

**PLANNING BOARD
RECORD OF MINUTES AND PROCEEDINGS
JUNE 17, 2004**

The Planning Board of the Town of Weymouth held a public meeting on Thursday, June 17, 2004, at 7:30pm at McCullough Building, Whipple Center Conference Room, 182 Green Street, Weymouth, MA

Present: Paul Dillion, Chairperson
Walter Flynn
Paul Hurley
Mary Akoury

Staff: Rod Fuqua, Principal Planner

Recording Secretary: Janet Murray

Paul Dillion called the meeting to order at 7:30 pm.

A MOTION was made to accept the minutes from the May 4, 2004 Planning Board Meeting and was seconded and UNANIMOUSLY VOTED.

Form A Plans

- Libbey Parkway, Sheet 34, Block 433, Lots 15 and 17
Campanelli Building, Form A plans were presented to take land for the sewer pump station.

Walter Flynn made a MOTION to APPROVE the Plan A form for Libbey Parkway Sheet 34, Block 433, Lots 15 and 17 and was seconded by Paul Hurley and was UNANIMOUSLY VOTED.

- Hollis Street Form A plans were presented for informational purposes. The applicant has submitted the plans to the clerk for certification that no action was taken within the 21-day time frame. This is a plan to subdivide 1 lot into 3 lots.
- Main Street, Sheet 57, Block 624, Lots 13 and 28.
Ken Ryder has submitted composite plans for the redevelopment of property surrounding the Miniature Golf Course on Main Street in South Weymouth.

Paul Dillon made a MOTION to APPROVE the composite plans, Sheet 57, Block 624, Lots 13 and 28 and was seconded by Walter Flynn and was UNANIMOUSLY VOTED.

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Other Business

The article to approve medical use in the Libbey Industrial Park is in.

There has been concern about the closing of St. Albert's Catholic Church on Washington Street. Several Board members requested clarification as to the zoning of this piece of property. The property is currently zoned Open Space and would require a special permit for any changes.

WING LANE

A MOTION was made by Walter Flynn to open the Public Hearing regarding the request for a 4-lot subdivision off Oak Cliff Road and seconded by Paul Hurley and UNANIMOUSLY VOTED. Walter Flynn read the legal notice.

The property in question is zoned R-1 and is located between numbers 16 and 36 Oak Cliff Road and shown on the Town Atlas Sheet 30, Block 396, Lots 4 and 35. This is a definitive subdivision plan creating four (4) new buildable lots.

Attorneys Gregory Galvin and Lamont Healy represented Mr. Jouchmans, Trustee for Cavern Rock Realty Trust.

Paul Dillon, Planning Board Chairperson, informed the public that this case is before the Planning Board again because when it was denied in November of 2003, the denial was based on two specific reasons. Those reasons were 1) the intersection at Wing Lane and Oak Cliff Road was less than a 60-degree angle and 2) the property at 36 Oak Cliff Road did not meet required setbacks.

There was a brief discussion regarding the need for another public hearing. Mr. Dillon, the chairperson, stated that the Planning Board would proceed with the Public Hearing. Mr. Galvin disagreed with the need for a Public Hearing. He contended that since the previous case was presented within a public hearing that the applicant only needed to correct the deficiencies in order to have his application approved.

Mr. Healy made a presentation to the Board. He stated that the angle of the intersection at Wing Lane and Oak Cliff Road is now at 71 degrees. He also stated that the property at 36 Oak Cliff Road now meets the required setbacks. He indicated that the applicant would loop the water pipes from the end of Oak Cliff Road with Chapman Street. There will also be drainage improvements. The Conservation Commission will address storm water management.

Paul Hurley commented that the drainage plan presented tonight is different from the one previously submitted.

It was noted that waivers are needed for a street intersection that is less than 90 degrees, for eliminating sidewalks, and for non-standard street widths.

Rod Fuqua stated that the plans had been routed to other town departments.

- The Tax Department reports that the taxes are current.
- The School Department noted that this development would impact the Seach Elementary School. Any students from this area would be bused to Abigail Adams Middle School. High School Students would attend Weymouth High School on Pleasant Street.
- The Fire Department has requested that a hydrant be placed at the end of the cul de sac and that a radio alarm box be installed.
- The Conservation Commission reports that a filing is necessary.
- DPW submitted a memo to the Planning Board.
 1. 8" ductile water line is suggested
 2. Looping of water mains
 3. Possible need for easement from Birchwood Condos
 4. The man hole needs to 8" (this is already noted in the present plans)
 5. The Highway Department suggested that there be no island in the cul de sac. This would require a waiver.
 6. The catch basins need to be double grated
 7. The Engineering Department had 16 items in the memo. They were all technical items.

The applicant has verbally agreed to meet all DPW requests per the above-mentioned DPW memo.

The Chairperson then opened the public hearing for public comments.

Councilor Art Matthews expressed concerns about Mr. Healy's verbal agreements, that there is nothing currently in writing. The property is in the watershed protection district per 120-10. He is concerned about granting a waiver for the sidewalk as this could well set precedence in future developments. He also expressed concerned about the placement of the water pipes being buried.

David Cataloni of 71 Oak Cliff Road stated that Oak Cliff is a private way and he is concerned about the impact that the placement of the water pipes with the road being dug up, will have on his access to his property. He noted that the town had previously required his signature to sign off for prior projects. He stated that he would not be willing to sign off on this project.

Lorraine Larabie stated that the applicant's plans are evasive, incomplete, lacking details, and containe inconsistencies. She also questioned the earlier discussion regarding the need for this public hearing and potential conditions.

Charlie Jones of 50 Oak Cliff Road expressed concerns about drainage and road conditions.

Frank Younie of 16 Oak Cliff Road noted that the intersection at Westminster currently has a bump in the road that makes it impossible for trailers to navigate the street. He also questioned the placement of heavy equipment while this project is in process. He noted that neighbors have repeatedly encroached on his property. Mr. Younie stated that he has had his land surveyed and had markers placed only to have those markers removed. He requested that the applicant survey his property.

Lorraine Larabie stated that the opening of the proposed road is 40'. Then it narrows to 24' and then to 15'. She raised concern about this.

Councilor Matthews stated his concern about maintaining a buffer to Cavern Rock Park. It was noted to that this is a conservation issue.

David Cataloni questioned the zoning of this property. It is zoned R-1.

Eunice Feliciano of 115 Westminster Road presented pictures of water run-off.

A resident questioned how the Master Plan plays into this type of development. It was noted that the plan meets the requirements of the state law, which supercedes the town's Master Plan.

The Board noted that they have concerns regarding the plans. Those concerns include technical notes, water looping, waivers, setback issues, and that a certified plot plan is needed.

Walter Flynn made a MOTION to CONTINUE the public hearing until July 20, 2004 and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

Haviland Lane

A MOTION was made by Walter Flynn to OPEN the Public Hearing regarding the request for an amendment to Definitive Subdivision Plan to create two (2) new buildable lots, one with frontage on Vine Street and one with frontage on Kensington Road and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

The property in question is zoned R-1 and is located off Haviland Lane on Sheet 20, Block 282, Lots 40 and 43.

Mr. Ryder, Attorney Galvin, and the developments' Engineer Mr. Teebagy appeared before the Board. Attorney Galvin again disagreed with the Board regarding the need for a public hearing on this case.

Rod Fuqua stated that this subdivision was initially denied due to concerns regarding blasting. It was appealed and the court remanded the case back to the town with the order that blasting is not a sufficient reason to deny an application.

Mr. Lawrence Young of 48-50 Vine Street expressed concern regarding driveway access to Vine Street. The corner where the driveway would exit is a sharp curve.

The Board noted that current zoning laws do not allow for access from one lot across another without appearing before the Board of Zoning Appeals. The applicant could use the frontage on Vine Street but access the property from Haviland Drive.

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The lots to be subdivided are as follows:

- Vine Street = subdivision of lot 5 into lots 5a and 11.
- Kensington Street = subdivision of lot 8 into lots 8a and 12.

Tom Condon of 85 Kensington Road noted that prior drainage concerns have been corrected.

Walter Flynn made a MOTION to CLOSE the Public Hearing and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

Walter Flynn made a MOTION to APPROVE the request to subdivide lot 8 into lots 8a and 12 with frontage on Kensington Road with the condition that drainage improvements be implemented before lot 12 is developed and was seconded by Paul Hurley and UNANIMOUSLY VOTED.

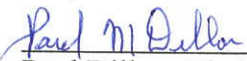
Walter Flynn made a MOTION to APPROVE the request to subdivide lot 5 into lots 5a and 11 with frontage on Vine Street, the approval is conditioned upon 1) the ruling/approval of the Board of Zoning Appeals for an easement for access from D.F. Haviland Lane, and 2) no access to be allowed to the property from Vine Street and was seconded by Paul Hurley and UNANIMOUSLY VOTED.

At 9:30pm, there being no further business, a MOTION was made to adjourn and was seconded, and UNANIMOUSLY VOTED.

Respectfully submitted:

Janet Murray
Recording Secretary

Approved:


Paul Dillon, Chairman


Date