

**PLANNING BOARD
RECORD OF MINUTES AND PROCEEDINGS
April 24, 2007**

The Planning Board of the Town of Weymouth held a public meeting on Tuesday, April 24, 2007, at 7:30pm at McCulloch Building, Whipple Center Conference Room, 182 Green Street, Weymouth, MA

Present: Paul Hurley, Chairperson
Walter Flynn, Vice Chairperson
Mary Akoury, Clerk
Sandra Williams
Frank Hawkins
Staff: James Clarke, Planning Director
Rod Fuqua, Principal Planner
Recording Secretary: Janet Murray

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

Discussion and Recommendation on Proposed Zoning Map Amendments

1132 Middle Street - Sheet 37, Block 463, Lot 26, and 1136 Middle Street - Sheet 37, Block 463, Lot 1 from Residential District R-1 to Highway Transition District HT.

Mr. Hurley stated that this is a follow-up meeting from the public hearing that was held last week, jointly with the Town Council.

Mr. Clarke asked that the Board have discussion tonight then he will prepare comments to be reviewed at another meeting. Ultimately, the decision will be rendered to the Town Council.

Mr. Flynn noted that the applicant had stated at the public hearing that they would be willing to accept a change from R-1 to B-1 rather than to Highway Transition District (HT). He stated that he is opposed to the propose change to HT. He stated that the areas around corners which are residential should be B-1.

Mr. Clarke stated that the widening of Route 18 is going to create additional requests of this type. He noted that the unique aspect of this site is that businesses abutting the residential district are being taken for the project.

Mr. Flynn noted that there would still be a buffer between Route 18 and the R-1 district. However, it is not enough to build on. He stated that it is his concern that this action is to profit the residents.

Mrs. Akoury stated that the applicants had also noted that they were losing significant parts of their front yard and this project will drastically change their life. She noted that they had also expressed concern regarding the safety of their children. Their homes will now be the corner of Middle Street.

Mr. Flynn recommended that this issue be tabled until a general plan of action is developed.

Mr. Hawkins stated that he did not think the change to HT was a good idea. He also agreed that it would be better to wait until a more comprehensive approach to zoning changing along Route 18 is developed.

Mr. Hurley asked what impact this process would have on the Planning Staff's workload. Mr. Clarke stated that he could see this process taking 3-4 months. He noted that he would speak to the Mayor regarding the issue of looking at the zoning along the entire length of Route 18.

Mr. Clarke recommended that the Board take no Action – pursue a more comprehensive action in regards to all of the parcels to be affected by the Route 18 widening project.

King Avenue/D.F. Haviland Drive

Parcels identified on the Weymouth Town Atlas as Sheet 20, Block 282, Lots 36, 31 and 37 from I-2, General Industrial to R-1, Residential Low Density (single family).

Mr. Clarke noted that Mr. Metri had submitted a letter to all Board members regarding his property; however, the letters have not been opened as they were submitted after the close of the public hearing.

Mr. Flynn asked for clarification on the effect of an outstanding purchase and sale agreement. He noted that it may be inappropriate to take action on this.

Mr. Clarke stated that evidence submitted at the public hearing also pointed out the changing nature of the neighborhood and that this change is the result of a comprehensive assessment.

Mr. Flynn asked if a purchase and sale agreement were pending would that be grandfathered.

Mr. Clarke stated that the existence of a purchase and sale agreement has no bearing. He noted that a Form A (subdivision approval not required) was submitted and approved for abutting lots. He stated that the clutch business would be grandfathered. If that business were changed a special permit would need to be obtained from the Board of Zoning Appeals.

Protection of the zoning status for land use of the Form A lots would be grandfathered for three years; however it would still be subject to dimensional requirement.

Mrs. Akoury noted that 95% of the area is residential. She stated that she is concerned about the health, welfare and safety of the residents. She noted that there is a distinct division between the residential district and the industrial district.

Mr. Hawkins stated that he sees this change to R-1 as a general trend. He has seen a number of properties changed from industrial use to residential use in recent years.

Mrs. Williams noted that she was concerned that the traffic in the neighborhood was not directly related to the proposed zoning change. She stated that she is leaning towards the property owner.

Mr. Hurley stated that he is concerned about the wide variety of usages of an I-2 district. He asked if the change was made would the grandfathered use be limited to automotive.

Mr. Clarke stated that he will need to get more information regarding the continuation of the existing non-conforming if the zoning were changed.

Mr. Flynn stated that he would recommend that King Ave and Pine Street have traffic calming measures considered when the Planning Board makes its recommendations to the Town Council.

Rear portion of the 33 Cypress Street property

Sheet 45, Block 515, Lot 3 from Residential District R-1 to Medical/Commercial status (Medical Service District).

Mr. Clarke stated that this property was subject to a Board of Zoning Appeals (BZA) case back in the 1970's. He noted that the previous owner had lot B deeded to the Cypress Street property as a buffer. He commented that this was not part of the decision of the case.

Mr. Clarke stated that if this is allowed, the lot on Cypress Street would drop below 25,000 square feet and would require an application to the Board of Zoning Appeals. He noted that the property could be rezoned and the property owner could sell an easement for the parking.

Mr. Hawkins stated that during the moratorium, the zoning lines were designed to follow property lines.

Mr. Fuqua stated that he had spoken to the applicant prior to the submission of the application. He stated that the applicant had been informed that he would need to go before the BZA.

Mr. Clarke stated that the zoning line could be moved back 40 feet.

Mr. Hawkins stated that he would like to see the subdivision go before the BZA prior to making a decision on the zoning change.

Mr. Flynn asked if the abutting pork chop lot is a buildable lot. Mr. Fuqua stated that it is a buildable lot.

Mr. Fuqua stated that the set back requirements are 20 feet when a medical service district zone abuts a residential district.

Mr. Clarke noted that the Planning Board has 21 days to report back to the Council. He suggested that the Chairman contact Michael Smart, the Council President.

Mr. Hurley stated that Mr. Smart had asked him to appear before the Council again.

Ryder Development Corporation

Tirrell Woods, off Tirrell Street

Sheets 28 and 32, Block 361, Lots 1 and 2; Block 410, Lot 9;

Block 423, Lots 40, 44, 47, 49, 50, 51, 53 and 54; and Block 424, Lot 15

Zoning: R-1

Preliminary Plan - review of density

Attorney Gregory Galvin, represented the applicant before the Planning Board for a request of determination of density. He stated that the applicant had believed that he could pick up further lots when the Conservation Commission adjusted the wetland lines. However, at this time, the applicant has decided to keep the existing density which is 48 units.

Mr. Galvin noted that there are two single family lots, one off Aster Circle and one off Cottage Street.

Mr. Clarke noted that there was a discrepancy between the density numbers. The two single family lots and the 48 units would be a total of 50 units. He stated that the plan before the BZA is for a 48 unit development.

The resource area delineation was completed on the wetlands around the Sportsman's Club when the preliminary plan was submitted; the property around the Nash property it had not been done. A vernal pool, although not certified, exists; this is what created the vernal pool issue.

Mr. Galvin stated that he was in agreement with Mr. Clarke.

Mr. Clarke stated that Mary Ellen Schloss had reviewed the plan. He stated that a waiver could not be given for the road. A house on lot 20 would have to be built outside the 100 foot buffer zone, thus making it unbuildable.

Mr. Galvin stated that he disagrees with the interpretation. He did not believe that the Conservation Commission intended to have a 100 foot buffer and then a 25 foot additional buffer as well as another 75 foot no build zone. He believes that lot 20 would require an order of conditions, but would be buildable.

If lot 20 is not buildable the density would be reduced by one.

Mr. Clarke stated that this plan is only for density purposes. There is no intention to build on the lots as laid out.

Mr. Hurley asked if the Planning Board should take no action.

Mr. Clarke recommended that staff sit down with Ms. Schloss and report back to the Planning Board on May 15, 2007.

A MOTION to take this matter UNDER ADVISEMENT was made by Mrs. Akoury and seconded by Mrs. Williams and UNANIMOUSLY VOTED.

Street Acceptances

Discussion and Recommendation

Mr. Clarke stated that he had passed out a packet with the list of streets to be accepted. He stated that the Mayor's intent is to review the private ways and recommend them to be accepted as public ways. He noted that the additional public ways will count towards the calculation of Chapter 90 monies.

Mr. Clarke noted that in the past, Community Development Block Grants have been used to pave streets in a number of areas.

Mr. Clarke noted that two separate public hearings need to be held; the first to accept the way and the second to accept the layout. He noted that the roadways to be accepted are in decent shape.

Mr. Clarke stated that staff has developed a system to rate the streets to be accepted.

Mr. Hurley asked if there is a cost associated with the process. Mr. Clarke stated that there is a cost for the recording; however, a paralegal has been hired to pull the as built plans and on file plans.

Mr. Flynn made a MOTION to recommend sending a FAVORABLE report to the Town Council regarding the street acceptances and was seconded by Mr. Hawkins and UNANIMOUSLY VOTED.

Seabury Street
Revision to Plan

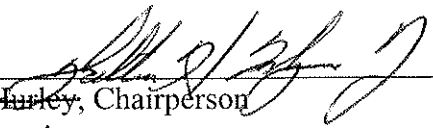
Mr. Fuqua stated that the applicant is looking to revise the grading plan which covers two properties. The work is to be done in the right of way.

Mr. Clarke stated that the intent of building the wall is to save some of the trees. The two lots abutting this street have access from Green Street so the changes will have no affect on their access.

Mr. Flynn made a MOTION to APPROVE the request for minor grading changes to the Seabury Street plan and was seconded by Mr. Hawkins and UNANIMOUSLY VOTED.

Adjournment

At 9:00 pm, there being no further business, a MOTION was made by Mr. Hawkins to adjourn and was seconded by Mr. Flynn, and UNANIMOUSLY VOTED.



Paul Hurley, Chairperson
V.C.B.



Date