

**PLANNING BOARD  
RECORD OF MINUTES AND PROCEEDINGS  
JULY 20, 2004**

The Planning Board of the Town of Weymouth held a public meeting on Tuesday, July 20, 2004, at 7:30pm at McCullough Building, Whipple Center Conference Room, 182 Green Street, Weymouth, MA.

Present:	Paul Dillion, Chairperson Walter Flynn Paul Hurley Scott Curry Mary Akoury
Staff:	James Clarke, Director of Planning & Community Development Rod Fuqua, Principal Planner Paul Halkiotis
Recording Secretary:	Janet Murray

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WEYMOUTH, MASS

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

**St. Albert's Church**

Mr. Dillion began the meeting with a brief discussion regarding St. Albert the Great Church. Ms. Akoury stated that she would recuse herself from any discussions, as she is a parishioner at the church and a member of the church's council. Mr. Dillion stated that the church has not officially closed, nor has an official decree been issued by the Archdioceses of Boston. There is a mandated process thru the Archdiocese, and ultimately thru Rome.

Mr. Dillion then made a MOTION to TABLE the discussion until the building is actually closed and was seconded by Scott Curry and UNANIMOUSLY VOTED.

**Oak Cliff Road**

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

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

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

Lamont Healy addressed the Board. He stated that the issues previously raised by the Board and the Department of Public Works (DPW) have been rectified.

The DPW reviewed the applicant's response letter. The following issues were raised:

- Water and Sewer Department -- looping water to Chapman Street needs to be done according to DPW plans.
- Remove the island from the Cul-de-sac. The radius has been reduced 20' to 15' but is still too large for adequate turning.
- Technical notations need to be added to the plans.

It was also noted that the existing house at 36 Oak Cliff Road now meets the 18' setback from the proposed Wing Lane. A certified plot plan is needed.

Walter Flynn noted that the project is in a more constricted area and he believes that the cul-de-sac is not necessarily needed.

Ms. Akoury brought up two issues from the previous meeting. The question of access to the end of Oak Cliff Road, which is a private way, was discussed. It was noted that it is the responsibility of DPW to secure all rights and easements. This question was raised because at a previous meeting, David Cataloni, a resident of Oak Cliff Road, stated that he would refuse to sign off on access to his property. She also questioned whether the land survey requested by Frank Younie of 16 Oak Cliff Road had been done. This has not been done.

The chairman then opened the hearing to public comment.

Karen Younie of 16 Oak Cliff Road asked why the applicant placed markers in her yard. Mr. Healy refused to comment.

Lorraine Larrabee of the Whitman's Pond Association questioned the angle of the road, the setback to the house, and the width of the road. She does not believe that the plans indicate that the road is 40' all the way to the end. According to Rod Fuqua, the plans meet the criteria of a town subdivision road.

Art Matthews questioned whether any of the verbal agreements mentioned at the previous hearing were put in writing. It was noted that these issues were discussed in the letter from DPW. He also noted that he has received comments from neighbors regarding flooding, ground water run-off, and public safety.

Charlie Jones of 40 Oak Cliff Road questioned the issue of the setback of the home at 36 Oak Cliff Road. He noted that the foundation (footprint) hasn't changed. It was noted that the structure was removed. Rod Fuqua stated that he would question the Building Department. He also expressed concerns about drainage.

Debbie Doolittle also expressed concerns regarding drainage. Mr. Healy stated that there is a swale between his client's property and hers.

Michael Joseph of 103 Westminster Road reiterated concerns regarding sewer water. He noted that the problems have increased in the past two years.

James Cunningham commented that the town's natural woodland's are being cut into. This property abuts Cavern Rock Park.

Adrian Sikes of 53 Oak Cliff Road noted that she sees wildlife in her yard and is concerned that this project will negatively impact that.

Karen Younie of 16 Oak Cliff Road mentioned her concerns regarding flooding and noted that she has lost her heating due to water in her basement. She noted that sump pumps are not enough to handle this issue.

Rocco Vasile of 91 Westminster Road added his concerns regarding flooding.

Michelle Murphy of 107 Westminster Road stated that the flooding concerns are also a problem in the winter because as the water flows down, it freezes, causing icing.

Charlie Jones questioned who would do the water line work in the right of way on Oak Cliff Road. This work will be done by DPW. There will be a 5' cover of soil placed over the water line.

A MOTION was made by Scott Curry to CLOSE the public hearing and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

Scott Curry made a MOTION to TAKE UNDER ADVISEMENT the request for a 4-lot subdivision off Oak Cliff Road and was seconded by Mary Akoury and was UNANIMOUSLY VOTED.

### **FORM A PLANS**

#### **948-964 Washington Street**

This site is located at Whitman's Pond and Route 53. It is currently 1 lot. The required minimum of 75' of frontage is present. This lot is located in a Highway Transition Zone.

It was noted that the request for a Form A plan does not address zoning concerns.

A MOTION was made by Scott Curry to ENDORSE the request for Form A plan for 948-964 Washington Street and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

#### **32 Sea Street**

This Form A request to subdivide is needed for mortgage purposes. Condominiums were recently built on this site after review by the Board of Zoning Appeals.

A MOTION was made by Scott Curry to ENDORSE the request for Form A plan for 32 Sea Street and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

Planning Board  
July 20, 2004

1433-1435 Main Street

This Form A request is for property located on Route 18 and is currently the site of a miniature golf course. The property to the rear of the site is zone R-1. The 40' frontage requirement is met.

A MOTION was made by Scott Curry to ENDORSE the request for Form A plan for 1433-1435 Main Street and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

**PERFORMANCE GUARANTEES**

Fairfax Street

Roadwork still needs to be completed. Collateral in the form of an abeyance on one lot or \$25,000 bond is recommended.

A MOTION was made by Mary Akoury to recommend a \$25,000 performance bond or an abeyance on one lot and was seconded by Walter Flynn and UNANIMOUSLY VOTED.

30 Eden Street

This is a request to release the \$5,500 bond. DPW has performed the required inspection.

A MOTION was made by Walter Flynn to recommend release of the bond and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

**ABANDONMENT**

Theron Avenue

This is a request to abandon the entire length of Theron Avenue, which is off Rockway Avenue. This paper street abuts the former armory property. It dead-ends by the armory and at Route 3. The individuals who purchased the state property have requested this abandonment.

In order to petition the land court for abandonment, the Planning Board needs to certify that the town has no use for this road and homes with frontage on Theron Avenue need to agree. There are no homes with frontage on Theron Avenue.

A MOTION was made by Scott Curry to APPROVE the request to abandon the entire length of Theron Avenue and was seconded by Walter Flynn and UNANIMOUSLY VOTED.

**OPEN SPACE**

Paul Halkiotis informed the Board that there have been two meetings. One on May 4, 2004 and the other on May 18, 2004 regarding the town's open space plan. The Open Space Plan

Planning Board  
July 20, 2004

document is currently in its 4<sup>th</sup> revised draft. This draft will be posted on the town's website for public comment and then a public hearing will be held.

### **MINUTES**

A MOTION was made by Walter Flynn to accept as written the minutes from March 30, 2004, May 18, 2004, and June 17, 2004 and was seconded by Paul Hurly and UNANIMOUSLY VOTED.

### **OTHER BUSINESS**

#### **Fore River**

Walter Flynn suggested that the town make a request of Nstar to donate the land that is past Regina Road. This would allow more access to the Fore River waterfront.

#### **Legion Field**

Mary Akoury questioned the status of Legion Field. This project is still under review.

#### **Community Preservation Act/Land Bank**

The Board then began a discussion of the Community Preservation Act of 1981. The Community Preservation Act is an option the town can use to acquire land thru a real estate surcharge of up to 3%. The money in this fund is matched by the state. The town could purchase land with this money in the following breakdown: 10% open space land acquisition, 10% historic, 10% affordable housing, 70% discretionary.

In order to enact this surcharge, the Town Council would have to vote in favor of it, and a town wide referendum would be needed to enact it.

A land bank is a surcharge on any real estate transaction. A conservation fund is utilized to buy land using a portion of conservation filing fees. The median tax bill in Weymouth is approximately \$2500. A 3% surcharge would amount to an additional \$75 per year.

Two methods to manage growth are regulatory (lot size) and land purchases (community preservation act and land banks). These methods enable the town to protect the water supply, address traffic concerns, and preserve wildlife and forest land.

#### **Base Redevelopment**

Paul Hurley raised concerns about the Tri-Town Board's plans for the Naval Air Station. It was noted that the Planning Board would be taking a more active role as well as making contact with the Planning Boards of Rockland and Abington. Concerns were expressed about the plans for a water source and for discharge of sewer treatment.

Planning Board  
July 20, 2004

James Cunningham questioned the presence of an aquifer on the base property. He also noted that the Tri-Town Board meets on the 2<sup>nd</sup> Tuesday of each month.

MDC Pool and Skating Rink

The future of the MDC pool and skating rink was discussed briefly. The state has not yet decided what to do with this facility.

At 9:20 pm, there being no further business, a MOTION was made to adjourn and was seconded and UNANIMOUSLY VOTED.

Respectfully submitted:

Janet Murray  
Recording Secretary

Approved:



Paul Dillon, Chairman



Date