

Minutes of the Planning Board held on January 7, 2003 at 7:30 P.M. in the Town Council Chambers of Town Hall

Present: Paul Dillon, Chairman, Paul Hurley, Mary Akoury and Walter Flynn

Staff: Rod Fuqua, Principal Planner

Meeting called to order at 7:30 P.M.

#### PUBLIC HEARING CONTINUED

Kenneth Ryder, Ryder Development

Samantha Way, off Summit Street

Sheet 20, Block 207, Lot 11 and Sheet 16, Block 206, Lot 3

Zoning: R-1

Definitive subdivision plan for a two (2) lot single family subdivision and one (1) existing lot

Motion by Mr. Hurley seconded by Mr. Flynn to re-open the Public Hearing. **SO VOTED.**

Mr. Dillon explained the voting procedure.

After the last meeting and at the request of the Board, Mr. Teebagy and Mr. Ryder met with Chip Fontaine and Paul Halkiotis for the purpose of going over any outstanding issues. The memo of December 24<sup>th</sup> from Chip Fontaine said that all of the Engineering Department's concerns have been addressed and he is satisfied with what we have agreed to do.

Mr. Dillon asked if the residents had received a copy of the memo.

Mr. Galvin stated that the reason this matter was continued was to allow the abutters Engineer to meet with Mr. Ryder's Engineer at the Town Engineer's office. Mr. McKenzie did not attend the meeting on the 15<sup>th</sup>. The letter was drafted and the applicant has performed everything the Board has asked him to do.

Mr. Fuqua heard from Mr. McKenzie who said there was a lack of communication and he was under the impression that the meeting had been canceled. The meeting went on with Mr. Teebagy, the Town Engineer and Paul Halkiotis who reviewed the drainage plan as well as the information that had been submitted by McKenzie Engineering.

At a meeting last Friday Mr. McKenzie presented and reviewed this information with the Town Engineer. In a letter to the Board dated December 5<sup>th</sup> he said he was sticking by his comments. There are four (4) items relating to the drainage issues. The items relative to the wetlands have to go before the Conservation Commission for further review.

Mr. Teebagy said that they have done what the Board had requested and they have a memo to that effect.

Several residents expressed concerns with regard to the right-of way, blasting of ledge, ground water and surface runoff.

Discussion ensued relative to the above concerns.

A question was asked if the Board had any test pit information. Mr. Fuqua stated that there is a requirement in the rules and regulations that if there is an indication of ledge at or near the surface, a test pit is required. That test pit is not a part of the application. Mr. Teebagy has gone through and explained the drainage and that would have to be a consideration of the Board when they make their decision whether or not the information received is sufficient.

Mr. Teebagy said that Mr. Ryder has offered to do test pits and or borings immediately. With the pending action before the Conservation Commission, we thought it prudent not to do. We are not opposed to doing the work. This is something that is required in the regulations but has categorically, not been part of the submission in the past.

Discussion ensued relative to doing the test pits and borings.

Once again the residents addressed their concerns to the subsurface runoff and the blasting issue.

Councilor Connolly asked if it would be possible to have a representative from the Fire Dept. explain the blasting before the public hearing is closed. This information would be helpful to the residents in evaluating the project itself.

Mr. Fuqua stated that the State Fire Marshall's office has a brochure on blasting that explains the entire process. Copies will be available in the office in about two weeks.

One of the residents spoke about the detention pond with regard to having a water problem in his yard.

Councilor Sue Kay submitted a letter to the Board. After reviewing the site proposed for Samantha Way, she is opposed to it. She read her letter in which she addressed several concerns.

Paul Norton of 120 Phillips Street spoke about the road width and the surface runoff. He also stated that he has watched this land very closely and has taken water depth measurements on his property. He has taken Mr. Teebagy charts and augmented them a little bit.

Mr. Galvin commented that we are having a layperson wanting to give the Board information that should be coming from their engineer who is not here tonight. The Board's jurisdiction is whether or not the road layout and drainage system complies with Planning Board rules and regulations.

Mr. Norton gave a presentation using the augmented charts of Mr. Teebagy.

Mr. Teebagy stated that Mr. Bailey, a professional landscaper stamped and signed his plans. He is a professional Engineer and he stamped and signed his plans. We both stand by all the materials submitted. The Engineering Department is satisfied with the quality of the materials submitted. We are providing a solution to the drainage issues on this site.

A meeting of the Homestead Civic Association was held on December 5<sup>th</sup>. Mr. McDonald, President of the Association submitted a letter to the Board.

Councilor Michael Smart, Councilor Michael Molisse, and Councilor Thomas Lacey spoke out in opposition to the plan.

Discussion ensued relative to the drainage issue.

Mr. Dillon stated that there was a lot of information to look over and it would not be an easy decision. The decision will be what is the best for the residents and the Town of Weymouth.

Mr. Dillon said he would call for a motion to close the public hearing. Mr. Ryder was in agreement to close the public hearing.

Motion by Mr. Flynn seconded by Mrs. Akoury to close the Public Hearing. SO VOTED.

Mr. Dillon stated that the next Planning Board meeting will be held on January 21<sup>st</sup> at which time the Board will probably render a decision on the subdivision.

Motion by Mr. Flynn second by Mr. Akoury to take this under advisement SO VOTED.

#### PERFORMANCE GUARANTEE – JOAN TERRANCE & PARIS ST.

Mr. Fuqua stated that the underground drainage system has been completed and he is recommending the bond be reduced to \$5,000.

Motion by Mr. Hurley seconded by Mr. Flynn to reduce the bond from \$10,000 to \$5,000. SO VOTED.

#### FORM A

Whitman Street – The owner of Lot A is getting ready to sell and the neighbors stairs are over the property. The plan shows an easement to allow the neighbor to move the existing stairs. This plan essentially redraws the lot to conform to the deed as originally drawn up.

Motion by Mr. Hurley seconded by Mrs. Akoury to endorse the Form A. SO VOTED.

Echo Avenue – this is a land swap between neighbors.

Motion by Mr. Flynn seconded by Mrs. Akoury to endorse the Form A. SO VOTED.

#### OTHER BUSINESS

Birch Path – a request for road abandonment. This is a paper street

Motion by Mr. Flynn seconded by Mr. Hurley that the Planning Board abandon Birch Path. SO VOTED.

Capital Budget Update – the Building & Other Facilities Planning Committee is meeting tomorrow evening

Mr. Fuqua hopes to get their information so that it can be incorporated into the spreadsheet. Any comments or revisions are to go to Mr. Fuqua.

Zoning Recommendations – this is a request from the Town Council with regard to rezoning of the railroad.

Motion to adjourn. SO VOTED.

Meeting adjourned at 9:20 P.M.

Respectfully submitted,  
Annette M. Cignarella  
Recording Secretary

APPROVED:

Paul M. Dillon  
Paul Dillon, Chairman

12/14/3  
Date