

TOWN OF WEYMOUTH
PLANNING BOARD
MINUTES

There was a Planning Board meeting held on Monday, November 8, 1999 at 7:30 P.M. at Abigail Adams Intermediate School.

Members present: Susan Abbott, Chairwoman
Mary S. McElroy, Vice-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

The meeting was called to order at 7:30 P.M. by Chairwoman Abbott.

1. Request for lot release
 - Sheet 27, Block 350, Lot 30
 - Sheet 27, Block 352, Lot 32

The Board reviewed the request for lot release.

Mrs. Ryan was concerned with blasting that might be required in an area that was very small and the houses close together.

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

VOTED: 5-1 (Mrs. Ryan opposed) to approve the request for lot release for Sheet 27, Block 350, Lot 30 and Sheet 27, Block 352, Lot 32.

2. STM Article 38 – vote on recommendation

Mr. Fuqua stated that when the Board held the public hearing there was some discussion whether the applicant had met with the residents. The Board had asked that representatives from Tammy Brook meet with the residents before the Board made a decision. We received a letter from their attorney which said that they had met with the residents and there were a number of issues and Tammy Brook was asking for time to address those issues.

Mr. Clarke explained that in order for the applicant to be able to come back within two years, the Planning Board would have to recommend favorable action. The Board has done this before and made it very clear that the recommendation for favorable action was a parliamentary procedure to

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allow the applicant to come back within two years.

Mrs. Ryan felt that no matter how the issues were resolved with the residents, this would still be encroaching on an R-1 zone. She would not be in favor of rezoning this property to R-3.

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

UNANIMOUSLY VOTED: to recommend no action on Article 38.

3. Public Hearing – 7:45 P.M. (cont.)

Petr: Tricon Global Restaurants, Inc.

Locus: 437 Washington Street
Sheet 24, Block 325, Lot 39

Zoning: B-1

Special permit to construct a KFC/Taco Bell Restaurant with drive through service

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

UNANIMOUSLY VOTED: to continue the public hearing at 7:45 P.M.

Mrs. Abbott stated that the Board received a letter from Rocco DiFazio, attorney for the applicant.

Mrs. Ryan read the letter from Mr. DiFazio stating that Kentucky Fried Chicken has withdrawn their application and asked that the Board accept it without prejudice.

Mrs. Abbott asked Mr. Clarke to explain the effect of the Board's allowing the withdrawal with or without prejudice.

Mr. Clarke stated that this is similar to what the Board just dealt with for the zoning article for Tammy Brook Apartments. If the Board accepts the request to withdraw without prejudice, they can resubmit their application. If the Board does not allow them to withdraw without prejudice, it is two years before they can resubmit their special permit application.

Mr. Fuqua stated that based on the last meeting, he and Paul Halkiotis did meet with Mr. DiFazio and Art Keefe to review the items that of concern that were brought up at the public hearing. They discussed the items related to traffic, site layout, drive through, storm water management, and some other miscellaneous items that were discussed at the public hearing. They took all of that information and were going to go back and look at their proposal. Once they took all of that back, they submitted a letter to us on October 29th where they originally asked for a continuation on this in

order to have more time to get the material that was needed. Since that time he has talked to Art Keefe who is a representative of the real estate agent for Tricon Global Restaurants, and it is his feeling that based on the amount of information they have and the number of concerns that were raised at the public hearing their interest is not to pursue it any further at this particular time. He did not give any timeframe as to whether he would resubmit or whether or not there was a timeframe on when they would make a decision as to whether they would resubmit.

Mrs. Ryan stated that as a Planning Board member she would be inclined to reject this request to withdraw without prejudice. She finds the proposed location not the correct location for what this proposal is.

Mrs. McElroy stated that she agrees with Mrs. Ryan. Mr. Lynch also agreed.

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

UNANIMOUSLY VOTED: to allow Tricon Global Restaurants, Inc. to withdraw their application with prejudice. A vote to allow the application to be withdrawn with prejudice constitutes a denial of the application.

A resident asked about the use of the property. Mr. Clarke explained that the people could go back in and re-occupy existing buildings. The likelihood is that it would at least be a site plan review if there is going to be something new on the site, and that does not require a public hearing. It is only special permits that require a public hearing and notification to abutters.

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

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

4. Review of BZA and Board of Selectmen cases

Mr. Clarke stated that there are two cases before the Board of Selectmen. Because of timing, he sent a letter on one of the cases. He thinks the Board is familiar with this, it's for 702 Broad Street. Mr. Clarke stated that Mr. Prudente is requesting to use his garage for a workshop. He sent a letter saying that this Board held a site plan review for this property within the past year and that we had asked Mr. Prudente if he was going to use the garage for doing any window work and he replied no. He said in his letter that the Planning Board approved the site plan based on the fact that no repair work would be done in the building.

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

UNANIMOUSLY VOTED: to send a letter to the Board of Selectmen informing them that the Planning Board conducted a site plan review for the garage and additional parking on January 25, 1999 and March 8, 1999 and approved the site plan based on the fact that no glass work would be done in the building.

Mr. Clarke stated that the 8:15 P.M. hearing before the Board of Selectmen tonight is on the QCAP project which is something our office has been involved in. He does not recommend that the Board send anything on this. John Parnaby and Dan Rogers are at the hearing with QCAP and Bill Leamy from Veteran's Services. This is a proposal to use a home at the corner of Filomena and Broad Street for single room occupancy. In his opinion it will be better than what the property is being used for now which is a group home with less supervision than what QCAP is proposing. The proposal is to tie it in with veterans services. These are people who don't have specific problems. They must be working and will pay rent. There will be on site supervision, and the Veterans Administrator will be there probably on a weekly basis. He feels this will be serving a need and taking property that pretty much does similar things now. QCAP through the HOME program will be spending money to upgrade the property. This will be specifically for veterans.

Ms. Rhonda Dowling, 23R Filomena Street, stated that her neighbor brought this to her attention. She spoke with regards to the neighborhoods' concerns with regards to this proposal.

Mrs. Ryan asked about parking requirements. Mr. Clarke replied that he thinks there are seven or eight parking spaces on the plan. He will get the Board the number of spaces required for the proposal – it could be one space per unit.

Mr. Clarke reviewed the BZA case for the Weymouth Club at 75 Fennell Drive. He stated that they are proposing a substantial change. They are proposing to change the front canopy area and some of the parking. In order to do that, it will mean encroaching on the wetland and they are before Conservation for that. Mr. Clarke read the letter he sent to the BZA with his comments on the proposal. His letter noted that the Planning Board had not reviewed this proposal yet.

Mr. Gregory Galvin, attorney for Weymouth Club, was present and explained the proposal to the Board.

The issues the Board was concerned about included encroachment on wetlands, flooding, increased traffic and adequate parking and those issues were included in Mr. Clarke's letter to the BZA.

The Board reviewed the case for the corner of Commercial Street and Narragansett Street that was a land swap between neighbors and the

consensus was no action by the Planning Board.

The Board reviewed the case for 52 Whitman Street for the application of AT&T Wireless.

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

UNANIMOUSLY VOTED: to send a letter to the BZA informing them that the Planning Board is concerned over the location of a second wireless communication structure on the site. The Board recommends that the BZA consider a condition of allowing a wireless structure with the condition that the existing wireless structure be removed and both carriers co-location on the same structure.

5. Other Business

Mr. Clarke stated that he received a letter from the Building Reuse asked if anyone had a need for two former buildings – Fire Station #3 and the Youth and Family Service office.

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

UNANIMOUSLY VOTED: that the Board has no interest in either the Fire Station #3 or the Youth and Family Service office.

6. Petr: Campanelli Weymouth, L.L.C.
Locus: 39-141 Libbey Pkwy. & 3-25 Performance Dr. – Weymouth Woods
Sheets 33 & 34, Block 432, Lot 2; Sheet 34, Block 433, Lot 15
Zoning: POP (Planned Office Park)

Decision on special permit for four (4) story office building

Mr. Clarke recommended that this item be tabled.

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

UNANIMOUSLY VOTED: to table the decision on Weymouth Woods.

7. Public Hearing – 9:00 P.M.

- Petr: Supreme Enterprises
Locus: 1680 Main Street
Sheets 61 and 64, Block 641, Lot 17
Zoning: HT (Highway Transition)

Special permit for construction of a building for the purpose of a coffee/donut shop with drive through service and a bank with drive through service

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

UNANIMOUSLY VOTED: to open the public hearing at 9:00 P.M.

Mrs. Ryan read the public hearing notice.

Mr. Gregory Galvin stated that he is an attorney and he is representing Supreme Enterprises for their special permit application. Mr. Yiannis Davos from Supreme Enterprises is present as well as Brian Dunn from J. K. Holmgren & Associates; Rick Bryant from Rizzo Associates and Jerome Dixon from Architect's Studio.

Mr. Galvin stated this is the last parcel on Route 18 as you're driving south into Abington on the left side. This is an application under the special permit process. The applicant has a parcel of land that is in excess of 69,000 square feet and is proposing a 15,000 square foot building, therefore under the bylaw the size of the lot requires this Board to review and address the special permit application. The request is for two different drive through windows. Although the applicant does not have specific tenants at this time, people he has spoken to in the banking and food industry have indicated that until Mr. Davos had the permit in hand they didn't think it was appropriate to discuss leases with him. He pointed out the proposed locations of the two drive throughs.

Mr. Brian Dunn from J. K. Holmgren & Associates, stated that as Mr. Galvin stated the proposal is for a bank with a drive through and a donut shop with a drive through. In the back they have provided a loading area. At the back corner there is a proposed dumpster which would be enclosed with a fence.

Mr. Lynch asked how many stores they are talking about. They mentioned a bank and donut shop. Will there be more than two. Mr. Davos replied several additional stores could be accommodated.

Mr. Dunn explained the parking plan and stated that they are providing 72 parking spaces and three handicapped spaces per the ADA requirements. He explained the drainage plan which will include two catch basins and stated that all runoff will be contained on site. Mr. Dunn stated that they were asked to do a fire flow test and he has done so and provided copies of the hydrant flow test to the Board. They have provided a sediment erosion control plan to minimize the amount of dirt and dust that will occur with trucks. He stated that there are wetlands in the back which is off their property. They have prepared a request for determination which should be heard by the Conservation Commission in December. They have also provided a lighting plan which he explained. The landscaping plan is designed to provide low line bushes along the front and a buffer area in the

rear of the property.

Mr. Jerome Dixon stated that he is the architect for the project. He explained the design of the building which was set up to accommodate a food service and bank on each end with specialty shops in between.

Mrs. Abbott asked how many businesses there will be. Mr. Dunn replied that he expects there would be three or four businesses.

Mr. Rick Bryant, traffic engineer from Rizzo Associates, stated that the project has fairly modest traffic impacts. They anticipate 100 vehicles in the morning and 85 in the afternoon peak hours. They estimate that 60% of the traffic would be already on the road. He stated that the intersection of Pond Street/Route 18 operates at a LOS B now. This is a lower volume stretch of road that works fairly well now. They have done a gap study and found that a gap occurs once every minute. They are suggesting that the configuration of the driveway be wide enough to provide for a left and right turn lane out and to do that they will need approval from Mass. Highway.

Mrs. Ryan asked what the width of the entrance was. Mr. Dunn replied that the entrance width was about 37'

Mrs. Ryan expressed concern that there would be two drive throughs and it was not known what would be there – it could be anything.

Mr. Davos stated that he is looking at one food establishment and one bank.

Mr. Clarke stated that the Board could condition the special permit to permit only one food establishment for the drive through.

Mrs. Ryan stated that this is a very heavily traversed area by large vehicles.

Mrs. McElroy asked if at the bank end there would be a window. Mr. Dunn replied that there would be a drive up window and an ATM in one lane.

Mrs. McElroy expressed concern over the possibility of a restaurant being there since it was not known exactly what was going in.

Mr. Galvin stated that the Board is not comfortable approving something without knowing what will be there but the businesses are not comfortable making a commitment without an approved plan.

Mr. Dillon also expressed concern over being asked to approve something without knowing what was going in. He stated that we could end up with an Osco with a drive through.

Mr. Galvin stated that as Mr. Davos indicated he is talking to a bank and a food service.

Mr. Lynch asked about eighteen wheelers getting into the parking lot if there are cars parked there. Mr. Galvin replied that there is more than adequate space, and deliveries to the site would be limited to certain hours.

Mr. Hurley stated that two drive throughs are proposed but technically there will be three because there will also be an ATM. He asked if the drive through for the bank and ATM would be used simultaneously. Mr. Dunn explained how the drive through for the bank and ATM works.

Mr. Hurley stated that one dumpster is not enough for what is being proposed. Mr. Galvin replied that the dumpster would just be picked up more often.

Mr. Hurley stated that the plan does not show any flow of traffic on the site. Mr. Dunn pointed out how the traffic would flow on the site

Mrs. Abbott asked if there was room in the back for two lanes of traffic. Mr. Galvin replied that there was more than adequate room for cars to get around in the back.

Mr. Dennis Lynch, 664 Pond Street, expressed concern over lighting from this site going onto residential property to the rear of the site.

Mr. Galvin stated that there was considerable distance between this site and the residential area on Pond Street.

Mr. Fuqua stated that from the back property line of this proposal over to Pond Street is between 300' and 400'.

Mr. Dillon asked about signs and if there would be a free standing sign. Mr. Dunn replied that the signs will meet the sign bylaw requirements.

Mrs. Abbott stated that they have seven possible storefronts on the plan. Her concern is not having any indication of the impact of traffic from these businesses.

Mr. Galvin stated that the bylaw limits what can go in a B-1 district, and the applicant will be limited because of parking.

Mrs. Ryan stated that she has a great deal of concern over this plan. The Board is being asked to permit something when we don't know what will be there. Two drive throughs are being proposed and we don't know what they will be used for. There are a good many things which could have a drive

through.

Mr. Dennis Lynch expressed concern over runoff to his property. Mr. Dunn replied that all runoff will remain on their property.

Mrs. Abbott asked if the staff had any comments.

Mr. Fuqua read the comments received from the Board of Health, DPW, Conservation Commission, Fire Department, Police Department and Tax Collector.

Mr. Clarke suggested that the hearing be continued to November 29th at 7:15 P.M.

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

UNANIMOUSLY VOTED: to continue the public hearing to November 29, 1999 at 7:15 P.M.

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

UNANIMOUSLY VOTED: to adjourn the meeting at 10:35 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 November 8, 1999.


Susan Abbott, Chairwoman

Public Meeting
Citizen Attendance

Date:

Location:

Nov 8
Abigail Adams

Name

Address

Organization

Phone #

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