

**TOWN OF WEYMOUTH  
PLANNING BOARD  
MINUTES**

Dec 17 2 33 PM 1998  
There was a Planning Board meeting held on August 17, 1998 at 7:30 P.M. at the Town Hall.

OFFICE OF TOWN CLERK  
WEYMOUTH, MASS.  
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

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

1. Minutes – 6/15/98

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

UNANIMOUSLY VOTED: to approve the Minutes of June 15, 1998.

2. Performance Guarantee

a. Hanifan Lane – release bond

Mr. Fuqua stated that the Planning Board set the road conditions for Hanifan Lane and the work has been completed. There is \$24,025 in a pass book and those funds may be released.

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

UNANIMOUSLY VOTED: to release the \$24,025 bond for Hanifan Lane.

b. Erville Lane – release bond

Mr. Fuqua stated that the required work has been completed for Erville Lane and the \$500 bond may be released.

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

UNANIMOUSLY VOTED: to release the \$500 bond for Erville Lane.

c. Beverly Court – set bond

Mr. Fuqua stated that he has prepared a bond amount of \$73,625 for

Beverly Court which includes all roadway/utility work required for the subdivision.

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

UNANIMOUSLY VOTED: to set the bond for Beverly Court at \$73,625.

d. Plymouth Road – set bond

Mr. Fuqua stated that he has prepared a bond for Plymouth Road in the amount of \$66,750 and it includes all roadway and utility work, including work to be done on Sanderson Avenue.

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

UNANIMOUSLY VOTED: to set the bond for Plymouth Road at \$66,750.

3. Other Business

a. Committee Appointments

Mr. Clarke stated that he has received two requests from the Board of Selectmen for a Planning Board member to serve on a committee.

Review Board Concerning Water Resources

Mrs. Ryan suggested that Paul Hurley serve on the Review Board.

Mr. Hurley stated that he would like to make sure that DPW has a representative on this committee. He does not want this Board to get into the middle, and feels that all boards should be involved.

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

UNANIMOUSLY VOTED: for Paul Hurley to serve as the Planning Board representative on the Review Board Concerning Water Resources provided DPW has a representative.

Quality of Life Improvements Committee

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

UNANIMOUSLY VOTED: that Paul Lynch would serve as the Planning Board representative on the Quality of Life Improvements Committee.

Conservation Commission

Mr. Hurley stated that Mrs. Abbott has indicated to him that due to a new job and personal responsibilities, she will not be able to continue as the Planning Board representative on the Conservation Commission. He asked if anyone else was interested in serving on the Commission.

Mr. Leary stated that he was interested in serving on the Conservation Commission.

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

UNANIMOUSLY VOTED: that Patrick Leary would serve as the Planning Board representative on the Conservation Commission.

Mrs. Abbott stated that there were hearings in progress and she would remain on the Commission through September 9, 1998.

4. Public Hearing – 7:45 P.M. (cont.)  
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 Mr. Hurley, it was:

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

Mrs. McElroy read the public hearing notice.

Present on behalf of the petition was Marylou Sandry, owner of Marylou's News, Attorney Rocco DiFazio, and Scott Arnold from Arnold Associates.

Mr. Clarke explained the process under state law, MGL Chapter 40A, Section 16 that sets up a procedure where an applicant can come back within the two year time frame of a denial of a special permit.

Mr. Rocco DiFazio stated that he is an attorney and is representing the petitioner, Marylou's News who has been denied a special permit. They are asking for reconsideration, and that the Board find that there has been significant and material changes in the plan presented this evening as opposed to the plan that was denied in 1997.

Mr. DiFazio explained the site plan. He stated that Main Street/Route 18 has always been heavily traveled. Dunkin' Donuts, located across the street from

Marylou's, has a long queue line that wraps around their building. Most of the foot traffic to their site is from South Shore Hospital. Mr. DiFazio stated that he has talked to Sgt. Newell and Sgt. Newell's concern with the previous plan was over the length of the queue line and that it might back up to Main Street. Sgt. Newell agreed that if their queue line held 8 to 10 cars, then it shouldn't back up to Main Street.

Mr. Scott Arnold from Arnold Associates, explained changes in the plan from the plan that was denied. They have added a landscaped island for channelization purposes. The previous plan had an island that directed the traffic from Park Avenue. He explained the changes to the queue line and stated that what they are proposing will allow for 10 to 12 cars at the drive up window.

Mr. DiFazio stated that they are asking for reconsideration based on material changes to the plan. They can show the Board names of people who want the drive through. They are asking that the Board take a good look at the plan.

Mrs. McElroy asked Mr. Arnold if the curb cut goes straight across the site on Main Street. Mr. Arnold replied that they are proposing to close up the curb cut somewhat.

Mrs. McElroy asked if it was correct that the handicapped parking spaces are in the front. Mr. Arnold replied in the affirmative, and stated that is where the access to the building is.

Mrs. McElroy asked how handicapped people will get out to Main Street. Cars in the queue line will not be separated; they will be right together. Mr. Arnold replied that they will have to wait until there is a break in the line.

Mrs. Abbott asked if there is still shared parking with Blockbuster. Mr. DiFazio replied in the affirmative. They have a verbal agreement with Blockbuster. Mrs. Abbott stated that there should be parking on the premises for both the patrons and employees.

Mr. Lynch stated that there is a bylaw that says you must have so many parking spaces for employees. Mr. DiFazio replied that they can provide parking for employees.

Mr. Lynch stated that this is basically the same plan. He does not see anything different.

Mr. Leary asked where the curb would be on Main Street. Mr. Arnold pointed where the existing curb ends on Main Street and stated that they are proposing to close up the opening to 38'

Mrs. Ryan stated that the issue before the Board tonight is whether there have been material changes in the plan. The only thing she can see is an increase in

the queuing capacity by creating a carousel around the building. Nothing else has changed. They have created a carousel that will be more unfriendly to handicapped people.

Mr. Dillon stated that what bothers him is that they have created a bigger problem. They have made it a much more clustered lot. The problem still goes back to having an undersized lot for the amount of traffic.

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

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

UNANIMOUSLY VOTED: to close the public hearing at 8:25 P.M.

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

UNANIMOUSLY VOTED: to take the petition to resubmit the special permit application within 2 years under advisement.

5. Review of ZBA cases

Mr. Clarke stated that there are three cases scheduled for the ZBA meeting on August 27, 1998.

Bridle Path – two story addition.

Bates Avenue – land swap.

Washington Street/Mutton Lane. Mr. Clarke stated that the auto body shop presently located on the lot is proposing to expand. The proposal is to take down the existing Marylou's News and to expand the auto body shop.

Mrs. Ryan stated that instead of having the auto body shop on Washington Street, it will also have access on Mutton Lane which is a residential area.

Mrs. Abbott stated that she does not feel the Board should be in favor of extending a non-conforming use.

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

VOTED: 6-0-1 (Mr. Dillon abstained) to send a letter opposing the extension of a non-conforming use for the auto body shop on Washington Street based on the fact that Mutton Lane is a residential area.

6. Form A Plans

a. Chelsey Way/Ashley Circle.

Mr. Fuqua stated that the Form A Plan is a rearrangement of lot lines, with both lots retaining the same area and frontage.

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

UNANIMOUSLY VOTED: to endorse the Form A Plan for Chelsey Way/Ashley Circle.

b. Bridge Street

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

UNANIMOUSLY VOTED: to endorse the Form A Plan for Bridge Street.

c. Oakcliff Road

Mr. Lamont Healy, land surveyor, explained the plan, which is basically straightening the northerly lot line for parcel 3.

Mr. Fuqua stated that lot 2 conforms to the bylaw, and lot 3 is being added to an already undersized lot.

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

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

7. Public Hearing – 8:45 P.M. (cont.)

Petr: Weymouth Redevelopment Authority  
Mistry Associates presenting

Locus: Woodside Path  
Sheet 34, Block 358

Zoning: R-1

Definitive subdivision plan

Mr. Clarke stated that the Redevelopment Authority is asking for a continuance of the hearing to September 28<sup>th</sup>. There was some issues raised. The Redevelopment Authority has met with those individuals and are looking at alternatives.

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

UNANIMOUSLY VOTED: to continue the public hearing for Woodside Path to September 28, 1998 at 7:45 P.M.

8. Weathervane – discussion

Mr. Hurley withdrew from taking part in the discussion and turned the

meeting over to Mrs. Abbott.

Jim Bristol, Jr. and David Bristol was present along with Bill Burbank from Abbellire.

Mr. Clarke stated that it is his understanding that the Conservation Commission has closed their hearing. What he would like to suggest is that the Board meet on August 31<sup>st</sup> for the purpose of discussing and taking action on the application.

Mr. Fuqua stated that water quality issues have been addressed by Dr. Wang from Carr Research Laboratories. There is a second component of the recommendations from Dr. Wang in terms of how the Planning Board is going to structure the decision and that is the role that each of the town agencies will play. The Board has been concerned to make sure that once something is in place that the proper protocol that has been designed by Dr. Wang is followed and there is a structure in the system for enforcement. There is a section for water quality for monitoring which outlines what everyone's role will be. Mr. Fuqua reviewed the draft outline prepared by the staff. In developing this outline, he did meet with Karen Nolan from the Board of Health to make sure this was structured in terms of the Board of Health and the applicant's requirements so that it would be something that would be administered, applicable and enforceable by the Board of Health. Ms. Nolan did review and make sure that it did not conflict with any State regulation.

Mr. Clarke stated that by mid week of next week, he intends to submit to the Board for their review, recommendations for conditions for the special permit and approval of the subdivision plan.

Mrs. Abbott asked for comments from the Board on the staff's draft outline.

In response to Mrs. Ryan's concern over water quality monitoring by the DPW, and affect on the Old Swamp River, Mr. Fuqua stated that from the information Dr. Wang has given us, he has not seen any danger to the Old Swamp River. This would probably be something that if you took those reports over a very long period of time, if there was any change in terms of the draw down rate or infiltration, it is something that DPW could review with other wells throughout the town and see if it's something that is happening. It would probably be something that is going on for the entire town. At some point in time, if DPW notices some kind of adverse impact, it would be up to DPW to enforce, but it would have to be not only for this development, but all of the private wells in that area. It is something that would have to be taken on a town wide basis. Mrs. Ryan stated that the safety net is in place for the water, but can we have a condition that if there is an impact on the water, that they don't draw anymore water. Mr. Clarke replied that he will look into that.

Mrs. Abbott asked Mr. Burbank about Widow's Walk and reconfiguration of the fairways, and whether it created more water usage. Mr. Burbank replied that

they had to remove some vegetation and it did not create more water usage because the roughs are not watered.

Mrs. Ryan asked about the time frame for construction. Mr. Bristol replied that if they get their permits and start construction in the spring of 1999, they would be ready to plant grass in August. The housing will come in phases. He would guess it would be a 3 year phase.

Mrs. Ryan expressed concern over traffic impact to Columbian Square during construction. Mr. Bristol stated that there won't be a lot of traffic in/out of the site because most of the material and equipment will be moved around on the site.

Mr. Clarke asked if Board members have any additional questions or comments that they call Rod. He would like to get the final draft out to the Board by the middle of next week.

#### 9. Other Business

- a. Meetings. The next meeting of the Planning Board is scheduled for August 31, 1998. The September meetings will be on the 14<sup>th</sup> and 28<sup>th</sup>.
- b. South Farm Estates. Mr. Clarke stated that Rod sent Mr. Couillard a letter saying if there has been no work done on the subdivision within 30 days, the Board will initiate action to take the bond. He would like a vote of the Board to take the bond.


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

UNANIMOUSLY VOTED: that if there is no action on the subdivision within 30 days the Board will take action to take the bond.

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

UNANIMOUSLY VOTED: to adjourn the meeting at 9:40 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 August 17, 1998.

  
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Paul Hurley, Chairman