

**PLANNING BOARD
RECORD OF MINUTES AND PROCEEDINGS
May 19, 2009**

The Planning Board of the Town of Weymouth held a public meeting on Tuesday, May 19, 2009, at 7:30pm at McCulloch Building, Whipple Center Conference Room, 182 Green Street, Weymouth, MA

Present:	Walter Flynn, Chairperson Sandra Williams, Vice-Chairperson Mary Akoury, Clerk David Chandler
Not Present:	Paul Hurley
Staff:	Rod Fuqua, Principal Planner
Recording Secretary:	Janet Murray

Chairman Flynn called the meeting to order at 7:30 pm.

Tanner Terrace – Review of Landscape Island

Mr. Fuqua stated that it has been about three years since the Planning Board has been waiving the island requirement for cul-de-sacs.

He noted that the plans for Tanner Terrace call for a landscaped island and the request before the Board is for a waiver to eliminate this island.

Mr. Fuqua stated that the islands are problematic for the Department of Public Works (DPW). He noted that landscape islands are not maintained by DPW. The Town has never been responsible for them. Some residents take care of them, some do not, and others call DPW to take care of them. Mr. Fuqua noted that parking can be an issue with cars driving over and parking on them. Snowplowing is also an issue.

Mr. Fuqua stated that construction standards have been slowly changing; the islands are being eliminated all together. He pointed out that the last two sub-divisions did not have islands and the waiving is becoming standard practice.

Mr. Flynn stated that he has always voted in favor of the waiver to eliminate the island.

Mr. Chandler made a MOTION to APPROVE the request for a waiver to install an island on Tanner Terrace and was seconded by Ms. Williams and UNANIMOUSLY VOTED.

Mr. Tanner is in the process of getting the roadway completed. He would like to get it done soon and has a contractor ready to come in. He has a problem in that the contractor is willing to give a very good price but the money is needed quickly.

Mr. Tanner is requesting a bond reduction pending DPW approval. By approving the bond reduction now, once DPW approves the work, the bond reduction paperwork can begin immediately rather than waiting for the next Planning Board meeting to approve the request.

Mrs. Akoury has asked if this has been done before. Mr. Fuqua stated that this is not the norm but it has been done before.

Ms. Williams and Mrs. Akoury expressed reservation with setting a precedence in approving the release prior to completion.

Mr. Fuqua stated that if a punch list remains only the percentage of what is completed would be released.

Mr. Fuqua noted that Mr. Tanner has completed several other projects in Town to satisfactory condition.

Mr. Chandler mad a MOTION to approve the request for RELEASE of the bond pending approval and acceptance of the work by DPW and was seconded by Ms. Williams and UNANIMOUSLY VOTED.

Continued Review of Zoning

Mr. Flynn noted that the Board was looking at the first three sections of the draft document as previously decided.

Mr. Chandler asked why daycare was not included in the zoning. Mr. Fuqua stated that child day care is an exempt use. Mr. Chandler pointed out that adult day care was listed in the zoning. Mr. Fuqua stated that only child day care is exempt; adult day care is not exempt. There was discussion regarding daycare as an exempt use.

Mr. Flynn asked if there was anything that dictated what format was used. Mr. Fuqua stated that the format is similar to other Town ordinances.

Mr. Flynn stated that he did not think that there was consistency in format spacing, punctuation, and legal citations.

Mr. Flynn noted that on Page (II) Section 413 to 420, there should be a notation that 414-419 are purposely omitted.

Mr. Fuqua noted that page 1 is informational.

There was discussion regarding the choice of wording. Mr. Fuqua stated that this is the beginning of the process. He pointed out that unless there was a blatant problem with the wording, it was left as is.

Mr. Flynn noted that on Page 5, “defined below” should be changed to “defined as follows”. Ms. Williams questioned the definition of immediate family. Mr. Flynn stated that immediate family is defined on page 8. He also stated that there is reference later in the document regarding second degree of kindred. Mr. Fuqua stated that the building inspector resorts to the legal definition per Black’s Law Dictionary if there is an issue.

Ms. Williams asked if something could be added in the general reference section on page 1. Mr. Fuqua suggested that this be left as is and left to the building inspector. He pointed out that when you change wording you risk court action.

Mr. Fuqua stated that the building inspector does check on in-law units but it is difficult because many people do this under the radar. He stated that now if an in-law is requested a covenant is required.

Mr. Chandler asked for a definition of an in-law apartment. Mr. Flynn stated that it must be a subordinate use that has at least one commonly used room or shared space.

Mrs. Akoury suggested that a notation be made on this issue and then discuss it again when this ordinance section is reviewed.

Mr. Flynn questioned the use of Commonwealth's Executive Office of Elder Affairs. Mrs. Akoury suggested that it should read Commonwealth of Massachusetts' Executive Office of Elder Affairs.

Mr. Flynn pointed out that on page 6 the notation for adult paraphernalia store is poorly worded. Mr. Fuqua stated that this language has been reviewed by the Town's solicitor George Lane.

Mr. Flynn noted that the legal citing is not consistent: Massachusetts General Law, MGL, M.G.L., and then the chapter and section.

Mr. Flynn questioned the citation of adult cabaret. He asked Mr. Fuqua to check this for accuracy.

Mr. Fuqua stated that a bed and breakfast is an owner occupied dwelling with 3 guest rooms; a hotel has 10 or more guest rooms without kitchens, and a lodging house has 4-9 rooms

Mr. Flynn questioned what is a stair hall. Mr. Fuqua stated that it is a common stairway.

Ms. Williams asked about a crematory. Mr. Fuqua stated that it is basically a processing place and would most likely be an industrial use.

Mr. Fuqua stated that funeral homes are traditionally in a business district or in the outlying are of a large single family neighborhood. This use is allowed by special permit in an R-1 zone.

Ms. Williams asked about the definition of the height of a "story". Mr. Fuqua stated that the State Building Code has a minimum height for a "story". He also stated that height is determined in the dimensional table which gives an overall height up to 35 feet, which is the highest you can go. This would result in approximately 12 feet per story. Mr. Fuqua pointed out that a knee wall is considered a half story; this half story must be half the area of the floor below

Mr. Flynn pointed out on page 10 that this is the first reference to CMR and it should be spelled out as Code of Massachusetts Regulations.

Mr. Fuqua stated that home occupations has been revised and updated; there is criteria further back in zoning to identify.

Mr. Flynn asked the meaning of the word “slip” in this context. Mr. Fuqua stated he would clarify this.

Mr. Flynn questioned lodging house. Mr. Fuqua stated that a lodging house has a state definition that goes through licensing – same as rooming house. Dormitories are defined in State law.

Ms. Williams asked about the definition of stables being deleted. Mr. Fuqua stated that was a reference to public and private stables. He pointed out that a barn is an accessory use in an R-1 zone for the private keeping of horses. Mr. Fuqua stated that the Board of Health has regulations on the keeping of animals.

Mr. Fuqua stated that an agriculture exemption is a minimum of 5 acres. This is a statewide minimum requirement.

Mr. Flynn stated that on page 17 something is wrong with 301a; something is missing or a sentence remnant needs to be deleted.

Board members were asked to be prepared to review chapters 4 and 5 for the next meeting on June 16, 2009.

Adjournment

At 9:05 pm, there being no further business, a MOTION was made by Mr. Chandler to adjourn and was seconded by Mrs. Akoury, and UNANIMOUSLY VOTED.

Walter Flynn, Chairperson

Date