

**MINUTES OF THE TOWN COUNCIL  
ORDINANCE COMMITTEE  
MAY 30, 2012**

PRESENT: Michael Smart (Chairman), Jane Hackett, Ken DiFazio, Arthur Mathews  
and Ed Harrington

ALSO PRESENT: James Clarke, Director of Planning and Community Development

RECORDING SECRETARY: Lee Hultin

Chairman Smart called the Ordinance Committee Meeting to order at 6:30 pm in the Town Council Chambers.

It was stated that there will be a neighborhood meeting on June 6<sup>th</sup> at 6:00 pm at Old South Union Church. The applicant will present their plan to the neighborhood for comments. This evening's meeting of the Ordinance Committee is a public meeting, however it is not a public hearing.

Chairman Smart stated that the applicant must provide additional information prior to the public hearing which will be scheduled for June 11<sup>th</sup> with the Town Council.

Councilor Jane Hackett stated that it is very rare that the Council has these types of requests. Over the past 12 years the Council has had about six of them. They have received limited information from the applicant so far. The Ordinance Committee will not vote on this until after a public hearing has taken place.

Councilor Mathews stated he is not happy with the amount of information that the Council has received from the applicant. He is looking for traffic information, traffic counts, building, building height, setback, curb cuts, drainage, and water & sewer information etc. He also is requesting that they are presented to the Council in a timely manner so the town's traffic engineer can review the traffic analysis for impacts to the residents. This information is being requested of the applicant prior to the neighborhood meeting and that it is available at the public hearing for residents.

Councilor Harrington stated that this is an open process for people to comment and get their questions answered.

**12 089 – Rezoning Application – 11 Adams Place**

Doug Troyer representing Cumberland Farms and Fran Sheflan, Director of Planning for Cumberland Farms presented.

There was a misunderstanding about what information was required to be provided. They were under the impression they had provided the proper information. An example of a prior

applicant's package that was passed was provided to them as a guideline by the Town Council Office. They are ready, willing and able to provide the additional information and will do so forthwith.

An additional informational package was handed out to the committee members by Cumberland Farms.

A brief overview of their intent was provided by Mr. Fran Sheflan, Director of Planning and Construction for Cumberland farms. He has worked there for 33 years and has lived in Weymouth for 25 years off Pond Street. This location was purchased 26 years ago and has been run as a Gulf gas station. They would like to rebuild it with a modern gasoline facility. They decided they needed this additional property to plan for a proper facility and have secured the rights to purchasing the abutting property. The property will be razed as well as the house located at 11 Adams Place. The proposal calls for a 4100 square foot convenience store, 6 fueling islands with one dispenser each and a large canopy overhead. The new proposal is a reduced sized plan to reflect a 20' buffers to residents, 15' buffer on Adams, 15' buffer on Park Avenue West, 12' buffer on Main Street, and a curb cut on Adams Place. They do not have a formal landscape plan. There will be a 6' high, vinyl fence along Adams Place. The current proposal is a prototypical design. They have built 12 over the last 2 years. It is a very attractive building with public restrooms. They have the latest fire suppression system and it will be a full service station with staffing.

There is a drainage issue on Adams place which they will investigate further. They are willing to provide onsite drainage for the entire facility. They would also entertain easements within the buffer space.

This is a company owned business and they are not going anywhere. It would provide employment for 15-20 employees. Mr. Sheflan stated that any issues that arise after the construction he will personally make himself available to the Town Councilors and residents with any concerns. They would like to have the option of a 24 hour operation. They have a location down the street but do not see the need for two 24 hour locations.

Drive thru – there is no intentions of any drive thru at this location. To summarize they want to upgrade, be a very good neighbor, increase the tax revenues for the town and they are very accommodating to the needs of the town.

Jack O'Leary, engineer and Mr. Piper are available for specific information.

Councilor Harrington asked about the evening lighting, hours of operation, proposed or restrictions on delivery times, noise. This has been requested as part of the packet they will receive.

Mani Pavlo, Cumberland Farms stated that all the information Mr. Harrington requested will be included in the package. All lights will be LED, full cutoff at the property line. The dumpsters will be screened along the back buffer line. Delivery times will be included in the packet too.

The gas tanks will be located in the front corner of the site. Soil sampling testing will be done. Councilor Smart asked about the current tanks that are on site. They have a full Environmental Department at Cumberland Farms. This site is essentially clean, they have a baseline. They will do a more comprehensive study and there will be an LSP on site.

The business has been owned since 1986 and it has been managed by their Gulf division who secured dealers to operate it. There have been 4 operators prior to Cumberland farms taking over the fueling operation. It was inactive for about 4 months in between. There will be a detailed timeline in the package.

Councilor Hackett asked if this is the first attempt for a convenience store at this location. It was stated there has been a snack shop there but that is all.

Councilor Mathews would like a power point presentation at the public hearing on June 11<sup>th</sup> so residents at home can view. Also, he requested that the proposal be placed on the Cumberland Farms website with a link to the town's website so residents can review plans.

The following issues were discussed:

- Onsite trash management plan
- Signs will indicate diesel price, and it was noted that sale of diesel was approved by the Fire Department and it is their intention to sell diesel. Councilor Mathews asked Jim Clarke to look into any additional licenses necessary for diesel.
- Plans for the other Cumberland farms down the road
- House of operation – the committee asked for specifics on this.
- Auto repair/ used car sales- they have an old bylaw that states every gas station is to be full service and there are no self service gas stations in Weymouth.
- Parking spaces need to abide by the town's ordinances including handicap spaces.
- Traffic study is a must. It was stated that the town's traffic engineer review for his comments prior to public hearing.
- Snow removal plan.
- There is a digital board on the plans—it was requested that Jim Clarke look at the requirements and square footage. All sign requirement must go through Planning Department.

Councilor DiFazio appreciates what they are doing. He asked that they keep in mind that they are close to residential homes and applauds their efforts on the buffer zone. Councilor DiFazio stated that they have a high hurdle to get over with residents for a zoning change and cautioned that they keep in mind where the restrooms and coke machines are located and keep the traffic out near the gas pumps. The pictures are clean looking with no signs and Councilor DiFazio doesn't see a housing unit at the islands. He noted that they will need something for the cash and a place for staff to go.

Chairman Smart asked Mr. Clarke what the current zoning was. Mr. Clarke stated the current zoning is B-1 and they want to extend into the R-1. Under B-1 zoning the service station would require a special permit.

Councilor Hackett asked if they were not expanding property but adding a convenience store, if that would require a special permit. Mr. Clarke said yes it would require a special permit through the board of appeals after a public hearing.

It was stated that the lot size is 11,190 sq. ft. and the building is 1,140 square feet. If the additional property is acquired the total area is 34,195 square feet.

Councilor Mathews asked for other examples of rendering of similar locations to what they are proposing.

It was noted that the other Cumberland Farms location will not close. It is very profitable and has a different customer base. There is no purchase & sales agreement in place for it. Hours of operation will be 5:00 am to midnight. There is no auto repair or used cars sales over the last two years, nor will there be—the location will be full service 100 percent. There will be no outside vending machines. Restrooms are only accessible by inside the store. Staff is trained to deal with loitering and noise, they have not had any issues with their store down the street with this and they are up scaling their designs and don't tolerate it. They have surveillance cameras inside and outside the building 24/7. They intend to operate the attendants out of the store and not a housing unit at the island. There are no deliveries during peak hours during the morning and evening commutes.

There is a similar facility to this proposal in Whitman, Bridgewater, West Bridgewater, Marion, Buzzards Bay, Somerset, Attleboro and 3 currently under construction.

The existing building is set back 67 feet from the road and the proposed building is set back 134 feet from Route 18.

Councilor Mathews requested a snow removal plan. It was stated that they would put excess snow along the side edges of the property. This will be highlighted for the public hearing. Councilor Mathews wants the town's staff support to review this plan to make sure this doesn't create drainage issues along Park Avenue West.

Councilor Mathews asked for 12 original copies for Town Council, 5 for Planning Board, and 5 for the Planning Department to review and sign off prior to the public hearing.

Councilor DiFazio asked if there is any access from the back of the building. It was stated that there is not, all deliveries will be through the side delivery door and some smaller ones through the front with no activity on the entire left side of the property. It was asked if there any air pumps or vacuum cleaners on site. It was stated there is only one air machine to the left side of the front of the building.

Councilor Hackett noted that she is in receipt of correspondence from a resident this evening she would like to read into the record (see attached letter by Mark McElroy).

Councilor Harrington stated with peak hours at 5-9 am and 3-7, to be cognizant of traffic issues, noting that the busiest Dunkin Donuts on the east coast is next door. The question of need will have to be addressed as well as the negative impact to homeowner's values.

Councilor Smart said Weymouth is trying to fix the traffic problems on Route 18 with the widening project and this would just add to it, noting that Weymouth is a cut through for communities south of us.

Councilor Hackett requested that printed materials be available for residents at the meeting on June 6<sup>th</sup> at Old South and at future meetings—with an extra 25-50 packets should be available to abutters.

The question was posed if there is any mechanism available to give the applicant more time to prepare the packet and continue the public hearing as there is a lot of information being requested. Chairman Smart stated because the public hearing has already been advertised it cannot be changed, however it could be opened and continued if needed. The abutters notice was expanded to go above and beyond.

Councilor Hackett motioned to continue measure 12 089 Rezoning Application -11 Adams Place, to a date to be determined, with abutter notifications of scheduled meetings, and was seconded by Councilor Harrington. Voted unanimously.

### **12 091 – Amendments to the Zoning Ordinance Relating to the Floodplain District Maps, Administration and Regulations**

This is federally mandated and requires Town Council approval. Mr. Clarke reviewed the outline he provided with the Council. This was first implemented this in 1980. This is required by FEMA for all communities, in order for individual property owners to be eligible for Flood Insurance. If the town doesn't have this Federal Agencies may withhold grant money. We have regulations in place for new structures.

Flood zone maps are prepared by FEMA but do not have all the elevations. They have some new base data from 1988. In North Weymouth some of the velocity zones have changed due to storms.

These new maps will become effective July 17, 2012 in Norfolk County and most communities are going through this same process. Jim Clarke reviewed all the changes in the measure in detail with the committee members. Each line is self explanatory. The town has been in this program for over 30 years. The last time this was changed was in 1991.

#### Sections:

- A and B change the map dates from 1991 to July 2012
- C adds Notification of Watercourse Alteration
- D identifies it's the BZA granting authority
- E have been deleted

F are new zones (it states to delete zone A but this will be amended because we do have a zone A)

G is reassigning lines

H the state asked us to do through FEMA

J is redundant

K refers to subdivision proposals

L adds drainage slopes

M is regarding floodway data

Councilor Harrington asked if this will affect residents with their homeowner's insurance and Mr. Clarke stated it could affect some people. Brokers, bankers, insurance agencies will also get notification of this. Weymouth and Braintree may be doing a joint meeting with them to help explain the situation.

The public hearing is scheduled for June 11, 2012 and the Planning Board will get their recommendation to them right after that.

Councilor Mathews requested Jim Clarke present a power point presentation on the maps for the public hearing.

Councilor Hackett made a motion to continue measure 12 091 – Amendments to the Zoning Ordinance Relating to the Floodplain District Maps, Administration and Regulations, to a date after the public hearing and was seconded by Councilor DiFazio seconded. Voted unanimously

Councilor Hackett motioned to adjourn at 8:45 and was seconded by Councilor Mathews-voted unanimously.

Respectfully submitted by Lee Hultin as Recording Secretary

Approved by Councilor Smart as Chair of the Ordinance Committee