

TOWN OF WEYMOUTH
PLANNING BOARD
MINUTES

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WEYMOUTH, MASS.

There was a Planning Board meeting held on Tuesday, May 20, 1997 at 7:30 P.M. at the Town Hall.

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

Staff present: James Clarke, Director of Planning & Community Development
Roderick M. Fuqua, Principal Planner

The meeting was called to order at 7:35 P.M. by Chairman Dillon.

1. Reorganization

Mr. Dillon thanked everyone. He stated that it was a good year at Town Meeting, and he enjoyed being Chairman. Mr. Dillon stated that, at this time, he will step down and turn the meeting over to Mrs. Abbott.

Chairman

Mrs. Abbott opened the floor for nominations for Chairman.

Mrs. Ryan nominated Paul Lynch for Chairman. Mr. Leary seconded.

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

UNANIMOUSLY VOTED: to elect Paul F. Lynch, Sr., as Chairman.

Mrs. Abbott turned the meeting over to Mr. Lynch.

Vice-Chairman

Mr. Lynch thanked Mr. Dillon for the job he has done this past year.

Mr. Lynch opened the floor for nominations for Vice-Chairman.

Mrs. Abbott nominated Paul Hurley for Vice-Chairman. Mr. Dillon seconded.

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

UNANIMOUSLY VOTED: to elect Paul Hurley for Vice-Chairman.

Clerk

Mr. Lynch opened the floor for nominations for Clerk.

Mr. Dillon nominated Susan Abbott for Clerk. Mr. Leary seconded.

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

UNANIMOUSLY VOTED: to elect Susan Abbott for Clerk.

2. Form A Plan

612 Pond Street - Sheet 62, Block 642, Lot 3

Present on behalf of the Form A Plan was the applicant, Martin Murphy and his attorney Rocco DiFazio.

Mr. Clarke stated that this is a Form A that came in four to six weeks ago. There were questions raised by the Board and the applicant withdrew the plan. The applicant has been before the Board of Health and there is a remediation plan that is being done.

Mr. DiFazio introduced Martin Murphy who is a developer in Hingham. Mr. Murphy is looking for ten lots. Currently Mr. Murphy is before the Board of Health because ten or twelve years ago someone dumped hazardous material on the property. Mr. Murphy has done some work on the property, and there is more work that must be done. Mr. Murphy is going before the Board of Health. Mr. DeFazio stated that part of the lot is in the Watershed Protection District.

Mr. Lynch asked how many homes there would be. Mr. Murphy replied the Form A Plan includes four lots plus access to the back for additional lots.

Mrs. Abbott stated that her main concern the outcome of the meeting with the Board of Health. She did attend the meeting with the Board of Health and she feels it's most important that what Mr. Murphy suggests be done to clean up the property is acceptable to the Board of Health. She does not feel comfortable approving this plan.

Mr. Murphy stated that he has been meeting with Karen Nolan and Richard Marino from the Board of Health over the last few weeks. He has submitted a written proposal to the Board of Health, and he has an affidavit on what he's going to do. No lots will be worked upon until the whole parcel is cleaned up.

Mrs. Abbott stated that there is a public safety issue. Eventually there will be homes on these lots and people are going to be living there. It is critical that the work is done right.

Mr. Murphy stated that when he met with Karen Nolan, the Chair of the Board of Health came in, and indicated that if the work was acceptable to Ms. Nolan and Mr. Marino, it would be okay.

Mr. DiFazio stated that they will be meeting again with the Board of Health tomorrow night to make any changes to the proposal that the Board of Health may want.

Mr. Murphy stated that he has had the site tested, and after all the material is removed, he will have it tested again. He can't build there until the Board of Health is satisfied that everything has been done.

Mr. DiFazio stated that he understands the Board's concerns, and he is sure the Board will put the condition on this plan that all work is done according to Board of Health requirements.

Mr. Dillon stated that this is only a Form A Plan. The overall condition of the property should be looked at when the applicant comes in with a subdivision plan.

Mrs. Ryan stated that there is quite a bit of contamination on the property. The Board of Health has not approved anything yet. She does not want anything to go forward until the site is cleaned up. And all the contamination is removed.

Mr. Murphy stated that he won't attempt to sell any lots until the site is cleaned.

Mrs. Ryan stated that she won't vote to approve this plan until the applicant has received approval from the Board of Health.

Mr. Leary stated that he echos what Mrs. Ryan said. He feels the plan should definitely be approved by the Board of Health. Mr. Murphy has said that he won't build until the site is cleaned up so he does not see why a delay in the Board approving this plan would be a problem.

Mr. Murphy stated that he doesn't control the property.

Mr. Murphy suggested that this plan be put on hold until after the meeting with the Board of Health.

Mr. Clarke stated that the plan came in on May 5th, and the Board has 21 days to act. The plan meets the frontage requirement. In his opinion the Board has no reason not to approve the plan. He feels that the Board has two options which are to approve the plan or take no action. If the Board takes no action, once the 21 days have elapsed plus a 20 day appeal period, the Town Clerk certifies that the Board took no action within the required timeframe.

Mrs. Abbott suggested that the Chairman could sign the plan after tomorrow's meeting with the Board of Health if everything is approved by them.

Mr. Clarke stated that the Planning Board cannot subject their approval on any other board's conditions or approvals.

Mr. DiFazio stated that he can understand the Board's concerns but his client wants to clean up the site and has been spending his money to clean up the site. Work has stopped now because the owners of the property could sell the property to someone else.

Mr. Lynch asked if a 21E reports has been done. Mr. DeFazio replied in the affirmative.

Mr. Lynch asked if the Board approves the Form A Plan would the applicant be willing to do another 21E on the property. Mr. Dillon replied that he does not believe the Board can require that.

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

VOTED: 4-1 (Mr. Dillon opposed) to take no action on the Form A Plan for 612 Pond Street - Sheet 62, Block 642, Lot 3.

3. Holly Estates - review of construction

Mr. Edward Jordan stated that the Board asked him to attend the meeting to provide a progress report for Holly Estates.

Mr. Jordan stated that the road is paved. The lights have been in since last winter on the circle. The street lights at the entrance are being reviewed by the Street Lighting Committee.

Mrs. Abbott asked when the lights will be installed. Mr. Jordan replied that the Street Lighting Committee has to approve them first.

Mr. Fuqua stated that he has talked to Mass. Electric regarding the street lights. The entrance to Holly Estates is a long narrow section. Mr. Fuqua stated that Mass. Electric was asked to review the street light layout because

there are fewer houses because of the wetlands. Mass. Electric did go out to the site and located street lights, and has sent their recommendation to the Street Lighting Committee for approval because they will eventually be the town's responsibility. We are waiting for the Street Lighting Committee to review the additional lights.

Mrs. Abbott suggested that the Board send a letter to the Street Lighting Committee asking that they expedite this matter so that the lights can be put in.

Mr. Jordan stated that he calls the Street Lighting Committee once a week. At the entrance is a light that is out. The Street Lighting Committee was not going to put a light at the entrance, but Mr. Jordan stated that he feels a light at the entrance is needed.

Mr. Clarke stated that he will send a letter to the Street Lighting Committee.

Mr. Jordan stated that the sidewalk will be installed probably in a couple of weeks. He will be starting the next phase which is building the other road which will take about two months. By mid September, he should be able to put the finish course on the road.

Mrs. Abbott asked if the paving is complete. Mr. Jordan replied that the paving is complete on the circle, not the entrance.

Mrs. Abbott stated that she is confused as to the different phases. She asked Mr. Jordan to put together a written schedule for the work.

Mrs. Abbott asked about the sidewalk. Mr. Jordan replied that he will start in a couple of weeks and will be done in a month.

Mrs. Abbott asked about the entrance. Mr. Jordan replied that if Mass. Electric says they do not have to dig up the road, he will bring the pavement up as far as possible.

Mrs. Ryan stated that she is concerned that this work is done. This has been a twelve year project.

Mr. Jordan stated that part of the delay has been the water easement. He was ready to pave last fall but Tilcon could not do the work then.

Mrs. Ryan asked that Mr. Jordan submit a written schedule for the work, and that a letter be sent to Theresa Murray with Mr. Jordan's schedule.

Mrs. Ryan asked about the billboard on the Abington side of the property. Mr.

Jordan replied that he had one billboard taken down, but he does not control the property. There are seventeen lots and he has bought twelve of them. Before he takes title to the other five lots, the billboard will be down.

Mrs. Ryan stated that she wants to see the letter to Theresa Murray before it is sent out.

4. Pine Grove - Mansfield and Groveland sidewalk review

Mr. Clarke stated that this was on the agenda for the last meeting and the Board listened to the concerns of the residents with regards to the sidewalk. The Board was going to go out to Pine Grove and look at the site.

Mr. Dillon stated that he went out and looked at the site. He feels strongly that the sidewalk must be there, but he would not be opposed to eliminating the grass strip. He does not have a problem moving the sidewalk to the left side of the road or eliminating the grass strip, but there must be a sidewalk because there will be children in the area.

Mrs. Ryan stated that a sidewalk is a necessity. She questioned how the residents on the other side of the road would feel about moving the sidewalk.

Mr. Leary asked if any of the lots have been sold. Mrs. Ryan replied that all of the lots have been sold.

Mr. Clarke suggested reducing the grass strip rather than moving the sidewalk.

Mr. Clarke suggested that the residents talk with the neighbors on the other side of the road and get something signed from those neighbors that they agree to the sidewalk on the left side.

Ms. Diane Paras asked when the Board meets next. Mr. Lynch replied that the Board's next meeting is scheduled for June 9th.

Mrs. Ryan asked why this happened. Mr. Clarke replied that this was the first Redevelopment Authority that we have done and it was an oversight. The sidewalk was a condition of approval by the Board, but it was not on the subdivision plan. By the time all the homes are built, people have done their landscaping and they don't realize their property does not go out to the street. He suggested that one way to ensure that it not happen again, is to include the sidewalk condition in the covenant. Mr. Clarke stated that he and Rod have discussed this and the developer could be required to rough out with stakes where the sidewalk will go.

Mrs. Abbott asked why the electric boxes are so far back. Mr. Clarke replied

that he will check on that.

5. Heather Estates - subdivision completion options

Mr. Clarke updated the Board on Heather Estates. He stated that they are in negotiations with Rockland Trust. Their attorney has responded with a proposal, and he has had further discussions with the attorney regarding replacing all of the dead tress on the walkway, and completing the as built plan. He is waiting to hear from the attorney.

Mr. Lynch asked if it was correct that there is \$5,000 remaining in the bond. Mr. Clarke replied in the affirmative. He stated that Rod has been working with the Homeowners Association and he thinks by the meeting on June 9th they will have something for the Board.

6. Other Business

a. Committees

Mr. Clarke asked that the Board think about committee assignments.

Mr. Lynch stated that he would like to wait until the next meeting when the full Board is present to discuss committee assignments. He asked for a list of committees to be included in the Board's package sent out on Friday.

7. Delegate Reports

a. Open Space Committee

Mr. Leary stated that they have a draft Open Space Plan and the members are reviewing the changes. They won't make the June 1st deadline, but the State has said that Weymouth will still qualify for some grants.

8. Other Business (cont.)

a. Meetings.

Mr. Clarke stated that the June meetings are scheduled for June 9th and June 23rd. Items scheduled for June 9th are: (1) name change to Blazo Avenue, (2) 1121 Main Street Special Permit, and (3) drive through service for Marylou's News.

Mrs. Ryan asked for a copy of the Board of Selectmen's minutes when Marylou's News was before them for a common victualers license. Her recollection is that they were not going for a drive through window.

Mr. Clarke stated that in June he will work on the work program, but prior to that he would like to get approval from the Board to spend time on wireless communication.

b. Board of Zoning Appeals

The Board reviewed the cases scheduled for the BZA meeting on Thursday:

269 Middle Street - subdivide the property into two lots. The Board had no comments on this request.

611 Pleasant Street - Southwestern Bell mobile system. They are before the BZA for an exemption for height for a 190 foot telecommunication tower.

Mr. Clarke stated that he would like the Board to send a letter on this case.

Mr. Fuqua stated that for towers it is very hard to deny but he suggested that the Board ask that the BZA restrict the tower to the same 120' that was approved previously for a tower on West Street.

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

UNANIMOUSLY VOTED: to send a letter to the BZA requesting that the BZA restrict the height of the tower to 120' which is the same as was approved for the tower on West Street.

185 Liberty Street - Bob's Collision Center. Mr. Clarke stated that the request is to add an 8,000 square foot addition to the second floor. He would like to send a letter to the BZA with regards to providing proper screening and landscaping.

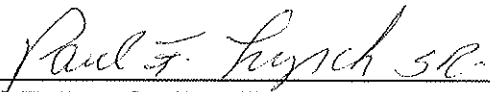
It was the consensus of the Board to send a letter regarding 185 Liberty Street requesting that the BZA require the applicant to provide proper screening and landscaping as a buffer for the residential property.

Lot 40 - property owned by Ed Jordan to comply with court settlement with regards to reshaping an area of Lot 40.

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

UNANIMOUSLY VOTED: to adjourn the meeting at 9:15 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 20, 1997.



Paul F. Lynch, Sr., Chairman