

Minutes of the Planning Board held on June 25, 2001 at 7:30 P.M. in the High School Auditorium at 1051 Commercial Street

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

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

Meeting called to order at 7:30 P.M.

1. Kenneth Ryder, Ryder Development Corp., off 1635 Main Street, Eugene Way.

Decision on definitive plan for a six (6) lot subdivision.

Mr. Fuqua read the comments from the various departments as follows:

The Conservation Commission may require a filing. It has not been determined as to whether it will be Request for Determination or an Order of Conditions.

The Fire Department has asked for a radio street box.

The plan is required to show all the details as required by the Town Engineer.

With regard to the landscaped island at the end, the Board should consider a 40 ft. diameter. This would work to provide the best turning radius.

The applicant raised a concern with regard to storm water flowing from one persons property. Question of blocked drainage. We suggested the applicant allow for surface water to flow from abutting properties into the storm drain system on the sub-division.

In terms of impact on the neighborhood, we are asking that a 6 ft. high stockade fence be incorporated into the landscaping along the property line (Corliss & McGlynn).

There should be a detailed plan that shows the landscaping for the cul-de-sac. Any conditions of approval should be noted on the definitive plan before the Planning Board endorses.

Motion by Scott Curry, seconded by Jody Lehrer to approve the Eugene Way subdivision as long as all the conditions are met.

All in favor. Voting in the affirmative, Scott Curry, Jody Lehrer and Paul Dillon. Opposed, Paul Hurley (3-1 vote)

FORM A - 28 & 30 Broad Street (two family)

Mr. Fuqua stated that currently the piece is two lots with the lot line going through the house. This would combine the two lots so that the existing two family is on one lot. The lot has the required frontage.

Motion by Jody Lehrer, seconded by Scott Curry to endorse the Form A.

All in favor. So voted unanimously.

Karen DeTellis arrived at 7:37 P.M.

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

Discussion and decision on definitive subdivision plan for a six (6) lot subdivision for a 259 unit multi-family development.

Mr. Clarke went through the staff's comments on the definitive subdivision plan as follows:

There are some issues with the Conservation Commission and the Zoning Board of Appeals. The ZBA is still in the permitting phase.

This definitive plan was submitted on January 12, 2000 and has been looked at by the staff, BSC Engineering and Special Counsel, James Lampke.

There was a decision to delay the hearing process for the Planning Board. The first hearing date was on January 8, 2001. At a subsequent hearing date on March 26th, there was discussion regarding the differences in the plan from what the ZBA was looking at - number of units and two of the storm water detention basins that were combined. There was a request to modify those plans to more accurately reflect what the Board of Appeals had been looking at and continue the hearing. There were two subsequent hearing dates, May 17th and June 5th.

1. Road layout - the change from the original layout in the 70's, was an addition of a small cul-de-sac (Alexan Circle). The question raised to the Board, is whether the access to the development provides adequate turning options and whether the Board should require or waive that turn around.

2. Lot Layout - there are six (6) lots proposed for the subdivision. They all have appropriate frontage either on existing or proposed ways. Section 1.6 of the Rules and Regulations requires Planning Board approval for more than

one building for dwelling purposes on one lot. If the Board were to move forward on approval of the subdivision, that would have to be one of the stipulations.

3. Storm Water Management - it meets the requirements of the Rules and Regulations and State Storm Water Management guidelines. BSC recommends a site review of this situation when the basins are constructed to determine if a fabric needs to be placed inside.

4. Issues have been raised by the abutters about the volume of water coming from the development and the fact that no permission has been given to discharge this water into abutting water courses. It is staff's opinion that the discharge from the basin flows to a wetland on the applicant's property first and then flows into the stream or ditch into the abutting property. We do not feel permission is required. It is clear that the peak flows are reduced to the pre-application rate and possibly more.

5. Utilities - DPW has submitted comments on the water/sewer design and layout. Those comments should be incorporated if the plan is approved.

6. Zoning - a question of a four-story structure abutting school land on Lot 6 has been raised. Board of Zoning Appeals should review this matter. It should be noted that any subdivision approval is made with regard to lot conformity and not with specific building compliance to zoning.

7. Traffic & Circulation - applicant has submitted an updated assessment of traffic impacts from this development. The impacts and proposed mitigation are difficult to assess because of the existing traffic patterns in the area and possible negative consequences of mitigation designed for this project. Staff would recommend the widening and geometric improvements that were proposed be a part of this approval. Staff would not recommend a traffic light. The cost of the signals should be bonded so that if further analysis should determine signals or some other improvements in the neighborhood, it should be part of this mitigation.

This is the completion of the build out of the Tall Oaks/Arbor Hill development of that multi-family zoned area. In general, the proposal as submitted, meets the requirements of the Rules and Regulations of the Weymouth Planning Board.

Mr. Hurley questioned the extension of the dead end (over 800 ft. in length) as it pertains to the Rules and Regulations.

Mr. Clarke stated that the existing subdivision shows an approved road all the way through. The Board can either require them to construct the road to specifications or put in the emergency access.

Mr. Hurley believes the applicant has never asked for a waiver. Mr. Clarke said he was correct.

With regard to utilities, Mr. Hurley stated that he had asked for a note from the Water & Sewer Superintendent regarding the water. He has not seen as yet.

He would also like to know if Staff had received answers to the two memos they received on June 5th, one from Brad Hayes, Water & Sewer Superintendent and the other from BSC? Things were asked to be put on the plans and some asked for answers.

Mr. Clarke stated that he had received no additional information.

Mr. Hurley asked if the roadway was proposed as a minor street or a secondary street? Either one does not meet with Planning Board Rules and Regulations.

Mr. Clarke stated that under Regulation 6.3.1 it talks about a 28 ft. minimum for a minor street and a 33 ft. minimum for a secondary street for pavement unless it is approved by the Director of Public Works. This meets the existing Burkhall Street layout.

Mr. Hurley asked if there was any updated information with regard to the drain easement?

Mr. Clarke stated that those would be incorporated with the comments from the DPW.

Mr. Hurley stated he still had concerns about the drainage.

Mr. Curry thinks there is still problems with the reduced peak flows and the assessment on the traffic issue.

With regard to the traffic signal, Mrs. DeTellis asked Mr. Clarke for an explanation.

Mr. Clarke stated that it is still uncertain as to the proposed mitigation. He is suggesting going ahead with the improvements (left turn lanes to improve flow of traffic) but he would not eliminate the possible funding for additional improvements that might be necessary. There would be a performance guarantee from the applicant.

Mrs. DeTellis stated she takes a narrow view of discharging onto abutters property.

Ms. Lehrer stated she had no problem with the road layout. The zoning issue (proximity of build. to school) is one for the ZBA. She is concerned with the storm water and traffic issues as they have not been resolved.

Mr. Dillon stated he had no problem with the road layout. He read over the Rules and Regulations and feels that this project conforms.

Motion by Mr. Curry, seconded by Ms. Lehrer to deny the Alexan, Burkhall street definitive subdivision plan for a six (6) lot subdivision for a 259 unit multi-family development for the following reasons: the drainage is not acceptable and the impacts of the traffic issue.

Discussion ensued on the motion.

Mr. Hurley said he does not believe the applicant asked for any waivers and it does not meet our Rules and Regulations with regard to the roadways, buildings per lot and the sewage overflows. He does not believe any mitigation would satisfy the drainage and we should not allow water to flow over private property.

On the motion to deny the Alexan, Burkhall Street subdivision, voting in the affirmative - Mr. Hurley, Mr. Curry, Ms. Lehrer and Mrs. DeTellis. Voting in the negative, Mr. Dillon. (vote 4-1) Motion passes.

Mr. Clarke explained the process. A decision will be prepared and he will be getting the Board Members signatures by the end of the week. There is an appeal period.

He informed the Board that on Wednesday evening there will be a review of the Master Plan.

Motion to adjourn. Meeting adjourned at 8:00 P.M.

Respectfully submitted,

Annette M. Cignarella
Recording Secretary

APPROVED 11-27-01



Paul Hurley, Vice-Chair