

"Town Clerk"

WEYMOUTH PLANNING BOARD

JUNE 29, 1998

OFFICE OF TOWN CLERK
WEYMOUTH, MASS.

SEP 17 3 30 PM '98

RECEIVED

PRESENT: P. Hurley/Chairman, S. Abbott/Vice-Chairman, M.S. Ryan, P. Dillon,
M. McElroy, P. Lynch, Sr., M.S. Ryan and R. Fuqua/Principal Planner

APPROVAL OF MINUTES

Ms. McElroy moved to approve the minutes of the 11/3/97 meeting, the 4/21/98 meeting, the 5/11/98 meeting and the 5/19/98 meeting as submitted.

UNANIMOUSLY VOTED

PERFORMANCE DRIVE - Update of Performance Guarantee

Mr. Fuqua informed the members this request had been withdrawn, adding Fafard, developer of Libbey Industrial Park and Mike Flibotte/Owner are dissolving their business relationship. They are presently working on finishing the roadway together. At this point they are still in negotiations and plan on coming before the Board this Summer to give members the details.

Ms. Ryan spoke about the (3) mini-portable (good size) warehouses on the medi-plex property. She asked Mr. Fuqua to check where the company was storing their oxygen supplies - and to ask why/how long will they be there.

ORLEAN'S ROAD - Set Performance Guarantee

Mr. Fuqua noted the Planning Board authorized the Orleans Road turnaround. He informed the members he had calculated the cost for the balance of this work to be approximately \$12,725. This amount will include the clearing/grading/the housing services of the Water & Sewer Department, storm drains, paving, loam and seeding and lastly the administrative costs/contingency fee.

Mr. Dillon moved to set a Performance Guarantee Bond re. Orleans Road at \$12,175.00.

UNANIMOUSLY VOTED (Ms. Ryan abstained)

DELEGATE REPORTS

Ms. McElroy updated members on the last trip of the Naval Air Base Committee to Washington, DC. She commented on the excellent impressive presentation made by Mr. Clarke/staff. Members met Sen. Kerry and Sen. Kennedy during the visit, as well as the Secretary of the US Navy Cassidy who said he would like to make a visit to the Base at some point. Members also met Raymond Sherry who Ms. McElroy felt was also very receptive with the request for funding.

FORM A/PEQUOT ROAD

Mr. Fuqua explained to the Board that a town-owned parcel of land is being divided between the abutter and the Town. He advised concerned members the size of the lot combined with the abutter's present lot will not create a buildable lot.

Ms. McElroy moved to approve the towns dividing the town-owned lot on Pequot Road with the abutter

UNANIMOUSLY VOTED

7:45 PM CONT'D PUBLIC HRG.Re. BRISTOL BROS.DEVELOPMENT SPECIAL PERMIT REQUEST

Ms. McElroy moved to re-open the public hearing for Bristol Bros. Development who are requesting a Special Permit and Definitive Subdivision plan for Planned Unit Development; i. e., 126 housing units and 9 hole golf course located north of Liberty St./Union Street School, west of Lictric Drive/Courier Street/Delia Walker Avenue Blackhawk Road/Bengal Road and Bonnie Road - south of Ralph Talbot School and Old Swamp River.

UNANIMOUSLY VOTED

(At this point Mr. Hurley withdrew from participation in the hearing turning over the chairmanship to Ms. Abbott/Vice Chairman.)

Mr. Jim Bristol, Jr./applicant was present with Jim Bristol, Sr., David Bristol, Mr. Schall and Bill Burbank of Abbellire, Inc. (who arrived a few minutes after the hearing began).

Mr. Fuqua informed members they were provided information in their packet from the applicant that included detailed data on water rights, economic benefits of the proposed system and revised plans. Today Dr. Descheng Wang, representing the Town/Conservation Commission, forwarded his report/recommendations on his findings based on his review of the applicant's plans and the revisions.

Dr. Wang then came forward to address the Board on the project. He pointed out the pond is a little over what was suggested and there were a couple of feet added to Ponds #2 and #4. He also briefly addressed the Y-shaped retention basin and detention area on the plans for the Board. He informed members all the water has been located on the final plans and this information is included in his report to the Planning Board including his recommendations for an Order of Conditions. He pointed out the new plans in their packet also included recommendations by the DPW, including "Progress Permit Format" and an update.

Mr. Fuqua told members if the plans/information received are acceptable, they will be updated and included with the final submission.

Ms. Abbott asked why the date was omitted from the Bristol Bros. new plan, but Mr. Burbank pointed out the date on the plan which was 6/25/98.

Ms. Ryan said she was very happy with Dr. Wang's input and appreciated Bristol Bros. being very forthcoming with all the requested information. Ms. McElroy was in agreement.

Ms. Abbott asked about the ownership of the water on site and about status of the DEP Permit for the project, with Mr. Burbank explaining to Ms. Abbott a DEP permit was not required for this type of project.

Ms. Abbott said she wanted to be sure the Board had the proper info/number on how the water discharges. Ms. Abbott then questioned the number of housing units and the number of houses on the site.

Mr. Bristol, Jr. told her there were 126 units, with one house on Lot 4, pointing out the plan included (7) additional houses - assuring Ms. Abbott all were within the proper guidelines.

Mr. Fuqua confirmed all information requested by the members has been received from the applicant and all issues have been addressed over the past number of hearings with the applicant. Additionally he pointed out all information has been reviewed by Dr. Wang, who also confirmed all information requested by the Planning Board is in and available to all. At this point there are no further staff questions for the applicant.

Ms. Abbott wanted to know how all the information involving various Boards/Committees in Town will be coordinated with Mr. Fuqua responding 'they will take all information received and compile a draft creating an outline for the Board to assist them in making their decision'. Monitoring the project will need to be addressed. He told members he has spoken with Mr. Marino, Director for the Board of Health and Mr. Mazzotta/Director of the DPW - asking if they would be interested in working together on this project. He noted a similar group was set up by the Cape Cod National, but their's was much more elaborate than what Weymouth/this project require. He went on to say they would review who would be monitoring the samples, reports and water levels.

Mr. Fuqua explained Dr. Wang offered the Board directives, now they need to make sure they are also acceptable with the Board of Health and Department of Public Works. Additionally the Conservation Commission will be involved in the process. Once a plan is developed it is hoped Dr. Wang will still be available for input. He assured members the process would be coordinated once all of the information is in place.

Mr. Fuqua stated Ms. Abbott wanted outside consultants to review the results of the sampling.

Ms. Ryan agreed with outside analysis further into the process. At this point she told Dr. Wang she was very appreciative of his overview.

Mr. Burbank informed members the Conservation Commission continued their hearing on the project to August 12th, which will give the Planning Board 4-5 weeks to get their draft order to the Commission. He assured the Board he wanted to give them any information/data they needed to make their decision.

Mr. Fuqua stated they wanted to make sure the Planning Board and Conservation Commission conditions can be incorporated and workable.

Mr. Burbank asked if they could put some conditions in draft form for their consideration and Mr. Fuqua responded 'yes', but added it won't be easy. He commented this suggestion by the applicant will allow them to bullet the issues and refine them, especially matters re. water quantity and quality issues. This will also provide a starting point for the DPW and the Board of Health.

Mr. Burbank agreed, adding 'especially regarding limited access issues'. He told members the DPW is still negotiating a consent decree. At this point the applicant will proceed until they hear further from the DPW.

Mr. Fuqua explained to the Board the applicant had some choices, they could:

- chose to wait
- modify the project
- or withdraw

Mr. Bristol, Sr. told the members the DPW has not acted on their application yet, adding quantities for I & I and no-net gain for water have changed, but he felt at some point in time they will act on it. He went on to say the DPW is anxious to get started on an I & I program for them. He informed the members, the DPW has a list totaling in the hundreds of those with sump pumps entering the Town's system. He emphasized his company is anxious to work with the DPW on this. He felt they might hear something within the next 60 days or so.

Ms. McElroy stated that the Weymouth Board of Health has expressed interest in being responsible for the monitoring.

The hearing was then opened to the public.

Mr. Eaton/27 Red Jacket Rd. spoke - asking about the driveway between 17 and 27 Red Jacket Rd., with Mr. Bristol, Jr. responding they discovered the only access through the street opening is on Red Jacket Rd. They plan on pursuing coming in another way, but Constitution Avenue becomes town-owned property once it hits the walkway. At this point they are waiting to hear from the Town. He told Mr. Eaton if the driveway is kept to the right, there is a possibility it can be accessed.

Mr. Eaton told the Board, Bristol Bros. staff came right down and investigated the situation after speaking with him.

Mr. Bristol, Sr. explained they will need a separate hearing with the Conservation Commission for that lot alone.

Ms. Abbott asked about holding a 'working meeting' with the involved departments and Mr. Fuqua said the Board of Health, Conservation Commission, Dept. of Public Works and Dr. Wang will be working on developing conditions. Next they want to make sure the conditions are acceptable to all involved.

Ms. Abbott asked about a joint presentation, with Ms. McElroy stating she only wanted to be responsible for voting on planning issues.

Ms. Ryan pointed out Dr. Wang was looking out for all town departments/boards, but agreed each one will have their own particular conditions.

Dr. Wang told members after he reviews/comments on the applicant's project before the Conservation Commission, he will be happy to review the proposal before the Planning Board.

Mr. Fuqua assured Ms. Ryan after he attends the meeting he would report back to the Board on their progress.

Mr. Dillon moved to close the public hearing.
UNANIMOUSLY VOTED

Mr. Dillon moved to take the Bristol Bros. Special Permit/Definitive Subdivision plan for a 9-Hole golf course and 126 housing units in South Weymouth under advisement.
UNANIMOUSLY VOTED

The applicant was told this process would be completed within 90 days.

MEETING W/KENNETH RYDER RE. SAMANTHA CIRCLE/ESSEX HEIGHTS DRIVE PRELIM. PLAN
Mr. Kenneth Ryder/applicant came before the Board along with his engineer/Kenneth Teebagy.

Mr. Teebagy was before the Planning Board to request their guidance with reference to their proposed roadway re. Samantha Circle Subdivision. He said tonight he wanted to update them on the present status of their project, which is at a crossroads. At this point they are looking at (3) alternatives to resolve a dead-end issue. He explained the configuration of their property presents problems in part because Conservation Commission regulations limit their choices re. Eugene Way/Essex Heights Drive. In referring to the plan, Mr. Teebagy pointed out the pavement ends 92" before the stone wall. In order for them to complete the roadway they are requesting a waiver of the 800 ft. limit to 1,090 ft.

Mr. Teebagy further explained Mr. Ryder has met with abutting developer/property owner Frank Messina in an effort to resolve the issue re. a small parcel of land abutting his property that would allow him to complete the roadway, but Mr. Messina is not in favor of Mr. Ryder purchasing this land/stump. This has left him in a difficult position and a waiver would assist him in resolving the access /roadway problem.

It has been suggested Mr. Messina supply the Planning Board with another alternative because their preliminary plan cannot come in as Definitive. At this point the Planning Board is being asked to give Mr. Ryder direction.

Ms. McElroy asked Mr. Fuqua for his recommendation and he responded that he didn't have one at this point, referring to the Boards rules/regulations require an 800' limit. He told members if they wanted to consider granting a waiver, this project would not meet the guidelines, but if they do give the request consideration, he said the Board would need to look at the present conditions and give improvements consideration re. a trade off. He noted they will need to provide a water main to emergency access, so - look for two or three.

Mr. Teebagy told member's Messina's original plan presented to the Board included a completed road in this area, but this was never done. He suggested he be required to put the monies for this purpose in Escrow with the Town.

Mr. Teebagy pointed out a list of deficiencies in developer Messina's roadway, pointing out the Street Acceptance for this roadway is before the Town for approval. He said at this point Mr. Messina actually has a paper street, which Mr. Ryder needs to connect to for access to his subdivision.

Ms. Ryan asked if the Planning Board could force Mr. Messina to honor the plans he previously submitted to the Board showing a completed roadway. Mr. Hurley told Mr. Ryder the area of concern was private property and hook ups cannot be accomplished until the road is permanent.

Mr. Ryder told members he would like to construct his proposed road up to Messina's property line and spoke about posting a bond with the Town to assure this work be done.

Mr. Teebagy told members 'he can't afford to maintain the road forever'.

Mr. Dillon said the situation must be resolved between the two developers. He went on to say he could not support a 1,090 ft. waiver, pointing out 800' is enough. He added when he first came on the Planning Board the limit was 500 ft. and he did not want to see it grow any further. He told Mr. Ryder/Mr. Teebagy he didn't want to see the Board put in the middle of the issue.

Mr. Hurley suggested the applicant look further into connecting to the Town's water, which he felt could be another issue he may have to address.

Mr. Teebagy emphasized to the Board the stub of land/roadway has been overlooked, falling through the cracks by those involved - but he added, we will do whatever is necessary to work it out.

Ms. Ryan agreed with the applicant the situation was most unfortunate, but she could not vote for anything beyond 800' for a waiver. She felt all involved would be better off with the proposed road, which would make for safer conditions for the town/abutters.

Mr. Teebagy said it would help if the Planning Board supported inclusion of the 'stub' when the road came up for 'street acceptance' at town meeting.

Ms. McElroy suggested Mr. Ryder look into organizing the homeowners in the area for support.

NEW BUSINESS

Mr. Fuqua informed members Atty. R. DiFazio will be returning on July 13th with new plans for MaryLou's News/applicant.

Mr. Dillon asked that the members receive a copy of the original plans prior to the meeting.

LANDFILL

Mr. Fuqua informed members the public hearing for Iantosca/East Bay in North Weymouth is coming up.

NEW BUSINESS

Ms. Ryan addressed a letter to the DPW re. Dr. Wang's comments re. water condition - asking Mr. Fuqua if anything has been sent to the DPW on this matter.

Mr. Fuqua told her they were just now finalizing the information and Dr. Wang's comments will be included when the packet goes out to those involved, with Ms. Ryan clarifying this particular issue was part of a vote from last meeting and wanted to see it addressed separately re. town's water supply. Mr. Fuqua will follow-through.

Mr. Fuqua was asked how Dr. Wang was being paid and it was stated the Conservation Commission has contracted for his services with support from their by-law which allows for the hiring of a consultant on bigger/complex projects with the developer/applicant being responsible for payment (Bristol Bros.)

ADJOURNMENT

Mr. Dillon moved to adjourn at 9:15 PM.

UNANIMOUSLY VOTED

Respectfully submitted,

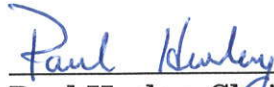
A handwritten signature in dark ink, reading "Susan DeChristoforo". The signature is fluid and cursive, with the first name "Susan" written in a smaller, simpler script than the last name "DeChristoforo".

Susan DeChristoforo
Acting Recording Secretary

APPROVED: _____

Date: _____

This is to certify that the foregoing is a true and complete statement of all actions and votes taken at this meeting on June 29, 1998.

A handwritten signature in blue ink, reading "Paul Hurley". The signature is cursive and stylized, with the first name "Paul" and last name "Hurley" clearly legible.

Paul Hurley, Chairman