

TOWN OF WEYMOUTH
PLANNING BOARD
MINUTES

PROJECT NUMBER
DATE OF MEETING
PAGE NUMBER

There was a Planning Board meeting held on June 5, 2000 at the DPW Building.

Present: James Clarke, Planning Director
Roderick M. Fuqua, Principal Planner

Mr. Clarke opened the meeting at 7:30 P.M. and stated that he is sitting as the Planning Board.

1. Public Hearing – 7:30 P.M.
Petr: Heritage Construction, applicant
Beals & Thomas, designer
Locus: off 523 Summer Street
Sheet 32, Block 409, Lots 6 & 26
Zoning: R-1

Definitive plan for eight (8) lot single family subdivision

Mr. Clarke opened the public hearing at 7:32 P.M. and asked the applicant to make a presentation.

Mr. John Bensley stated that he is with Beals and Thomas representing Heritage Construction. Fred and Barbara Kiley from Heritage Construction are present and also Jim Pransky who is one of the owners.

Mr. Bensley gave a brief history of the project. He stated that in August of 1999 they were before the Planning Board with a preliminary subdivision plan for a similar layout as is shown here. That plan was denied by the Planning Board. Some of the issues that were raised were regarding water, pipe, main, sizes, and materials which they are complying with in this plan. Sewer capacity and mitigation issues were also raised which are referenced in this definitive plan. The most significant aspect was the retaining walls that were proposed along the sides of the road near the entrance off of Summer Street, and that is addressed as well.

Mr. Bensley explained the definitive plan. He stated that there are 16 acres of land in Weymouth. Heritage Construction also owns 24 acres that are contiguous in the town of Braintree and there is no plan for that land at this time. There is a piece of property that Heritage Construction owns that is 40' wide and is the only access point that Heritage has to this property. There is a 14' wide strip and another strip that is less than 30' wide immediately adjacent to Route 3. The 40' wide strip is the only access to the property. The Pransky land which is also included on the site gives them more than 40' to allow them to get onto the site. The Pransky house will be relocated on the property to comply with zoning, and that existing one lot will become one of the eight lots in the subdivision. There will be seven new lots created by this subdivision. The site is pretty much wooded throughout. There are wetland areas that are highlighted on the plan. They have been

before the Conservation Commission and will be back before them again to further review the Notice of Intent filing.

Mr. Clarke asked about the wetlands. Mr. Bensley replied that the wetlands are highlighted in green on the plan and are generally includes the western side of the site.

Mr. Bensley stated that the proposed cul-de-sac is about 800' long with 24' of pavement and 2' curbing on either side. The road is classified as a minor street under the subdivision rules and regulations. They have a 40' wide right of way. The design of the street in terms of the vertical curves, horizontal curves, layout, drainage and utilities all meet the requirements and regulations of the town. They do have one waiver request. It is Section 4.2.1.7 of the rules and regulations which is a request to not survey locate all of the trees within the area of the right of way. They are proposing to clear the trees necessary to install the roadway and walkway. They don't feel there would be any benefit to locating the trees that are going to be cut. According to the rules and regulations, the request for that is to determine how to orient the roadway on a site and perhaps avoid trees where it makes sense. On this property, there is just one access point location so the roadway is fairly well fixed in its location. They are proposing underground utilities entirely on the site tying into the overhead wires in the street. Regarding the water, there are two water mains in Summer Street. They are connecting into the newer water main on the western side of the street as requested by the Water and Sewer Department. They will be extending the water through the site and coming back through the 14' right of way and tying back into the water main. Essentially what they are doing, at the request of the Water Department, is creating another loop in the water line which will help water pressure in the area. They are also extending gas underground and they are extending sewer by gravity down the roadway in a northerly direction and will tie into the sewer pumping station existing off of Summer Street. As part of that work for sewer mitigation, the applicant has agreed to do various mitigation in terms of inflow/infiltration removal from the existing sewer system as well as assisting the town in providing some upgrades to the sewer pump station. The stormwater system, given that they are near the wetland area, is designed in accordance with the DEP's stormwater management policy which is there to mitigate flow rates, volume of flow and water quality to improve the water quality runoff. Those three objectives are achieved through design of the system which has catch basins in it to collect the flow in the roadway and a small depression which will collect water, allow it to run out a culvert, and recharge ground water. There will be a larger basin at the northern end of the site that will treat the water quality prior to discharge as well as maintain flood rates and volumes from the site. Mr. Bensley stated that there were a couple of issues raised about the stormwater basins. He pointed out the basin and stated that it is not an infiltration basin. It is just a water quality treatment basin and flow mitigation basin. It will have vegetation in it. It will be excavated slightly to get it down where the water table is so that it can grow some vegetation in there. The small swale will be excavated down one foot into grade. Part of DEP's policy is to recharge the groundwater. By doing paving they are stopping some of the water from going down into the ground so they are taking that water and putting it into an area where it will puddle up for fifteen or twenty hours following a rain storm and then infiltrate back in. Finally, in terms of the recharge capacity, it is two times the amount that DEP typically requires.

Mr. Bensley stated that he noted before the main issue with the preliminary plan was retaining walls located on a portion of the roadway. The Planning Board was looking for them to get rid of those retaining walls because the Board thought they were a maintenance issue over time and didn't like them. What they have done on the western side of the road is to propose a small amount of fill within the wetland area. On the other side of the road, Heritage has an agreement with the property owner to allow grading on that site. He explained the 2 – 1 slope and stated it is a standard slope as allowed by the rules and regulations and it is a stable slope. In terms of construction, Heritage is willing to put down erosion control fabric so that while the vegetation is establishing, it stops erosion from occurring on those slopes and provides stability. Also during the fill of that slope, Heritage will agree to use a standard MDPW fill for roadway embankments like this. Prior to installing that fill, they will provide an engineer's certification that the fill source they are using complies with that MDPW specification.

Mr. Bensley stated that the subdivision plan meets the zoning requirements. One of the issues that was raised concerned upland area. There is a certification that was submitted to the Board that states that each one of the lots has a minimum 75% of the minimum lot area requirement that is upland. Lot area requirement is 25,000 square feet minimum and 75% of that is 18,750 square feet. Each one of the lots has at least that much of upland area.

Mr. Bensley stated that he received a copy of a letter from the Town Engineer to James Clarke dated June 2nd with a couple of issues raised. He reviewed the comments from the Town Engineer and how they plan to address those concerns. There is one issue where he disagrees. The Town Engineer asked that the property line right-of-way radius at Summer Street must meet specs which is a 30' radius. Section 5.2.4. of the subdivision rules and regulations specifies that property lines at street intersections shall be rounded or cut back to provide for radius. The radius being looked for are actually pavement radius. The Town Engineer had said 30'; in fact this is a 40' requirement because this street is intersecting Summer Street which is a major street therefore the pavement roundings in this area are shown as 40' and the property line at the street intersection has been cut back to provide for that 40' radius. Mr. Bensley stated that they are of the opinion that they comply with requirements.

Mr. Clarke asked Mr. Bensley to describe the proposed slopes on the stormwater basins. Mr. Bensley replied that the swale is essentially flat. They are excavating a foot down into the ground to get rid of the topsoil so that it will infiltrate better. There really is not a slope in the bottom of the basin, and there are spot drains throughout the other basin. The BMP basin is designed to essentially be flat throughout it, but there is a small ridge that extends down the center of the basin and that is one of the DEP's requests for water quality. The water will come in the inlet and then flow around the whole perimeter of the basin before going out which will allow for treatment and uptake of pollutants and nutrients from the surface water runoff before discharge but the bottom of the basin is flat.

Mr. Clarke stated that regarding upland area computations, the one that was the closest was lot 2 and the remainder of the lots are over 20,000 square feet. Mr. Bensley replied that is correct.

Mr. Clarke stated that the plan was sent out to departments for their review and comment. He asked Mr. Fuqua to review comments received from departments.

Mr. Fuqua stated that this plan was sent out to various town departments for review. It was sent to the Building Department, Conservation, District 2 Councilor, Fire Department, Police Department, Health Department, Mayor, DPW including Engineering, Highway, Water and Sewer, School Department, Street Lighting Committee, Tax Collector and Town Council. He has received comments from the Tax Collector's office and there are some taxes owed for the year 2000, and our rules and regulations require a municipal lien certificate when the decision is recorded. Conservation has noted that the applicant has filed a notice of intent. Comments received back from DPW have been addressed in the applicant's presentation.

Mr. Clarke asked Mr. Fuqua if he had any questions regarding the plan.

Mr. Fuqua stated that he has a question on parcel A which is a large piece with a note that it is not a buildable lot. He asked what was the long term purpose and disposition of this lot. Mr. Bensley replied that right now it is not a buildable lot because it does not have adequate frontage. At this time Heritage Construction does not own other land to provide that parcel with frontage so there are no immediate plans for that parcel.

Mr. Fuqua stated that on lot 1 there is the existing house that will be relocated. He asked if they have boxed in an area where they are proposing to relocate the house that will conform to the zoning. Mr. Bensley replied that they have done a plan for Heritage that shows them where the setbacks are and where they can move the house to. This plan has not been submitted to the town yet.

Mr. Fuqua asked if the lot line that runs perpendicular to Summer Street will be considered a side or a rear yard. Mr. Bensley replied that there will be two front yards. It will front on Summer Street and the new subdivision roadway. He pointed out the two side lines for the lot.

Mr. Fuqua stated the plan shows the road coming off Summer Street and then the road is going down hill. He asked Mr. Bensley to review the area they have for a leveling course coming in off the intersection and the slope on the roadway. Mr. Bensley replied that it is shown on the plan and profile, sheet #12 and 15. The requirements to maintain a 3% grade for a minimum of 100 feet from the edge of the roadway, they are maintaining that 3% grade out to station 1+00 and then there is a transition from a 3% grade down to an 8% grade which occurs over 135 foot long vertical curve and that maintains the sight distance requirements of the rules and regulations.

Mr. Fuqua stated that the road is labeled as roadway A on the plan. He asked if they have any proposed names for that street. Mr. Bensley replied that he believes the town looks to name streets after veterans. He does not know that Heritage has a strong preference. He believes they will look at the list of names that the town may want.

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

Ms. Mary Gordan, 441 Summer Street, stated that at the last meeting the person said they would be building a new pumping station and now they are saying they will upgrade the existing system. She asked which they are planning to do. She stated that the pumping station now doesn't take what they have. Mr. Bensley replied that they have an agreement with the Sewer Department for essentially an upgrade. There will be new equipment put in the pump station.

Mr. Clarke stated that to clarify that, he asked if it was correct that they do not have a final agreement with DPW regarding what is to be done on the sewer pump station. Mr. Bensley replied that he believes they do have an agreement. Mr. Clarke asked that the agreement be submitted as part of our record.

Mr. Fuqua stated that during the preliminary plan, the Sewer Department did comment that the pump station was at capacity and they have reviewed the plans and have not noted any particular comments on it. The only thing related to it would be the 8 for 1 mitigation program and the applicant is in discussion with DPW regarding that.

Mr. Paul Toner, 348 Summer Street, stated that he is the Commission Chairman for Pond Meadow Park. They have a few considerations. He asked if we have a Planning Board. Mr. Clarke replied that he is acting as the Planning Board right now. Mr. Toner asked if we have a Conservation Commission. Mr. Clarke replied not at this time. Mr. Toner stated that their attorney said that they shouldn't do anything until we get a couple of boards. Mr. Clarke asked Mr. Toner if he had something in writing from his attorney that he wanted to submit. Mr. Toner replied that he did not; it was just verbal. Mr. Clarke asked Mr. Toner who the attorney was. Mr. Toner replied that he shouldn't tell you. Mr. Clarke stated that Mr. Toner is providing evidence at this hearing. Mr. Toner replied that he is not providing evidence; this is not a hearing; it is an open meeting. Mr. Clarke stated that this is a public hearing on the application.

Mr. Toner stated that they are very concerned about the wetlands which flow to Pond Meadow Park. They are also concerned about the drainage swale. That is lowland; it won't accept it from a neighborhood. From Pond Meadow Park's standpoint, they are concerned about the inflow of the drainage area into the park. Before Messina owned the property. Now this company has bought the property and this company is not a good neighbor because trash builds up by the Expressway. With Mr. Woodward, Mr. Toner stated that he was instrumental in stopping that.

Mr. Clarke stated that probably a year and a half ago there was some grubbing and clearing that was done.

Mr. Toner stated that was correct, and they had a truck in there, put a fence up and back filled the wetlands. They are concerned in the park of the flow from the wetlands into the pond because it goes two ways – toward the park and under the Expressway.

Mr. Clarke asked Mr. Toner to point out where he is saying that they filled in wetlands. Mr. Toner pointed out on the plan where wetlands were filled. He stated that the flow goes from the aquifer under the Expressway and into the park. They are really concerned about the inflow.

Mr. Bensley stated that he would like to respond to the stormwater aspect in terms of mitigation they are proposing with the different BMPs on site to treat the water quality and stormwater runoff rates to insure that the runoff from this small residential development will be treated adequately in accordance with the DEPs standard requirements.

A representative from Heritage Construction stated that they have done absolutely no filling at all since they have owned the property. They have grubbed out a little so that their engineers could get in to see where the wetlands were in order to prepare the definitive subdivision plan.

Mr. Toner asked why the Conservation Administrator stopped them. The representative from Heritage Construction replied that no one ever stopped them. They finished cleaning out the thorn bushes and grub and the engineers went in and did their work. Mr. Clarke stated that we can clarify that. He did receive some calls and he did ask that the work be stopped.

Ms. Pat Cramer, 461 Summer Street, stated that the water pipe is supposed to go through the right of way. She has an easement and has been assured that she will have a new easement and will still be able to use that because it is the only way they can get into their driveway. She would like it put back exactly the way it is now because they have been there 37 years and they paved and grassed it. Also she has beautiful peonies and she would like something there so that they will know not to touch her peonies. If this is approved, safety is a concern because her grandchildren are out there on their bikes. She asked if it was correct that the easement is only going to be used to put a pipe down and no trucks will be using it.

Mr. Clarke stated that if the plan is approved, they have to build the plan as proposed. What they are showing is that they are going to saw cut the driveway. Instead of using a backhoe and doing a jagged edge, they will actually use a machine that cut it and take it out and put a patch back in. That is what is being proposed.

Ms. Kiley responded to Pat Cramer's concerns. She stated that she was there this morning and spoke to Mr. Cramer and he showed her the driveway. Ms. Kiley assured Ms. Cramer that they will put everything back the way it was.

Mr. Clarke asked for the record, they will re-pave the driveway. Ms. Kiley stated that they disturb, they will put back to the state it was in – they will re-pave and not patch the driveway.

Mr. Clarke stated that if the Board approves this plan, conditions can be added, and that will probably be one of the conditions.

Mr. Toner stated that he has a question on protocol on the Planning Board versus the Conservation Commission. He asked if there was any protocol – what has to go first. Mr. Clarke replied that the plan here was to probably make a decision next Monday night. We are under time constraints to make a decision. The Conservation hearing is continued this Wednesday and we do have some issues. Mr. Toner stated that there is not a Commission.

Mr. Clarke replied that he is acting as the Commission and Planning Board. He has to make a decision on both and look at one from a conservation perspective and the other from the subdivision rules and regulations and that is what he intends to do.

Mr. Crooks, 418 Summer Street, stated that he walks in the park and has for eight years. The water that runs through there is coated from the Expressway – oils etc. He asked how they will clean that up. Mr. Bensley replied that he does not propose to clean up the runoff from the Expressway.

Mr. Clarke stated that there are a lot of old stormwater systems that are on roads that don't follow the regulations that in force today for the state's Stormwater Management. Hopefully, when the state gets around to re-building Route 3 or adding a lane, they will go back and retrofit some of those areas.

Mr. Toner stated that Route 3 has catch basins that flow into the area and it's untreated.

Mr. Robert Ditto, 431 Summer Street, stated that he lives right next to the pump station. He thinks this is a good project and should go forward. He has heard some people ask and question about sewer and water pressure, and there was a concern about traffic and how traffic would be handled. He asked for an explanation on that.

Mr. Clarke asked Mr. Bensley to comment on those concerns.

Mr. Bensley stated that the main question is traffic and he will start with that. There are seven new residential lots and typically you have one or two vehicle trips per house during the peak hour. At any time of the day you may have fourteen cars coming out onto Summer Street over an hour period which is not a lot of traffic. Regarding water pressure, he understands there are people on Summer Street who think their water pressure is low and concerned that this is going to negatively impact that. In fact the way that water systems work, they are putting a loop in; an 8" water pipe that will help to feed the system. By putting a loop in, as requested by the Water Department, they are actually improving the capacity of the water system on the flow and increasing the pressure.

Mr. Ditto stated that if he understands that correctly the net result will be increased water pressure. Mr. Bensley replied in the affirmative, during flow conditions. It will not change the static water pressure because that is based on whatever the elevation of the tank is.

A resident stated that he has very low water pressure and in fifty years, it has never increased. His neighbor has very good water pressure. Mr. Bensley stated that if the neighbor has good water pressure and he doesn't, then the problem is probably the pipes going into the house.

Mr. Fred Hopkinson, 447 Summer Street, stated that there is some concern with that road. He asked if there was any restriction placed on that road regarding expanding it so that people could not use that to get in and use that as access into Braintree. Mr. Bensley stated that Heritage Construction has no plan to ever extend this roadway into Braintree. There is a significant wetland area that would make it pretty much impossible from an environmental standpoint to access that property. Mr. Clarke stated that the land in

Weymouth is zoned R-1 single family and the Braintree property is either industrial or multi-family and you would not be allowed to access from R-1 into a more intense use so that could not occur.

Ms. Joanne Hopkinson, 447 Summer Street, stated that she has a question regarding the type of fill they would be bringing to the site. Mr. Bensley replied that they would be using what MHD terms as an ordinary barrow which is essentially a non-organic fill material; it's clean and non-contaminated, it doesn't contain roots and stumps which rot and degrade over time. It compacts quite tight and would be a clean fill.

A resident stated that the developer is taking down retaining walls. He asked what guarantee and measures are being done to make sure that it doesn't erode over time. All of them can look at their driveways and see where it has worn away just from the rain water coming down the street. He asked if it was correct that retaining walls have been dropped from the plan. Mr. Bensley replied that they had proposed retaining walls in the preliminary subdivision plan and the Planning Board rejected that proposal. The difference between this street and the driveways in terms of washout, this street will have a closed drainage system, catch basins and curbing. The runoff generated on the street flows down the gutter of the street and into the catch basins in a controlled manner, discharges into the water quality swales which are relatively flat so there is no erosive velocity there. The water that runs down the embankment is just the rain water that falls on it so there are no drainage paths where significant water can concentrate and washout an area.

Mr. Toner stated that there seems to be an access from the second holding basin into the wetland area that they do not know. He asked if they can do that. Mr. Bensley stated that Heritage owns that property. They own another 24 acres in Braintree.

Mr. Clarke stated that he wants to make it clear that we have been looking at some of the wetlands flagging. We do have some questions, particularly on the entranceway where the filling is about the flagging. Also there are a couple of issues by the proposed basin at the end of the cul-de-sac. Those issues will be discussed in more detail at the Conservation hearing on Wednesday evening. He is a little concerned about the upland area on lot 2 because if there is a significant change in the flagging, it might affect the ability of that lot to meet the zoning requirement for upland area.

Ms. Barbara Kiley from Heritage Construction stated that in speaking with Brad Hayes from the Sewer Department, pumping station that is there now is an ejector station and the parts are old and DPW can't upgrade them. What DPW is doing to upgrade the station is to change it from an ejector station to a pumping station and DPW will be putting in two new submersible flight pumps and Ms. Kiley stated that they will be contributing a certain amount towards that so in effect it will be a new station.

A resident asked if it was correct that the Conservation Commission is meeting this Wednesday. Mr. Clarke replied in the affirmative. The hearing was opened last Wednesday and continued it.

Mr. Clarke closed the public hearing at 8:30 P.M. and stated that he will take the plan under advisement. There is a Planning Board meeting scheduled for next Monday night and at that time, he will probably render a decision.

2. Request to set road conditions under Section 60-3

a. Hingham Avenue – Sheet 55, Block 611, Lot 42

Mr. Stephen Gosselin was present on behalf of the request.

Mr. Gosselin stated that the property is on Hingham Avenue and is currently an undeveloped roadway with some utilities that were installed during the redevelopment of the Pine Grove project. Currently there is water, drainage and sewer stub into the property. The lot is approximately 6,400 square feet; possibly more with the elimination of Sampson Road. He is looking for road conditions regarding pavement and berm.

Mr. Clarke stated that there will be no need to bring utilities in and 6,400 square feet meets the minimum buildable lot size. He will say for the record that this is not a preferred alternative. He has talked to the owner for some time about trying to do something differently and he hoped that would be the case. He has talked to the Deans. They are aware that something might occur here. What he will recommend for setting conditions is that the pavement width is continued at least 40' into the proposed lot, there is an existing drop inlet, with a berm along the same side of the road where there is one now. Currently there is a gentle slope from this lot back to the drop inlet so we need to keep that slope

Mr. Clarke asked Mr. Fuqua if he had any other comments or recommendations.

Mr. Fuqua stated that he would recommend that the pavement extend 10' beyond the lot line. This is a small lot and he wants to make sure that when DPW plows that there is adequate room for the snow to be moved. Typically we would go about half of the driveway but in this particular case, given the small size of the lot, pavement should go beyond the frontage of the lot.

Mr. Clarke asked Mr. Gosselin if he had a plan where he was going to put the driveway. Mr. Gosselin replied that the driveway would be closest to the Dean property.

Mr. Clarke questioned why more pavement was needed.

Mr. Fuqua suggested that the pavement should go half the width of the lot or 10' past the driveway whichever is more.

Mr. Clarke asked what the lot width was. Mr. Gosselin replied that the lot width was 80'. Mr. Clarke stated that we would be requiring that Mr. Gosselin pave 50' into the lot as opposed to 40'. Essentially it will make sure that pavement is about 10' past the driveway and it will also provide an opportunity for a turnaround.

- b. Kathleen Road – Sheet 41, Block 489, Lot 126

Mr. Clarke stated that he and Rod did look at this lot and it's under water so he does not recommend setting any conditions for building on that lot.

Performance Guarantees

- a. Sherrick Farm – set
- b. Tayla Drive – reduction
- c. Jessica Lane – reduction
- d. Lucas Circle – reduction

3. Performance Guarantees

- a. Sherrick Farm – set bond

Mr. Fuqua stated that a performance guarantee is needed for the remainder of the roadway – finish course of asphalt, sidewalks, landscaping, and bounds. He recommends setting the bond at \$39,800.

Mr. Clarke stated that a performance guarantee of \$39,800 is set and the lots are released for building purposes pending receipt of bond.

- b. Tayla Drive – reduction

Mr. Fuqua recommended tabling this item.

- c. Jessica Lane – reduction

Mr. Fuqua stated that we are holding \$12,475 and he would like to reduce that bond to \$500. Mr. Clarke stated so voted.

- d. Lucas Circle – reduction

Mr. Fuqua stated that we are holding \$500 on Lucas Circle and he recommends that this item be tabled.

Mr. Clarke stated that with no other business to come before the Board, he will adjourn the meeting at 8:45 P.M.

Signed/Approved: _____



James Clarke, Planning Director