

**PLANNING BOARD  
RECORD OF MINUTES AND PROCEEDINGS  
AUGUST 29, 2005**

The Planning Board of the Town of Weymouth held a public meeting on Wednesday, August 29, 2005, at 7:30pm at McCulloch Building, Whipple Center Conference Room, 182 Green Street, Weymouth, MA

Present:	Paul Dillon, Chairperson Walter Flynn Paul Hurley Mary Akoury
Absent:	Scott Curry
Staff:	James Clarke, Director of Planning & Community Development
Recording Secretary:	Janet Murray

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OFFICE OF THE TOWN CLERK  
WEYMOUTH, MASS

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

**Minutes**

A MOTION was made by Paul Hurley to accept the minutes from the June 28, 2005 and July 28, 2005 Planning Board Meeting and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

**Performance Guarantee – Martin Street**

This is a request submitted to request road conditions on Martin Street. Clearing and grading, water and sewer work, storm drainage installation and road paving are listed on the submittal.

Mr. Clarke stated that the amount of the bond request is \$42,957. He recommended that the bond not be released until the utilities are installed as there is no allotment for blasting and he is of the opinion that blasting may be necessary.

A MOTION was made by Paul Hurley to APPROVE the request to set the bond for Martin Street at \$42,957 and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

**Form A – Woodrock Road**

This is a request for a land transfer and it does not create any new buildable lots. The proposal calls for a new building for retail, warehouse, and an auto supply store. Mr. Clarke noted that the plans meet current zoning requirements.

A MOTION was made by Paul Hurley to APPROVE the Form A as submitted and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

**Holland Construction, Inc. on behalf of Ann Scott**

This is a request for a waiver on road conditions. The property in question would have an Anthony Road address with the driveway over a portion of Vining Road to access Anthony Road. Mr. Clarke noted that Anthony Road is paved. Vining Road is not paved and is not open. Neither the Town Engineering Department nor the Police Department expressed any concerns about this request.

This lot is the last remaining buildable lot on Vining Road.

A MOTION was made by Paul Hurley to APPROVE the request for a waiver on road conditions for an Anthony Road address with driveway over section of Vining Road and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

**Castle Self Storage, Inc.**

Public Hearing

687-695 Bridge Street  
Sheet 8, Block 15, Lots 4 & 6  
B-1 Zoning

Seeking consent of Planning Board to reapply to the Board of Zoning Appeals within two years of a denial on May 27, 2004.

Mr. George Ford, attorney for Richard Gardner, addressed the Board. He stated that neither he, nor his client had requested this appearance before the Planning Board.

He stated emphatically that his client has submitted a new plan to the Board of Zoning Appeals (BZA) and that this meeting tonight is not necessary, nor is the consent of the Planning Board required to submit this application to the BZA. He stated that this is not a repetitive application. He stated that the Town Solicitor, George Lane, was in agreement with this opinion.

Mr. Ford stated that this application has nothing to do with the applicant's previous request to build a structure on a different lot with a different traffic configuration. This request was denied in May of 2005. The Board of Zoning Appeals deemed this request to be a nuisance of access in respect to traffic flow and traffic direction. This is under appeal and is scheduled to be heard in October.

Mr. Ford stated that the application before this Board tonight was filed with the Town to the Zoning Board. This application is a request for an addition to the existing structure, for two stories, 26,000 square feet, and its own traffic pattern. It is his opinion that this application is radically different from the one previously denied. He noted, again, that his client is not seeking relief at all.

Mr. Ford stated that under Town By-Laws and under General Laws Ch. 40A16, it says that when an application for a special permit has been denied by the special permit granting authority, the Board of Appeals, then within two years of that denial if an application is submitted that makes

changes to that plan, a repetitive petition, the consent of the Planning Board is required for the plan to go before the Board of Zoning Appeals. He stated that this application is not a repetitive petition.

Mr. Clarke stated that he received this application on July 18, 2005. He also stated that it is his opinion that this is a repetitive petition. Mr. Clarke noted that he had spoken to Mr. Lane regarding his approach to this application. Mr. Lane did not express any concern regarding this approach to the application.

Paul Hurley stated that he sees a significant change in his review of the two plans.

Walter Flynn stated that he was not present when the Board of Zoning Appeals took its prior vote. He did state that in his view of the total site layout, there is no substantive traffic flow change.

Mr. Flynn stated that the application includes modifications to the car wash. Mr. Ford stated that the car wash bays would only be moved to the other side of the site.

Mr. Clarke noted that this public hearing is not dealing with the merits of the application. The hearing is whether to give consent to the applicant to bring this request to the Board of Zoning Appeals. This consent would be given if there are specific and material changes to the application previously before the Board of Zoning Appeals.

District 1 Town Councilor Greg Shanahan stated that this application may be for a different building layout but that the same activity will occur as with the previous application. It is still for new storage and more cars on the site. In his opinion, this is a repetitive petition.

Mark Whittemore of 48 Weyham Road expressed his agreement with Councilor Shanahan.

William McFarland of 24 Fuller Road stated that he is a major abutter to this property. He stated that many stipulations were made when the car wash and storage facility were initially built. It is his opinion that this application does not exist until the appeal process on the previous one is completed.

Kevin Whitaker of 142 Union Street stated that he does not see any substantial changes in this application. He stated that since the applicant is not requesting any approval, then it should be denied.

Walter Flynn made a MOTION to CLOSE the Public Hearing and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

Mrs. Akoury questioned why we are not waiting until the court has decided on the appeal.

Mr. Flynn stated that waiting is not an option because the petitioner has already made an application to the Board of Zoning Appeals. The petition is before the Planning Board per the

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Planning Department. He also stated that he agrees with the Planning Department that this is a repetitive petition.

Paul Hurley stated that the Board can move to send this application to the Board of Zoning Appeals, Mr. Ford could withdraw the application, which Mr. Ford is not prepared to do. Mr. Ford requested that the Board take no action. Mr. Clarke reiterated that it is his opinion that this is properly before the Planning Board.

Mr. Clarke stated that 4 of 5 members of the Planning Board are required to approve this request. As there are only four members present tonight, all four must vote in favor for this request to be granted.

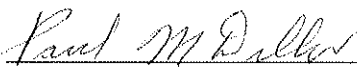
Paul Hurley made a MOTION to APPROVE the request to reapply to the Board of Zoning Appeals within two years of a denial on May 27, 2004 and was seconded by Mary Akoury. The MOTION was voted favorably on a 3-1 vote with Paul Hurley, Paul Dillon, and Mary Akoury voting in favor, and Walter Flynn voting against. The motion FAILED as four (4) favorable votes are needed for this request to pass. Scott Curry was not present.

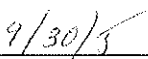
#### **Capital Budget**

Mr. Clarke distributed copies of the Capital Budget to the Board and requested that each Board member go over the document as the budget process will be starting again.

#### **Adjournment**

At 8:35pm, there being no further business, a MOTION was made by Paul Hurley to adjourn and was seconded by Mary Akoury, and UNANIMOUSLY VOTED.

  
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Paul Dillon, Chairperson

  
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Date