

TOWN OF WEYMOUTH

PLANNING BOARD

MINUTES

There was a Planning Board meeting held on July 14, 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 7:30 P.M. by Chairman Lynch.

1. Minutes - 3/12/97, 4/28/97, 5/12/97, 5/20/97

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

UNANIMOUSLY VOTED: to approve the Minutes of March 12, 1997, April 28, 1997, May 12, 1997, and May 20, 1997.

2. Form A Plans

- a. Judith Road

The Board reviewed the plan for Judith Road which is for two lots that front on Judith Road. The lots are undersized lots that were created by the Board of Zoning Appeals. Both lots have more than the 72' of frontage that is required.

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

UNANIMOUSLY VOTED: to endorse the Form A Plan for Judith Road.

3. Other Business

- a. Public Hearing Procedures. Mr. Clarke stated that Mrs. Abbott is passing

out copies of Public Hearing Procedures which he prepared for the Board's review. Mr. Clarke reviewed the procedures and stated that one change he feels would be useful would be to have the Chairman poll the members on decisions for subdivisions. We list the members vote for special permits and he feels it would be useful to do the same for subdivisions.

4. Mediplex - request for seasonal canopy

Mr. Clarke stated that the Board received a copy of a letter from Mediplex regarding their plans for a seasonal canopy. The Inspector of Buildings raised the issue of whether this would require an amendment to the special permit. In reviewing the request, Mr. Clarke stated that because whole canopy will go up and come down every year, he does not think that the Board needs to take any action.

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

UNANIMOUSLY VOTED: to notify Mediplex that the Board has reviewed their request for a canopy and that it does not require an amendment to the special permit.

The Board requested Mediplex be notified that people are still parking in the fire lane at Mediplex.

5. Subdivision Rules and Regulations - update

Mr. Clarke stated that it has been about five years since we have done a review of the Subdivision Rules and Regulations. Mr. Leary has raised the issue as well as others over the past year. He recommends appointing a small committee to work with Rod to review the current regulations, bring up any issues the Board feels should be addressed, and come back to the full Board with recommended changes. Mr. Clarke stated that he wants to work on wireless communications and suggested that the committee could begin looking at the Subdivision Rules and Regulations in September. Any issues the Board has, they should get them to him and the committee will address those items.

Patrick Leary, Paul Dillon and Paul Lynch will serve on the committee.

Mr. Clarke stated that another issue is detention basins. Rod has been talking with from the Town Engineer. Over the next month or two we will get some bylaws from other communities. Mrs. Abbott has given us one from Hanover. Mr. Clarke stated that in Rod's discussions with Chip Fontaine, we want to come up with a standard that Conservation, Planning and DPW all agree upon so we would have one as the town standard.

6. Other Business

- a. Meetings. Mr. Clarke stated that this Thursday at 7:30 P.M. there is a meeting with the Braintree Conservation Commission to discuss Pond Meadow Park.. At 6 P.M. this Thursday evening he is meeting with Greenbush people from Braintree and Weymouth to discuss the Weymouth Landing parking study. The next NASPC meeting is scheduled for July 22nd.

Mrs. Abbott stated that she and Mrs. Ryan have a School Reuse Committee meeting on July 17th so she will not be able to attend the Braintree Conservation Commission meeting with Pond Meadow Park.

Mrs. Ryan stated that she has received several calls on Pond Meadow and the Messina development.

7. Public Hearing - 7:45 P.M. (cont.)

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

Request for special permit for a drive through service

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

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

Mr. Carl Johnson stated that he is an attorney and he is representing Marylou's News for their special permit for a drive through. Since the last meeting, they have submitted a letter in response to questions raised at the hearing by the Board. Mr. Johnson submitted petitions from Weymouth residents, South Shore Hospital employees or out patients, and out of town residents in support of the drive through. A copy of the petition was submitted last Thursday to the Planning Office. Mr. Johnson stated that no one from the neighborhood was opposed to the drive through. Many were in favor of the drive through if it can be done safely. Changes have been made to the plan by Scott Arnold from Arnold Associates and Mr. Arnold will go over those changes. He would like to highlight the changes. The curb cut on Main Street has been reduced. They have reversed the traffic circulation in response to a concern raised by Mr. Hurley. They have provided handicapped parking as required under the bylaw.

Mr. Scott Arnold from Arnold Associates presented the revised plan that was prepared in response to issues raised at the previous hearing. Mr. Arnold

stated that the proposed drive through window is located on the easterly side of the building. There are two curb cuts one on Main Street and one on Park Avenue. The Main Street curb cut would be an enter only curb cut. They are proposing modifications to that curb cut to include extending the sidewalk by 25' and closing up the curb cut. They have also shown a larger radius at the Main Street entrance to provide more efficient access into the site. He pointed out the drive through lane and by pass lane that will provide access to parking at the rear of the site. At the Park Avenue curb cut they are proposing to remove the island at Park Avenue, and have added an island at the northeasterly corner of the building with some painted arrows that would direct the circulation. This would provide for additional queuing on site. They have provided an exit from the site onto Park Avenue. The island would consist of 6" concrete berm and landscaping. They have also shown two entries into the building, and have provided painted walks for patrons at the front entry, and a 6' crosswalk for patrons coming from the rear. They have shown some additional arrows on the site. They have shown eleven parking spaces which conforms to the 1½ spaces per seat requirement. There are 16 seats. They have moved the handicapped space to the front of the building. The Board asked if the handicapped space should be located closer to the front, and they have done that. The landscaping has been rearranged and conforms with the 15% minimum landscape requirement.

Mr. Johnson stated that there will be 14 seats, not 16. The Board asked if the handicapped space should be located closer to the front and that has been done. Most important about the plan, the Board raised the question of whether or not there was enough queuing, and with this plan they have added additional queuing on site with less conflicts. Their traffic engineer will talk about gaps on Park Avenue. They feel this is a far better treatment of the plan. If someone doesn't want to go through the drive through, they can enter and go around the building. The handicapped space meets the ADA requirements. It is located at the main entrance in the front, and not at the rear as it was previously. Mr. Johnson stated that they have a video that shows another Marylou's if the Board will allow them to show it.

Mr. Ken Caputo, traffic engineer from Coler and Colantonio, stated that he would like to address questions raised by the Board in a letter dated June 12, 1997. The first question was to assess the impact on the length of the window service queue by removing the first menu board at the drive through entrance. Mr. Caputo stated that by removing the first menu board at the drive through entrance, storage capacity will be increased at the drive through. By allowing patrons to proceed directly to the drive through window, the capacity increases by three vehicles and the increased storage will eliminate queuing that could impact Route 18. The second item was to review the curb cut on Main Street. Mr. Caputo stated that the curb cut on Main Street will be reduced to 35'. The third item concerned the handicapped parking space. One handicapped

parking space has been verified as the required number for the project site, and it will be located at the front of the building. By moving the handicapped space to the front, it is now directly accessible to the front entrance. The fourth item concerned accident data at the intersection. Mr. Caputo stated that he met with Sgt. Newell of the Police Department. Mr. Caputo reviewed the accident data he received from the Police Department for the intersection and the curb cuts for the four properties at the intersection of Main Street and Park Avenue for years 1993 through 1996. Mr. Caputo stated that this intersection was averaging 20 accidents a year prior to improvements made to the intersection. The improvements have had significant impact with regards to safety. He feels confident saying that there have been no accidents at Park Avenue/Main Street by Marylou's since they have opened. With regards to item #5 concerning parking spaces at the front of the building, his written response is incorrect. The spaces are still adjacent to the building. Mr. Caputo introduced Mike Reagan from his office.

Mr. Mike Reagan stated that he met with Sgt. Newell and Sgt. Newell's main concern was anticipated queuing backing up on Main Street and blocking the highway. Mr. Reagan stated that he reviewed traffic information and the field observation that were used for Marylou's with Sgt. Newell. After hearing the information Sgt. Newell said that any coffee shop on the right side of the intersection would be an improvement. It would allow cars to make a right turn into the site and exit onto Park Avenue. Based on this Sgt. Newell was willing to support the drive through on a trial basis.

Mr. Caputo stated that the biggest concern of the Police Department was the back up onto Main Street. Marylou's is a unique use. There are no others like Marylou's so they assessed other Marylou's to see how they were operating. They thought that this site on Main Street would operate at a higher level than other Marylou's. They found that the Main Street Marylou's is operating at the same level as other Marylou's. He explained the queuing and how they estimated the queue length. Mr. Caputo stated that he hopes the Board would agree to the drive through on a trial basis.

A video was presented to the Board showing the queuing and length of time a vehicle was at the drive through window at the Cohasset Marylou's.

Mr. Dillon asked if it was correct that the Cohasset Marylou's is located in a strip mall. Mr. Caputo replied in the affirmative. Mr. Caputo stated that they believe there is a good balance between the two sites with regards to how they are operating. Not everyone used the drive through at the Cohasset store; some chose to go into the store. He believes it will be the same at this site.

Mrs. Ryan asked what time of day the video was taken. Mr. Reagan replied that the video was taken at approximately 7:40 in the morning, which is

basically the peak hour of the Cohasset store.

Mrs. Ryan asked if it was correct that Marylou's in Cohasset is not located at an intersection. Mr. Reagan replied that is correct.

Mr. Caputo explained their analysis of how exiting vehicles would function with the driveway. Any driveway coming onto a roadway such as Park Avenue or Main Street/Route 18 is typically bound to operate at a LOS F for the exiting vehicles. They did not try to achieve LOS C for exiting vehicles onto Park Avenue. They could never do that without signals. There are gaps available from the timing of the lights to give people the opportunity to safely exit out onto Park Avenue.

Mr. Lynch asked if there were any questions from Board members.

Mr. Dillon stated that yesterday he sat over at Dunkin Donuts and observed traffic at the intersection and Marylou's. He watched four cars from the southbound on Route 18 cross the double lines into Blockbuster Video parking lot and go across Park Avenue. He asked how we are going to handle that. Mr. Caputo replied that they really have no way to stop cars from short cutting the signals through Blockbuster Video.

Mr. Dillon stated that he is very much concerned that everything is being dumped onto Park Avenue. He sees a major problem on Park Avenue which is a major street in this town. He agrees that the improvements to the intersections have solved a lot of problems, but he still has problems with this proposal. He was there yesterday when church was getting out from St. Francis and there was a back up.

Mrs. Ryan stated that she shares Mr. Dillon's concerns. There is a lot more traffic at this location than at the Marylou's in Cohasset. They have not shown her how there will be improvements to the queuing on Route 18. She also has a problem with the menu such as cigarettes and lottery tickets. Those are things that are supposed to be carded. During the weekday there is a line of traffic on Park Avenue that many times backs up onto Pleasant Street, and people leaving Marylou's will be trying to get into traffic on Park Avenue. She agrees that improvements have been made to the intersection. She is concerned with vehicles hurrying to make a left turn onto Park Avenue from the green left turn signal and cars trying to get out onto Park Avenue from Marylou's.

Mr. Johnson stated that the purpose of the video was to show the average queuing at Marylou's. He would like to point out that traffic from Marylou's now makes these turning movements. The only difference is that a drive through is being added. Other than the fact that Marylou's anticipates adding 30% to the overall volume at the site, nothing is changing. The only exit from

the site now is Park Avenue. It is existing, but they believe they are making it safer.

Mrs. Ryan stated that more traffic will be generated with the drive through. She feels the impact on Park Avenue would be catastrophic. People go at great speed to get through the green arrow for the left turn because the green arrow is not very long.

Mr. Caputo stated that there are 55 vehicles entering the site during the peak hour presently. Thirty percent additional from the drive through would only be 15 vehicles. The split of left/right turns out of the side is almost 50/50 so that means there would be approximately 7 additional vehicles taking a left turn out of the site than what presently exists today. Marylou's has operated now about nine months without an incident. There is approximately 75' from the travel lane to the curb cut. A 30% increase in traffic from the drive through represents about 15 vehicles an hour.

Mr. Leary asked if it was correct that someone coming in from Park Avenue has to come around the front of the building to the drive through. Mr. Caputo replied in the affirmative.

Mrs. McElroy asked where they have moved the menu board to. Mr. Caputo replied that the menu board is located next to the window.

Mr. Hurley asked if the proposed curb cut is 30' or 35'. Mr. Caputo replied that the curb cut is 30'.

Mrs. Abbott asked if they realize that Sgt. Newell is not a traffic engineer. Mr. Reagan replied in the affirmative.

Mrs. Abbott stated that she agrees that Marylou's is unique with what is sold there. With the products that are sold at Marylou's, she views Marylou's as a variety store and not a coffee shop. She is not in favor of lottery tickets and cigarettes sold there. Marylou's is asking the Board to approve a drive through for a variety store. She has a problem with the explanation of the queuing. With regards to shared parking with Blockbuster, she feels Marylou's should maintain the operation of their business with their own parking for employees provided on site.

Mr. Lynch stated that his biggest problem is left turns from Route 18 to Marylou's. People will make a left turn from Main Street. Mr. Caputo replied that they have never proposed to stop left turns from Main Street to the site.

Mr. Reagan stated that based on their counts taken at this location, there was only one person who took a left turn from Route 18 to the site.

Mr. Lynch asked for comments/questions from the staff.

Mr. Fuqua stated that a letter was sent to the applicant regarding questions raised by the Board, and Marylou's has responded to all items in the letter.

Mr. Lynch opened the floor for questions/comments from the public. There was no one who wished to speak.

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

UNANIMOUSLY VOTED: to close the public hearing at 8:45 P.M.

A motion was made by Mr. Dillon and seconded by Mrs. McElroy to take the special permit application under advisement.

Mrs. Ryan stated that she would like to make a motion to deny the special permit.

Mr. Clarke stated that the Board has 90 days from the close of the public hearing to make a decision. He suggested that the Board take the application under advisement and schedule it for a decision for the next meeting on August 11th.

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

UNANIMOUSLY VOTED: to take the special permit under advisement.

Mr. Clarke stated that we have two hearings scheduled for 8:30 P.M. He suggested that the Board open the hearing for the proposed zoning article for wireless communications and continue the hearing to 9:30 P.M., and then take up the continued public hearing for Durant Road.

8. Public Hearing - 8:30 P.M.
Proposed Zoning Article - Wireless Communications

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

UNANIMOUSLY VOTED: to open the public hearing for the propose zoning article and continue the hearing to 9:30 P.M.

9. Public Hearing - 8:30 P.M.

Petr: Richard Burns

Locus: between 38-46 Durant Road
Sheet 50, Block 561, Lots 2, 4

Zoning: R-1

Definitive plan for nine (9) lot single family subdivision

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

UNANIMOUSLY VOTED: to continue the public hearing at 8:50 P.M. for Durant Road.

Present on behalf of the application was the applicant Richard Burns and Charles and Scott Arnold from Arnold Associates.

Mr. Charles Arnold stated that he is representing the applicant, Richard Burns. To address concerns raised at the last hearing, they have done additional work and made changes to the plan. He would like to address Mr. Pratt's concern with regards to getting water on his property. He pointed out the property line for Mr. Burns and Mr. Pratt. He pointed out the contour line and stated that water runoff will not go near Mr. Pratt's property. Mr. Arnold stated that they had a botanist at the site on December 11th and the botanist made 27 tests. They found water at 14" and soil saturation at 10", but that was all along the wetlands line. Mr. Pratt is right that in some locations water is at 6". Mr. Arnold stated that on June 25th they brought a backhoe to the site and made 2 tests - one at the detention basin and one 400' from Durant Road. They dug down 5' and there was no water. Five feet of depth is about the depth for all of the utilities so they don't feel there will be any water problems from the road or homes. Last December 26th they also made two tests at a depth of 5' and there was no water. As to the concerns of the Rogers, Mr. Favaloro, and Mr. Small regarding the water in their cellar, they estimate the cellar floor elevation at about 179. Their overflow basin is at about 177.5. There is no way any water can get into any of their cellars. As to the view of the site, they are proposing to move the sanitary sewer about 10' and create a 10' buffer strip and maintain the existing grade and vegetation along there so the sewer would now be 20' off of abutters back lot lines. The 10' buffer is a minimum requirement. The detention basin will be loomed and seeded. The applicant has 5 acres which he wants to utilize for part of the basin. Mr. Arnold stated that with regards to water pressure, they will connect into the 12" on White Street, with an 8" to service the road and also to bring the 8" into the 6" on Durant Road. He has checked with the Water Department and they intend to bring a new water main from Main Street through the air base and then as far as he knows Durant Road. Mr. Arnold stated that there are 3 houses (two 4 bedroom and one 3 bedroom) on White Street that are presently off a 1½" water line.

Discussion ensued between Mr. Arnold and the abutter regarding the water service and pressure.

Mr. Arnold stated that they are proposing 10 houses off an 8" water main. The 8" water main will have 70% more capacity than the 6" line so they don't anticipate any water problems from their project and no impact to the neighbors.

Mr. Lynch asked for questions/comments from Board members.

Mrs. Ryan stated that the location of the detention basin still concerns her. In looking at so many of these detention basins, she has found that they are not maintained. She is concerned how the detention basin will affect the four homes that abut this site. Mr. Arnold asked Mrs. Ryan what her concern was with the basin. Mrs. Ryan replied that when detention basins don't function properly, you have standing water. She has a problem with the location.

Mrs. Ryan stated that with regards to the water pressure problem, she believes that DPW is going to put in a new water main line. She asked Mr. Fuqua if he knew anything about that. Mr. Fuqua stated that in terms of the water pressure issues, he was at DPW on another issue when Mr. Arnold did come over investigating the water. He left DPW before they had the actual print out on the water from the Water Division, but there was every indication from the Engineering Division that Mr. Pratt is served off of a 1½" line. With regards to the issues raised this evening, the fact that there are three houses on a 1½" line, there should be water pressure problems for those three houses. He did talk with Jay Fink, Supt. of Water. The proposal that was mentioned by Mr. Arnold about connecting through - down White to Webster Street. That was a proposal that was abandoned because of soil conditions through the wetlands. Currently they are drawing specifications and are working in conjunction with the Coast Guard to bring a water main off of Main Street through the air base running parallel to Webster Street and that would come around and connect into White Street, and that would essentially loop the 12" main. The plans are being drawn up now. They are looking to go out to bid very soon, and it is DPW's goal to have the water line completed by this fall.

Mr. Fuqua stated that there was a comment by the Town Engineer regarding the entranceway of Tayla Drive down to Durant Road with the tangents on the road where the road comes in at right angles and the radius points called non-tangent curves. He read the comments from Andrew Fontaine, Town Engineer regarding non-tangent curves.

Mr. Leary expressed concern over the detention basin and its location.

Mr. Arnold stated that zoning allows the detention basin to be 10' from the lot line.

Mrs. Abbott asked if it was correct that the wetlands delineation was done in December of 1996. Mr. Arnold replied in the affirmative. Mrs. Abbott asked about the depth of the water and what flags were near the water observations at 14" and 10". Mr. Arnold replied that 27 tests were made but he does not know the location of where water was observed at 14" and 10".

Mrs. McElroy asked if it was correct that they would be going before the Conservation Commission. Mr. Arnold replied in the affirmative.

Mrs. Abbott stated that people are here tonight and they are worried about water in their cellars.

Mr. Lynch opened the floor for comments/questions from the public.

Mr. Mike Pratt, 203 White Street, stated that groundwater is an issue he brought up at the last meeting. The water table is close to the surface. He asked how much higher up is the finish development going to be. Mr. Arnold replied that they anticipate little grade change.

Mr. Pratt stated that in the spring the water is very close to the surface, and also water won't percolate into the soil. He is concerned that the ground cannot handle the runoff. This is something that should be addressed. He is also concerned with water pressure.

Mr. Joe Favaloro, 62 Durant Road, asked why if Mr. Burns does not want the detention basin visible to the new development, it is okay for it to be visible to the abutters.

Mr. Arnold stated that with the vegetation, he does not believe the detention basin will be visible; also they will have a buffer zone. He pointed out the detention basin on the plan and stated that the residents will not see the basin.

Ms. Betty Slinger, 70 Durant Road, stated that she is here tonight for her mother who is an abutter. She called a real estate broker today and asked if a detention basin would impact the value of her mother's home. The broker said that the detention basin would impact the value of her mother's home.

Ms. Slinger stated that detention basins are not maintained and it will impact on people who have lived there for years. She asked why the detention basin could not be placed further away. She went and looked at a couple of detention basins. There was one in Brockton that was filled with water and debris. Mr. Arnold replied that the basin in Brockton that was filled with water is probably

not a detention basin, but a retention pond that stores the water.

A resident asked if the town won't maintain the detention basin and the development does not maintain it, who is going to maintain the detention basin. Mrs. McElroy replied that it is the town's responsibility once the road has been accepted.

A resident of 54 Durant Road stated that a 10' buffer is not very far. The detention basin will decrease the value of their property.

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

UNANIMOUSLY VOTED: to close the public hearing at 9:55 P.M.

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

UNANIMOUSLY VOTED: to take the definitive subdivision plan for Tayla Drive under advisement.

Mr. Clarke stated that the Board must make a decision by August 15, 1997.

10. Public Hearing - Proposed Zoning Article - Wireless Communications

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

UNANIMOUSLY VOTED: to open the public hearing at 10:00 P.M.

Mr. Clarke stated that this hearing is on a proposed zoning article on a moratorium on wireless communications.

Mr. Fuqua stated that the article has several points to it. The intent of the article is to give the Planning Board time to undertake a study, review wireless communication towers and other transmission devices and equipment, and come up with regulations. The duration is for a three month time period. They have identified four areas that would be subject to review within this three month time period. One is freestanding structures. For the most part these are towers, although it also includes satellite dishes over three feet. The second type is building mounted equipment. This includes antennas, panels and other equipment. It may include other structures that are not in a particular building that you would think of housing residential or commercial such as water towers or smoke stack. The third is indoor equipment. This is wireless communication that is installed inside a building. It is generally in cupolas and penthouses, and is primarily located in buildings that are used for another purpose. The fourth category that would be impacted is accessory to an existing building or use. The duration is for three months. There are exemptions for

this for amateur radio towers, installation on lawfully permitted towers, anything for farm vehicles and municipal uses for public safety communication.

During the three month time period, the staff has been charged with preparing a bylaw for the general zoning article that would essentially give some regulations in terms of the location, districts, permitted type of uses and design guidelines for control of these type of structures.

Mr. Lynch asked for questions/comments from Board members.

Mrs. Abbott stated that as she read the article a couple of things came to mind. We need to make sure the quality of residential property is protected. The Milton bylaw talks about how many feet you go up as criteria for creating a bigger buffer.

Mr. Lynch asked for comments from William Kilroy, Chairman of the Zoning Board of Appeals.

Mr. William Kilroy, Chairman, Zoning Board of Appeals, stated that before the Zoning Board of Appeals recently were four applications for towers. There is no way we can turn down a communication tower, but we can condition them reasonably. If we don't have a moratorium, people will keep coming in. Without any regulations, we have zero control. The Board of Zoning Appeals has no guidelines to follow. You can keep wireless communications out of an R-1 area, but this town doesn't have that much industrial land. We need some guidelines. The moratorium would freeze the zoning and allow the town time to prepare regulations.

Mrs. Abbott stated that she is happy to hear the Mr. Kilroy is in favor of a moratorium and getting some standards to follow. She thinks that the town would be well served with a moratorium.

Mrs. McElroy asked if a three month moratorium is enough time. Mr. Clarke replied that we have discussed this with Town Counsel and feel that three months is sufficient for a moratorium.

Mr. Lynch opened the floor for comments/questions from the public.

Mr. Thomas Field stated that he is from AT&T Wireless Services, and with him is Ray Johnson. Mr. Field stated that due to the nature of their business, they would ask the town to forego a moratorium because they have identified two locations in Weymouth they would like to use. However they are also well aware of the political climate and reaction to the opening up of this market as a result of the Communication Action of 1996. A number of communities in Massachusetts are taking this course of action with a moratorium. Instead of working through the zoning bylaws, communities are rewriting the bylaws. He

would ask the Board to rely on their current bylaws and let them continue with their business. In the unlikely event that the Board would do that, he would ask the Board to consider allowing telecommunication companies, while the Board is rewriting the bylaws, to go on existing structures on town owned land, and industrial zoned parcels of land.

Mr. Dillon asked where the two sites are that AT&T is looking at. Mr. Johnson replied that they have identified sites in Libbey and the Boston Edison line that crosses Route 3 by the Finnell Drive area.

Mr. Clarke stated that the hearing is for a moratorium and not individual issues.

Mr. Field asked when the moratorium would take effect. Mr. Clarke replied that our understanding is there is the possibility of a special town meeting sometime in October.

Mr. Field stated that on behalf of AT&T Wireless Communication he request the opportunity to come back and make a thorough presentation of what they have done and present plans of how they lay out their systems, and what the benefits are.

Mr. Johnson stated that they also are available if the Board needs assistance with the drafting of the bylaw.

Ms. Wendy Weber stated she is with Sprint. She is interested in this bylaw and would also offer her help with the drafting of the bylaw. The three month moratorium is really in effect now since the notice has been published. She asked if this moratorium stops the town from accepting/processing applications or just from issuing building permits. Mr. Clarke replied that they have received from AT&T a special permit application last week. They will talking to Town Counsel as to how to proceed with it. State law says there shall be no issuance of special permits or building permits, but it is silent on whether you can process applications during that timeframe, and he will need to do some research on this matter. In the past when there was a moratorium, we have not processed applications.

Ms. Weber asked for clarification on exactly what was included in the moratorium, specifically as to whether equipment can be added to a tower. Mr. Fuqua replied that if there is a tower that has been permitted, you can add equipment onto it.

Mr. Clarke stated that he would like to clarify what Mr. Fuqua said. He read from the bylaw, Section 120-133.E. Exemptions. The additional equipment must conform to the existing permit.

Ms. Weber stated that if the Board is interested, other municipalities have already passed bylaws. She has a bylaw from a municipality with her if the Board wants copies. Mr. Clarke replied that we are in the process of collecting data and he would be glad to look at any bylaws Ms. Weber has.

Ms. Weber stated that she brought a fact sheet on wireless communication which she passed out to Board members.

Ms. Weber stated that they prefer to attach to existing structures where they can. To the extent that they can be of help, they would like to do so.

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

UNANIMOUSLY VOTED: to close the public hearing at 10:40 P.M.

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

UNANIMOUSLY VOTED: to take the proposed zoning article for a moratorium on wireless communications under advisement.

11. Erville Lane - Sheet 19, Block 262, Lot 5
- Request to set road conditions under Section 60-3

The Board reviewed the plan for Erville Lane.

Mr. Fuqua explained proposed conditions as recommended by the staff. He stated that this plan has been reviewed by DPW Engineering.

Mr. Clarke stated that based on the plan and comments from DPW, he would recommend that road conditions be set under Section 60-3 to include the installation of stone dust to the existing pavement on Ashmont Street, and the site drainage to be reviewed by DPW Engineering prior to any work being done.

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

UNANIMOUSLY VOTED: to set road conditions under Section 60-3 for a single lot subdivision on Erville Lane - Sheet 19, Block 262, Lot 5 with the following requirements: (1) stone dust shall be installed to the existing pavement on Ashmont Street, and (2) the site drainage shall be reviewed by DPW Engineering prior to any work being done.

Mr. Fuqua stated that a \$500 bond is required to guarantee the installation of the stone dust.

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

UNANIMOUSLY VOTED: to set the bond at \$500 for the installation of stone dust.

Mr. Fuqua stated that the final item is the Form A Plan. His only comment is that the plan should be changed to show Erville Lane throughout the road.

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

UNANIMOUSLY VOTED: to approve the Form A Plan and authorize the Chairman to sign the plan once the change has been made.

12. Other Business

- a. Board of Zoning Appeals Cases. The Board reviewed the case for 120 Prospect Street which includes smaller lots than required and less frontage than required. Mr. Clarke stated that this must come before the Planning Board for subdivision approval.

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

UNANIMOUSLY VOTED: to send a letter to the Board of Zoning Appeals notifying them that the applicant must file a subdivision plan with the Planning Board and that the Board would review road design issues at that time.

- b. Day Care Centers. Mrs. McElroy stated that she would like to send a letter in opposition to the Board of Selectmen doubling the rent for Country Academy Children's Center on Green Street.

Mrs. McElroy stated that she would also like to send a letter to Representatives Haley and Mariano and Senator Hedlund regarding regulations for day care centers which are presently exempt under State law.

Mrs. Ryan stated that she agrees with Mrs. McElroy regarding the day care center on Green Street. There must be a way to accommodate the day care with a reasonable rent.

Mrs. Ryan stated that with regards to day care centers, we just found out about 191 Forest Street which is proposed to be a group day care for up to 24 children. Mr. Coates has made the decision that it meets the requirement for parking. There will be no front yard. Mrs. Ryan stated that she questions Mr. Coates determination that this meet our criteria for parking. She would like to call this to the Board of Selectmen's attention. Abutters do not have to be notified. These day care centers are businesses that will have a tremendous impact.

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

UNANIMOUSLY VOTED: to send a letter to the Board of Selectmen regarding the rent increase for Country Academy Children's Center.

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

UNANIMOUSLY VOTED: to send a letter to Representatives Haley and Mariano, and Senator Hedlund regarding day care centers.

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

UNANIMOUSLY VOTED: to send a letter to the Board of Selectmen regarding the day care center on Forest Street with regards to proper parking.

- c. Mr. Leary stated that he would like to get on the agenda to discuss procedural changes he would like to see made. Regarding RFPs, he would like to receive a copy when they go out.

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

UNANIMOUSLY VOTED: to adjourn the meeting at 11:10 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 14, 1997.



Paul F. Lynch, Sr., Chairman

**WEYMOUTH PLANNING BOARD
PUBLIC MEETING - CITIZEN ATTENDANCE**

DATE: July 14, 1997
LOCATION: _____

PLEASE PRINT LEGIBLY

NAME	ADDRESS	PHONE #
KENNETH J. CARUTO	PO BOX 6 CHANDLER 101 ACCORD PARK DR.	982-5400
MIKE REAGAN	NORWELL, MA 02061	
Mary Mahoney	Marylou's News	
Marylou Stanley	Marylou's News	749-3557
SCOTT ARROW	404 LIBERTY PKWY	617-331-5504
Daniel Dilworth	171 White St	617-331-5366
Kathy Savage	46 Durant Rd	617-331-0459
Mary Small	74 Durant Rd	617-337-1985
Betty Slinger	70 Durant Rd	878-3418
Gave Rogers	70 Durant Rd	878-3305
Joan Morales	62 Durant Rd	340 5450
Michael (Patt)	203 White St.	335-5546
John B. Walsh	207 WHITE ST	340-6327
Stephen Byron	50 Durant	337 4917
Ray M. Mancus	54 DURANT RD	331 6834
T. Guidic	54 Durant	331-6834
Kate Ryan	50 DURANT RD	337-4917
Ray Ryan	400 Blue Hill Dr. Westwood, MA 02090	607 527 407-4567
TOM FIELDS	400 BLUE HILL DR WESTWOOD, MA	617-407-4554
Marte Whitehead	511 Washington St Norwood, Mass	617-762-2786
Frank CASE	705 Mylon St Tombon	508 884-2700

**WEYMOUTH PLANNING BOARD
PUBLIC MEETING – CITIZEN ATTENDANCE**

DATE: _____
LOCATION: _____

PLEASE PRINT LEGIBLY

NAME	ADDRESS	PHONE #
Richard Beasley	511 WASHINGTON ST, NORWOOD 08062	617-762-2786
Wendy J. Wilbur	One Providence Washington Plaza, Prov, RI 02903	401-276-2600