

Minutes of the Planning Board Public Hearing Meeting on May 17, 2001 at 7:00 P.M. in Council Chambers

Present: Paul Dillon, Chairman; Paul Hurley; Scott Curry; Karen DeTellis and Jody Lehrer

Staff: James Clarke, Director of Planning and Rod Fuqua, Principal Planner

Meeting called to order at 7:00 P.M.

PUBLIC HEARING - 7:00 PM.

Kenneth Ryder, Ryder Development Corp for a six (6) lot subdivision off 1625 Main Street, Eugene Way.

Motion by Mr. Curry, seconded by Mr. Hurley to open the Public Hearing. SO VOTED.

Mr. Curry read the Public Hearing notice.

Attorney Gregory Galvin, 775 Pleasant Street is representing Mr. Ryder. Mr. Galvin introduced Mr. Ryder and Mark Arnold. The plan shows a short roadway with a cul-de-sac.

Mr. Arnold pointed out various aspects of the plan. The topography slopes toward the rear of the lot and drops 4 ft. from the edge of the wetlands. There is one building on site which is to be removed. The lot is approximately 205,000 sq. ft. A zoning line divides the property from the highway at the front portion and it is R1 in the rear. There is a flood zone on site the same elevation as in Holly Estates.

The drainage is towards the rear of the roadway. There are two (2) catch basins before the cul-de-sac. The end one is to a storage basin to hold water. The water is to drain towards the rear of the lot - westerly.

Mr. Ryder stated the roadway is 300 feet. His proposal is for six (6) rental townhouse style dwellings that front on the roadway. Last year a similar project was done at 1555 Main Street. The property would be fully landscaped with a sprinkler system, driveways and small decks.

Mr. Galvin stated that Conservation has to make a further determination - where is the roadway in relation to the wetlands.

Mr. Hurley asked to have the drainage easement pointed out.

Mr. Arnold stated that the dash lines below the subdivision of lots, are the outside of the drainage easement and the basin will be confined within that easement.

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Mr. Hurley asked if the drainage easement would actually be on three lots?. Mr. Arnold answered in the affirmative. Mr. Hurley is disappointed in the layout (1/2 highway transition & 1/2 in R1).

Mr. Ryder stated that highway transition is 240 feet off of Main Street. It is a five (5) acre parcel and in order to keep the development in the HT, it was set up that way.

Mr. Fuqua stated the following:

1. Conservation Commission will have to determine the wetland line with the applicants botanist. That would determine the degree of filing that would be required.
2. The Fire Department has asked for a radio street box at the corner of Main and Eugene Way.
3. The Health Department has no objections.
4. The Town Engineer noted that the owners address is in Scituate not Weymouth. All sewer drain manholes and catch basins need to be constructed to DPW specifications. They will provide a CAD drawing to be incorporated on the sheet. The Town Engineer is working with the Traffic Engineer on the layout of cul-de-sacs to make sure there will be enough roadway to make the turn.
5. The Sewer Division needs three (3) days construction notice. Water & sewer mitigation is required and they are asking for a cutting and capping on the existing sewer service coming from the dwelling on site. It is to be cut at the house, the property line and the main. They are also looking for an inside drop to the sewer where it connects into Main Street.
6. The School Department said there would only be a minor impact on the bus capacity.
7. The Police Department has asked where the street lights would be and they are also asking for sidewalks in that area.
8. The St. Lighting Committee has said there would be no changes.
9. The Tax Collector has responded that the taxes have been paid 1997 - 2000. The 4th quarter is due on May 1, 2001.

The plan shows part of the cul-de-sac in the flood plain. It will be a special permit and the applicant will have to go to the Board of Appeals for review.

Mr. Clarke stated he was not happy with the lot layout but feels it was done to keep the buildable areas up in front on the highway transition zone and away from the back residential area and the wetlands.

Mr. Ryder stated the units have three (3) bedrooms with separate entrances and parking will be in front. The units are identical but the architect changed the roof lines a bit to break it up.

Mr. Hurley asked if it could be construed as a planned unit development?

Mr. Fuqua stated a planned unit development requires ten (10) acres for a non-single family district and 25 acres for a single family district.

District 6 Counselor, William Barry stated he had received calls relative to the drainage. He finds the lot configuration unconventional.

Mr. Paul Babcock of 1647 Main Street said he was opposed to the development. He saw the subdivision plan and calculated that the buildings are on less than 6,000 sq. ft. of land which is not consistent with that section of the town. The smallest lot in the area is about 11,000 sq. ft. He believes the zoning bylaw states a subdivision should be 15,000 sq. ft.

He also stated that Mr. Bailey put up a 12-15 ft clay dam along his property line. When there is heavy rains it floods his property.

Mr. Charles Corliss, 1617 Main Street agrees with Mr. Babcock. He feels they are trying to make six (6) lots out of four (4). He also referenced the vehicle parking.

With regard to the dam, Mr. Ryder stated that the water table is high and Mr. Babcock had a sump pump discharging water onto Mr. Bailey's property. Mr. Bailey was protecting his property.

Mr. Ryder stated that the vehicles will be parked in front of the units off the street.

John Corliss of 1617 Main Street said there was flowing water out there and it was always a swamp.

Mr. Hurley asked if the wetlands would extend to other people's property. Mr. Ryder answered in the affirmative.

Motion by Mr. Curry, seconded by Ms. Lehrer to close the Public Hearing. SO VOTED.

Motion by Mr. Hurley, seconded by Mr. Curry to take this under advisement.

All in favor. So voted unanimously.

Mr. Clarke stated that the Board will render a decision at one of the June meetings.

Mr. Fuqua stated that today a Form A was filed with the office. It is for a subdivision of property at the corner of Lake and Charles Streets. It is a parcel that has two (2) existing lots and each lot has a structure. The owners are trading a piece of property - two (2) pieces in the back and part, back in front of Lot 1, to be combined with Lot 4. The purpose of this Form A is to straighten out the property line. Both lots have the required frontage under the zoning bylaw. Lot 4 goes from 14,068 sq. ft. to 16,000 sq. ft.

Motion by Mr. Hurley, seconded by Mr. Curry to endorse the Form A. SO VOTED.

Motion made for a 10 minute recess. So voted unanimously.

CONTINUATION OF THE PUBLIC HEARING - 7:45 P.M.

Gale Associates for Bristol Brother Development - Alexan, Burkhall Street.

Motion by Mrs. DeTellis, seconded by Mr. Curry to re-open the Public Hearing. SO VOTED.

Mr. Dillon stated that this was the 4th time everyone has come back and he would like to focus on the material being presented.

Mr. Clarke stated that they have done a peer review and it will be available after the revisions to the plan.

Joseph Torg of Trammell Crow Residential stated they have changed the site plan application to respond to the issues heard. His comments follow:

Last year, the plan had 274 units and the other area had 19 buildings and 132 units. Issues arose as to the number of units and buildings, the location of the drainage basin and the impervious area.

The application was re-submitted for site plan approval and a number of buildings and units were removed - from 19 buildings to 13 and from 132 units to 117. The total project has gone from 274 units to 259. By making the changes the impervious area site has been reduced by one

acre and a detention basin has been eliminated. The subdivision roads and the lots are the same. The drainage system has changed. Reduction of units results in a slight decrease in traffic - 80 trips a day.

Certain changes in the geometry of the intersection, Pine St., Pleasant St. and Tall Oaks have been made. Simply, left turn lanes without impeding traffic. We have offered to put a traffic light in at that intersection. It would be a signal that would have loop detectors under the pavement that the town could use to affect traffic flow on Pine St., Pleasant St. and Tall Oaks. We will put money in escrow for the traffic light. It will be up to the Town whether a light should be there or not.

Bill Seymour, Director of Civil Engineering for Gale Associates and Project Manager for this project stated that the immediate effect of eliminating 15 units is to increase the distance from a structure to the property line - 100 feet to 155 feet. The 15 units and the parking associated with them represents one acre of impervious area. All of this impervious area was down-gradient from the detention basin and therefore necessitated a detention basin of its own.

We were able to take the flows that remained which were up-gradient of the proposed detention basin, making that detention basin a bit larger. Per the recommendation of the Conservation Commission, we added a water quality swale at the outfall of the detention basin. Our approach is the same. The modifications to the detention basin that remains are not of great significance.

The drainage calculations have been revised to account for the change in impervious area. The conclusion - there is a peak rate of flow associated with the 25 year storm event today of about 33 cu. ft. per second. That is the existing condition for storm water management policy. Assuming Wisteria Point had not been built, gives us a more constrained flow in the 25 year storm today of 25 cu. ft. per second. Our criteria for success is to not constrain our off-site flows below the existing condition but rather to constrain our off-site flows below that condition that would exist today if Wisteria Point had not been built.

We are taking the storm event that occurs statistically once every 25 years, and reducing the rate of flow off-site at that point to just under 1/2 (18.9 cu. ft. per sec.) of what it is today, and 25% less what it would be today if Wisteria Point had not been built.

Mr. Torg stated that URS Corp. did a Phase I Environmental Assessment. RPC removed the drums of oil and the contaminated soil was also removed.

Mr. Torg would like the ability to respond to questions and comments.

Mr. Jeff Dirk, P.E. of Vanasse & Associates stated that traffic conditions remain the same even with the downsizing of the buildings.

Mr. Clarke stated that when the revised plans were received, the BSC Group was engaged to do a peer review on traffic and storm water.

Presentation by Mr. John Vandell, Vice President of BSC Group.

With regard to the traffic, the analysis is unchanged. One comment would be to widen Pleasant Street Southbound from the intersection of Pine, Pleasant and Tall Oaks. This is not shown on the plan now.

With regard to the drainage report, Basin #1 is essentially unchanged from the last time. Calculations were not submitted.

There are some inconsistencies due to some of the elevations not being changed (updated) to match the plan.

There are a number of discrepancies between the plan and the calculations. Differences in one culvert size needs to be revised. There are some revisions in the basin design of #1 and #2 upper and lower.

He feels if they are make the changes that have been requested, the design could function.

There are no design calculations shown for the retaining wall.

There are some inconsistencies in the amount of cover for the water lines.

The outlet swale intended to spread the flow, needs more detail so it is clear what it is and how it functions.

Mr. Clarke asked for an explanation of the difference in the calculations based on an 8" culvert and the 6" culvert that is shown.

Mr. Vandell stated the outlet pipe is intended to keep 2 ft. of water in it at all times. The plan shows a 6" culvert but the calculations that support the plan show an 8" culvert.

With regard to the infiltration, Mr. Clarke said they have

had the Conservation Commission review and because of the condition of the land (ledge & very little cover) we do not have the ability for infiltration. Mr. Vandell agrees that it is not practical now and feels the proponent has done an adequate job.

Mr. Dillon stated that the BSC Group did a thorough study.

Mr. Seymour agreed and stated that there was nothing he could not respond to within several days. The discrepancies in the plan can be easily modified. The culvert size should be 8".

Mr. Dillon asked how much time? Mr. Seymour - two (2) days.

With regard to the traffic and a possible light on Pleasant Street, Mr. Curry asked what happens when the trucks come from the quarry?

Mr. Dirk stated that the traffic light has sensors in the pavement and are set to about 4 seconds per vehicle.

Mr. Curry asked if anything had been done to alleviate the water problem with regard to the Marques property?

Mr. Seymour explained that the flow has been cut from 33 cu. ft. per second to about 18.9 cu. ft. per sec. and has been treated properly, so that the quality of the wetlands will improve.

Mr. Fuqua reviewed the comments from the agencies in the Town. (Copies of comments to be given to Mr. Seymour & Mr. Vandell)

Paul Leary, President of the Town Council stated he was opposed to the project.

Peg Goudy, Councilor at Large stated she still had reservations about the project. Many inconsistencies still exist. She also stated that Sen. Hedlund was concerned about the drainage.

Joe Connolly, Councilor at Large came to support the residents. He stated that he can not see any benefit and remains opposed to the project.

Shawn Cotter, Attorney for the Marques family had some comments as follows:

He has seen the numbers and the problem with all of the flows - none were supposed to cross over to the Marques property. The easement was supposed to channel all the water through. If they want to make it less, it should be less than zero.

Dimensions of the new wet basin are 19 ft. deep in some portions. By putting a 6" or 8" pipe at the bottom, you have whatever velocity is created by 19 ft. The lot line is not in the plan in tonight's presentation but the landscape plan still shows the detention basin.

The proponents have said they have moved everything up. Why do the nine (9) spaces for parking appear on the sheet?

Whatever water they bring down should not leave the site by going over the Marques property.

He showed and explained the pictures dated 3/22/01 of the lower Pine Street manhole. Unless the entire system is revamped, you will have about 50,000 gal. of water a day coming out of the units. (Calculations by the proponent - 110 gal. per bedroom x 465 bedrooms = 51,450 gal. per day)

The pictures show that four (4) days later, the water is still flowing. A sign above the sewer manhole says "Drinking water supply, do not pollute. Five-hundred (\$500) dollar fine per Weymouth Board of Health."

In 1973 there was an Order of Conditions that said no alterations of the land. The deed that follows through forever, contains that #9 restriction.

There is a violation of the zoning bylaws. The four (4) story buildings should be lower as they are next to a school.

An appeal has been filed and there will be an on-site meeting on May 22, 2001 with Conservation and DEP.

There is no turnaround on the dead end street. This is in violation of the rules and regulations.

This is not a revision of a plan, it is a completely new filing. The main emphasis - where is the water going? They are changing and doubling the amount of water coming over the Marques land which is a violation of the zoning rules and regulations.

The proponents said they would put in an easement. He has yet to see a plan.

Attorney John Geary, representing the Soncrants concurs with Mr. Cotter's comments. He reviewed the file and found no requests for revisions of the plan from any Town organization.

Mr. Clarke stated there were no specific requests. Questions were raised at the hearings and that is why the

plans were revised. The plans were available. Mr. Geary stated there are still three (3) retention ponds in the landscaping plans. The traffic analysis goes back to June '99. Why can we not have updated traffic data?

Mr. Jeff Dirk of Vanasse & Associates stated they are required by State Standards to look at five (5) years in the future (2000-2005). The actual comparison is in year 2005 and the volume includes the High School, Libbey Industrial Park and the Naval Air Station.

Mr. Geary stated that he does not feel the traffic study holds the weight. With regard to the damage to the Marques and Soncrants property, the drainage issue has not been addressed. Once the plan is revised and we have the new pond, why is a new Environmental Impact Statement not required?

Mr. Clarke stated that due to the change in the number of units, revisions were made to the traffic and the storm water drainage. This is a revision to the sub-division.

Mr. Geary asked if a new Environmental Impact Statement was required? Mr. Clarke answered in the negative.

Mr. Marques asked what is the 20 ft. jig jag line at the bottom of plan?

Mr. Seymour said it was a buildable lot.

Mr. Marques asked if it was going to be used for drainage?

Mr. Seymour said that storm water will pass through that lot.

Referring to C17 on the map, which is not reflected in the plan, Mr. Cotter asked if the water is going to flow over the 20 ft. property line onto the Marquis property?

Mr. Seymour stated the first detention basin that was deleted, serviced the impervious area which was also deleted. The fifteen (15) units and associated parking, were down-gradient from this detention basin. No additional impervious area has been introduced into this detention basin. It is not substantially bigger then it was and does not represent a major revision. The water quality swale has been included as it was recommended by the review consultant for the Town. It is 19 ft. at the deepest point. The water reaches Mr. Marques property by flowing out of the water quality swale, through a defuser into the wetland. It then flows out of the wetland at several locations into a channel that is formed on the backside of the Marques property and away from the site. In a design storm, it is a little less than 1/2 the rate it presently reaches this property.

Mr. Cotter asked if the water coming from the new buildings will flow across the Marques property?

Mr. Seymour said as it does today, "yes". The volume of water will increase.

Mr. Cotter asked if they had the Marques permission to have the new water cross their property? Mr. Seymour said they do not.

Mr. Cotter referred to C27 and stated the blasting would have to start at an elevation of 131-132 ft. They are going to bring that down to 109 ft.

Mr. Dillon asked if there would be parking spaces on that lot? Mr. Seymour stated there are none.

Dorothy Murray of 114B Burkhall Street asked if they would be blasting for the water basin next to her building?

Mr. Dillon stated that if blasting does occur there are rules and regulations.

Ms. Christine Lazzaro of 83 Pine Street was concerned about the discrepancies between the previous and new plans. She has been the victim of three (3) sewage overflows. She asked the Board to please consider the residents.

Mr. Dillon stated that the residents input was important and that the Board and staff will make the right decision.

Mr. Paul Utiker of 200 Burkhall Street said he has not heard once positive comment from any of the residents or abutters about the project. He asked if the Board had come up with an alternate plan?

Mr. Dillon said the Board has to deal with the law.

Mr. Clarke stated that the Board can - approve the plan, approve as submitted, approve with conditions and reject the plan with reasons.

Mrs. Goudy asked when the Naval Air Station and the High School were factored into the traffic study?

Mr. Dirk said it was built out in 2005. The School Department projected a total of 2,000 students as maximum for the building.

Mrs. Goudy does not agree with the traffic projections. She also stated that the Naval Air Station remains an unknown.

Mr. Clarke stated that having received comments from the

public that have raised some issues and receiving the Peer Review from BSC, he would recommend a continuation of the Public Hearing.

MarySue Ryan of 178 Pleasant Street said she would like to thank Attorney Cotter and Attorney Geary for speaking on behalf of the entire Town. She also spoke to the traffic issues and the drainage problem.

NEXT MEETING DATE

Motion by Mr. Curry, seconded by Mr. Hurley to continue the Public Hearing to June 5, 2001 at 7:45 P.M.

All in favor. So voted unanimously.

Meeting concluded at 9:45 P.M.

Respectfully submitted,

Annette M. Cignarella
Recording Secretary

APPROVED 8-20-01



Paul M. Dillon, Chairman