

RECEIVED

TOWN OF WEYMOUTH

Oct 23 9 52 AM '99

PLANNING BOARD

OFFICE OF TOWN CLERK
WEYMOUTH, MASS.

MINUTES

There was a Planning Board meeting held on July 13, 1998 at 7:30 P.M. at the Town Hall.

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

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

The meeting was called to order at 7:30 P.M. by Chairman Hurley.

1. Other Business

a. Form A Plan – Colonels Lane

The Board reviewed the Form A Plan for Colonels Lane which was to subdivide out the single family property from the multi family property at Queen Anne's Gate.

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

UNANIMOUSLY VOTED: to endorse the Form A Plan for Colonels Lane.

b. Board of Zoning Appeals cases

Mr. Fuqua stated that there are two cases scheduled for the Board of Zoning Appeals meeting on July 16th.

72 Parnell Street. Mr. Fuqua stated that the applicant is proposing an addition to a house in the floodplain. The application should be amended to take care of floodplain issues at the same time.

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

UNANIMOUSLY VOTED: to send a letter to the Board of Zoning Appeals requesting that the application be amended to incorporate all necessary modifications so that the proposal conforms to construction criteria of Section 120-38.5 of the Zoning Bylaws.

100 Forest Street. Mr. Fuqua stated that the applicant is proposing to subdivide one lot into two lots with the front lot having approximately 15,400 square feet, and the rear lot having approximately 33,800 square feet.

Mrs. Ryan abstained from taking part in the discussion.

Mr. Fuqua stated that he has some issues with this plan. Currently there is one lot in the back but you have a driveway coming off the other driveway. The existing house #108 also uses it so he questions multiple access. Mr. Fuqua stated that this should be laid out under Subdivision Control Law. The other issue he has concerns the drainage drywell which appears to be draining the driveway and is on a different lot. There is a sewer line that comes in to service the house in the front, there is a manhole and then there a service that extends back with a utility easement. He also questions the water line which is 3' off the property line. He questions whether you can get a water line in without encroaching on the other property. Mr. Fuqua stated that in summary, he questions the access, utilities, and drainage.

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

VOTED: 4-0-1 (Mrs. Ryan abstained) to send a letter to the Board of Zoning Appeals stating that the Planning Board recommends that this application be denied based on the following conditions shown on the plan:

1. The sewer line services lot 1 and lot 2. There is no easement provided to allow the sewer line to go through one lot to service another.
2. The proposed driveway is providing access for lot 1 and lot 2. In addition, there is an encroachment from # 108 Forest Street that would also be using the driveway. Any layout providing access for more than one lot should be laid out under Subdivision Control Law.
3. The proposed drywell on lot 1 will be receiving runoff from the driveway on lot 2. Any required stormwater management facilities should be contained on the same lot as the driveway.
4. Proposed water service is shown approximately three feet from the property line and the proposed drywell. The close proximity of the water line to the

property boundary does have a potential for encroachment with any water line maintenance in the future.

(Mr. Lynch arrived at 7:45 P.M.)

2. 7:45 P.M. Public Hearing

Petr: Marylou's News
Locus: 768 Main Street
Sheet 45, Block 521, Lot 3
Zoning: B-1

Petition to resubmit special permit application within 2 years because of specific and material changes

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

UNANIMOUSLY VOTED: to open the public hearing at 7:45 P.M.

Mr. Rocco DiFazio, attorney for the petitioner, explained that he is seeking a continuance due to a conflict he has in hearings. He is asking that this hearing be continued to the Board's next meeting.

Mrs. McElroy read a letter to Mr. Fuqua from Mr. DiFazio requesting a continuance of the public hearing for Marylou's.

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

UNANIMOUSLY VOTED: to continue the public hearing to August 17, 1998 at 7:45 P.M.

3. Other Business

- a. Board of Zoning Appeals decisions. Mr. Fuqua reviewed recent decisions of the Board of Zoning Appeals. Unicorn Street was a request to subdivide the property from one lot into two. The Board opposed the plan and the Board of Zoning Appeals denied the application. The application of 125 Fort Point Road was for an addition. The Planning Board had no comment, and the application was approved by the BZA. The application for 52 Whitman Street which was the Sons of Italy for the flagpole with the cellular communication equipment inside, was approved. The application of 711 Doris Drive affirming two lots was opposed by the Planning Board and approved by the BZA. The application of 15-23 Lee Street was transferring property to allow for frontage on the property that was land locked. The Planning Board supported the application and the BZA approved.

4. Community Development Block Grant – bidder procurement process

Mr. Clarke stated that he asked Elizabeth to be here this evening to bring the Board up to date on issues we have been dealing with. Because of the economy and the types of projects we have, we have had trouble getting bidders or they have come in over the estimated cost.

Ms. Durkee stated that with all the different projects we have going on, she has been finding that the contractors have been very busy and no one wants to submit a bid for the jobs because they are small. What they have done is group several projects together that are similar in nature in order to get more competitive bids and hopefully entice more contractors to submit bids. The bids are still coming in well over our estimated cost. She has spoken to several of the architects that she has been working with, and what they are telling their clients is to wait until winter. Contractors are so busy now that they don't need the work and are submitting extremely high bids.

Ms. Durkee stated that they had two group projects recently. One includes the School Department and the Whipple Center. They were able to work with the contractor to bring the price down a little, but he was still \$20,000 over our estimated cost. The other group project seems to be a much bigger problem. The project includes three very small jobs – Lovell Field handicapped accessibility, Town Hall handicapped accessibility and Tufts Library handicapped accessibility. She explained the status and the problems they have encountered with Tufts Library which has been bid three times and is still over budget. It is the recommendation of the architect to wait until fall to re-bid the job.

(Mr. Leary arrived at 7:55 P.M.)

Ms. Durkee stated that the Teen Center elevator is going and the contract is being drawn up, but that project was bid several times in order to get bids and it still came in \$108,000 over our estimated cost. She explained the problems that occurred when bidding the elevator project. When the project was re-bid there was only one bidder. She has talked to the Attorney General's office and they said that we could take the one bidder. They have been working with the architect, engineer and contractor in order to work out some change orders to bring the cost down. The contractor will be donating time, and there will be some change order, but we still need approximately \$6,000.

Mrs. McElroy asked if we could get \$6,000 from the Friends of the Teen Center. Ms. Durkee replied that she has talked with Lynne Sager regarding that and there were some concerns with depleting the Friends budget. Ms. Durkee stated that what needs to happen is she needs to award the contract for the amount that was bid which is \$228,000. From that point we can do

change orders to bring the cost down to approximately \$160,000. They had asked the Friends to sign a letter stating that they would be able to make up the difference but they were concerned that they would end up having to pay the \$108,000 so they would not sign a letter. The architect, S. B. Sager Associates, has agreed to write the letter stating that if there is any problem, they will come up with the money.

Mrs. Abbott asked if the bidding problem is a local problem. Ms. Durkee replied that it is not. They have sent out notices to areas all over the state.

Mr. Clarke stated that with regards to the Teen Center, a request will come back to the Board for \$6,000 out of the Contingency Account.

Mr. Leary asked about asking the Friends to sign a letter saying that if all changes are made and only \$6,000 is needed that they would pay. Ms. Durkee replied that we can ask them for \$6,000.

Mr. Hurley asked if the prices are coming in higher on labor or material. Ms. Durkee replied that it looks like labor is coming in high.

Mr. Clarke stated that because of the federal money we have a lot more paper work that must be done so contractors prefer to go with private sector projects, and that is why we have made the attempt to put projects together but they are small projects.

Mr. Clarke stated that next year as we get into the application process we really need to look at cost estimates for projects.

5. Other Business (cont.)

Work Program

Mr. Clarke stated that he has been working on a work program for the coming year. There are a couple of items he would like to bring up to the Board this evening. The first is the Open Space Plan which he would like to have drafted in the next six months. We have an intern and he will be working on it.

Ms. Durkee stated that the intern will be doing the environmental section of the Open Space Plan.

Mr. Clarke stated that we serve as staff not only to the Planning Board but other commissions/boards as well. We work directly for the Board of Selectmen for the HOME program and serve as staff for the Fair Housing Commission. He would like to have a discussion on this.

Mr. Clarke stated that the last item he raised at the staff retreat concerned a Master Plan for the town with regards to a traditional plan or segments of plans; or doing something a little difference – more like a vision plan. There was support on the staff level for a vision statement so that we can get an overview of issues the town will be dealing with over the next ten years. There is a unique opportunity now in that the Charter Commission will be making drastic changes in how town government works. He would like to proceed with drafting a scope for a May or fall Town Meeting.

Mrs. Ryan stated that that she thinks this is something we all want, but we, as a Board, have asked for meetings regarding issues that have been given to use but are technically not ours. She has a long list of things that are Building Department issues that are not being addressed. She would like input from the Board of Selectmen regarding these issues. She cited a list of items of concern such as the greenhouse by Curtis Liquors, Caldor Plaza parking lot, billboards on Route 18. She asked where the coordination is and why we don't have a voice as a Board.

Mr. Clarke stated that he does not have an answer to Mrs. Ryan's concerns. He can talk to the Board of Selectmen to see if they can set up a meeting like was done with the DPW.

Mrs. McElroy stated that she agrees with Mrs. Ryan that we should have a meeting with the Board of Selectmen.

6. Public Hearing – 8:30 P.M.
Petr: Weymouth Redevelopment Authority
Mistry Associates presenting
Locus: Woodside Path
Sheet 34, Block 358
Zoning: R-1

Definitive subdivision plan

Upon motion made by Mrs. McElroy and seconded by Mr. Lynch, it was:

UNANIMOUSLY VOTED: to open the public hearing at 8:30 P.M.

Mrs. McElroy read the public hearing notice.

Mr. Clarke stated that Woodside Path started as a Planning Board project but because of concerns over how improvements would be handled, this was turned over to the Redevelopment Authority. He introduced the two Redevelopment Authority members that were present – Marty Joyce and Bob Hunt. Mr. Clarke stated that we had hoped to have had the Conservation Commission meeting last week but it was postponed because the Commission

did not have all the information. It has been rescheduled for the July 22nd meeting. Rod Fuqua and Elizabeth Durkee have been the principle staff people for this project.

Mr. Fuqua introduced Jacques Borges from Mistry Associates who are under contract with the Redevelopment Authority to do the engineering and design prepare for the Woodside Path plan. This is a subdivision that has come before the Planning Board as a preliminary plan. There were some development issues that the Board had looked at, and his project was turned over to the Redevelopment Authority as an urban renewal project and that allows for the taking of land.

Mr. Fuqua pointed out the project area and the surrounding area. The project calls for starting at St. Margaret Street and going up to Wycliffe Road and then to Dell Path to Woodside Path. It is currently all a dirt road. The proposal is to pave the road and put in a storm water system and also to provide sewer. There is at least one house on Wycliffe Road that currently does not have the ability to tie into the sewer system. This is a project that has been funded under the Community Development Block Grant program. The contract with Mistry is for the utilities. Some of the parameters they have looked at within this particular area include the South Cove with the water supply area. On Wycliffe Road there are some parcels that were formerly tax title properties and have been turned over to the jurisdiction of the Conservation Commission, and there will be no encroachment on that Conservation property. There is also a piece of land along the back of lot 2 abutting Whitman's Pond which will be turned over for conservation purposes. They have looked at the road length. There was some shifting of the road in a westerly direction since the preliminary plan so that they have a flatter, more buildable area within lot 2. Wycliffe Road has been brought in for one lot that does have an address on Wycliffe Road. The entire area has 12 existing houses. With the development that is done in the area, there will be an additional 2 lots. There are 2 other lots that are currently vacant that are private property so there is the potential for 4 new houses within the area.

Mr. Borges stated that the proposal is to build the road from St. Margaret Street to Woodside Path. The roadway would be 23' wide with 2 cape cod berms. He explained the plans for sewer and water. Because of environmental problems, they were asked by Conservation to investigate putting drainage underground and have proposed an infiltrator system. They go before Conservation on July 22nd.

Mr. Leary asked about a maintenance schedule for the catch basins and if there would be scheduled maintenance or fixed as needed. Mr. Fuqua replied that the catch basins would be checked when the sewer manholes are checked and would probably only be cleaned on an as needed basis.

Mr. Fuqua stated that the plan was sent out to town departments for comments. The infiltrator system is still under review by the Conservation Commission so we are awaiting the comments from the Engineering Department. The Police Department was concerned about whether there would be a sidewalk. We have been working with the Board of Health in terms of looking at one of the criteria that the Planning Board put in place that the houses be connected to the sewer.

Mrs. McElroy asked if when this first came before us were we opening up land for development. Mr. Fuqua replied that there would be two parcels that would be opened for development. One property is owned by Paul Truby. The other one is lot 2 on the plan and the Redevelopment Authority is looking to take that property. Under the proposal, the property would be subdivided into 4 lots. One of those lots would be for conservation purposes. One house lot has an existing house on it, and there would be 2 new houses.

Mrs. McElroy asked if we are going to get anything back from the developer since we are putting the road in.. Mr. Fuqua replied that is why the developer is the Redevelopment Authority. Mr. Clarke stated that over a year ago the Board went through a lengthy review of alternatives and made a decision that turning the project over to the Redevelopment Authority appeared to be most appropriate way for the town to proceed.

Mr. Lynch asked if the proposal is to take one house. Mr. Fuqua replied that the property is owned by Theresa O'Meara and is the property that the roadway runs through. Mr. Lynch asked if the O'Meara's live there now. Mr. Fuqua replied that the property is rented. He presented the plan showing the areas proposed for takings. He stated that Wycliffe Road is currently 20' wide and would be widened for a 40' right of way. There is an area owned by Mediplex that is proposed for taking. The area by Paul Truby's property would be taken and would provide room for a turn around.

Mr. Dillon asked what the length of the road was of Woodside Path. Mr. Borges replied that Woodside Path is approximately 600'. Mr. Dillon asked what the length of Dell Path was. Mr. Borges replied that Dell Path is approximately 930'. Mr. Dillon asked if the only entrance is through St. Margaret Street. Mr. Borges replied in the affirmative. Mr. Dillon stated that is a problem.

Mr. Hurley asked if there are any comments from DPW. Mr. Fuqua replied that he does not have any written comments from DPW yet.

Mr. Hurley asked about the pumping station and if the pumps were sized to handle new development. Mr. Fuqua replied that there would be no change

on the sewer pumping station. Most of the comments from DPW have focused in on the water so we have looked at upgrading the water line.

Mrs. Ryan stated that once sewer is available, it will be mandatory to hook up to town sewer. Ms. Durkee replied that is correct.

Mr. Clarke stated that some people have connected to the sewer over the past year, but some cannot hook up to sewer until this project is in place.

Mr. Hurley opened the meeting for questions/comments from the public.

Mr. William Hartnett stated that his mother-in-law owns the property that is proposed for taking, and she has not heard anything about this. When they wanted to develop this property, they were going to have to put in a Class A road and now the proposal is a for a 20' road.

Mr. Hurley stated that this is a Redevelopment Authority project for improvements to the whole area, and if approved, the Authority will have to go through the taking process.

Mr. Clarke stated that the Planning Board is reviewing the subdivision layout and the roads. The Redevelopment Authority will be implementing the plan. There have been many neighborhood meetings on this plan and notification to the neighbors. He suggested meeting with the Hartnett's to explain the whole project.

Mr. Jim Cunningham, 58 Lake Shore Drive, stated that he wanted to ask how this property was acquired, but from what he has heard, the town has not acquired the property. Mr. Hurley stated that the proponent of the plan is the Redevelopment Authority. Mr. Cunningham asked how long people had to comment on this plan. Mr. Hurley explained the public hearing process.

Mr. Cunningham asked if it was correct that the town is going to put the road and improvements in and pay for the work. Mr. Hurley explained that the project is funded through the Community Development Block Grant.

Mr. Cunningham asked how much it will cost for the project. Mr. Fuqua replied the estimate for the roadway and utilities is approximately \$125,000.

Mr. Cunningham stated that it was indicated that there would be some conservation land next to the pond. The people around the pond are very concerned about drainage going into the pond. To have more houses will increase the runoff in the pond. The proposed 1500 gallon retention tank is not a very large tank for the storms that we have been seeing lately, and it may not be sufficient.

Mr. Cunningham stated that in general, he is not in favor of the Redevelopment Authority picking up land that they see is vacant and want to develop. He is a member of the Open Space Committee and they are trying to maintain open space. If the town wants to improve the road and sewer, then it should come under the town's budget and the town should do the work.

Mrs. McElroy stated that people that live in the area came to the Board for the road improvements.

Mr. Cunningham stated that the Board should do the roadway work without the development.

Mr. Clarke explained how the project came about, and how it was determined that an urban renewal project through the Redevelopment Authority would be the best way to proceed.

Mr. Cunningham stated that he does not see the need for the development of 2 lots.

Mr. Robert Quindley, 7 St. Margaret Street, stated that he is concerned with the curve that comes out to St. Margaret Street. The dirt road is wider than 20' now and the Waste Management Truck cannot make the swing off St. Margaret Street without backing up several times. That corner is bad. He hopes that if the town is spending \$125,000 for the roadway and utilities, that they will do something with the corner.

Mr. Fuqua stated that they are aware of that issue, but this area has no other way in/out unless you go out to Libbey Parkway. St. Margaret Street is a narrow roadway and they are trying to work within existing conditions.

Mr. Will Hartnett, Rockland, stated that his grandmother is Theresa O'Meara and it's her property the town is trying to take. He is a proponent for open space, and he wonders why his grandmother's house is the only one proposed for taking. He always considered that parcel his backyard because that's where he grew up. It is a beautiful place, and he is very concerned because he likes it the way it is.

Mr. Clarke stated that some members of the O'Meara family have received notices. He again suggested a meeting with staff and members of the O'Meara family to discuss the plans. If the family agrees to a provision that they won't build on the property, that meets our concern.

Ms. Christine Sullivan, Wycliffe Road, stated that she bought her house 2 years ago and now finds out that there will be a new house right in their

back yard. She is not too happy with that. They like having all the trees.

Mr. Hurley explained what the Board is trying to do, the process that has been followed, and what could be developed on that property. He stated that anyone could propose a house on vacant property.

Mr. Clarke stated that issues have been raised. He suggested continuing the hearing to August 17th at 8:45 P.M.

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

UNANIMOUSLY VOTED: to continue the public hearing to August 17, 1998 at 8:45 P.M.

7. Weathervane – general discussion

Mr. Clarke stated that he has a couple of issues to raise with the Board. The Board received an outline of issues for consideration. One of the biggest issue the staff has heard from the Board is the monitoring program. Rod is meeting Wednesday with departments to discuss this project. After that meeting, Rod will take comments from the meeting and get them to the Board for their review. He would like to discuss this at the August 17th meeting. He thinks we have identified the key issues. If the Board has any other items, please let us know.

Mrs. Abbott stated that quality and quantity has to be written to say that corrective measures will be taken. Continued monitoring is very critical. The developer will have to commit to a monitoring program.

Mr. Clarke stated that there is one other item and that concerns water and sewer. He had the opportunity to discuss water and sewer with the Board of Selectmen and DPW. He has given the Board copies of the consent order for the sewer. The Chairman of the Board of Selectmen asked to speak to the Board if he could leave his meeting for a few minutes. We have a consent order that was signed by the state that lays out dates that the town must meet. The town is on schedule, and he feels there is no need to proceed with a water moratorium. We have a list of things we need to do and we are on schedule. The sewer is more of a problem. A moratorium is probably needed until DPW can put in order administratively the procedures to be followed to require new developments, or existing connections to tie into the sewer system. It is clear over the years that there have been mixed signals from the DPW, and the way they have monitored the hookups. Mr. Clarke stated that there are clearly problems that are Weymouth problems. The sewer overflow on Neck Street has nothing to do with the MWRA, and there are numerous other examples that are design issues and have nothing directly to do with the MWRA. Those should be identified and he thinks that the Board

of Public Works should come forward at the November Town Meeting with a proposal of what needs to be done.

Mr. William Ryan, Chairman, Board of Selectmen, stated that he talked to Jim earlier today and Jim indicated that he might be bringing this issue to the Board's attention. He wanted to address the Board and say that they are trying to make progress with DEP, and to indicate to DEP that this is a problem we are taking seriously, but that we also believe we can deal with it within the confines of our own borders. Any support the Planning Board can lend to this would be helpful with DEP.

Mrs. Ryan asked Mr. Clarke if it correct that he feels there should be a moratorium on sewer hookups. Mr. Clarke replied that he can see some logic in the cessation of sewer hookups for a period of time because there is the opportunity to move forward with some specific recommendations.

Discussion ensued regarding water and sewer issues.

Mr. Clarke stated that we have a role to play in development of this town. We, as the Planning Board, help to set direction for growth, development, conservation, and open space protection. It is clear that there is some debate going on as to the appropriate way to go. He does not think it would be inappropriate to develop some letter that would try to lay out a more moderate position.

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

UNANIMOUSLY VOTED: to authorize Mr. Clarke to draft a letter to DPW regarding water and sewer issues and to offer the Board's services.

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

UNANIMOUSLY VOTED: to adjourn the meeting at 9:55 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 July 13, 1998.



Paul Hurley, Chairman

Public Meeting Citizen Attendance

Date: July 13
Location: Holm Idell

Name	Address	Organization	Phone #
Barbara Johnson	41 MASSA SOIT Rd	Whit Pond Corn	337-3896
JAMES CUNNINGHAM	58 LAKESHORE DR.	WHITMAN'S POND ASSN	331-0545
Jim HARTNETT	24 ST. MARGARET ST.		337-6081
WM J. HARTNETT	FOR T. O'MEARA		
	1000 SW 27th AVE #118	VERO BEACH, FL.	32968
WILLIAM J HARTNETT JR	389 FOREST ST	ROCKLAND,	871 4857
MARTIN JOYCE	RE. DEVELOPMENT AUTH		
ART DOINE	16 REFUGEE RD	WHITMAN'S POND ASSOC.	331-1543
Prof. J. Hunt	28 College St		
Christine Sullivan	10 WYCLIFFE ST		682-7998
Richard and Kristina Williams	24 St Margaret Street		335-2770