

**TOWN OF WEYMOUTH  
PLANNING BOARD  
MINUTES**

There was a Planning Board meeting held on May 11, 1998 at 7:30 P.M. at the Town Hall.

Members present: Paul F. Lynch, Sr., Chairman (arrived 8:40 P.M.)  
Paul Hurley, Sr, Vice-Chairman  
Paul M. Dillon  
Mary S. McElroy  
Mary Sue Ryan

Staff present: Roderick M. Fuqua, Principal Planner

The meeting was called to order at 7:40 P.M. by Vice-Chairman Hurley.

1. Minutes - 6/9/97, 12/1/97, 12/15/97, and 3/9/98

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

UNANIMOUSLY VOTED: to approve the Minutes of June 9, 1997, December 1, 1997, December 15, 1997 and March 9, 1998.

2. Review of BZA cases scheduled for May 21, 1998

337 Summer Street, Case # 2407

Mr. Fuqua stated that the front lot line is less than the minimum required. If they are looking for a variance in the frontage, they would also need a frontage waiver from the Planning Board.

Mr. Dillon asked what the lot size was. Mr. Fuqua replied that the lot size is 26,000 square feet.

Mrs. Ryan stated that she thinks this would add to a dangerous situation on Summer Street.

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

UNANIMOUSLY VOTED: to send a letter to the BZA with regards to the frontage and expressing the Board's concern that another driveway onto Summer Street would be dangerous given the sight lines.

474-486 Columbian Street, Case # 2408

Mr. Fuqua stated that this application is for a new sign which would be less

nonconforming than the existing sign.

Mrs. Ryan stated that there is always a menu board there. Before they do anything, she thinks they should address that issue first. Also the greenhouse operates year round, and she would like to know if it is permitted. Mr. Fuqua replied that it is his understanding that the greenhouse is permitted but he will check.

60 Davids Island Road, Case # 2410

Mr. Fuqua stated that the applicant is looking to construct a two car garage and needs a variance for the side yard.

Mrs. Ryan stated that she thinks it is too much for the area.

Mr. Fuqua stated that the base elevation they used was mean high water and they should be using Town of Weymouth Base Datum.

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

UNANIMOUSLY VOTED: to send a letter to the BZA noting the Board's concerns.

54 Sever Road, Case # 2409

Mr. Fuqua stated that this application is to change a lot line. Currently there are two lots and there will still be two lots.

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

UNANIMOUSLY VOTED: to send a letter to the BZA in opposition because of lot size in the Watershed Protection District and density.

Sons of Italy property

The Board reviewed the case for the Sons of Italy property and had no comment.

3. Public Hearing - 7:45 P.M. (cont.)

Petr: Kathryn Hannon, Trustee, Summit Realty Trust

Locus: Prospect Court

Sheet 16, Block 207, Lot 3

Zoning: R-1

Definitive Plan for a three (3) lot, single family subdivision

Ms. Kathryn Hannon stated that she is here on behalf of Prospect Realty Trust

to make a request for a continuance of the public hearing based on a meeting between her attorney and engineer with DPW. There are issues they need to address.

Mr. Fuqua stated that with only four members present, he would suggest that the Board open the public hearing and take the request for a continuance. There are neighbors present who have information to submit. He would suggest that the Board take no testimony so at the continued hearing other members can vote.

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

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

Mr. Hurley stated that the applicant is asking for a continuance because they have met with DPW and there are issues they need to address. He asked people in the audience if they had anything to submit.

Mr. Patrick Leblanc, 98 Philips Street, stated that he has two sets of documents to submit. One is from the Army Corp of Engineers stating that they believe this property may be under their jurisdiction and they would like to take a look at this. The second item is a letter from an engineer they have hired who has some significant issues and problems with the drainage. Their engineer feels this property is wetlands.

Mrs. Ryan asked if the new information the applicant wants to submit will be given a deadline for submittal to the Board. Mr. Fuqua replied that the Planning Board can set that date for submittal of additional information. He would recommend that the hearing be continued to June 15<sup>th</sup>, and if the material was submitted to the Planning Board no later than the close of business on June 3<sup>rd</sup>, it would give a full week to send out the information to town departments for review and comment by June 15<sup>th</sup>.

Mr. Joe McNutt, 101 Phillips Street, stated that there was 18" of water today covering lot 3 and a good portion of lot 2.

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

UNANIMOUSLY VOTED: to continue the public hearing to June 15, 1998 at 7:45 P.M.

4. Petr: Lamont Healy/Nelson Homes, Inc.  
Locus: 231 Randolph Street  
Sheet 48, Block 546, Lots 12, 13, & 14  
Zoning: R-1 and WPD

### Decision on seven (7) lot single family preliminary subdivision

Mr. Brian Nelson from Nelson Homes and his surveyor, Lamont Healy were present.

Mr. Lamont Healy stated that proposed is a seven lot subdivision at the intersection of Randolph Street. There will be six new homes. The existing home on the corner will be moved to lot 7. They are proposing a dead end street of less than 500'. He explained the drainage for the subdivision. He stated that there was a comment that the water is close to the sewer and they will have to address that with the definitive plan.

Mr. Hurley stated that the Board must make a decision on this plan this evening.

Mrs. Ryan stated that with regards to being in compliance with the DPW's policy of no net gain for the water, she would appreciate knowing what they would be required to do for the no net gain, and what the calculations are.

Mr. Nelson stated that he spoke with Naomi from the Water Department and went over the no net gain policy. They have a list of about 2000 homes where people have sump pumps tied into the sewer system. He explained what they would have to do to meet the no net gain policy.

Mr. Fuqua stated that in the comments received by DPW Engineering was that all water main extensions must be approved by the Board of Public Works. He is recommending that before the applicant submits the definitive plan that they have the approval from DPW for the extension of the water main, and at the same time that they apply for the extension, they should also apply for the 2 for 1 and the I/I. His reasoning for including the water extension permit and having that in hand is that if DPW does not allow an extension of the water main, then they would have to show private wells on site. Also at the same time they apply for the water main extension, they should also apply for the 2 for 1 and I/I.

Mr. Nelson stated that they can apply for the water main extension permit, but they must complete the work on the no net gain before DPW will issue the permit.

Mr. Fuqua stated that the applicant should have at least applied for the permits before submittal of the definitive plan.

Mr. Hurley asked about the entrance to the subdivision with regards to being in compliance with zoning. Mr. Fuqua replied that the zoning compliance should be determined by the Inspector of Buildings before the definitive plan is submitted.

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

UNANIMOUSLY VOTED: to approve a preliminary plan entitled: "PRELIMINARY SUBDIVISION PLAN OF LAND IN WEYMOUTH, MA FOR NELSON HOMES, INC." submitted by: Lamont Healy; filed with the Town Clerk on April 6, 1998, concerning property located off 231 Randolph Street, shown on the Weymouth Town Atlas Sheet 48, Block 546, Lots 12, 13 & 14, with the following conditions:

1. Comments from other town agencies:
  - a. Applicant should determine if a Notice of Intent to Conservation Commission will be required.
  - b. See attached comments dated May 6, 1998 from Andrew Fontaine, Town Engineer.
  - c. Water main extension, "no net gain" water policy and sewer I&I policy should be applied for to the Board of Public Works prior to submittal of Definitive Plan.
2. Comments raised at April 27, 1998 Planning Board meeting:
  - a. Calculate the area and volume of blasting within the subdivision for the roadway and utilities and for each house lot. Give the schedule of duration for blasting.
  - b. Show proposed house locations on each lot.
  - c. Storm water management needs to be included on the definitive.
  - d. Show hydrant location.
  - e. Identify any conflicts with utility layout and/or availability based on any DEP Consent Orders and/or Enforcement Orders.
  - f. Zoning compliance of lot 12, of Sheet 48, Block 546 (N/F R. & C. Bruce on plan) should be determined by Inspector of Buildings prior to definitive plan submittal.
3. Comments raised by staff review.
  - a. Detail compliance with Storm Water Management Act.
5. Albert Capraro – Dunkin Donuts @ Stop & Shop  
Discussion of landscape planters and dumpster

Mr. Fuqua stated that at the last meeting he brought this up. The Board wanted Mr. Capraro to attend this meeting to explain his plan. Since the last meeting, he did go back and review the history of this site. The original plan was a photo mart that had been converted into a take out food drive through with two windows. The building is slightly larger now than when it was a photo mart.

Mr. Capraro stated that he owns a couple of other stores in Weymouth. His request is one of practicality. He has converted a small building that was used

for drive through food service to a Dunkin Donuts. He explained what occurred when he installed a small dumpster. Since the previous owner did not include a dumpster on his plan, he was told to move his dumpster. The dumpster was put out behind Colonial Trust Bank. The purpose of his request to the Board is for permission to install a small dumpster near his building. The dumpster would be two cubic yards, 3' by 5' or 6', and he would put it on the side of his building facing Stop and Shop. He will also put in some bushes and plantings around the building and menu board. Mr. Capraro stated that in talking with Mr. Fuqua, he was told that the Board is not in favor of the awning. He is proposing to remove it and put in a sandstone color roof. Mr. Capraro stated that he spoke to the Health Department and they also want an enclosed dumpster.

Mr. Dillon asked Mr. Capraro what they serve at this Dunkin Donuts. Mr. Caprara replied that they sell coffee, cold drinks, bagels and donuts.

Mr. Dillon asked Mr. Caprara if he owns the Dunkin Donuts in Caldor Plaza and the one in the Landing. Mr. Caprara replied in the affirmative. Mr. Dillon stated that he does not want to see anymore illegal banners. Mr. Caprara replied that he if there are any banners they will be taken down tomorrow.

Mr. Dillon asked if there will be a stockade fence around the dumpster. Mr. Caprara replied that he thought that plantings would look nicer. Mr. Dillon stated that plantings would be okay as long as the dumpster is hidden. Mr. Caprara suggested a fence and ivy around the dumpster.

Mr. Dillon asked if there would be tables outside. Mr. Caprara replied that there will not be any tables outside that it is too dangerous and not the right spot.

Mrs. Ryan stated that she is concerned with the amount of traffic around the building. A small dumpster will be an improvement. She asked how high the dumpster will be. Mr. Caprara replied that the dumpster will be approximately 40" deep and will be 6' to 8' away from the building.

Mrs. McElroy stated that the dumpster does not have to be closed in but she doesn't want it to be seen.

Mr. Hurley thanked Mr. Caprara for attending the meeting and explaining his plans.

(Mr. Lynch arrived)

6. Form A Plan – Bridge Street

Mr. Fuqua stated that McDonald's is looking to subdivide the former Taco Bell property from the Harborlight Mall property. Mr. Fuqua stated that this property has no access on Bridge Street, and the only option the Board has is to deny the plan. This building was a special permit from the Planning Board. If they are looking to subdivide the property, they must come back and amend their special permit. He called the surveyor to tell him there was a problem with the plan. No one picked up the plan so the Board must act on it. Mr. Fuqua stated that an access easement is needed and must be laid out under the subdivision control law.

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

UNANIMOUSLY VOTED: to deny the Form A Plan for Bridge Street (former Taco Bell property).

7. Other Business

a. Heather Estates

Mr. Fuqua stated that he received a call from Bill Moore, President of Heather Estates Homeowners Association, and he is requesting that the Board allow them to spend \$2,000 so that they can place their order for trees. Invernizzi is under contract for the roadway work and if it had not rained, the work would have been done.

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

UNANIMOUSLY VOTED: to allow the Heather Estates Homeowners Association to use \$2,000 to order trees.

b. Civic Center Grant

Mr. Fuqua stated that the application for the civic center grant is due Friday, and the committee is looking for letters of support.

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

UNANIMOUSLY VOTED: to send a letter of support for the Civic Center Grant.

c. Weathervane – site visit

Mr. Fuqua stated that the site visit for Weathervane is scheduled for this Sunday at 3 P.M.

d. Central Square ATM Article for rezoning

Discussion ensued regarding the Central Square rezoning article and how it was handled at Town Meeting. It was the consensus of the Board that a letter should be sent to the Moderator and the Board of Selectmen regarding the order of articles for Town Meeting.

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

UNANIMOUSLY VOTED: to adjourn the meeting at 9:00 P.M.

This is to certify that the foregoing is a true and complete statement of all actions and votes taken at the Planning Board meeting on May 11, 1998.

  
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Paul F. Lynch, Sr., Chairman



## Public Meeting Citizen Attendance

Date: MAY 11 1998  
Location: \_\_\_\_\_

Name	Address	Organization	Phone #
Joseph D McNutt JR	101 Phillips St.	Wey MA	781-335-3494
William P. Farrell	102 Phillips St.	Weymouth Mass	781-337-8027
Paul Newton	120 Phillips St.	Weymouth, MA	340-6711
Patrick Leblanc	98 Phillips St	Weymouth MA	337-7261
Phil + RENEE + John STANTON	103-105 Phillips St		337-8540