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TOWN OF WEYMOUTH

PLANNING BOARD

MINUTES

There was a Planning Board meeting held on September 28, 1998 at 7:30 P.M. at the Town Hall.

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

Decision on petition to resubmit special permit application within 2 years because of specific of specific and material changes

Present on behalf of the applicant was Rocco DiFazio, attorney for Marylou's News.

Mr. Dillon stated that he thought that the new plan created worse conditions than the plan that the Board denied, and he is not in favor of voting to allow Marylou's News to resubmit within the two year timeframe of a denial, and he will make a motion to that effect.

Mr. Leary stated that added to Mr. Dillon's motion should be that there has been no substantial changes in the plan that was rejected by the Board.

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

UNANIMOUSLY VOTED: to deny the request for reconsideration based on a negative finding of specific and material changes in the conditions upon which a special permit application by Marylou's News, 768 Main Street, case no. 97-4-5/20, was denied by the Planning Board on August 11, 1997, based on the Board's finding

that there have been no substantial changes in the plan.

2. Petr: Paul Pawlowski
Locus: 20 Wolcott Street
Sheet 2, Block 8, Lot 5
Zoning: R-1

Decision on special permit for an addition located in a floodplain

The Board received, in their packets, a memo from Rod Fuqua to Jim Clarke regarding considerations for a decision on the special permit.

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

UNANIMOUSLY VOTED: to approve the special permit as per the plan entitled: "Site Plan of Land, 20 Wolcott Street, Weymouth, Mass." dated July 28, 1998, drawn by C. F. Arnold Associates, Inc. for the property located at 20 Wolcott Street, shown on the Weymouth Town Atlas Sheet 2, Block 8, Lot 5, based on the following:

1. Comments regarding the zoning compliance of the existing house have been raised. A referral was made to the Inspector of Buildings. A response noted the locus at 20 Wolcott Street complies with zoning. Any further discussion on this matter should be addressed directly to the Inspector of Buildings under Section 120-111 of the Zoning Bylaws.
 2. The application contains a note that "The proposed addition shall be constructed in conformance with Section 744 of the Mass. State Building Code and Article XIIA of the code of the Town of Weymouth." Cited regulations set construction standards in the floodplain. Louvers are proposed to allow flood water to pass underneath the addition.
 3. The first floor is elevated more than one foot above the floodplain. The area below the first floor is enclosed with louvers installed below the flood elevation.
 4. Comments regarding increased flooding were raised at the public hearing. The applicant's engineer has noted that any changes in runoff would not be significant to elevate flood waters in the Fore River Basin.
 5. Application, as submitted, meets the criteria of Section 120-38.5 of the Zoning Bylaws.
3. Discussion on talking points with Board of Selectmen

Mr. Hurley stated that he asked Mr. Clarke to put this item on the agenda.

Mr. Clarke stated that based on discussion tonight he will prepare a memo to the Board of Selectmen with copies for the Board in their packets.

Mr. Dillon stated that he wants to see stronger enforcement. He receives a lot of calls. There are things in the bylaw that are not being enforced. Also, when someone comes in for a permit for a liquor license, etc., he does not feel the Board of Selectmen should give out that permit, until the applicant has gone through the special permit process with the Planning Board. His biggest problem is enforcement.

Mrs. Ryan stated that she agrees with what Mr. Dillon said. She would like some clarification as to exactly what the structure is of the Building Department. She has called the Building Department and has been told that you can't get a Building Inspector after 10:00 A.M., and also if you want to make a complaint, you are told to come in and fill a form out. This is a very intimidating process and not helpful to people in this town. She would like to know how the whole inspection and enforcement works. Most of the signs in violation are things they see as they drive around the town. She asked if the town is broken up into different sections and if inspectors were assigned a certain section of town. She asked why the inspectors do not see the same violations they see as they are driving around town. She is very upset over the fact that people cannot call the Building Department and make a complaint over the phone. Also, if a person wants to talk to an inspector, they must call before 10 A.M. She shares Mr. Dillon's concerns about the Board of Zoning Appeals. Bylaws are approved by Town Meeting. She questioned why it should be so simple to go to the Board of Zoning Appeals to have something approved. There are very few cases that are turned down by the Board of Zoning Appeals.

Mr. Hurley stated that it is time for the 7:45 P.M. public hearing, and this item would be continued to later in the meeting.

Mr. Clarke stated that a week and a half ago he received a memo from Mr. Coates on his complaint procedure. He will make copies for the Board.

4. Public Hearing 7:45 P.M. (cont.)
 - Petr: Redevelopment Authority
 - Locus: Woodside Path
 - Sheet 34, Block 358
 - Zoning: R-1

Definitive subdivision plan – applicant is requesting a continuation

Mrs. McElroy read a letter requesting a continuance of the public hearing for Woodside Path.

Mr. Clarke recommended that the hearing be continued to November 2nd at 7:45 P.M.

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

UNANIMOUSLY VOTED: to continue the public hearing for Woodside Path to November 2, 1998 at 7:45 P.M.

5. Discussion on talking points with Board of Selectmen (cont.)

Mr. Leary stated that he echoes what Mrs. Ryan said. He asked how many inspectors there are. Mr. Clarke replied that there is an Inspector of Buildings, Deputy Inspector of Buildings, and two Inspectors. Mr. Clarke stated that they do break the town up into sections.

Mr. Leary stated that the Building Department could break the day up so that everyone is not out at once.

Mrs. Ryan stated that she has a concern with one other thing and that concerns the Police Department and the police officer who constantly sends back referrals saying no problems anticipated at this time. Mr. Clarke replied that with regards to the Police Department's comments, Sgt. Newell deals with traffic. To his knowledge, Sgt. Newell is not a trained traffic engineer. He is an individual who has spent many years looking at traffic issues. He thinks that from a police perspective Sgt. Newell probably has a very good understanding of what he considers problems. The other issue is that Sgt. Newell sees traffic on every street in town so everyone that comes to him has the most important problem. He never expects to get detailed analysis from Sgt. Newell. He expects to get Sgt. Newell's experience and general impression as to what the problem is.

Mr. Lynch stated that he agrees with what has been said by Board members. He thinks that if the Boards could meet, we could settle things. Also, he feels the Inspector of Buildings should live in town.

Mr. Hurley stated that when the Board reviews site plans, he feels they should have to get an occupancy permit before they move in because once they move in, it's hard to get things done. Mr. Clarke stated that generally with a special permit, Jim Aikens and Rod go out and inspect the work to make sure the applicant has met the special permit conditions.

Mr. Clarke stated that he will put together a list of items for discussion with the Board of Selectmen.

6. Form A Plans

a. Forest/Wampum Street – Sheet 48, Block 542, Lot 5

Mr. Fuqua stated that the Form A Plan is to subdivide the front lot from the rear property. The front lot has over 25,000 square feet. The 2 smaller lots in the back are noted on the plan as not buildable. He recommends that the plan be endorsed with a note that Planning Board endorsement has no standing under zoning.

Mr. Hurley asked if the 2 small lots in the back will be conveyed to the neighbors. Mr. Fuqua replied that it's a possibility, but the owner has not approached the neighbors.

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

VOTED: 3-2-1 (Mr. Lynch and Mr. Leary opposed, and Mrs. Ryan abstained) to endorse the Form A plan for Forest/Wampum Street – Sheet 48, Block 542, Lot 5.

b. Bridge Street – Sheets 5 & 8, Block 15, Lot 1

Mr. Fuqua this is the former Taco Bell property – now McDonald's. They have separated out the lot and created an access easement. He has reviewed the plan with Town Counsel and the Inspector of Buildings. Town Counsel feels the Board could approve the plan but the applicant needs to come back for an amendment of the special permit. Mr. Fuqua stated that he recommends that the Board endorse the plan with the note that says the property is not in compliance with the special permit, and has no standing under zoning.

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

UNANIMOUSLY VOTED: to endorse the Form A Plan for Bridge Street – Sheets 5 and 8, Block 15, Lot 1 with the note that says the plan is not in compliance with the special permit, and has no standing under zoning.

c. Herring Street

Mr. Fuqua stated that the Form A Plan is a former BZA case. The property is being subdivided and going to two abutters. No buildable lots are being created by this plan.

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

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

7. Subdivision Performance Guarantees

a. South Farm Estates – take bond

Mr. Fuqua stated that 30 days has come and gone since the Board sent a letter to Buzco, and nothing has been done at South Farm Estates. He has drafted a letter for the Board to sign which says that Buzco is in default, and that the Board is going to begin the process to take the bond.

Mr. Fuqua stated that he needs a vote of the Board stating the work has not been completed.

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

UNANIMOUSLY VOTED: that the Planning Board determines that construction of roadways and utility installation has not been completed, as per letter dated September 22, 1998 from Chip Fontaine, Town Engineer to Rod Fuqua, Principal Planner; a letter dated July 31, 1998 from Roderick M. Fuqua, Principal Planner to Roland Couillard; and a certified letter no. 074059480 dated August 20, 1998 from Roderick M. Fuqua, Principal Planner to Roland Couillard both did not result in any noticeable activity toward the construction of roadways and utility installation on the South Farms Estates Subdivision.

b. Allerton House (Central Jr.) – re-issue covenants

Mr. Fuqua stated that the owner wants to put the covenant on the 2 lots that are vacant. Presently the covenant is on the entire property.

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

UNANIMOUSLY VOTED: to re-issue the covenant for the Allerton House.

8. Other Business

a. The Lincoln/Braintree

The Board reviewed a letter prepared by Mr. Clarke for the Board's signature regarding The Lincoln in Braintree.

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

UNANIMOUSLY VOTED: to send the letter from the Board to the Braintree Planning Department regarding the proposed development of The Lincoln.

b. Planning Board Schedule

The Board will meet on the following dates:

October 13, 1998	meeting with the Board of Selectmen
October 20, 1998	Planning Board meeting – day care special permit remand hearing
November 2, 1998	Planning Board meeting
November 16, 1998	Special Town Meeting/Planning Board may meet at 7:00 P.M. is necessary
November 30, 1998	Planning Board meeting
December 14, 1998	Planning Board meeting

c. NAS – South Shore Tri-Town Development Corporation

Mr. Clarke stated that the first meeting of the South Shore Tri-Town Development Corp. was held last week, and they have requested the Chairman's presence at the next meeting this Thursday to discuss the issue of using Planning staff, and they want to talk about reimbursement for staff time.

The Chairman could not attend the SSTTDC meeting on Thursday, and it was decided that the Clerk would go instead as well as any other Board member who wanted to attend.

Mr. Leary asked about the amount of time the staff would be spending on the base. Mr. Clarke replied that the staff's involvement would probably be for at least 6 months until the SSTTDC gets staff. The amount of time he and Michael would be spending would be less than they have spent over the past year. It would probably be a quarter of his time and a quarter of Michael's time.

Mrs. Ryan stated that she thinks some compensation should be there for the staff's time, but Michael is our Economic Development Planner and there are vacant buildings in town. She asked if there has been any outreach to bring in clients to the Paperama and Lechmere buildings. Mr. Clarke explained that we just got our economic development data base and are getting it up and running.

Mrs. Ryan asked if we are going to be staffed properly with regard to Planning Board issues in the town of Weymouth. Mr. Clarke replied that he thinks we are fairly well staffed right now. Projects are still moving forward. There have been some things put on the back burner. The Master Plan update will be coming up. We are wrapping up the Open Space Plan, and the Community Development Block Grant projects are back on schedule. He's comfortable with the work that's getting down.

Mrs. Ryan stated that Mr. Clarke knows what we need as far as staffing the office, and what needs to be done, but she feels something should be done with the large buildings that are vacant.

Mr. Leary asked what the SSTTDC is looking for from the Board this Thursday. Mr. Clarke replied that the SSTTDC just wants to discuss the use of staff and compensation.

Mrs. Ryan stated that she will also attend the SSTTDC meeting on Thursday.

d. Quikava

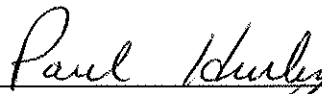
Mr. Fuqua stated that Jim Aikens from the Building Department brought this to his attention. Quikava wants to install a 4' by 6' freezer by their back door. The Board has two choices. They could make the determination that this is a minor change or the Board could require that Quikava comes back to the Board for an amendment to the site plan.

Mr. Hurley requested that Quikava attend the next meeting and explain what they want to do.

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

UNANIMOUSLY VOTED: to adjourn the meeting at 9:15 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 September 28, 1998.



Paul Hurley, Chairman