

TOWN OF WEYMOUTH
PLANNING BOARD
MINUTES

There was a Planning Board meeting held on Monday, October 18, 1999 at 7:00 P.M. at the Town Hall.

Members present: Susan Abbott, Chairwoman
Mary Sue Ryan, Clerk
Paul M. Dillon
Paul Hurley
Paul F. Lynch, Sr.

Staff present: James Clarke, Director of Planning & Community Development
Roderick M. Fuqua, Principal Planner
Paul Halkiotis, Economic Development Planner

The meeting was called to order at 7:00 P.M. by Chairwoman Abbott.

1. Petr: American Stores Realty Co.
Locus: 574-588 Broad Street
Sheet 22, Block 241, Lots 14, 15, 16, 17, 21, 29, 32
Zoning: B-1

Decision on special permit for Osco Drug Store with drive-thru service

Mrs. Abbott stated that the Board received a letter from Osco.

Mr. Clarke stated that Board members received a copy of a letter which the staff received from Attorney Greg Galvin with a request that the Board withhold their vote so that the applicant can withdraw the portion of their application for the drive through service. Mr. Galvin stated in his letter that their interest is in withdrawing the drive through portion of the application and they would like some time to prepare a new submittal. Mr. Clarke stated that he is not going to read the whole letter but the last portion requests that the application be allowed to amend the application and plan filed thereunder and to withdraw that portion of the application that asks for a drive through window. Mr. Clarke stated that the staff has reviewed this and talked to Town Counsel and it is the staff recommendation that the Board take no action on this request at this time because the Board is at the point where they are ready to make a decision on the application that was filed last March.

Mr. Dillon stated that he will make the motion to take no action on this request because as Board members are aware this particular discussion was brought up several times throughout the hearings specifically asking the applicant if they could operate a store without the drive through and his understanding was that they were not interested. Now we get this letter that they are interested in having just a drug store without the drive through. His motion is for no action on this request. Mr. Lynch seconded.

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

UNANIMOUSLY VOTED: to take no action on the request for the Board to withhold their vote and allow the applicant to withdraw the portion of their application for the drive through service.

Mrs. Abbott stated that the Board received a letter from the staff regarding Osco.

Mr. Clarke stated that the Board also received in the packets a staff memorandum regarding the proposed Osco drug store. As he mentioned this application was filed on March 12, 1999. The Board has held four nights of public hearings on April 26th, May 24th, July 12 and the August 16th. There has also been discussions between the Board and staff. They have spent a lot of time reviewing the material that was submitted at the hearings and during the hearing process from the applicant and from interested citizens and abutters. Based upon those the Board has a decision to make tonight on two specific areas of the Zoning Bylaw. One is on the drive through service which is Sec. 120-25.C of the Zoning Bylaw, and then for erection of a building on a lot greater than 40,000 square feet and that is Sec. 120-25.B. Based upon the staff's review of the five criteria that the Board must agree that the applicant has met and they must meet all five of the criteria, the staff has noted, based upon our analysis, areas where the application fails to meet the stated criteria.

Mr. Clarke reviewed the memo and summarized the areas where the application failed to meet the criteria.

Mrs. Abbott thanked Mr. Clarke for his comments. She stated that the staff's report outlines all items that came out in testimony. She thinks the report is very inclusive.

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

UNANIMOUSLY VOTED: to deny the special permit application for drive through service under Sec. 120-25.C based on the following:

- Criteria 1. The specific site is an appropriate location for such a use.
- a. A neighborhood business center is not an appropriate location for a drive – through. Most drive-throughs are located along business zoned arterial highways in town.
- Criteria 2. The use involved will not be detrimental to the established or future character of the neighborhood.
- a. The drive-through, located on the front of the building, degrades the historic character of the neighborhood by its visual access to Broad Street.
- Criteria 3. There will be no nuisance or serious hazard to vehicles or pedestrians.

- a. There is a conflict between vehicles crossing the travel lane to get into the drive-through queue and vehicles using the travel lane to access parking spaces.
- b. Vehicles accessing the site from the easterly Broad Street entrance will be in conflict with vehicles using the drop off portion of the drive-through.

Criteria 4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

- a. There is a conflict between vehicles crossing the travel lane to get into the drive-through queue and vehicles using the travel lane to access parking spaces.
- b. Vehicles accessing the site from the easterly Broad Street entrance will be in conflict with vehicles using the drop off portion of the drive-through

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

UNANIMOUSLY VOTED: to deny the special permit application for use on a lot greater than 40,000 square feet under Section 120-25.B based on the following:

- Criteria 2. The use involved will not be detrimental to the established or future character of the neighborhood.
- a. The scale of the proposed use, both lot area and building size are inappropriate for the neighborhood commercial character of the area. Few of the existing lots are over 20,000 square feet and many are less than 10,000 square feet. The largest commercial structure at the corner of Broad and Middle Street is approximately 7,000 square feet. The proposed project has a lot area of 67,140 square feet and building area of 13,630 square feet.
 - b. The proposed project does irreparable harm to the Central Square Historic District. The project proposes to demolish seven residential structures, of which six are within the district. Of the six, four dwellings are contributing buildings to the district.
 - c. The proposed building design does not reflect the historical character of the area. Testimony from the applicant noted that the building design does not attempt to recreate any sense of historic style.
 - d. Building siting leaves parking lot and vehicles, including drive-through, along street frontage. This varies from the shorter setback of most buildings in the district.

Criteria 3. There will be no nuisance or serious hazard to vehicles or pedestrians.

- a. The proposed Middle Street access has inadequate line of sight for existing vehicles. The applicant's traffic report states that legally parked vehicles along Middle Street reduce the sight distance to 50 feet to the south. The required stopping sight distance is 200 feet; thus the site drive does not meet the criteria.
- b. Evidence during the hearings was presented that indicated a high volume of pedestrian traffic, particularly school children walking to three schools. The introduction of three new site drives to a retail establishment will add more higher volume turning movements. This will create additional points of conflict for pedestrians and vehicles.
- c. Westbound queuing along Broad Street will block the westerly drive during peak hours. Even with proposed mitigation, this drive during peaks could be blocked 50% to 75% of the time. The easterly drive will even be blocked 10% of the time during peaks. This will tend to create pedestrian and vehicular hazards at these drives.

Criteria 4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

- a. The site layout does not adequately protect the abutting neighborhood. For example, the dumpster is located directly adjacent to a residential property rather than adjacent to an existing commercial dumpster located on abutting property.

2. Petr: Eugene Mattie
Locus: Vernon Street
Sheet 13, Block 184, Lots 11, 19, 58, 59
Zoning: R-1

Set road conditions under Section 60-3

Mr. Clarke stated that concerns were raised regarding access to this property. We have asked for extensive documentation and an opinion from Town Counsel. He read the letter received from Town Counsel.

The Board reviewed proposed improvements to the road as presented by Mr. Clarke.

Mrs. Abbott questioned the size of the lots. Mr. Clarke replied that the three lots all have greater than 25,000 square feet.

Mr. Dillon stated that he would like to hear from Mr. Galvin.

Mr. Gregory Galvin, attorney for Mr. Ledwell, stated that he has explained to his client that Mr. Mattie has legal access. His client is still concerned over the location of the road and still feels that the road should be moved over a little further away from his property. He thinks this is a better plan than the first plan.

Mr. Ledwell expressed concern over the closeness of the proposed road to his house. His concern is for safety because his house would be sitting right on the street.

Mr. Hurley stated that if the Board takes no action on the Form A Plan, it delays the project by 60 days and the applicant can go in and put in the three lots without doing any road improvements. If the Board approves the plan, we can set road conditions. Mr. Hurley made a motion to approve the Form A Plan and road improvements as shown on the site plan. Mr. Dillon seconded.

Mr. Lynch stated that he wants to make sure the applicant follows DPW recommendations. He walked the area three weeks ago and feels that even moving the road over 3' would be an improvement.

Mrs. Ryan stated that she agrees with what Mr. Hurley said and she will vote for the motion as long as conditions by the Town Engineer are met.

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

UNANIMOUSLY VOTED: to approve the Form A Plan and road improvements as shown on the site plan with the road moved over no less than 3' and including DPW comments.

3. Petr: Martin Murphy
Locus: Galway Road – between and behind 614 and 626 Pond Street
Sheets 61 and 62, Block 642, Lot 18
Zoning: R-1

Decision on definitive plan for a four (4) lot single family subdivision

Mrs. Ryan excused herself from participation in the discussion. She stated that her son is an abutter.

The Board reviewed the proposed conditions as presented by the staff.

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

VOTED: to approve a definitive plan entitled: "GALWAY ROAD, WEYMOUTH, MASS", drawn by C.F. Arnold Associates, Inc., dated July 10, 1999 submitted by: Martin Murphy; filed with the Town Clerk on August 3, 1999, concerning property located between and behind numbers 614 and 626 Pond Street, also shown on the Weymouth Town Atlas Sheets 61 and 62, Block 642, Lot 18, with the following conditions:

1. Subdivision approval does not confirm nor grant permission of any regulation or permit. All water and sewer construction is subject to the Weymouth Department of Public Works Water and Sewer Division Regulations and it is the developer's responsibility to coordinate all required design and construction.
 2. A sidewalk shall be required on one side of the roadway.
 3. A landscaping plan around the detention basin shall be filed with the Planning Board before the plan is endorsed.
 4. All conditions shall be noted on said definitive plan before the Planning Board endorses their approval on said plan.
4. Public Hearing – 7:45 P.M. (cont.)
- Petr: Campanelli Weymouth, LLC
- Locus: 39-141 Libbey Parkway and 3-25 Performance Drive
Sheets 33 and 34, Block 432, Lot 2 and Sheet 34, Block 433, Lot 15
- Zoning: POP

Special permit to construct a four (4) story 100,000 square foot office building, a portion of which lies within the floodplain

Mr. Fuqua stated that the five sitting members that were at the first session of the public hearing on September 13, 1999 are needed for this public hearing. Paul Hurley was not present on September 13, 1999 and is not eligible to vote on this. He recommends that the Board open the public hearing and then continue the public hearing to October 25, 1999 at 9:00 P.M.

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

UNANIMOUSLY VOTED: to open the public hearing at 7:50 P.M.

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

UNANIMOUSLY VOTED: to continue the public hearing to October 25, 1999 at 9 P.M.

5. Petr: Paul Kerrigan
- Locus: 337 Summer Street
Sheet 28, Block 358, Lot 4
- Zoning: R-1

Decision on a waiver of the 72 foot minimum frontage requirement

Mr. Fuqua stated that this project is for a frontage waiver and it is for a lot that has 26' of frontage. During the public hearing process there were some concerns that were raised. They took care of the utility connection on the plan. They have shown retaining walls. They made changes in the traffic circulation pattern as suggested by the residents. Mr. Fuqua stated that since there was a concern over setting a precedent, the staff has looked at this. This particular lot shows up on town atlas in 1954, 1956, 1963, 1969, 1974 and since

1985 so this lot has been in existence for over forty years. The only reason it is before the Board is that during this forty plus years of ownership, at one time it was owned jointly by some abutting party and then it was sold so in this case it is not creating a new lot out of any existing subdivision. What you have is a lot that has been in existence. Because of the unique ownership and because it has been in existence for over forty years and not a new lot, he would ask the Board to look favorably on this particular situation. Some of the ones we have had in the past, the Board has taken a strong stand when it has been newly created lots. This one differs from any ones we have had in the past in that it already exists.

Mr. Fuqua explained why this requires a favorable vote from both the Planning Board and Board of Zoning Appeals.

Mrs. Ryan stated that the lot has only 26' of frontage. The lot has been in existence, but it has not had a house on it.

Mr. Lynch stated that he does not like approving a lot with only 26' of frontage and he will make the motion to deny it.

Mr. Hurley seconded. He asked for the list of proposed conditions.

Mr. Fuqua stated that they came in and revised their plan. He stated that the sewer line connects in the back. The water line comes in off Summer Street. There is a string of trees along the west side of the property and they have shifted their driveway so that they don't take out the trees. The neighbors had a concern over grading so there will be retaining walls to protect the slopes for the existing dirt road. The other thing they did show at the entrance coming in off Summer, they proposed the northerly side coming from the Landing to be in only and the second access further down by the bend in the road, would be two way traffic. Those items are all shown as conditions on the plan.

Mr. Hurley asked if the Board asked for those conditions – the one way entrance, and the trees. Mr. Fuqua replied those are issues that were worked out with the applicant and abutting property owners.

Mr. Hurley asked if we have the authority to make that entrance a one way. Mr. Fuqua replied that the applicant would have to go to the Board of Selectmen.

Mr. Dillon stated that his biggest problem is that we have frontage requirements in place and he can't support this. He stated that Rod makes a good point that this is an older lot, but he feels that 72' of frontage should be upheld.

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

UNANIMOUSLY VOTED: to deny the request for a waiver of the forty foot minimum frontage requirement to allow a lot with frontage of twenty-six and fifty four hundredths feet (26.54') as shown on plan entitled: "Site Plan Off Summer Street, Weymouth, Mass.", drawn by E E. T.,

Inc., revised August 24, 1999, application dated June 6, 1999, concerning the property located at 337 Summer Street, shown on the Weymouth Town Atlas Sheet 28, Block 358, Lot 4.

6. Other Business

Mrs. Ryan requested information concerning the compilation of all data that suggests that the town only come up to a certain percent of subsidized housing in town. She would like to see that information. Mr. Fuqua replied that the staff is pursuing that.

Mrs. Abbott stated that she read an article in last Saturday's paper, and she has seen a few places around town such as Commercial Street where they have leveled an old house and built a much bigger house on a small lot. She would be interested to know how much of this is taking place in town. She asked Mr. Fuqua to look into this matter.

Mr. Fuqua stated that as long as set back requirements are met, a person can tear down a house and re-build. If you look at the building permits, there are additions going on throughout town.

Mrs. Abbott asked when DPW was going to attend one of our meetings to discuss water. Mr. Fuqua replied that Jim has talked to Joe Mazzotta to get a schedule of when they could come in.

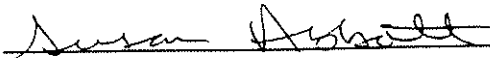
Mr. Hurley stated that he thinks it's important that DPW attend our meeting to discuss water issues.

Mr. Fuqua stated that with regards to water issues, this is the first time in twenty-five years that we have had 5" of rain and didn't have a surcharge.

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

UNANIMOUSLY VOTED: to adjourn the meeting at 8:20 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 October 18, 1999.


Susan Abbott, Chairwoman