

Minutes of the Planning Board held on June 11, 2002 at 7:30 P.M. in the Council Chambers of Town Hall

Present: Paul Dillon, Chairman; Paul Hurley; Mary Akoury; Scott Curry and Walter Flynn

Staff: Rod Fuqua, Principal Planner

Meeting called to order at 7:30 P.M.

1. OTHER BUSINESS

At the last meeting it was voted to allow the Planning Director to sign plans. A letter will be sent to the Court and each member will re-sign.

FORM A

This is a parcel of land with three (3) houses on Bridge and North Street (540-544). All houses have people living in them and pre-date the sub division control law.

Motion by Mr. Curry seconded by Mr. Flynn to endorse the Form A with the stipulation that this has no standing if there is a zoning issue.

All in favor. SO VOTED.

Motion by Mr. Curry seconded by Mr. Flynn to recess for ten (10) minutes. SO VOTED.

2. PUBLIC HEARING - 7:45 P.M.

Motion by Mr. Curry seconded by Mr. Flynn to open the Public Hearing. SO VOTED.

Mr. Dillon read the Notice of Public Hearing.

TRICON GLOBAL RESTAURANTS, INC., 39 & 45 WINTER STREET SHEET 33, BLOCK 376, LOTS 19 & 20. ZONING IS B-1.

They are seeking consent of the Planning Board to reapply to the Board of Zoning Appeals within two years of a denial on July 26, 2001, of a special permit application for a KFC/Pizza Hut restaurant with drive through window service, case #2542.

They are seeking permission to apply within the two (2) year period with a plan that is different from the one the Zoning Board of Appeals denied.

The applicant sought two things - a special permit for a drive thru window and a variance for signage.

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This plan is different in that there is a large by-pass lane to allow better flow of traffic at the drive thru window. This would be for customers who would no longer like to be in a drive thru cube. (Not on the plan that the Zoning Bd. looked at)

The plan the Zoning Bd. ruled on also asked for a sign variance. That is no longer going to be a part of the application.

There is going to be an area on the Speedy Muffler sitewhere they were given permission to remove some shrubbery. Mass. Highway has made some substantial changes to that intersection. Mass. Highway is going to re-design the site and the applicant feels it will improve the traffic flow.

The application tonight is for consent to reapply to the Zoning Board for a Special Permit for a drive thru window without a sign variance with the acknowledgment that there is a by-pass lane. The restaurant use is allowed on less than a 40,000 sq. ft. lot in this zone without a Special Permit.

The vote of the Zoning Board was 3-2. A vote of four (4) is required. The Planning Board must also find by four (4) members in order for the applicant to go again before the Zoning Board.

Frank Montero of MHI Design went through some of the site changes as follows:

1. Access to the property is proposed at two locations. Winter Street access - two lanes will be exiting the property. An access easement has been negotiated thru the Speedy Muffler parcel. This is the only entrance from Rte 18.
2. Regarding truck access, there will be "Do Not Enter" signs at the entrance.
3. With the addition of the bypass lane, it will allow vehicles to go straight through.
4. A free standing sign will be put adjacent to the driveway.
5. Speedy Muffler agreed to remove current shrubs and replace with a lower shrub.

Bonnie Poland said that Mass. Highways made some changes. The configuration changed the Northbound and Southbound lanes so that the vehicles can come through both lanes. The lanes merge together further North, beyond the intersection. The Northbound moves first and then both move together.

There is no issue to vehicles coming out being blocked by the Westbound lane. This is basically a time, signal, and lane change. There has been a great improvement on the capacity.

Mr. Fuqua stated that according to Andy Sumandasa, Traffic Engineer, as of May 26th all the improvements had been finalized. Mass. Highways did redo the intersection. There was some data not included in the design.

Mr. Hurley said that by adding the bypass lane and not asking for a variance to cut down shrubs not belonging to the applicant, does not represent significant changes in the plan.

Councilor-at-Large, Susan Kay asked if the Rte 18 entrance into the facility is shared by Speedy Muffler and if the front entrance had sufficient parking?

Mr. Montero stated that they would be utilizing that one lane and that there was sufficient parking. The two way driveway onto Winter Street is both an entrance and an exit.

Some discussion ensued relative to the above.

Councilor Kay commented that her main concern is the turn onto Winter Street and the traffic involved. It does not appear to her that they have made significant changes.

Mr. Jim Cummings of 175 Front Street stated that he had been to all the meetings and does not see a change and is opposed to the plan.

The abutter at 57 Winter Street said there is no change in the traffic flow. People coming out of the property will be making left turns across the traffic. This is strictly a safety issue.

Mr. David Kelly said there is a major change in the plan with the by-pass lane, no sign variance, permission to cut down the bushes, and most significantly, a new traffic study will have to be done because the traffic is at a much different capacity level. Also, they are asking for procedural relief to apply to the Zoning Board of Appeals twelve (12) months earlier.

Motion by Mr. Curry seconded by Mr. Flynn to close the Public Hearing. SO VOTED.

Mr. Fuqua stated that this is a request called a "repetitive petition" and takes four (4) affirmative votes of the Board to go forward.

Motion by Mr. Flynn seconded by Mr. Dillon to allow the applicants to go back before the Zoning Board of Appeals within two (2) year period of time.

All in favor. Voting in the Affirmative, Scott Curry; Walter Flynn and Paul Dillon. Voting opposed, Mary Akoury and Paul Hurley.

Mr. Fuqua stated that the super majority of 4-1 was not obtained therefore the motion is denied.

For the record, Mr. Kelly asked the Chairman for the reasons why the petition was denied.

Chairman Dillon asked that Mr. Hurley and Mrs. Akoury give their reasons as both were opposed.

Mr. Hurley stated that as he stated previously, he does not think these changes are significant to the site.

Mrs. Akoury stated she does not see that there are significant changes and feels that the lines around the corner will have a major impact on traffic flow.

Mr. Kelly thanked the Chairman.

Motion to adjourn. SO VOTED.

Meeting adjourned at 8:20 P.M.

Respectfully submitted,

Annette M. Cignarella
Recording Secretary

APPROVED


