marines and one year in the army. He worked for an ambulance company for a few years, South Shore Hospital for four years and has been a photographer for twenty years. He is the Chairman of the Back River Committee, and the Herring Run Warden.

Mr. Lynch stated that this is a very time consuming position. He asked Mr.

Loring if he had the time to do this. Mr. Loring replied that he works for himself so he can rearrange his schedule as needed.

Mr. Lynch asked Mr. Loring if it was correct that he has been involved with the town for awhile. Mr. Loring replied in the affirmative – about ten years.

Mrs. Ryan stated that with Mr. Loring's involvement as the Herring Warden, the Back River Committee, and Mass. representative to the Atlantic Service Marine Fisheries Commission he must be familiar with the Rivers Act, and wetlands rules and regulations. Mr. Loring replied that he is learning all of the time. Mrs. Ryan asked if it was correct that since Mr. Loring is involved with these committees, he must have a great deal of familiarity with the regulations. Mr. Loring replied in the affirmative.

Mrs. Ryan asked Mr. Loring if he was aware of the time commitment involved. Mr. Loring replied in the affirmative.

Mrs. McElroy asked as Chairman of the Back River Committee, how often does the committee meet. Mr. Loring replied that the Back River Committee meets once a month.

Mrs. McElroy asked how often as a warden does Mr. Loring have meetings. Mr. Loring replied that since it is just himself and Bill Johnson, they meet at the Herring Run right now.

Mrs. McElroy asked how often the Atlantic Service Marine Fisheries Commission meets. Mr. Loring replied that they vary, sometimes twice or three times a year.

Mrs. McElroy stated that with regards to Conservation rules and regulations, Mr. Loring would only be knowledgeable to what applied to the Back River. Mr. Loring replied that is pretty much his knowledge. Mrs. McElroy asked if it was correct that Mr. Loring would have no knowledge of wetlands rules and regulations with regards to building. Mr. Loring replied in the affirmative.

Mrs. Abbott asked if it was correct that where Mr. Loring makes his own hours, he would be available for site visits. Mr. Loring replied in the affirmative.

Mrs. Abbott stated that this is an overwhelming commitment. Conservation has two lengthy meetings a month. She asked Mr. Loring if he has any conflict of interest with any other members on the Conservation Commission or the Conservation Administrator. Also as the Planning Board's representative on Conservation, Mr. Loring would have to keep the Board informed of what was going on at Conservation. Mr. Loring replied that he does not have any conflict with any Conservation members.

Mr. Dillon asked Mr. Loring if he knows any of the Conservation Commission members. Mr. Loring replied that he knows a couple of the members. He has dealt with Conservation for ten years.

Mr. Hurley stated that this is an extremely time consuming commitment. As Mrs. Abbott stated that there would need to be communication to the Planning Board regarding what was going on with Conservation. He cited different ways the Board could be kept informed and stated that the Board has not determined what the best way would be yet.

Mr. Hurley thanked Mr. Loring for his interest, and stated that with only two candidates, the Board will make a decision shortly.

Discussion on two candidates

Mr. Hurley stated that he would like to have a discussion on both candidates. He knows that Conservation has some issues coming up. He is disappointed that we didn't get more, but we do have two good candidates.

Mrs. McElroy stated that she was very impressed with Paul Dandrade. He is young, and does not have any other commitments so he would be able to devote a lot of his time to Conservation. She is afraid Mr. Loring would be tied up with his other committees.

Mrs. Ryan stated that she thinks both applicants are excellent candidates. She would support George Loring because she feels that what he's involved in now is a plus for us. She understands Mary's concern that he may be over extended., but there are a lot of Conservation issues coming up and she feels that Mr. Loring would be able to go right in and be very familiar with the issues. She also agrees with what Mary said regarding Mr. Dandrade – that he would be able to devote a lot of his time to Conservation.

Mr. Lynch stated that he would also support Mr. Loring. Mr. Dandrade came across well but he doesn't think he has the time where Mr. Loring works for himself.

Mrs. McElroy stated that when she questioned Mr. Loring, he said that he doesn't know anything about wetlands with regards to building houses so she does not believe Mr. Loring is more qualified than Mr. Dandrade.

Mrs. Ryan stated that when you look at their backgrounds, she does believe Mr. Loring has expertise by his involvement with the Back River Committee and as the Herring Warden.

Mr. Dillon stated that he thinks they are both qualified. Mr. Dandrade because of his educational background and his work with Cumberland Farms. He understands that Mr. Loring's work with the Back River Committee is important but he feels that Mr. Dandrade comes in with an open mind.

Mrs. Abbott stated that she appreciates both candidates for what they brought to the table, but she feels it is a plus for Mr. Loring that he works for himself..

Mr. Hurley stated that we received two applications for the position. One person submitted a letter telling us what he has done, and the other submitted a cover letter and resume. As he looked at the two candidates, there were two different presentations, and two fairly qualified people.

Mrs. McElroy stated that Mr. Dandrade has knowledge and expertise and seems to far exceed Mr. Loring.

Mr. Clarke stated that he thinks that both were good candidates.

A motion was made by Mr. Dillon to appoint Paul Dandrade as the Planning Board representative to Conservation based on his education, background and that he would bring a new, young approach to the Commission. Mrs. McElroy seconded the motion.

A motion was made by Mrs. Ryan to appoint George Loring as the Planning Board representative to the Conservation Commission. Mr. Lynch seconded the motion.

On the motion for Paul Dandrade, it was voted 3-3 (Mr. Dillon, Mrs. McElroy and Mr. Hurley in favor; and Mrs. Ryan, Mrs. Abbott and Mr. Lynch opposed).

On the motion for George Loring, it was voted 3-3 (Mrs. Ryan, Mrs. Abbott and Mr. Lynch in favor; and Mr. Dillon, Mrs. McElroy and Mr. Hurley opposed).

Since there were two tie votes, the Chairman picked Paul Dandrade for the position. Mr. Hurley stated that one of the reasons he would pick Mr. Dandrade over Mr. Loring is that he likes to see new faces involved in the town.

6. Delegate Reports

- a. MAPC. Mrs. Ryan stated that MAPC meets about once a month during the day and she is unable to attend their meetings. She asked if anyone else wanted to serve on MAPC.

Mr. Dillon stated that the former representative on MAPC did not attend their meetings, but he did pass along written material to the Board if he felt it was appropriate.

It was the consensus that Mrs. Ryan would remain as the Board's representative on MAPC.

Upon motion made by Mrs. McElroy and seconded by Mrs. Ryan, to adjourn the meeting at 9:30 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 March 29, 1999.



Paul Hurley, Chairman