

TOWN OF WEYMOUTH

PLANNING BOARD

MINUTES

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OFFICE OF THE TOWN CLERK
WEYMOUTH, MASS.

There was a Planning Board meeting held on Wednesday, April 2, 1997 at 7:00 P.M. at the Tufts Library.

Members present: Paul M. Dillon, Chairman
Susan Abbott
Mary S. McElroy
Mary Sue Ryan

Staff present: Roderick M. Fuqua, Principal Planner

The meeting was called to order at 7:05 P.M. by Chairman Dillon.

1. Minutes - 12/2/96, 12/16/96, 1/27/97, 2/10/97

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

UNANIMOUSLY VOTED: to approve the Minutes of December 2, 1996, December 16, 1996, January 27, 1997 and February 10, 1997.

2. Heather Estates update

Mr. Fuqua stated that since the last time the Board took this up the staff has met with the bank. Mr. Dillon was also present for the meeting. We asked the bank to give us a written schedule for their completion on Heather Estates. We also asked DPW for a current inspection on the subdivision. Mr. Fuqua stated that the last inspection was done in the fall, and he wanted to make sure that things had not changed; that all conditions were the same from the last DPW inspection. DPW has been out to inspect the road and they will be sending us a written report. The bank is working on a schedule. Mr. Fuqua stated that there will be more information forthcoming on Heather Estates.

Mrs. Abbott asked if it covers all items included in the letter from the Homeowners Association. Mr. Fuqua replied that it covers all items included in the subdivision approval. Some items included in the Homeowners Association's letter are issues of individual homeowners. DPW was asked to address subdivision items.

3. Petr: Richard Burns
Locus: off Durant Road
Sheet 50, Block 561, Lots 2, 4
Zoning: R-1

Decision on nine (9) lot preliminary subdivision plan

Mr. Fuqua reviewed the proposed findings which are broken down into three categories: comments from Town agencies, comments raised by the Planning Board, and staff comments.

Mr. Charles Arnold, engineer for the project from Arnold Associates, stated that the sidewalk was proposed on the right side of the subdivision because it is the high side of the road. They have had a botanist look at the tree and the roots go out to the drip line. The botanist said that the sidewalk would not affect the tree.

Mrs. McElroy stated that with regards to Mr. Fuqua comment on item 3.e. regarding future development off Elinor Road, she thought the lot was not buildable.

Mr. Arnold stated that the lot is not buildable at this time.

Mrs. Abbott stated that on page 2 under DPW comments regarding their concern over the drainage, the applicant should really work on the problem.

Mr. Arnold stated that they can't fix an existing drainage problem.

Mrs. Abbott stated that the abutters concerns are drainage onto their property, and making the situation worse. Mr. Arnold replied that is why they have proposed a detention basin.

Mrs. Abbott asked Mr. Fuqua to read the DPW comments again regarding drainage.

Mr. Fuqua read the comment #2 from DPW Engineering Division.

Mr. Arnold stated that DPW's comment is standard for every subdivision.

Mrs. Ryan asked if the tie in to the 12" water main will have anything to do with the water pressure. There is a problem in that area with regards to pressure. Mr. Arnold replied that Dick Burns had a neighborhood meeting and some of the residents did express concern over water pressure. Mr. Arnold stated that some residents may need new water pipes; this is an old area with only a 6" main.

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

UNANIMOUSLY VOTED to approve a preliminary plan entitled: "PRELIMINARY SUBDIVISION PLAN, OFF DURANT STREET, WEYMOUTH, MASS." submitted by: Richard Burns; filed with the Town Clerk on February 28, 1997, concerning property located off 42 Durant Road, shown on the Weymouth Town Atlas Sheet 50, Block 361, Lot 2, with the following conditions:

1. Comments from other town agencies:
 - a. A Notice of Intent to Conservation Commission will be required.
 - b. Fire Dept. is requesting two hydrants, one at lot 6 and one between lots 8 & 9.
 - c. Police comments request one sidewalk and a stop sign, both of which are required in our Rules & Regulations. A stop sign is also required on Verndale at Durant Rd.
 - d. See attached comments dated Mar. 14, 1997 from Andrew Fontaine, Town Engineer.
2. Comments raised at March 17, 1997 Planning Board meeting:
 - a. Loop the water main to White Street.
 - b. Wetlands need to be finalized.
 - c. Storm water management needs to be included on the definitive.
 - d. Area of upland to be calculated on each lot.
 - e. Sidewalks are shown on the left side.
3. Comments raised by staff review.
 - a. Review placement of storm water management area more on lot B1.
 - b. Any detention basin should be designed to have sides with shallow slopes, minimum 4:1 suggested.
 - c. Review lots B2 & B3 for compliance with subdivision rules & regulations and with Zoning Bylaws.
 - d. Identify major root area for 5' spruce on lot 1. Review layout to make sure tree survives.
 - e. If there is potential for future development off Elinor Road, assess leaving easement for water connection.
4. Petr: Juniper Realty Trust
Locus: 343 Summer Street
Sheets 28, 33, Block 358, Lot 6
Zoning: R-1

Decision on ten (10) lot preliminary subdivision plan

Mr. Fuqua stated that the comments were done in the same format as for the previous subdivision. He reviewed the comments prepared for the Summer Street subdivision which included comments from town department, comments raised by the Board, and staff comments. Under staff comments 3.b. he would like to add "These be reviewed by a traffic engineer when they submit their definitive plan" Mr. Fuqua stated that for your usual subdivision, you are just making a curb cut in the road; this might require some re-working of some islands. There is another comment to consider which concerns the hydrant that is existing by the intersection. There is a 6" and 12" water line, and he would like to see if it could be hooked up to the 12", and is something that should be reviewed by the Water Department. He also has to other considerations for the applicant to look at when they go through the definitive design. One would be to look at pedestrian access to Pond Meadow Park. In the Barnes Estates subdivision there was a pedestrian easement that was granted through one of the lots so that people in that area could walk directly into Pond Meadow. In exploring that the applicant will have to talk to the Trustees at Pond Meadow to work it out. It could be for the people in the subdivision or for the general public. The other comment would be to review the road link through the abutting property to Barnes Estates. When the Barnes Estates subdivision came in there was a stub left for future access to connect through to Summer Street. If it is at all possible with the different ownerships, he would like the applicant to review this in order to link these developments through to Summer Street. This is something the staff would like the applicant to review during the final design. He is not saying it is feasible or not based on the different ownerships and the development patterns, but since it was initially started with Lester Lane, and it was a condition of Stockton Manor that the Board has looked at over the years when that development kept coming back, he would like the applicant to explore that possibility.

Mrs. Ryan stated that she is concerned with traffic on Summer Street, especially with the addition of this many more lots. She talked with Sgt. Newell today and asked him to run a check on the number of accidents that have been in this area since 1986. In talking with many of the neighbors, that is one of their concern also. There really have been many accidents located in this area. She realizes that Summer Street is a cut through street, and you have people speeding, but this proposed road is coming out onto the bend in the road. She would like to see the amount of lots reduced.

Mr. Arnold stated that in all probability there will be less lots because the wetlands have not be delineated.

Mrs. McElroy asked Mr. Fuqua is he recommended having an engineer look at the streets because there is a concern about the whole area. Mr. Fuqua replied that were they are going to have to have the layout by the island reviewed by a

traffic engineer, the Board could ask them to also comment in terms of street safety such as sight lines, etc.

Mrs. Ryan stated that before she gives approval to this, she would rather see exactly how many lots there will be. If we vote on this tonight, it is giving approval to go forward with this plan.

Mr. Arnold stated that when the Board approves a preliminary plan, it's not approving anything. A preliminary is to inform the Board and to get comments from the Board.

Mrs. McElroy stated that if the Board approves this preliminary tonight and when they come in with the definitive, if it has the same number of lots, the Board does not have to approve it.

Mr. Arnold stated that some of the lots are marginal and the wetlands have not been flagged. The reason for the number of easements is that they didn't want to cross the wetlands. He can't guarantee the number of lots; it's not for him to determine.

Mrs. Abbott stated that Mrs. Ryan is looking at the number of lots for safety issues. She thinks that for environmental issues there are too many lots. She would prefer to see fewer lots. Mrs. Abbott stated that the Police Department made the comment that they requested off street parking for four vehicles. She asked why they don't make that comments on other subdivisions. Mr. Fuqua replied that he believes the Police would prefer to see four parking spaces on site for all subdivisions wherever possible.

Mr. Arnold stated that two parking spaces are required by zoning.

Mrs. Abbott stated that stated that she feels there is a safety issue with the island. With Stockton Manor, she recalls there were quite a few issues, and accidents in the area was a big issue. With this subdivision coming out onto Summer Street, it will make the potential for a three way intersection. She would prefer to have a traffic engineer look at this.

Mr. Dillon stated that the length of the dead end road meets the requirements, but he expressed concern over dead end roads for safety reasons. Mr. Arnold replied that this is only a preliminary plan; he will look at looping the road for the definitive.

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

UNANIMOUSLY VOTEDD: to approve a preliminary plan entitled:
"PRELIMINARY SUBDIVISION PLAN, OFF SUMMER STREET, WEYMOUTH,

MASS." submitted by: Juniper Realty Trust; filed with the Town Clerk on February 18, 1997, concerning property located off 343 Summer Street, shown on the Weymouth Town Atlas Sheets 29 & 32, Block 358, Lot 6, with the following conditions:

1. Comments from other town agencies:
 - a. A Notice of Intent to Conservation Commission will be required.
 - b. Police comments request two street names at the split showing which way the addresses run, a sidewalk on at least one side of the road, possibly a stop sign at the split and off-street parking for four vehicles per lot.
 - c. See attached comments dated Mar. 3, 1997 from Andrew Fontaine, Town Engineer.
2. Comments raised at March 10 and April 2, 1997 Planning Board meeting:
 - a. Names of abutters should be checked
 - b. Length of dead end streets to be noted.
 - c. Area of upland to be calculated on each lot.
 - d. Review easement layout to reduce the length of easements where possible.
 - e. Water line should be looped, if possible.
 - f. Layout of existing streets should be identified.
 - g. The applicant should review the traffic safety on Summer St. and review of mitigation measures by a traffic engineer.
 - h. Applicant should consider street names of "Gilbert Newton Lewis" and/or "John Holland 'PA' Murray" based upon requests from the Board of Selectmen.
3. Comments raised by staff review.
 - a. Wetlands delineation should be finalized before any further design occurs.
 - b. Layout of traffic islands, access by ROW and/or driveway should be shown in the area of Warren Sherrick Sr. Square with a review by a traffic engineer.
 - c. Consider a hydrant at the Summer St. intersection off the 12' main and removal of the hydrant on the 6" main.
 - d. Applicant should consider the feasibility of a pedestrian access to Pond Meadow.
 - e. Review the potential for a road link through abutting property for a roadway connection to Barnes Estates.
5. Other Business
 - a. Street Names

Mr. Fuqua stated that two letters have been received from the Board of Selectmen regarding requests for street names. The oldest letter, dated April 22, 1996, is from Dave Chandler when he was Chairman of the Board of Selectmen requesting that the Planning Board consider renaming an existing street or naming a new street within the town as Gilbert Newton Lewis Way in recognition of the valuable contribution made by a Weymouth native in the field of science. The other letter is from Greg Hargadon as Chairman, dated July, 1996, requesting the Planning Board consider renaming an existing street or naming a new street John Holland "Pa" Murray who was a lifelong resident of the Town of Weymouth for his contribution to the town.

Mr. Fuqua stated that he and Jim discussed one other name. On Summer Street, that is Sherrick Square and there is a marker there. It has been Sherrick Farm for quite some time. He and Jim have discussed keeping the name Sherrick in the street names for this particular subdivision.

Mr. Arnold requested a copy of the letters requesting street names.

6. Correspondence

- a. Mr. Fuqua read a letter to the Planning Board from Marilyn Madeline on Middle Street regarding the big, pink, coffee cup advertising Mary Lou's on Main Street in South Weymouth.
- b. Mr. Fuqua read a letter for the Chairman to sign to the Board of Selectmen advising them of Bob Lang's resignation and requesting that the Selectmen solicit letters of interest. Mr. Fuqua stated that the Planning Board is required to notify the Board of Selectmen within thirty days of a vacancy, and it would be a joint appointment by the Planning Board and Board of Selectmen.

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

UNANIMOUSLY VOTED: to authorize the Chairman to sign the letter to the Board of Selectmen notifying them of a vacancy on the Planning Board from Robert Lang's resignation.

7. Other Business (cont.)

- a. Woodside Path

Mr. Fuqua stated that he has met with Mistry in terms of revisions to the contract and asked them to include three new items. He reviewed the items to be included in the amended contract with Mistry.

Mr. Fuqua stated that he received a letter today from Mistry regarding the items requested, schedule for completion and the additional fee for the three additional items. Currently the contract is for \$14,060 and the fee for the items included in the contract amendment would be \$3,300.

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

UNANIMOUSLY VOTED: to amend the contract with Mistry to include three additional items for a fee of \$3,300.

Mr. Fuqua stated that the staff is looking to set up a neighborhood meeting for late in April. With the Urban Renewal process, you need to set up a Citizens Advisory Committee, and we would be looking to do that at the neighborhood meeting.

Mr. Fuqua stated that he and Elizabeth met with Joe Mazzotta, Jay Fink and Naomi Rooney from DPW regarding the sewer. There is the Board's condition that sewer hookups are mandatory. There is a sewer program where people can connect to the sewer. They will bring the sewer to the foundation, and that would be money through sewer program and we would need to meet with the Board of Health for enforcement on this. Mr. Fuqua stated that they have also talked with John Parnaby for assistance for work inside the house. If people are of low and moderate income, they would be able to apply for the housing rehabilitation loan program. DPW would bring the sewer to the foundation with a 5% interest charge that goes on the tax bill, but you still have to do all the inside plumbing. In this particular area, given the slope of the land, you are probably looking at \$1,500 to \$2,000 worth of work inside.

Mr. Fuqua stated that another thing we are looking to do is possibly including an alternate for the sewer connections. The town wouldn't do the work, but we would get a price from the contractor for the work. If the contractor is in the area doing work, we may be able to get a better price for the sewer work. He noted that the staff is exploring this possibility.

b. Conservation Commission

Mrs. Abbott stated that she is somewhat disturbed by the manner which meetings are held and what's going on there. She was very disturbed to learn what happened at Lambert Avenue. They had problems with old septic tanks, areas of ponding, and areas where they had to replicate wetlands. There was also a lot of ledge there. Eventually the subdivision was approved by the Conservation Commission. Now they are moving on the subdivision. They started draining water out of the wetlands area.

They put hay bales around it, but it didn't contain it, and it went into the storm drain, and right into the Herring Run. This sludge killed almost all the smelt that was there. Bill Clark from Mass Bays called the Conservation Administrator and told him that this was happening and that he should get down there. The message from the Administrator was that he goes home soon and can't get down there. Mrs. Abbott stated that she doesn't know why there is not a contingency plan to send the Chairman of the Commission or someone else to issue a cease and desist order to keep someone from dumping something into the Herring Run. She personally asked Mr. Woodward what was going on, and he said it was a big mess. Subsequent to that she heard from Bill and Barbara Johnson who got a second phone call from Bill Clark who said that Mr. Woodward would not go down there so he was asked to go there. The Herring Run is a national resource and an historical resource in Weymouth. The smelt run is one of the best in the state.

Mrs. Ryan stated that this was very disturbing. The reason it was discovered was because Bill Clark was out with Mr. Marino that day checking on sewer lines, and he came across it. If Mr. Woodward had seen fit to go out and check it at that particular time, he could have issued a cease and desist order. A lot could have been changed had he addressed it at that time. Mrs. Ryan asked who should we take this to. Someone should do something about this matter.

Mr. Fuqua stated that this is a Conservation issue. As to how it should be handled, nothing has come into the Planning Office. He knows the subdivision is under construction. If it's an enforcement issue, it's up to the Conservation Commission. The Conservation Commission comes under the jurisdiction of the Board of Selectmen.

Mrs. Ryan stated that we have a delegate to the Conservation Commission that represents the Planning Board. If our representative reports back on something she heard, can't we bring it to the Board of Selectmen or the Conservation Commission.

Mr. Fuqua asked if Conservation has met since this incident. Mrs. Abbott replied that Conservation met last Wednesday and this was discussed. She asked Mr. Woodward and he said he couldn't get there because he had a doctor's appointment. What concerns her is that we approved the Lambert Avenue subdivision. She asked if we should have things in place so this couldn't happen.

Mr. Fuqua stated that without knowing what happened, it sounds like something was done that should not have happened. Did the contractor do something he should not have done? It comes under Conservation for

enforcement of the wetlands. The question would be how did it happen. Did it happen because it something that was unforeseen throughout our review or was it something that happened because of poor construction practices. If it's poor construction practices, all you can do is keep an eye on it. You can't undo it now - it's done. You can keep an eye on that particular developer. If it was something that was overlooked during the review, then the question is what is it and is it something that can be added in. At this point Mr. Fuqua stated all he has is questions, not know the specifics of the nature of it.

Mrs. Abbott stated that it appears that it might have been able to be stopped if the Conservation Administrator had gone out there.

Mrs. Ryan stated that as one member of the Board she would like to know exactly what happened. She has received calls on this matter.

Mrs. Abbott stated that it appears that no one attended to this when we might have had a chance to do something.

Mrs. Ryan stated that this should be addressed by the Conservation Commission.

Mr. Fuqua asked Mrs. Abbott if she could take back the Planning Board's concerns to Conservation at their next meeting.

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

UNANIMOUSLY VOTED: since the Planning Board approved the subdivision, the Board requests a report from the Conservation Commission regarding an incident at the Lightwood Way and Bantry Drive subdivision regarding material or liquid entering the storm drain system.

c. Zoning Articles

Discussion ensued regarding the article to change the minimum lot size to 25,000 square feet.

Mrs. Abbott asked for information on density with regards to other communities. She does not want to go to Town Meeting without all of the information.

Mr. Fuqua stated that it is a policy decision by the town. The reason for it is to reduce the number of potential houses.

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

UNANIMOUSLY VOTED: to adjourn the meeting at 8:40 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 April 2, 1997.



Paul M. Dillon, Chairman