TOWN OF WEYMOUTH PLANNING BOARD MINUTES

There was a Planning Board meeting held on April 26, 1999 at 8:00 P.M. at the Abigail,

Adams Intermediate School Cafeteria

Members present: Paul Hurley, Chairman

Susan Abbott, Vice-Chairman

Mary S. McElroy, Clerk

Paul M. Dillon Paul F. Lynch, Sr. Mary Sue Ryan

Staff present:

Roderick M. Fuqua, Principal Planner

The meeting was called to order at 8:00 P.M. by Chairman Hurley.

1. Public Hearing – 8:00 P.M.

Remand of Definitive Subdivision Plan (Sherrick's Farm)

Petr:

Richard A. Burns

Locus:

341-375 Summer Street

Sheets 28 & 32, Block 348, Lot 6

Zoning: R-1

Fourteen (14) lot Definitive Subdivision Plan denied on January 12, 1998 remanded by Superior Court Case # 98-00181

Upon motion made by Mr. Lynch and seconded by Mrs. McElroy, it was:

UNANIMOUSLY VOTED: to open the public hearing at 8:00 P.M.

Mr. Hurley stated that the Board has opened the public hearing. There are people here for the hearing. Due to the 8:15 P.M. public hearing scheduled for the Osco Drug special permit, the Board will recess this hearing to 10:00 P.M. This is a remand from the court. The plan was before the Board previously and denied. The applicant is back with a different plan. Much of the plan discussed previously is the same, but this plan has a different entrance location. When we do discuss this plan, he would like to keep the discussion to the entrance.

Mr. Fuqua explained the subdivision plan that was denied by the Board because the Board was concerned with safety with the bend in Summer Street, the speed of traffic travelling on Summer Street and the fact that there were several lots that had access on Summer Street as well as the access roadway into the subdivision. The Board asked the applicant to

look at moving the road down further from the curve on Summer Street. There was a second plan and that is the plan the Board received in their packages marked #2. The second plan brought the roadway down and it moved it southerly of the barn on the site further away from the bend on Summer Street. At that particular time the Board asked for the roadway to be put further back towards the wetlands. The purpose being to keep the roadway as far back as possible from the bend in Summer Street and keep all the lots fronting within the subdivision so that there would only be the entrance roadway and no individual driveways for the lots. Plan #3 has the road as close to the wetlands, staying 25' away from the bordering vegetated wetlands. On this plan, it is as far away from the bend in Summer Street as you can get but in doing so, there are two maybe, three lots that would front on Summer Street. It is back before the Planning Board as a remand from the court to consider the plan that had been submitted. This was brought back to the Planning Board a couple of months ago under executive session. The Planning Board had agreed to come back and look at the plan again in more detail. When you go through the plan, you need to compare plans 2 and 3. Plan # 2 you are a little closer to the bend on Summer Street, but every lot within the subdivision has access within the subdivision. It is up to the Board as to which option they would like to see.

Mr. Hurley stated that at this point he would entertain a motion to continue the public hearing to 10:00 P.M.

Upon motion made by Mrs. McElroy and seconded by Mr. Lynch, it was:

UNANIMOUSLY VOTED: to continue the public hearing for Sherrick Farm to 10:00 P.M.

2. Public Hearing - 8:15 P.M.

Petr: American Stores Realty Co.

Gregory F. Galvin, attorney for the applicant

Locus: 574-588 Broad Street

Sheet 22, Block 241, Lots 14, 15, 16, 17, 21, 29 and 32

Zoning: B-1

Special permit to construct an Osco Drug Store with drive-thru service

Upon motion made by Mrs. McElroy and seconded by Mr. Dillon, it was:

UNANIMOUSLY VOTED: to open the public hearing at 8:15 P.M.

Mrs. McElroy read the public hearing notice.

Mr. Gregory Galvin stated that he is an attorney and is here representing

the applicant. Here also representing the applicant are David Kenney from American Stores, Michael Radner and Phil Lafker from Geller Associates, James DeVellis from DeVellis Associates, Georgy Bezkorovainy from Bruce Campbell & Associates, and James Duffey from Cubellis Associates.

Mr. Galvin stated that this is a request for a special permit. Under the Weymouth bylaw, this is a B-1 business area. The bylaw requires a special permit when the developer intends to develop a parcel that exceeds 40,000 square feet. By the combining of this property, it will be greater than 40,000 square feet, approximately 67,0000 square feet. A special permit is also required when you are seeking to have a drive through service. The B-1 zone allows by-right a retail operation. This is a retail operation the same as the substantial number of operations that already exist in the Central Square District. The building that is on Middle Street at the intersection of Broad Street contains approximately five different businesses, primarily retail in nature. There is also a service station directly across the street from this site, and if you go across Middle Street, down Broad Street towards the Weymouth Landing area, there are some additional commercial buildings including a tanning salon, hairdresser and a bar room. This is not a site that is foreign to the type of use that the applicant intends to make of the parcel. The applicant has had a traffic study done and the traffic engineer will outline that study. The applicant has also performed various other studies. One piece of information that has come to the applicant's attention today which would require further study by the applicant involves the historical location of the Terrill Family Tomb. If you look at the site, there is nothing on the site to suggest that there is anything there. However they will do that investigation and they will be seeking, from the Planning Board, permission to continue this matter so that investigation can be completed. The applicant's experts are here to present various aspects of this plan, and he would like to ask Mr. Michael Radner to come forward. He is the site engineer and he will lay out the site.

Mr. Michael Radner stated that he is with Geller Associates and he is a landscape architect. They have prepared site plans for tonight's presentation and for the application. He will run through some of the site layout issues and then they will proceed and have each of the consultants present their particular discipline and how it relates to the site. They are proposing a 13,630 square foot drug store located approximately in the center of the site. The site has access at three points – one on Middle Street and two on Broad Street. The circulation around the site allows for cars and service vehicles to circulate around the building. The main parking lots are on the west and south side of the building to service the front entrance. There is additional overflow parking on the northern side. There are a total of sixty-eight parking spaces, which meets the bylaw requirements for a building of this size. The three handicapped access

spaces, located to the west of the building, meet the requirements of the Mass. Architectural Access Board and ADA. He pointed out the drive through location and stated that cars can enter from Broad Street at the west entrance or from Middle Street. The nature of this drive through is that it sells prescription pharmaceuticals only. There is no selling of retail products at all. You call in your prescription and by the time you get there it is ready for pick up. This is not a heavy use type of drive through window. Typically there is one or two with the maximum of three cars waiting to be serviced at this window so there is really no issue of queuing back into the travel lane at all. Service doors on the building are located on the northeast side. The service area does not have a loading dock but a small electric scissors lift that goes up and down and can off-load material from the trucks directly into the building. The dumpster, which is enclosed with a wood fence, is located at the northeast corner of the site. The dumpster was located so that basically it has adjacency to the service doors and whatever trash comes out of the building can go directly into the dumpster. The gates are closed. When the truck comes in to pick it up, either entering from Broad Street or Middle Street, it can circulate at the back, pick up the trash and go right back out. The same with the service vehicles, coming in either from Middle Street or Broad Street, traveling in a clockwise direction around the back of the building, backing into the service bay and exiting the building on the east side. The building meets all of the setbacks. The parking meets all of the setbacks. For lighting on the site, they are proposing fifteen foot high lighting fixtures on posts that have cutoff luminaries, which means all of the lights shine down. There is no leaking of the light onto adjacent properties. The post top luminaries are all at the front and side of the site. They do not have any post-top luminaries at the back. They are not necessary. For safety and security reasons, they will be lighting the back of the site with wall packs, which will have cutoff luminaries also. All of the light will shine down with very low illumination levels in the back. They have also provided an eight foot high, solid wood fence for visual screening and also sound abatement all along on the east side of the site. He stated that James DeVellis from DeVellis Associates would discuss the grading and drainage.

Mr. James DeVellis stated that he is a registered civil engineer for DeVellis Associates. His responsibilities on this project are the civil engineering component. He would like to talk about the existing conditions – drainage patterns and then he would like to talk about the proposed mitigation. He pointed out the 1.5 acre site. He explained the current drainage pattern. Once the development is built, because there will be an increase in runoff from that, they have designed a system to mitigate any impacts from the increased stormwater runoff. Throughout the site there is going to be a series of catch basins that pick up the water as it enters onto the pavement. The roof itself is going to be contained and piped into the closed drainage system. There will also be two underground infiltration areas

where the water is going to go back and recharge into the ground. There is going to be an overflow that enters back into the piping system and comes down toward Broad Street where the runoff will enter back into the drainage system on Broad Street.

Mr. Georgy Bezkorovainy stated that he is with Bruce Campbell & Associates. Last November they were hired to do a traffic impact study for Osco Drug Store. The first thing they did was to talk to the Town Planner to find out what the scope should be - how many intersections to study and what the traffic study should contain. It was agreed that they would do a preliminary study looking at the intersection of Middle Street and Broad Street, and then on the basis of what the results were, they would look at other intersections if necessary. The Board has seen their study and the initial paragraph talks about a preliminary study because of what their agreement was with the Town Planner. They started their traffic counting program during the first week of December. On the 2nd which was a Wednesday, they did a traffic count from 7 to 9 in the morning, and 4 to 6 in the afternoon. On Saturday the 5th they counted from 11 A.M. to 1 P.M. Then they looked for the highest hour during each of those time slots. The highest hour in the morning is 7:30 to 8:30, in the afternoon it is 4:15 to 5:15, and on Saturday the peak hour is 11:15 to 12:15. They also counted pedestrians. The first week of December was a very unusual week as far as weather was concerned. The temperature was in the 50s so they think there was more pedestrians than for a normal December week. They counted thirty-two pedestrians during the highest hour in the morning, twenty-eight pedestrians in the afternoon and four bicycles, and on Saturday it was nineteen. They also counted the number of times the pedestrian button was pushed and traffic was stopped. The signal is a pretimed signal. It operates in three phases. First Broad Street goes, then Middle Street goes and that takes sixty seconds. When a pedestrian pushes the button that adds fourteen seconds to the time so it becomes a seventy-four second cycle. During the morning it was pushed eight times, in the afternoon during the highest hour, it was pushed three times, and on Saturday it was pushed three times. They also observed the queue lengths - how far the cars were queued back. The longest queues were on Broad Street heading westbound about sixteen cars maximum. For the other approaches, the queues were somewhat less. They also noted there was a bus route #222 passing through the intersection. Buses stop approximately four times per hour. There was a crossing guard in the morning for one hour. With all that information they collected, they proceeded to do analysis of how the intersection operates. Transportation engineers have devised a system called level service analysis which is based on LOS A which is the best to LOS F which is the worst. It is based on delay. If the average driver is delayed only five seconds or less, that is LOS A. If it is five to fifteen seconds, that is LOS B, fifteen to twenty-five seconds is LOS C, and so forth. If it is over sixty seconds, then it's LOS F

and the intersection is failing. Inputting all of the information they collected, the intersection, in the morning, is LOS C which is at 15.8 seconds for the average driver; it is almost LOS B. In the afternoon, the intersection operates at LOS B, just under fifteen seconds. On Saturday they had a problem in that one of the approaches failed – Broad Street in the westbound direction. According to the analysis the queues were extensive and the approach failed so even though the other three approaches were operating at LOS B, by definition the intersection is operating at LOS F on Saturday.

Mr. Bezkorovainy stated that he would now like to talk about the project. How many trips will 13,630 square feet generate? Generally what they do is refer to the Institute of Transportation Engineers' Trip Generation Handbook of data from all over the country with all kinds of land uses. You can find a pharmacy drug store with a drive through window in that handbook, and it will tell you that for this size it will generate thirty-seven trips in the morning and one hundred forty-one (approximately half in/half out, seventy in/seventy-one out) in the afternoon. However the sample size is small so what they did was talk to the Osco people to see if they had done any studies of their stores in New England, and they had so they took Osco's data and related it to a 13,630 square foot store. They numbers came out to sixty-eight in the morning, sixty-eight in the afternoon, and one hundred ninety-one on Saturday. The numbers are higher than ITE and they are using the higher numbers because they want to be conservative. Not all the trips will be new trips. Generally there are many types of land uses like the gas station or convenience store where people driving by stop and continue on their journey, and that is called a pass by trip. Drug stores generally have 50% pass by trips and 50% new trips so that the numbers presented really need to be cut in half (sixty-eight becomes thirty-four new trips, one hundred sixty-eight becomes eighty-four new trips, and one hundred ninety-one – half is new and half is pass by).

Mr. Bezkorovainy asked how should these trips be distributed? There are a number of ways they can do that. What they did was look at the traffic patterns at the intersection. If the traffic were equalized at all four lights, you would have 25% from the north, 25% from the south, etc. However the numbers are 30% on Broad Street to the east, Middle Street to the south is 27%, and the other two approaches are 22% and 21%, and that is the distribution that they used. The existing traffic patterns are exactly the same for all three peak hours. Then they proceeded to add new trips to the traffic count they collected and they repeated the level of service analysis. In the morning the intersection was found to operate a LOS C, in the afternoon at LOS B, and on Saturday still an F. The delay increased by less than one second per vehicle. Instead of 15.8 in the morning, it became 16.7. In the afternoon, still the same LOS B, and on Saturday still LOS F. They looked at one more thing and that was how much traffic are they

adding to the intersection. The thirty-four new trips, some of them are actually in the driveways before they enter the intersection so they are adding a low number to the signalized intersection and the difference is only 1% in the morning, 2.3% in the afternoon, and about 2.5% on Saturday. They are changing the traffic composition at the intersection by less than 2.5%.

Mr. Bezkorovainy stated that the question remains regarding the failure of the intersection on Saturday, and what they can do to fix that. The signal is an old fashioned pre-timed signal, and they could do a lot to improve it. By changing some of the components, and there's more than one way to do it, they can make the intersection operate on Saturday at LOS C, with or without the project. So they have a C in the morning, a B in the afternoon, and a C on Saturday.

Mr. Bezkorovainy stated that as he said earlier this was a preliminary study and now they need to decide whether additional intersections should be studied. They did study the driveways. For each driveway they did analysis. Each driveway has two components - the left turns going into and the site drive going out. The left turns on both driveways will operate at LOS A with less than five seconds delay. That is because as you are turning left into the site, you only have to bear in mind the opposite direction of traffic. Whereas if you are coming out of the site drive, you have to look at both eastbound and westbound - Broad Street or Middle Street. The site drives will operate at LOS B or C, but the left turns in will operate at LOS A, so they will have good operation all the way around. The two rules of thumb when the Board determines whether to add other intersections are if you are adding more than 5% of traffic to any intersection, that intersection should be included in the study. For the closest intersection, they are adding 2.5% at the most, so there is no other intersection in any of the four directions where they are adding more than 5%. Based on that criteria, the answer is no. If you are adding fifty vehicles to any intersection, and some communities use thirty, then that intersection should be included in the study. At all four lights, they are adding less than thirty vehicles at this intersection so obviously as you go further away from the site you are not adding more than thirty, and they do not pass under that criteria. In their opinion, no additional intersections should be studied. The traffic study is complete, except for review by the town, and the impacts are very minor.

Mr. Jim Duffy stated that he is with Cubellis Associates, Inc., and he is here tonight to present the architectural component of the Osco presentation. As the Board saw from Mr. Radner's presentation the building is approximately 13,600 square feet. It is a one story, steel frame structure with flat roof. The main parapet height for the majority of the structure is 22' above the adjourning grade. It will vary slightly based on

the final grading of the project. The height of the parapet at the entry structure is 26'. The siding materials for the building are painted wood clapboards with painted wood trim accents. A typical Osco sign is located over the entrance at both sides. The base of the building is 3.4" in height. He pointed out where the automatic, sliding entry doors were located. He explained the other two elevations.

Mr. Radner explained the proposed landscape for the site. The large green circles shown on the plan are existing trees and are of significant size. They want to try to see those trees. The proposed planting plan is a mixture deciduous, flowering and evergreen trees with the deciduous trees lining Broad Street to help to create a new canopy along Broad Street. The flowering trees such as dogwood and crabapple would be planted around the base of the face of the building. Evergreen trees aligning the edge of the site would provide additional buffer, visual screening and sound abatement to the neighboring property. There will also be a certain amount of shrubbery and lawn as well.

Mr. Galvin stated that is an overview of this project and the Board has heard from the experts that the applicant has hired. He knows there have been other studies done. He is aware, but has not seen, another traffic study that has been done, and they would be happy to have the opportunity to review that traffic study. As the Board heard this proposal is for the construction of a retail building and this site is an appropriate site for a retail use being a B-1 site. With that said he recognizes there are a number of residences in the area, however this area has been zoned B-1 for many years and those residences that are in the area would have realized they are abutting B-1 property. He also is aware of the fact that there have been at least two Town Meeting votes with regards to the rezoning of this site, and neither one of those votes in the past had passed Town Meeting. With regard to whether or not this is an appropriate location, not withstanding an abutter's point of view, it is appropriate under the Zoning Bylaw. The Zoning Bylaw allows by-right a retail use. The Zoning Bylaw also questions whether there would be a nuisance or serious hazard to vehicles or pedestrians. The Board has heard from the traffic engineer that they have done their study. Whether the Board agrees with it or not, the traffic engineer is the expert. The traffic engineer is the one that goes out and does the study, and he has indicated that the level of service is not anticipated to be changed at all at the intersection. They took into consideration the current traffic pattern and the traffic pattern that the applicant has proposed in its use. The traffic pattern on the site, according to the traffic engineer, would be at a B or C level which indicates that there would be no nuisance or serious hazard to vehicles or pedestrians with regard to the use of this site. The applicant indicated to the Board that it meets all of the zoning setbacks and parking requirements. The applicant has also designed the lighting on site with the neighborhood in mind so

that the lighting closest to the residential area would be directed to the ground and would be in such a fashion so as not to illuminate the neighbors' property. With regard to the established or future character of the town, as he indicated to the Board, across the street there is a gas station, down the street several hundred feet is the fire headquarters, just beyond the fire headquarters had been a car dealership, now it is primarily a welding shop, there is also the Masonic Temple and a dental office. It is an appropriate location. This is primarily a drug store. That is what their primary business is – dispensing prescription drugs and that is why the drive through will only service prescription drugs. The use is an appropriate use for the locus, which is a B-1 zone. The bylaw allows a retail use by-right. Mr. Galvin stated that they would welcome any questions from the Board and they would also request that the questions from the audience come through the Board.

Mr. Hurley asked for comments from the staff.

Mr. Fuqua stated that as is practice with the Board plans are routed out to different departments for referral and review. He reviewed the comments that have been received back.

Mr. Fuqua stated that from the Police Department, the comments are from Sgt. Newell of the Traffic Bureau. Sgt. Newell commented that the traffic signals and control box at the intersection of Broad Street and Middle Street should be replaced with a modern system, and also the DPW may require some reconstruction of this intersection. Sgt. Newell also commented that he would like to see a site plan with the proposed traffic flow of the parking lot and drive up window service. There were 26 recorded accidents during the past five years at the intersection. Mr. Fuqua stated that he did talk to Sgt. Newell in terms of the reconstruction. Sgt. Newell mentioned that if you are eastbound on Broad Street coming across Middle Street towards the site at that hill, it is a difficult line of sight and that is why he questioned whether that might need to be addressed.

Mr. Fuqua stated that from the Tax Collector all of the taxes have been paid.

Mr. Fuqua stated that from the Fire Department from Lt. Borellini commented that the hydrant should be as close to the Fire Department connection as possible for the sprinkler system.

Mr. Fuqua stated that through the DPW Town Engineer, Andrew Fontaine there are comments from the Water/Sewer Division, and Engineering Division. The following are comments from the Water/Sewer Division – (1) A sewer bank evaluation needs to be implemented. (2) Existing service connections must be cut and capped at property line and must be

witnessed by Town Water and Sewer Inspectors. (3) Drawing Sheet CR-6, Detail 5: Sanitary manhole must have a solid cover. (4) Why is there a 6" and a 4" sanitary sewer connection? The following are comments from the Engineering Division. (1) (Sheet X-1) Town of Weymouth Assessor's lot designations need the block number to identify the parcel. Map number is helpful but not required for positive identification. All lots being used by this development are in Block 241. (2) (Sheet CR-3) What is the function of the 6" drain at the drive-through? (Roof drain?) Also, a single 6" building sewer service is recommended instead of the 4" and 6" two service arrangement being used. (3) (Sheet CR-3) According to Water Division Regulations, only a 1" domestic service can be tapped off of a 6" water pipe. An 8" pipe is required to allow a 2" domestic service. (4) (Sheet CR-6) Detail #9, Service Connection, has a typo in the minimum depth to centerline of water main: it should probably be 5'-6", not 6". 5. Regarding the drainage calcs., the test boring log for Boring No. B-7 shows significantly more dense material at the 4'-6' depth than the 0'-2' depth based on the Standard Penetration Test (SPT) data. Since the perc test was done at the 2' depth and the leaching system will be at 5' depth, the design perc rate of 4 min./inch may not be applicable. More soil tests (SPT and perc) should be performed at the leach system design elevation to verify adequacy of leaching system design.

Mr. Fugua stated that in the staff review, he would ask that the applicant comment as to the Stormwater Management Act to make sure that the plan does comply with the Stormwater Policy Act and provide a maintenance and operation plan for the drainage system. In going through the traffic study he didn't see where the impact of the traffic guard was taken into consideration in the review. There is a traffic guard in the morning and afternoon when school gets out. They did mention the phasing of the light and pedestrian crossing, but there is nothing in the analysis that correlates to the crossing guard and what that impact might be especially during peak hours. He would also question the land use code that was used. The land use code uses ITE rate for a pharmacy. They have also provided a higher number based on trips that have been presented by Osco, however, this doesn't tell us what these particular shops are, what the size and the location is so we have no basis for what that new data is generated from. The other question he would raise is whether the ITE code for a pharmacy is applicable in this case. If you go back to the sign on the detail sheet, it notes Osco Pharmacy/Food Mart. He is questioning whether this might function more as a convenient mart/ pharmacy than as a straight pharmacy. He would like to see those numbers factored in and what impact that might have on the traffic. The trip generation that is used mentions a 50% pass by, but he thinks that under MEPA standard, traffic is generally capped at 25% pass by.

Mr. Fuqua stated that there was a sixteen car queue line for vehicles that

were westbound and he would like to see on the plan where that sixteen car queue comes in relation to the curb cuts and have that identified as to where it would be and when you do have maximum queues, what the impact would be on existing driveways. At the access point coming out to Middle Street, he would ask that there be some analysis for line of sight. Where the driveway comes out now is heavily used for on street parking to services business in the Popoulo building and there is also an intense amount of on street parking. He would like to find out where the vehicles coming out at the Middle Street entrance are going to be stopping so that they can see past the existing buildings and the cars that are parked there and find out what that impact might be at that intersection.

Mr. Hurley asked Mr. Galvin if he wanted to comment at this time or wait until all questions have been asked before commenting. Mr. Galvin replied that they would like to wait until the end. Some questions raised will require that they prepare additional information.

Mr. Hurley explained the procedure that would be followed. The Board will ask questions of the applicant. When the Board if finished with questions, the meeting will be opened up to the public. Mr. Hurley stated that the Board is looking at two specific areas. It is a special permit for a drive up window and a special permit for the site assessment because the property is over 40,000 square feet. He asked if comments and questions could be kept to those two areas.

Mrs. McElroy asked if Osco has any other stores with a drive through window. Mr. Henne replied that virtually any store they built within the last five to seven years has drive through service, and those stores are located all across the country.

Mrs. McElroy stated that vehicles will be allowed to go to the drive throughs at two areas. She asked if the cars are going to crisscross each other or will there be a road plan to get to the drive through window. Mr. Radner pointed out the drive through circulation. Mrs. McElroy stated that vehicles could be crisscrossing at the same time. Mr. Galvin replied that vehicles should not be crisscrossing. He explained how vehicles would get to the drive through.

Mrs. McElroy asked how far away from the closest home is the dumpster location. Mr. Radner replied that the dumpster is approximately 40' from the closest home.

Mrs. McElroy stated that dumpsters are very irritating because when they come to empty the dumpsters they usually come at 4 in the morning and wake neighborhoods up. Mr. Galvin replied that assuming this passes, he would expect that there would be some controls with regards to deliveries

and trash pickup.

Mrs. McElroy stated that Osco claims people going through the drive through are only going to be able to order medication. She asked what would happen if someone goes to the drive through for medication and also needs milk. Mr. Radner replied that that person would have to go in the store for the milk. Mrs. McElroy stated that it can be a stipulation that nothing but medication goes through the drive through window. Mr. Radner replied in the affirmative.

Mr. Henne stated that the pharmacist is busy filling prescriptions for people, not only at the drive through window but also for people coming into the store and cannot fill retail orders.

Mrs. McElroy stated that she is concerned with drainage. She would like some kind of guarantee that there will be no flooding or water sitting in this parking lot when people get out of their cars. Mr. DeVellis replied that the drainage has been designed with the best management practices. The State guidelines have new regulations that they are adhering to. It is graded to drain. It has an overflow to drain. It is going into a system that is existing on Broad Street. Everything is at a lower elevation. In order for the system to back up, basically the whole Broad Street would have to be under a few feet of water in order to reach the site.

Mrs. McElroy stated that whoever said they are going to plant trees across the back to mitigate noise, it's proven that trees do not mitigate any noise whatsoever. The fence might but the trees won't. Mr. Radner replied that they are primarily relying on the fence.

Mrs. McElroy stated that in Quincy on Granite Street, the Osco Drug sells everything from soups to nuts and liquor. There is very heavy traffic to that store. This store is not just going to be a drug store. It will be stocked with everything else. Mr. Henne replied in the affirmative, but they will not be selling liquor.

Mrs. McElroy stated that in going through drive through, did they take into consideration as far as speed is concerned. A lot of people are very slow getting their money out at drive throughs; they are never ready. Mr. Henne replied that he will let his engineer address that in detail, but as a general note, this drive through will not do a tremendous amount of traffic, and if there are two cars in line, that's a big day. Their drive through is not like a fast food drive through. If they get seventy cars in an entire day, that is a good day.

Mrs. McElroy asked why they are putting in the drive through if it is not going to do 50% of their business. Mr. Henne replied that a drive through

for a drug store is really for the convenience of their customers, and it's a convenience that their competition offers. In order for them to be a viable business, they feel that they must offer the type of service that their competition offers. Mrs. McElroy stated that Osco would be the only drug store in Weymouth with a drive through.

Mr. Hurley stated that the Board of Selectmen has sent over a representative who has left their meeting, and he will recognize Peg Goudy at this time.

Mrs. Peg Goudy stated that for the record she wanted the Planning Board to know that the Board of Selectmen, at an official meeting, voted unanimously to oppose this.

Mrs. Abbott directed her question to Mr. Galvin and stated that when Mr. Galvin started his presentation that this was just a drug store, but we have seen that is not quite so with the food mart aspect of it. She has some question with the kinds of things that are going to be sold and this idea that it is just a drug store. Certainly what is viable these days is to grab the HMO business to bring in prescription drug plans like they do at CVS and Walmart so that you are forced to go the HMO drug store of choice. She is wondering if their traffic study has taken this into consideration. Regarding some of the other things she heard in the presentation, she made a list and would like someone to comment on them. Regarding deliveries, she is concerned with the size of the trucks that would be going in there, and delivery hours. Regarding the dumpster, will there be just one or another one for medical waste. It was mentioned that there wouldn't be a lot of lighting, especially in the back. She asked if there would be a security plan in place. There were comments by the police with regards to the lights. She is concerned with the twenty-six accidents at this intersection and the sight lines. She would like to see a review of the twenty-six accidents, and information on what other Oscos with like settings have experienced with regards to problems at the site. With regards to taxes, she asked if, to Osco's knowledge, has there been any consideration given in other towns to tax abatements to people whose house abuts Osco. With regards to the Stormwater Management Act, they didn't mention how much water they would be using, and how will the town's I/I program fit in.

Mr. Galvin stated that he's sorry if he misled the Board to think or if he stated that this would just be a drug store. The primary business of Osco is a drug store but he didn't mean to say that was all it would be. It is a 13,000 square foot building and he would never suggest to this Board of the residents of the Town of Weymouth that that's all they would be dispensing from this property. The representative of Osco is here and will correct any misstatements he might make. The size of delivery vehicle, he

would expect that at least once a week there would be a full size trailer. There would be other delivery vehicles of the specialty type products that would typically service a variety type store.

Mrs. Abbott asked about hours of operation.

Mr. Galvin stated that as he indicated to Mrs. McElroy, he would expect there would be some stipulations. This is a special permit process. There would be conditions set. He would anticipate that those conditions would reasonably limit the operation with regard to the dumpster. As they indicated, they will give the Board more information on the drainage. As Mr. DeVellis indicated he has taken into consideration all of the training and experience he has plus the material available to him to properly drain the surface water from the site so that it does not have a negative impact on either Broad Street or the abutting neighbors.

Mr. Bezkorovainy stated that regarding the question concerning the traffic impact of a store that sells more than merchandise than just a drug store, the numbers that they used were from other Oscos so the traffic analysis does include those impacts.

Mrs. Abbott asked about the hours of operation – is this a 24 hour operation. Mr. Henne replied that as of now, it is not planned to be although they would like to hold that option open for just the drive through.

Mrs. Abbott asked if they were planning to have the drive through open 24 hours a day. Mr. Henne replied that as of this point no, but there are health plans they do participate in and he can't say that this would be a site where a provider would want their pharmacy to be open 24 hours. There are certain formulas in a radius within so many miles where there has to be a 24 hour pharmacy. That may be a requirement of a provider but they also understand that the town has requirements, and first and foremost they want to comply with the town's requirements.

Mrs. Abbott asked if the drive through has a microphone. Mr. Henne replied that there is a low amplitude microphone. Mr. Galvin stated that you don't place an order and then drive up to the window as you do for a fast food drive through. The microphone would be at the window so that the person inside can hear the person going through the drive through.

Mrs. Abbott stated that at night time whatever kind of microphone would be noisy.

Mrs. Abbott stated that concerning the drive through she has concerns regarding the queues, idling cars and air pollution since this property is

surrounded by residential with the queues coming down the street. She would like to see more information regarding air quality studies of drive throughs.

Mr. Galvin stated that one point Mrs. Abbott made concerned the lights at this intersection. As the traffic engineer indicated the lights at the intersection needs some work. The DPW also agreed the lights need some work so that it would handle the traffic flow in a more expeditious manner. That is something they would be looking to do to make sure the intersection is upgraded. They would expect that upgrading the lights at the intersection would have the traffic flow in a smoother fashion so there wouldn't be as much queuing.

Mr. Lynch asked if Osco would build without the drive through window. Mr. Henne replied that there would be serious consideration to building without the drive through. It is a very important component of their business.

Mr. Lynch asked about queuing at the drive through and if it was at the end of the building. Mr. Galvin replied in the affirmative and point out the queuing area for the drive through. Mr. Lynch asked how you would exit from that area, and if there would be sufficient room to exit through the back of the building by the loading area if there was a tractor-trailer there. Mr. Galvin explained how cars would exit from the drive through. He stated that there is plenty of room to exit. They would anticipate that 95% of the vehicles would come out and exit through the back around the building. Mr. Lynch asked if it would be one way in and one way out. He stated that there should be one way around the building because there will be cars backed up there. Mr. Galvin replied that they will look at that.

Mr. Lynch asked if it was correct that there will be a total of three curb cuts for the site. Mr. Galvin replied in the affirmative, and he pointed them out.

Mr. Lynch asked if it was correct that Osco would be bringing in approximately 300 cars per day to the neighborhood. Mr. Bezkorovainy replied in the affirmative.

Mr. Radner stated that to put the count of 300 cars per day in context, there are approximately 1,500 cars per hour right now that use the intersection.

Mr. Lynch asked if 1,500 cars per hour is documented. Mr. Bezkorovainy replied in the affirmative. He stated that number is from their traffic counts.

Mr. Galvin stated that there were a couple of questions asked by Mrs.

Abbott regarding water and sewer. There are currently seven residences there so they would have more impact on the water and sewer than this operation would have. Also there was a question regarding hazardous waste. He asked Mr. Henne to comment.

Mr. Henne stated that there is no medical infectious waste.

Mrs. Ryan stated that she thinks they have given a very inadequate traffic analysis. We have not seen any of the data which the analysis is based on. This site is bordered by schools, Town Hall, church, and fire station. This will be a horror show for that intersection. Also, they did not address how to get people in and out. She can see a massive traffic jam. Osco is really talking about a general store, they sell everything. Also, she has observed many 18 wheelers to go to the Hingham Osco and they sit there for a long time. She questions the adequacy of the drainage plans, and there are traffic questions that have not been addressed. This is a very unique situation and will have a carousel effect with the drive through window that she is certain will do a tremendous business because of its location.

Mr. Galvin stated that they do recognize that there are some additional materials that the Board needs. As he indicated to the Chairman, they do intend to respond. As he stated at the outset, they anticipate coming back to this Board because some information came to them today and it was impossible to resolve it.

Mr. Dillon stated that he wants to make it clear how he will make his decision. This is a B-1 zone and he has been instructed by the law. It has gone to Town Meeting twice and has been turned down twice. It is a B-1 zone. The Board of Selectmen voted against this project, but what he has to do is make a decision on the zoning that's in place now and on its location.

Mr. Dillon asked where their marketing plan is for the use of this location. Mr. Henne replied that he's not the Real Estate Manager for Osco and did not choose this site, but when choosing a site they look at the demographics, the road network and evaluate their competition.

Mr. Dillon asked if they have had any communication with the School Department. He disagrees with the traffic engineer who said that there were thirty-two people at this intersection. He disagrees highly with that statement. There are over 500 students at the Abigail Adams Intermediate School alone. He is sure there are more than thirty-two children from Abigail Adams that goes to that intersection. He would recommend that Osco meet with the School Department. Mr. Dillon stated that less than half a mile away is the main fire station for the town. He asked Chief Madden when there is a box pulled, how many of the fire trucks go towards

this intersection.

Chief Madden stated that he would estimate approximately 50% of their runs require a right turn out to Broad Street which is a major access road for them.

Mr. Dillon stated that all you need to do is get 11/2" of snow at that intersection and you can't get up that hill. He would like comments from DPW regarding that. There will most likely be a stipulation put on by this Board on time of deliveries. He would not want to see anything delivered between 7 A.M. and 7 P.M. He wants a more in-depth lighting plan on the site, and the hours of operation of the store. With regard to the speaker at the drive through, he wants to know what the decibel count coming off that drive through window to the speaker arrangement system is. With regard to the traffic count, reference was made that in the morning the intersection is LOS C, in the afternoon it was LOS B, and on Saturday LOS F. There was no reference made to Sunday. He would like a count done specifically the hours of 9:45 Sunday morning, 11:15 Sunday morning, and 1:15 Sunday afternoon. Also was there a visual traffic count done there or was it electronic. Mr. Henne replied that one person did a visual count of the traffic. Mr. Dillon stated that the updated traffic counts he requested, he would like to have done before June 1st. He thinks that if they found a LOS F on Saturday, they will find a LOS F on Sunday.

Mr. Dillon asked about the facade of the building, and if they would give a little in depth on the building. He noted that this is a historical area. Mr. Duffy replied that the building design does not attempt to recreate any sense of historic style. This is a building design they have developed over a period of time. They think it's appropriate for the Osco Drug use. It's an image that's been created. They would be happy to work with the Board on the design of the building.

Mr. Dillon stated that he would highly recommend that they look at the Sign Bylaw that is in place because you are only allowed one sign in the front of the building. Based on the plan before the Board, there are two other signs at the front of the building.

Mr. Dillon stated that across the street from this site is one of the largest apartment complexes in town. He would like a traffic count taken between 8 A.M. and 5/6 P.M. The impact to that apartment complex and that intersection was overlooked.

Mr. Dillon asked if Osco has had any communication at all with the five residences and if there are any Purchases and Sales Agreements signed. Mr. Henne replied that they currently have the property under Purchase and Sales Agreements.

Mr. Dillon asked what type of freestanding sign they are proposing. Mr. Galvin replied that they anticipate meeting with Jeff Coates and expect that they would comply with the bylaw.

Mr. Radner stated that there is a drawing of the sign in the submittal. They have designed the sign to match the style of the building. The sign is a wood sign, and is internally lit with the Osco emblem on it. They feel it meets the requirements of the bylaw.

Mr. Dillon asked if Osco would build without the drive through. Mr. Kenney replied that he does not know. All the stores that they are building today have drive throughs.

Mr. Hurley asked about the drive up window. If there would be a speaker or would people call ahead. Also would the person wait to pick up the prescription? Mr. Radner replied that there is a different lane for drop offs and pick-ups. Mr. Hurley asked if the customer would drop off the prescription and then wait to pick it up. Mr. Radner replied that customers would not wait at the drop off window for their prescription. They would leave the prescription and then return to pick it up.

Mr. Hurley requested that for the next meeting, they have an explanation as to exactly how the drainage works. He would like a complete analysis of the drainage.

Mr. Hurley stated that on the west side of the building there are parking, two lanes of traffic and more parking spaces. He asked how much space is in between the two sets of parking spaces, and also how much space at the front. Mr. Radner replied that they are both 22' aisles.

Mr. Hurley asked if you put a car into the front into a queue, how much space do you have. Mr. Radner replied that you have space for three cars in the queue and they will not block the aisle.

Mr. Hurley asked if they are required to have any fire protection in the store other than an outside hydrant. Mr. Henne replied that the building has a full sprinkler system.

Mr. Hurley asked if there would be any floor drains. Mr. Duffey replied that typically there is a floor drain located in the stock room area directly adjacent to a janitor's mop sink. It is basically a maintenance sink and they don't anticipate hazardous materials other than normal cleaning solution going down that sink.

Mr. Hurley asked if it was correct that there will a gas/oil separator in that

line. Mr. Duffey replied that if the town requires it there would be a gas/oil separator.

Mr. Hurley asked if the exact requirement for parking spaces is sixty-eight. Mr. Duffey replied in the affirmative.

Mr. Hurley asked if they have any plans to keep people from parking all day. He asked if they anticipate any problems with other people using their parking area. Mr. Henne replied that a store of this size could get away with only forty parking spaces without any shortfall. They feel the requirement for sixty-eight spaces is more than adequate. Mr. Hurley asked if they anticipate people sharing rides to work parking there. Mr. Henne replied that if that becomes a problem, they could post signs in the parking lot and if cars are parked past the posted amount of time, they would be towed.

Mr. Hurley stated that there are three access points, and his understanding is that the ones on Broad Street will be one way in and one way out. Mr. Galvin replied that is not correct. Mr. Hurley asked if they would both be two way in/out. Mr. Galvin replied that when asked about one way in and one way out, they said they would study it.

Mr. Hurley asked if they have given any thought to having only two access points on Broad Street and none on Middle Street, or if it was always planned for three entrances/exits. Mr. Galvin replied that he would expect the Middle Street entrance would reduce traffic impact at the intersection.

Mr. Hurley asked about specific plans for the landscape. Mr. Radner replied that he does not have a specific list of what's proposed for landscaping at this time. They would be happy to submit a list.

Mrs. McElroy asked how many employees would be working in this store. Mr. Henne replied that for a maximum shift, there will be about twelve people, however there will be about twenty-five total employees.

Mrs. Abbott asked about air pollution. She requested that they take into consideration the two queues, number of trip generations, and the idling of trucks.

Mr. Hurley stated that this is a public hearing. In the interest of time, he would encourage people in the audience to write down their questions between now and the end of the week. If there are any questions people would like addressed, call the Planning Office with their question. We will be in touch with the proponent and will try to get any answer.

Mr. William Ryan, Chairman of the Board of Selectmen, stated that the

Board of Selectmen did vote earlier this evening to oppose this project. He believes the traffic that exists in Central Square is dangerous today and a large traffic generator such as Osco will make the situation worse.

Ms. Jodi Purdy- Quinlan stated that some people have put together letters and she would like the Board to acknowledge the people who have written the letters and to let them know that they can come up and present those letters to the Board. She would request that the Chairman of the Historical Commission be allowed to speak.

A priest from Immaculate Church spoke with regards to traffic from the church and the impact that traffic has on Broad and Middle Streets. He stated that he grew up on Laurel Street so he knows the area and has seen it change from 1936 to now. He spoke about the Tirrell tomb and the Tirrell family that may be buried in that area.

Upon motion made by Mr. Dillon and seconded by Mrs. McElroy, it was:

UNANIMOUSLY VOTED: to continue the public hearing to May 24, 1999 at 7:45 P.M. at Abigail Adams Intermediate School.

3. Public Hearing – 8:00 P.M.

Petr:

Richard A. Burns

Locus:

341-375 Summer Street

Sheets 28 & 32, Block 358, Lot 6

Zoning: R-1

Fourteen (14) lot definitive subdivision plan denied on January 12, 1998, remanded by Superior Court Case # 98-00181

Charles Arnold from Arnold Associates, stated that they are the engineers that prepared the subdivision plan for the applicant, Richard Burns. They have had several hearings on this.

Upon motion made by Mrs. McElroy and seconded by Mr. Lynch, it was:

UNANIMOUSLY VOTED: to continue the public hearing at 10:15 P.M.

Mr. Arnold briefly explained the history of this plan. The plan that was originally submitted at the end of 1997 called for the roadway near the curve on Summer Street and would have one driveway off Summer Street for lot 1. The other two Summer Street lots could have driveways on the new road. That layout was not approved. The Planning Board asked them to move the road down towards the south. The second plan was done in December of 1997. They moved the road to the south a little over 200'. The second plan allowed every Summer Street lot to have a driveway onto

the new road resulting in no driveways on Summer Street. Their last presentation to the Board included moving the roadway, as far south as they could, but is only 25' off of the wetlands line. This plan would create the three Summer Street lots, but two of them would have a driveway onto Summer Street. They are here tonight to request the Board to reconsider the denial of their second submission, which includes no driveways onto Summer Street. As far as drainage, sewer and grading, everything is about the same as previously. The only changes would be that the intersection catch basins would be moved to the location of the new roadway.

Mr. Fuqua stated that in terms of the plan, the Board should look at it from a layout perspective. All of the other issues are still going to be the same. There is minimal, if any, difference in terms of the sewer, water, impervious cover. It is just basically where do you want the entrance. At this time, there are really three ways to look at this subdivision. The first plan as originally submitted has the driveway closer to Summer Street. Plan two is where the driveway comes down and all of the lots enter from Summer Street. The third solution moves the roadway the absolute maximum to the wetland. It is for the Board to consider. This was a plan that was denied by the Board because at the decision the Board wanted the road moved down as far as possible to the wetlands without creating any lots that enter onto Summer Street. Where this is a remand from the court to the Planning Board, in talking to George Lane, the Board should take a very careful look at this. Since we asked that it be remanded, the Planning Board should be willing to consider one of the three alternatives.

Mr. Dillon stated that he does not like plan #3 at all. Originally he was for plan #2, and he thinks plan #2 is superior to plan #3.

Mrs. Ryan stated that there is no way she would consider plan #3 because the lots do not all have access within the subdivision. The problem she has with plan #2, and she thinks that it's the better of the plans, is the entrance. She would want a condition put on the plan that the entrance is very noticeable because all along her concern has been for safety.

Mr. Lynch stated that he agrees with Mr. Dillon and Mrs. Ryan. He likes plan #2.

Mrs. Abbott stated that she is not really happy with anything. From day one the Board didn't want curb cuts on Summer Street.

Mrs. McElroy stated that she voted for plan #2.

Mr. Fuqua stated that where this is a remand, all Board members present this evening can vote on the plan.

Mr. Hurley opened the floor for comments/questions from the public.

Mr. Paul Toner, 348 Summer Street, stated that he has written questions out and they are based on open items from previous meetings. The top part of the questions deal with his responsibilities as Chairman of Pond Meadow Park Weymouth-Braintree Regional Recreation and Conservation District. He has two open items from a previous meeting, the first being the town line. Based on previous experiences on other property, they have experienced problems with people dumping stuff into the district over the line. He would like to see the towns of Braintree and Weymouth agree with the town line behind the property and they will stake it out so that they know where the town line is. The second point is he has the contracts that the towns of Braintree and Weymouth signed with the Army Corp of Engineers in 1972 and 1974, and they have a lot of responsibility. For this particular property, the wetlands is a secondary flow into Pond Meadow Park pond. Their basic responsibility is flood control for Weymouth Landing. He has the Army Corp of Engineers comments from their review of the property. The Army Corp of Engineers disagreed with the wetland definition, and he would like the Army Corp to agree with the wetland definition.

Mr. Toner stated that his other hat is an abutter to the property and he's been notified as an abutter. The traffic has improved. They had a snowstorm about a month ago and nine cars went off on the original curve onto Sally Johnson's front lawn; two hit a telephone pole. If they've moved the entrance down, that's fine. He doesn't know if the road is more responsive where it is or down further; that's up to the Board. The second thing, as an abutter, the four-foot deep holding pond with the pipe that flows into Pond Meadow Park, is there a fence around it. The plan doesn't indicate a fence. Is the lot by the holding pond a building lot? He can't really tell from the plan how many houses there will be.

Mr. Hurley stated that this is a fourteen lot subdivision.

Mr. Toner stated that the last item is the Sherrick house. He asked if there is a release from the Historical Commission saying they don't want it. The house was built in 1692, and he has not seen anything in writing from the Historical Commission.

Ms. Joanne Hopkins, 447 Summer Street, spoke with regards to her concerns over the impacts on water from this subdivision. She asked what impact the homes from this subdivision would have on the town's water volume. It has been brought to her attention that the town is having a difficult time servicing the volume.

Mr. Hurley stated that as far as the water usage goes, DPW has

implemented a 2 for 1 program. They have to save two gallons of water for every gallon this development is projected to use.

Ms. Hopkins stated that water pressure is a problem. Mr. Hurley replied that if there is a water pressure problem, Ms. Hopkins should call DPW.

Ms. Hopkins expressed concern over the safety factor of that curve on Summer Street.

Mr. Donald Clarke, 18 off Summer Street, stated that plan #3 doesn't meet the criteria. He still feels they should move the road down further. As Mr. Toner stated there have been accidents on Summer Street.

Upon motion made Mr. Dillon and seconded by Mrs. McElroy. it was:

UNANIMOUSLY VOTED: to close the public hearing at 10:45 P.M.

Upon motion made by Mr. Lynch and seconded by Mrs. McElroy, it was:

UNANIMOUSLY VOTED: to take the plan under advisement.

4. Other Business

a. Floodplain Article – ATM

The Board reviewed the technical changes needed to the floodplain bylaw as explained by Mr. Fuqua. He stated that the changes would be presented as a substitute motion.

Upon motion made by Mrs. McElroy and seconded by Mr. Lynch, it was:

UNANIMOUSLY VOTED: to approve the changes to the floodplain bylaw.

b. Tayla Drive

Mr. Fuqua stated that Richard Burns is having a problem with his contractor with regards to getting the work done at Tayla Drive. He would like a vote from the Board that Mr. Burns has thirty days to get a new contractor and forty-five days to finish the work at Tayla Drive, or the Board would take the bond.

Upon motion made by Mrs. McElroy and seconded by Mr. Dillon, it was:

UNANIMOUSLSY VOTED: to request that Mr. Burns seek another contractor within thirty days (May 26, 1999) to finish the Tayla Drive project, and further that all work within the subdivision be completed within forty-five (July 10, 1999). After July 10, 1999, the Planning Board will initiate action on the performance guarantee to bring Tayla Drive to completion.

c. South Farm Estates

Mr. Fuqua stated that he has a contract price to complete the work at South Farm Estates, and also there is a developer (Mr. Jordan) who is looking to take over the subdivision. He would like authorization from the Board to proceed with the bond taking if Mr. Jordan doesn't take over the subdivision by the end of the month.

Upon motion made by Mrs. McElroy and seconded by Mrs. Ryan, it was:

UNANIMOUSLY VOTED: to authorize the staff to proceed with the bond taking if there is not a new developer for the property by the end of the month.

d. Board of Selectmen - vote on CDBG allocation for Year 25

Mrs. Ryan stated that at the meeting earlier this evening with the Board of Selectmen on the allocations for Year 25 of the Community Development Block Grant, the Selectmen asked that the Planning Board support them at Town Meeting. She asked if the Board needs to vote on that.

Upon motion made by Mrs. Ryan and seconded by Mrs. McElroy, it was:

UNANIMOUSLY VOTED: to send a letter to the Board of Selectmen with a copy to the Appropriation Committee stating the Planning Board's support of the Board of Selectmen's request for town funding of the Fair Housing/Affirmative Action Officer.

Upon motion made by Mr. Dillon and seconded by Mrs. McElroy, it was:

UNANIMOUSLY VOTED: to adjourn the meeting at 10:55 P.M.

This is to certify that the foregoing is a true and complete statement of all actions and votes taken at this meeting on April 26, 1999.

Paul Hurley, Chairman

Hard Hurley

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