

**WEYMOUTH PLANNING BOARD
JOINT PUBLIC HEARING WITH TOWN COUNCIL
Town Council Chambers, Town Hall, 75 Middle Street
Tuesday, January 20, 2015 – 7:35 P. M.
Record of Minutes and Proceedings**

Present: Walter Flynn, Chairman
Sandra Williams, Vice Chairman
Mary Akoury, Clerk
B.D. Nayak

Absent: David Chandler

Also Present: James Clarke, Planning Director
Abigail McCabe, Principal Planner

Call to Order

Chairman Flynn called the January 20, 2015 meeting to order at 7:35 P. M.

Zoning Ordinance Amendment for Measure 14-107, Joint Public Hearing with Town Council

Presented by Joseph Murray owner of Dunkin Donuts at 1255 Main Street. Application submitted by Mr. Murray and Mark and Mignosa, subject property owners. Proposal to amend the zoning ordinance to allow restaurants with drive –through window service in the HT (Highway Transition) zoning district if less than 20 seats (Article VIB, Section 120-22.8 E).

On a motion was made by Vice President Smart, seconded by Councilor Mathews, the Council voted to open the joint public hearing on measure 14 107 for the zoning ordinance amendment. The hearing notice was published in the Weymouth News on December 31, 2014 and January7, 2015.

On a motion made by Sandra Williams, seconded by Mary Akoury, the Planning Board waived the reading of the public hearing notice on a 4-0 vote.

Attorney Mark Bobrowski, project Traffic Engineer Jeff Dirks, and business owner Joseph Murray were present for the application. Mr. Murray summarized the zoning proposal and his reasoning for submitting the petition. The property is currently for sale and Dunkin Donuts is actively pursuing the purchase. Dunkin Donuts has been at 1255 Main Street for twenty years. They are proposing to relocate the franchise from its current location on the north side to the other side to add a drive-through for customer safety and convenience. Attorney Bobrowski reviewed the proposed zoning amendment language for the use still requires a special permit and is only for restaurants with less than twenty seats. He explained that the current zoning allows for restaurants without a drive-through by special permit and this proposal would allow

restaurants with less than twenty seats to apply for a special permit. Attorney Bobrowski added that the less than twenty seats would eliminate the larger fast food chain restaurants. Mr. Dirk reviewed the existing and proposed concept plans which showed the State's Route 18 widening plans. The concept plan for the drive-through would provide stacking for 13-16 vehicles when eleven is typically ideal for Dunkin Donuts.

Councilor Molisse asked about the number of seats and if any leases have been signed for the other tenant spaces yet and how many business can be accommodated. Mr. Murray responded that they have not signed any leases with other tenants yet and their current location has 14 seats and the proposed zoning includes a maximum of 20 seats.

Councilor Smart asked about the required number of parking spaces, snow removal and the location of the dumpster. Mr. Dirks responded that the proposal would eliminate two parking spaces but still meet the required parking spaces, snow storage would likely be in the south corner and the dumpster would be in the rear.

Councilor Harrington asked if this would be an alternative to help reduce the queuing problems at the Dunkin Donuts at the corner of Main and Park Avenue. Mr. Murray responded that he does not own that location but believes there is a strong market for the southbound traffic flow.

Councilor Haugh asked if there was room for two cars to enter and exit onto Main Street and how many cars travel on this area of Main Street. Mr. Dirks responded that there was enough space for two cars to enter and exit and there are approximately 27,000 – 33,000 vehicles per day on this stretch of Route 18.

Councilor Smart noted that the proposal has been reviewed and discussed at a recent meeting of the Ordinance Committee where a lot analysis was requested and a one acre minimum lot size was suggested.

Ms. McCabe, Principal Planner, reviewed the lot analysis materials included as Exhibit E in the meeting packet. She summarized that exhibit E includes the properties in the HT zone, the lot sizes, and the property's use. There are a total of 190 parcels in the HT zone (80 along the Main Street corridor and 110 along Washington Street) and there are a total of 33 that are over an acre (11 on Washington and 22 on Main Street). Staff reviewed the parcels that are over an acre and believes that only 13 could potentially be developed under this proposal because the others are town owned, land-locked with no frontage, severely limited by wetlands or fully developed with multi-family or other intensive uses.

B.D. Nayak asked about the angled parking on the concept plan. Mr. Dirks reviewed the parking layout that includes 60 degree angled parking in the rear with 13 feet for back-up exclusive of the drive-through lane. Mr. Murray added that employees would be parking in the rear.

Councilor Mathews said that he was not supportive of the proposal as submitted because he had some concerns when considering all of the properties within the HT zone particularly along Washington Street.

Councilor Smart added that he would like to make an amendment to the applicant's proposal for a one acre minimum.

Council President O'Connor opened the hearing up to public comment.

Public Comment:

Bob Montgomery Thomas, 848 Washington Street, noted that he submitted material to the Council office last week with suggestions for amendments to this request so that it complies with all other aspects of the zoning ordinance. He summarized his written testimony that had concerns on traffic impacts and that a traffic study has not been done yet, that the property does not have enough room for snow storage, the impact of the Route 18 widening, the site does not have enough landscaping to meet the minimum landscaping requirements, concerns over the loading bay, the nearby wetlands, the wetland protection zone, and the parking, especially the accessible spaces.

Council President O'Connor explained that the zoning amendment still needs to be voted on by the Planning Board and the Ordinance Committee before coming back for a final vote from the full Council.

On a motion made by Councilor Smart, seconded by Councilor Mathews, the Council voted to close the public hearing.

The Planning Board closed the public hearing and adjourned to the Kelly Room.

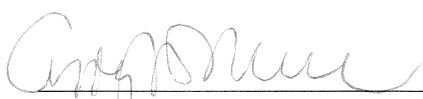
The Board reconvened in the Kelly Room to review the other items on the agenda.

Ms. McCabe reminded the members that the online ethics training and certification of the conflict of interest statement is due back to Town by March 31. A memo summarizing the requirements of board members was in their packets.

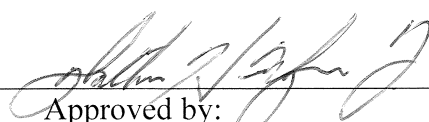
Deliberation and vote on the zoning amendment was continued to the next meeting on February 3. The February and March meeting schedule will be reviewed at the next meeting.

Adjournment

On a motion made by Mary Akoury, seconded by Sandra Williams, the Board voted 5-0 to adjourned at 8:30 PM.



Respectfully Submitted
Abigail McCabe



Approved by:
Walter Flynn, Chairman