

TOWN OF WEYMOUTH

PLANNING BOARD

MINUTES

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WEYMOUTH, MASS.

There was a Planning Board meeting held on Monday, May 12, 1997 at 8:00 P.M. at the Department of Public Works.

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

Staff present: Roderick M. Fuqua, Principal Planner

The meeting was called to order at 7:50 P.M. by Chairman Dillon.

1. Minutes - 1/13/97, 2/26/97, 3/10/97, 3/17/97

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

UNANIMOUSLY VOTED: to approve the Minutes of January 13, 1997, February 26, 1997, March 10, 1997 and March 17, 1997.

2. Heather Estates - report on meeting with Rockland Trust

Mr. Fuqua stated that he heard from counsel for Rockland Trust on Heather Estates. Rockland Trust is opting to default on the performance guarantee for Heather Estates. They have sent us the information. They want to give us \$5,000 and they are done with Heather Estates. This means we would be doing the remaining work to finish the subdivision. Mr. Fuqua stated that he and Jim Clarke met with Town Counsel in terms of the legal procedure. Jim is going to talk to the attorney representing Rockland Trust, working on some of the fine points in the letter. He is in the process of getting three quotes for the work to be done. None of the work is sufficient enough to have to go out to bid. He has talked to Bill Moore, President of the Homeowners Association, and told him that we are in the process of negotiating this. In talking with George Lane, instead of getting into working on individual lots, we are going to look at working with the Homeowners Association and give a certain amount of money to them and they would have whatever kind of landscaping they wanted.

Mr. Fuqua stated that George Lane is concerned that we not become the long term custodian of this subdivision, and that once we finish the items on the

punch list, we would be done. Once he gets the price quotes, he will come before the Board to award a contract.

Mrs. Abbott asked if the \$5,000 bond will take care of what needs to be done. Mr. Fuqua replied in the affirmative. All work remaining is minimal. The only item is the landscaping and that is the individual trees for the lots. Mr. Lane is concerned whether we can put trees on private lots outside of the right of way through the bond. We have talked to Mr. Lane and that is why we would go through the Homeowners Association and let them handle the trees rather than us doing work on private property.

Mrs. Abbott asked about the drainage on the lots. Mr. Fuqua replied that drainage on the lots was a concern, but not part of the subdivision work. It is not a Planning Board issue. It is between the bank and the residents.

Mrs. Ryan asked if Mr. Moore was agreeable to the way the \$5,000 bond is proposed to be handled. Mr. Fuqua replied that he briefly discussed the subject with Mr. Moore, and once he has more information, he will discuss it with Mr. Moore in more detail. At this point, he has only made Mr. Moore aware that this was an option.

Mrs. Ryan stated that her concern would be that whatever was promised the residents should be delivered.

Mrs. McElroy stated that she does not see any other alternative.

Mr. Fuqua stated that one issue that was critical is that the bank did have some trees that were put in place and some of them have died. Those trees should be covered under warranty, and we want to at least get the money separate for those particular trees. Jim will be talking to the attorney on that matter.

Mr. Hurley asked if \$5,000 is the total bond remaining for Heather Estates. Mr. Fuqua replied in the affirmative.

3. Public Hearing - 8:00 P.M. (cont.)

Petr: Searles Builders

Locus: Neck Street

Sheet 5, Block 13, Lot 61

Zoning: R-1

Request for special permit for single family home within the 100 year floodplain

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

UNANIMOUSLY VOTED: to continue the public hearing at 8:00 P.M.

Present for the special permit application was Sonny Searles, applicant; and Walter Watson, engineer.

Mr. Fuqua stated that at the last meeting the Board had asked for additional information on two items. The first item was to get a referral from the Civil Defense Director. He read the response received from John Mulveyhill, Civil Defense Director, stating that he does not have any particular concern with a single family dwelling being built in the floodplain. In his letter, Mr. Mulveyhill references a meeting on May 8th. Mr. Fuqua stated that on May 8th he and Jim Clarke met with John Mulveyhill, and Mr. Mulveyhill would like to get referrals for any non single family, residential developments within the floodplain. If it is a special needs such as the day care, Mr. Mulveyhill would like to comment on it because there are some civil defense regulations for a day care. If it is non-residential, there might be some storage of materials that he would like to coordinate with the applicant.

Mrs. McElroy asked if when the staff had their discussion with the Civil Defense Director, did they tell him this could be a day care because we don't know who the owner will be. Mr. Fuqua replied that it is a single family application, and any single family home can be converted to a day care.

Mr. Fuqua stated that the other item concerned drainage. There was a meeting held on site. Mr. Searles and Mr. Watson were both at the meeting on site, and he did meet with two of the residents - Chris Cazeault and Mike Nasuti. We did review the drainage on the site. There is a plan that has been filed that shows the drainage. He turned the meeting over to the applicant.

Mr. Walter Watson, engineer for the applicant, stated that what they did, as was requested, they provided an overall plan showing the site plans that had been submitted. They put those all together. He pointed out the proposed dwelling and lot on the plans. Mr. Watson stated that they had a meeting at the site and they did look at two areas that need to be coordinated between this lot 61 and the lot behind it - Mr. Nasuti's lot 1A. There is an area that needs to be coordinated. On the plan, it shows 2' contours. Out in the field, it is flat in some areas, so they will have to go there and shoot some areas while both of these houses are being constructed. The water will work its way out - that is a given. He believes that everyone that was there at the site agrees that the water from the various sites will work its way down and out the way it was intended though we do need to coordinate that in the field because you can't really do it justice with two foot contours. Mr. Watson stated that they did submit a plan showing the two areas of where they need to coordinate, and they are in close communication with Mr. Nasuti with regards to working together on these two lots so there won't be any problems between them. Mr. Cazeault

was at the meeting and he agrees with what they are doing.

Mr. Watson stated that another item also came up at the last meeting and that concerned curb cuts. This particular site does not have a curb cut. He discussed it with Chip Fontaine from the DPW, and he has provided a letter to the Planning Office, and the Board should have that letter. Basically, DPW does not have any standard details for curb cuts. The main requirement is to match corner roundings with the curbing already there such as granite with granite, and concrete with concrete. That is basically DPW's only concern and they look at that when you apply for a building permit.

Mr. Fuqua stated that to echo what Mr. Watson said, without putting any words into anyone's mouth from that particular meeting, everyone was in general agreement, in terms of what needed to be done. This would be similar to other subdivisions where you had ponding, and why it would be critical for the people to coordinate while they are doing their grading. At this particular time where the three lots that come together, there was consensus on what needed to be done. There was consensus by working together there would not be a problem, and there is a general agreement to cooperate among each other to make sure there is not a problem. If there is a spot that collects there, it won't be flood water, but every day rain water that will essentially be on the edge of all three lots so it would be problematic for all concerned. Mr. Fuqua stated that reiterating what Mr. Watson said, you are talking less than a foot in terms of grade change so it is something that will be almost impossible to pick up on the 2' contours, and that is why the area has been shown on the plan to be graded in the field.

Mr. Dillon asked if Board members had any questions/comments.

Mr. Lynch asked about lot 1A. Mr. Watson replied that lot 1A is the lot in the back. Mr. Lynch asked if the Board approved that lot last year. Mr. Watson replied that lot was approved six months ago.

Mr. Lynch asked if lot 1A is Mr. Nasuti's lot. Mr. Dillon replied in the affirmative.

Mr. Lynch asked Mr. Nasuti if he has had any problems with his lot. Mr. Nasuti replied that he has not.

Mrs. McElroy stated that it seems like the three parties are in agreement. She does not have a problem with the application.

Mrs. Ryan asked if the Town Engineer agrees with this plan. Mr. Fuqua replied that the Town Engineer was not out on site at the meeting.

Mrs. Ryan asked why the Town Engineer was not at the meeting looking at the drainage. Mr. Fuqua replied that this would not be anything DPW looks; it's only a minor grade change.

Mrs. Abbott stated that Mr. Cazeault is not present this evening, and he seemed to have a problem with flooding. Mr. Fuqua replied that Mr. Cazeault was at the meeting when the drainage was looked at. At the meeting they explained how the grading would be looked at. Essentially what you are doing is making sure that you do have a gentle, downhill gradient throughout the slope as it has been shown on all of the plans. Mr. Cazeault was in agreement that this would be done as was Mr. Nasuti and the applicant. The concern was that someone is looking at the overall picture of the three lots.

Mrs. Abbott stated that one of the things she did ask for from Civil Defense was an overall plan for Neck Street, or something that states this would not impact the area. Mr. Fuqua replied that at the meeting with Civil Defense, they didn't discuss a total evacuation plan for that area.

Mr. Dillon opened the public hearing for questions/comments from the public. There was no one who wished to speak concerning the special permit.

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

UNANIMOUSLY VOTED: to close the public hearing at 8:20 P.M.

Mr. Fuqua asked if the Board would make a decision on this application. The concern he has is that one house is presently under construction. Since there is coordination between the grading, his concern is that you have them both under construction as soon as possible so that you don't end up with one house under construction and the other house completed. Mr. Fuqua stated that he would recommend that the Board consider three conditions on this special permit. 1. The drainage be coordinated on site. 2. The Planning Office be notified when the final grading is underway. 3. The curb cut be as per DPW specifications.

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

UNANIMOUSLY VOTED: to approve the special permit for construction of a single family home in the 100 year floodplain as per plan entitled: "Site Plan of Land, Lots 1B, 2B & 3B, Neck Street, Weymouth, MA" drawn by Genesis Engineering, dated April 3, 1997, with the following conditions:

1. The final grading for the drainage to be coordinated on site with the property owner of abutting lot 4 of sheet 5, block 13.
2. The Planning Office be notified when the final grading is underway.
3. The curb cut on Neck Street be as per DPW specifications.

4. Pine Grove - request for reconsideration of sidewalk

Mr. Fuqua stated that the Board received a letter from some Pine Grove residents who would like reconsideration of the sidewalk requirement.

Mr. Fuqua stated that as an overview, the plan that came in that was originally filed for the subdivision did not show any sidewalks. The Planning Board condition of approval did require a sidewalk on one side of Groveland and Mansfield. The Redevelopment Authority is in the process of looking at those particular sidewalks, and they have a plan for the sidewalk construction. The sidewalks would be within the right of way. There is no additional takings. The property lines would stay as they are. Once the road was put in and houses built and landscaped, the landscaping came out to the edge of the pavement. There is a difference of about 6' in some cases between the edge of the road and the right of way, and the sidewalk would be within the right of way portion. The residents have some concerns because of the landscaping that has been done. Jim Clarke has suggested that the residents bring their concerns to the Board since the sidewalk was a condition of approval of the definitive plan. If the Board is inclined to take this matter up, it would require an amendment to the definitive plan.

Mr. Dillon asked if it was correct that the residents do not want a sidewalk.

A resident of the Pine Grove area stated that there were no proposed sidewalks on the plan. Now that the houses are where they are, if a sidewalk is constructed, they would have a small front lawn.

A resident stated that a sidewalk would probably affect him the most because his house is set the closest to the street.

Ms. Diane Paras stated that when she spoke to Steve Gosselin he said to call the Planning Office.

Mrs. McElroy asked Ms. Paras if she called the Planning Office regarding the sidewalk. Ms. Paras replied in the affirmative and was told there was no sidewalk.

Ms. Paras stated that if you drive around certain neighborhoods such as Liberty Bell Circle, the grass strip is a mess. She asked if at least the grass strip can be eliminated.

A resident stated that she was told by Ms. Cinotti that the engineer left the sidewalk off the plan.

A resident asked if the right of way is owned by the town. Mr. Fuqua replied

that the right of way is the actual metes and bounds for the road. The front lot line for the lots starts at the right of way.

A resident asked if there has been any consideration given to changing the side of the sidewalk. A sidewalk on the other side of the road would affect less people.

Mr. Dillon stated that possibly the Board could look at the other side of the road for the sidewalk.

A resident asked what the minimum width the sidewalk could be. Mr. Fuqua replied that the sidewalk is required to be 4½ feet.

Mr. Dillon stated that the Board will go to Pine Grove and walk the site to see exactly what the situation is. If possible, the Board will consider moving the sidewalk to the other side of the street, but normally the sidewalk is on the right side of the road.

A resident stated that with regards to lighting and the requirement for a light fixture on over lot, that has not been done yet. He asked who is going to light the area. Mr. Fuqua replied that he will check on that.

A resident asked about the trees that were taken down by Landers, and if they were going to clean up the mess.

Mr. Fuqua asked if the residents have other issues, they should put them together in a list and submit the list to the Planning Office.

A resident asked if there was a written plan that the residents can look at. Mr. Dillon replied that residents can go to the Planning Office and look at the plan.

Mr. Dillon stated that the residents should submit a list of issues they have with regards to Pine Grove. The Board is meeting again next Tuesday and will discuss Pine Grove further then.

Mrs. McElroy stated that she won't be able to attend the meeting next Tuesday.

6. Other Business

a. Form A Plan - 612 Pond Street

Mr. Fuqua stated that the Form A Plan for 612 Pond Street has been re-filed by Mr. Murphy, and Mr. Murphy has asked that the plan be deferred to the meeting on May 20th. The plan was filed May 5th and we have twenty-one day to take action.

b. Pine Grove

Mr. Fuqua stated that if the Board is considering eliminating the grass strip, he suggested that they go look at Todd and Stacy Way in the Pine Meadows subdivision. Mr. Fuqua stated that the Pine Grove plan did not show the sidewalk, but the certificate of approval said that a sidewalk was required. The plan recorded at the registry just shows the metes and bounds. He stated that this is a perennial problem. People don't see a sidewalk and they landscape out to the street. The certificate of approval was mailed out to everyone who received a plan. Mr. Fuqua stated that if the Board is agreeable to eliminating the sidewalk, it will require an amendment to the plan. If the sidewalk is moved to the other side of the street, you have people who have bought lots and they will have to agree to move the sidewalk.

Mr. Dillon requested that Ms. Cinotti find out which lots have been sold.

Mrs. Ryan asked if there was any reason why we can't consider making granite curbing a requirement. Mr. Dillon replied that DPW is opposed to granite curbing because of their plows.

7. Holly Estates - discussion of paving schedule

Mr. Fuqua stated that Mr. Jordan couldn't make it this evening and he has asked that the Board continue the discussion until May 20th after 8:30 P.M. Mr. Fuqua stated that he did receive a letter from Bob Levitt from Tilcon stating that paving of Sheri Lane will be done the week of May 19, 1997.

Mr. Fuqua stated that the other items is that street lights were a concern. He did talk with Mass. Electric and they will be re-evaluating the street lighting. Mr. Fuqua stated that he has talked with Mr. Jordan and Mr. Jordan is in agreement with the recommendation of Mass. Electric.

Mrs. Ryan stated that she mentioned previously that with regards to the letter received from Theresa Murray, whenever letters such as Ms. Murray's letter comes in to the Board, she would like to receive a copy. When information comes in to the office and is addressed to Planning Board members, all members should receive a copy of the information. The Board should have copies of everything that is sent by constituents.

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

UNANIMOUSLY VOTED: that when information is received from constituents addressed to Planning Board members, all members shall receive a copy of the

information.

Mrs. Abbott asked about the street lights. Mr. Fuqua replied that Mass. Electric and the Street Lighting Committee are reviewing the placement of street lights.

8. Delegate Reports

a. NASPC.

Mrs. McElroy stated that there is a NASPC meeting at the Base tomorrow evening.

9. Other Business (cont.)

a. Greenbush Meeting

Mr. Fuqua stated that there is a Greenbush meeting scheduled for May 15, 1997 at 7:00 P.M. at the Pingree School, and the meeting is just for the East Weymouth area.

b. Town Meeting

Mr. Dillon thanked Board members for their support on the zoning articles at Town Meeting.

Discussion ensued regarding how articles are taken at Town Meeting.

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

UNANIMOUSLY VOTED: to send a letter to the Moderator requesting that articles be pulled randomly.

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

UNANIMOUSLY VOTED: to adjourn the meeting at 9:05 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 May 12, 1997.



Paul M. Dillon, Chairman

WEYMOUTH PLANNING BOARD
PUBLIC MEETING - CITIZEN ATTENDANCE

DATE: May 12, 1997
LOCATION: SPW

PLEASE PRINT LEGIBLY

NAME	ADDRESS	PHONE #
Barbara Landman	267 Neck St. Wey.	331-8443
Sheila Shea	267 Neck St.	
Kathy Sullivan	391 Neck St.	3
Patricia Sullivan	294 Neck St.	
Paul C. Surden	391 Neck St.	
Dana Rappold	N/A	
Michael D. Zilke	68 Shoreland Ave.	
Michael Nasuti	289 Neck St.	-
Marlene Gerny Kurat	78 Cleveland Ave.	
CARL HAGOPIAN	Re: 612 Pond St.	749-1858
Barbara & Jeff Conoletti	101 Mansfield St.	
William C. Moore	13 Weyfair Path	