



# TOWN OF ABINGTON

## PLANNING BOARD

TOWN HALL  
500 GLINIEWICZ WAY  
ABINGTON, MA 02351

781-982-0069  
Abington Planning Board  
Meeting Minutes  
February 2, 2009

The Abington Planning Board held a meeting on Monday, February 2, 2009 at the Abington Town Hall at 6:00 P.M. The members present were Chairman, Wayne Smith (WS), Vice Chairman, Tim Barry, (TB), Bruce Hughes, (BH), Jeff Rangel, (JR) and Bob Soper, (BS). Dan Crane, (DC), the Town Planner and Michael Perrault, (MP), PMP Associates was also present.

**CALL TO ORDER:** The meeting was called to order at 6:00 P.M.

### **FORM A APPLICATIONS:**

The Russell A Wheatley Co. presented a Form A application for 334 Brockton Ave, Fiore Bros property. The Form A would add a parcel of land from the rear of the property to the existing parcel at 334 Brockton Ave.

Motion to approve the Form A as presented by BS second JR voted.

The Russell Wheatley Co. presented a Form A application for the corner of Central St. & Park Ave, 123 convenience store. The parcel currently has both a home and a store on the lot, this Form A will split the parcel into two lots, one containing the house, the other the store.

Motion to approve the Form A as presented by BS second TB voted.

The Russell A Wheatley Co. presented a Form A application for Linwood St., the Philbrick property. This Form A would split the existing home and the remaining acreage.

Motion to approve the Form A as presented by BH second BS voted.

Carl Garvey presented a Form A application for the abutting lots on the corner of Washington St. and King Ave. This Form A would separate a portion of the land in the rear of the home located on King Ave and add it to the rear of the property on the corner of Washington & Ashland Sts. Mia Regazza restaurant is currently on that site and this would legalize the parking lot, a portion of which is owned by the former restaurant owner.

Motion to approve the Form A as presented by BH second BS voted.

**APPROVAL OF MINUTES:**

Motion to approve the meeting minutes of January 5, 2009 as amended by JR second BS voted.

Motion to approve the meeting minutes of December 1, 2008 as amended by JR by BS second TB voted.

**CORRESPONDENCE:** There was no correspondence.

**TOWN PLANNER REPORT:**

The Town Planner presented the final draft of the Master Plan update 2009.

**REQUEST FOR SURETY RELEASE EAGLE ESTATES/MCCUE CIRCLE:**

WS read the letter from Mr.Rourke asking to have his surety reduced. PMP Associates has prepared a new surety amount but advises the Board not to release any surety until the street lights are installed.

Motion to deny the release of surety on Eagle Estates until the street lights are installed by BS second TB voted.

WS advised the Board that the same recommendation was provided for McCue Circle as well.

Motion to deny the release of surety on McCue Circle until the street lights are installed by TB second BH voted.

**LOWE'S LIGHTING:**

WS asked Mr. James LaBrecque to address his concerns to the Board members. Mr. LaBrecque proceeded to read all the emails he has sent to Lowe's and the Town regarding the bright lights at Lowe's. He feels that his backyard is lit up like "Fenway Park" and he would like the lights turned down.

MP advised the Board that he has visited the Lowe's site in the evening and then went to Mr. LaBrecques neighborhood to see the effect. He stated that he observed that the lights that were installed conformed to the plan that was approved. He specifically stated that the lights were not to spill onto Rt. 18 and he said that they do not, they end at the sidewalk. The lights are shielded and in compliance.

Mr. Labrecque disagrees. If the Planning Board cannot assist him who can he turn to. WS stated that he could go to the Building Inspector, who is the zoning enforcement officer as well. It would seem that the light that is causing the effect on Mr. Labrecques property is the large Lowe's sign on the building. The Building Inspector can ensure it is in compliance with the Town's bylaws.

**REQUEST FOR SURETY REDUCTION 481 BEDFORD ST:**

WS read a letter from Diane Koury DMD, 481 Bedford St. asking for the amount of surety being held on that project to be reduced. Estimates for the work remaining to be done were provided and totaled close to the \$5,000.00 that is being held.

Motion to deny surety reduction by TB second BH voted.

**SIGN MYLARS BIRCH ST. DEFINITIVE SUBDIVISION:**

The Board has received a request to have the mylars signed for the Definitive Subdivision off of Birch St. PMP Associates has reviewed the mylars and recommends that the Board sign them.

Motion to endorse the mylars presented for the Birch St. Definitive Subdivision plan by BH second TB voted.

**SITE PLAN REVIEW LOT 334 BROCKTON AVE CON'T:**

WS read a letter from Attorney Shawn Reilly, representing the applicant. They are asking for a continuance to the March meeting for this project. Motion to grant continuance by BS second BH voted.

**ROADWAY ACCEPTANCE RECOMMENDATIONS:**

**COLBURN WAY:**

The Russell Wheatley Co. has reviewed the PMP review letter dated 12/30/08 of the asbuilt/roadway acceptance plan. They have already revised the plans to reflect the changes required. The Board reviewed the letter of review and the changes reflected in the revised plan.

Motion to make a favorable recommendation to the Board of Selectmen on the Colburn Lane plan contingent upon resolution of all the items in the PMP Associates letter, if the developer cannot complete the resolution of the items in the PMP letter he will notify the Planning Office by March 16, 2009 to ask for a surety amount to be determined, for roadway acceptance by TB second BS voted.

## **EDGAR BASCOM ROAD**

WS stated that this roadway acceptance was in a similar situation. There are items that need to be completed and the developer can either complete them by March 16, 2009 or ask for an amount of surety to be posted based on what remains to be done.

John Moran, Edgar Bascom Rd. stated that there are trees down, the stone wall on the left hand side needs to be repaired, and a variety of other issues. WS replied that those issues were listed in the PMP Associates review letter.

Motion to make a favorable recommendation to the Board of Selectman contingent upon the resolution of the items in the PMP Associates letter or the receipt of surety by BH second BS voted.

## **GEORGE GILLESPIE WAY:**

The Board has not received a written report from PMP Associates on the items that need to be addressed prior to roadway acceptance, because there has been snow cover on the ground since PMP Associates received the as built/roadway acceptance plan. MP did state they would get out there as soon as nature allowed, but the plans themselves are not registry ready. The Board did not feel that the roadway acceptance was ready to move forward.

Motion to advise the Board of Selectmen not to accept this roadway by JR second TB voted.

## **PUBLIC HEARING ON THE ABINGTON MASTER PLAN UPDATE 2009:**

DC reviewed the final draft of the Master Plan update 2009 with the Board members. They have reviewed all sections in previous meetings. DC asks the Board to adopt the Abington Master Plan update 2009. He advised the Board that the draft of the plan was distributed to all departments and committees and no comment was received.

WS asked if there was any public comment on the plan. There was none.

Motion to adopt the Town of Abington Master Plan update 2009 by JR second TB voted.

## **DEFINITIVE SUBDIVISION ROSE PLACE CON'T:**

Bud Morrison, assisting the applicant, Geraldine Glazier stated that the waivers were listed on the plan.

WS advised the Board members they should address the waivers first.

The waivers were provided to the Board in a letter dated 2/2/09 from ET Engineering.

There were 7 waivers requested. The Board reviewed all of them.

Motion to grant the waivers as requested in the ET Engineering letter dated 2/2/09 with the exception of the waiver “ Article V §200-19H 6” wide granite curbing, which was not granted, by JR second TB voted.

WS recognized David Webster, a title expert who provided the Board with his research into the title of the land accessing the proposed site from Wilbur St.

MP advised the Board that his recommendation is to approve the plan pending the resolution of the outstanding technical issues in his letter and the resolution of the access dispute.

MP stated that if they approved the plan and it was appealed the Town of Abington would not have to defend the appeal. If they denied the plan and it was appealed, the Town would have to defend it.

DC stated that he disagreed with MP’s recommendation and said there is no clear title to access the proposed site. The Planning Board’s approval could be used as support for the applicant. He feels that the Town of Abington will be involved in any appeal.

David Webster asked if the letter he wrote was forwarded to Town Counsel. WS replied no. The Board submitted the documents provided to them previously.

BS stated that this was the problem, the applicant provides more information, then the abutter provides more information it is just dragging the process out.

JR stated that the Board cannot legally determine the access to the site. The Board members do not have the legal expertise for that.

Cynthia Amara, attorney for the applicant stated that they have done what the Board asked and provided more title work.

WS stated that the Board asked both Attorneys’s to provide all the documents they wanted reviewed by Town Counsel. That was done and Town Counsel based their decision on the information provided. He advised Ms. Amara that he stated before that the Board would not go back and forth with additional information.

Cynthia Amara, attorney for the applicant stated that there is clearly enough in the record for approval.

Ronald Whitney, attorney for the abutters Hatch, reviewed the information he had previously supplied. He stated that the Board had the opinion from Town Counsel and if the Board is not satisfied with the rights of access they can deny.

WS stated that a motion was in order in conjunction with the PMP Associates letter dated 1/5/09. MP added that the Board has standard orders of condition that would apply.

Motion to approve the Rose Place Definitive Subdivision Plan dated 12/1/08 contingent upon the resolution of the issues in the PMP Associates letter dated 1/5/09 and that the Board is provided with the proof that the applicant can perfect the title to access the land on Wilbur Street, to access the back land and to comply with the standard order of conditions in the Town of Abington Subdivision Rules & Regulations and to grant the waivers requested in the ET Engineering letter dated 2/2/09 with the exception of Article V §200-19H by BS second TB voted.

Motion to adjourn at 8:30 P.M. by TB second JR voted.

Respectfully Submitted,

Elizabeth Shea  
Recording Secretary