

JAMES & MARIE TAYLOR  
18 Longfellow Road  
01-1

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
TUESDAY, JANUARY 23, 2001

The Board consisted of:

Mark A. Kablack, Acting Chairman  
Patrick J. Delaney III, Acting Clerk  
Gilbert P. Wright, Jr.  
Lauren S. O'Brien  
Melinda M. Berman, Alternate

Notice was published in the Sudbury Town Crier on January 4 and 11, 2001, posted, mailed, and read at this hearing.

Mr. Kablack, Acting Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

James & Marie Taylor were present to represent a petition for a Special Permit to construct a covered front porch which will create a street centerline setback deficiency of 3 feet. Mr. Taylor explained that the proposed width is 8 feet and both the Taylors and the architect felt that size is necessary in order to accommodate furniture more comfortably.

The porch would be a covered wrap-around porch. The Board reviewed pictures of the house and the proposed drawing which was submitted with the application.

There were no further questions from the Board. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant James and Marie Taylor, owners of property, a Special Permit under the provisions of Section I,D,3 of the Zoning Bylaws, to alter and enlarge a nonconforming structure by constructing a covered front porch, which will create a street centerline setback deficiency of 3 feet  $\pm$ , property located at 18 Longfellow Road, Residential Zone A-1."

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioners require a Special Permit due to the nonconforming nature of the property. The Board finds that the proposed alteration, which will create a street centerline

setback deficiency, will not be substantially more nonconforming than the existing nonconformity to the neighborhood. It further finds that the proposed construction will allow for a more realistic size adding more functionality to the porch in terms of furniture placement and maneuverability. The proposed construction will enhance the appearance of the existing structure which in turn will be a benefit to the neighborhood. The Board notes that no abutters were present to oppose this petition.

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ALBERTSON'S D/B/A OSCO DRUG  
423 Boston Post Road  
01-2

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SUDBURY BOARD OF APPEALS  
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Attorney David Wallace was present, representing the applicant, Osco Drug, in a petition for Special Permit to construct a drive-through window at 423 Boston Post Road. He said the applicant would like to lease the former Cherry & Webb store which is currently vacant. The entire building consists of 14,340 gross square feet. There is one other tenant, Lindt Chocolate, which occupies 2,575 square feet. That store will remain.

The application is before the Board because of the drive-through window which is proposed for the west side of the building and faces Sudbury Farms. The drive-through is believed to be an accessory use and there is no provision to allow for this in the Bylaw.

Attorney Wallace noted there is a history of a special permit being granted to CVS in 1998 for a drive-through window. This petition is for the same use.

Attorney Wallace introduced the following in attendance for the applicant: Michael Radner, Geller Associates, Landscape Architect; Jim Lord, Matthew Ward, Rob Engler, Cubellis & Associates, Architects; George Bezkorovainy, Bruce Campbell Associates, Traffic Engineer; Jim DeVellis, DeVellis Associates, Civil Engineer.

Attorney Wallace said the drive-through window approved for CVS had only one window for picking up and dropping off prescriptions. Osco is proposing two, which should shorten any line that might form. The prescription will be dropped off on the outer side of the

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canopy and the pick up is on the window side. A photograph was shown of an existing store in Marlboro, which is somewhat similar to what is being proposed.

Referring to the Existing Conditions Plan, Attorney Wallace noted that there would be some minor changes to the existing structure. The existing main entrance and accessory entrance to the former Cherry & Webb store was pointed out. It is proposed to put two entrances side by side on the northeasterly corners. This will require site plan approval from the Selectmen in addition to the canopy over the drive-through window.

Other non-structural changes, which were pointed out on the plan, include a pedestrian walkway, a handicapped ramp, and some changes in the back to the loading area. Traffic flow through the drive-through and loading areas was pointed out. Although the area looks tight, Attorney Wallace said it is maneuverable and does work.

Landscaping islands will also be added for screening and to direct people in a natural way to the drive-through area.

The location of a natural gas line and meter was pointed out. Attorney Wallace said this would be shut off with safeguards installed to protect the gas line.

A traffic survey was conducted with the result being a modest increase over the former Cherry Webb store. Results indicate a proposed increase of 42 cars during peak hours and 89 during Saturday peak hours. With regard to the impact of the canopy drive-through, statistics at various Osco stores indicate 35 vehicles/day or 3% of the total trips to the store.

With regard to queuing, Bruce Campbell Associates has studied other stores, and the most they have seen is two cars in a queue. Attorney Wallace said the proposed drive-through would be able to handle this easily without any backup going into the walkway or to the vehicle passage to Sudbury Farms.

Attorney Wallace was asking for special permit approval under Section III, B, 1,i of the Bylaws which deals with similar uses. He added that there are no appreciable effects, as building coverage, structures and parking will remain the same.

Michael Radner, Geller Associates, Landscape Architect, pointed out the limit of the site work on the plan. He said some regrading will be done to level off the sloping. The area of the landscaping as well as the striping was also pointed out.

Mr. Kablack pointed out that the Board's concerns will be with traffic flow related to the drive-through window. He asked for a description of how people will enter and exit the site since there are two primary entrances to the shopping complex. He also asked how the loading facility will be used.

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It appeared to Ms. Berman that the relocation of the main entrance on the corner seemed to be pushing it closer to where more traffic will occur for the drive-through.

George Bezkorovainy, Bruce Campbell Associates, said most of the traffic will access the drive-through coming off Route 20 at the lights.

Mr. Wright pointed out that there will still be a lot of traffic moving east from Sudbury Farms. Ms. Berman agreed, noting that many exit the Sudbury Farms shopping area that way since it is easier to get out at the traffic lights than the exit further to the west.

Mr. Bezkorovainy said he studied the traffic patterns and his estimate was that 20% will come to and from Union Avenue, 35% from the east, and 45% from the west. In the modeling, it was assumed that of the 45% coming from the west, half will take the first right and the other

half will come in at the lights. For exiting, he assumed that everyone was going to exit through the lights, adding that although that would not be true, it is a worst case condition.

Referring to Attorney Wallace's comment, Mr. Bezkorovainy said the numbers utilizing the drive-through window will be very small. He said it is not like a Dunkin Donuts or a fast-food restaurant. The reason for a drive-through is for the convenience of a small percentage of customers.

Mr. Bezkoroveaiy said the surveys he conducted in Massachusetts were to confirm the national data from Osco which indicate that there are 35 trips per day for a drive-through window. Three stores in Massachusetts were surveyed: Taunton, Hyde Park and Mansfield, and during the 6 hours of highest usage there was only one instance of 10 vehicles in two hours. The maximum queue under all the conditions was two. For this proposal, there is storage for three.

Mr. Wright asked how people will be walking from Sudbury Farms to this area safely. He said parking is also a problem in that area which is comprised of two busy shopping areas.

Mr. Radner said there is an existing crosswalk from Sudbury Farms to the building. This will be restriped. He said there was also a suggestion by the Town Planner that different pavement be put in as a visual cue. Although Mr. Radner was willing to do this, the property line runs between this building and Sudbury Farms and, while he could not speak for Sudbury Farms, he would be willing to explore options.

Mr. Kablack asked how this would be done since a portion of the Sudbury Farms property will be used to exit the drive-through area. Mr. Radner explained that there is an easement.

Considerable discussion followed on the Board's perception of the existing traffic pattern through both shopping areas and, in particular, the back parking near the proposed drive-through.

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Mr. Delaney would estimate that there is a significantly greater amount of traffic exiting that back area right now. His concern is that there might be a safety issue because of the additional 35 cars.

Attorney Wallace said this is an existing building which was approved a long time ago. The existing traffic flow is what it is. What is being talked about here is perhaps 35 cars in a whole day which he felt that taken over a whole day is relatively small. In terms of people walking across, he said this is also ongoing and this proposal will not be creating some new hazard.

Mr. Delaney agreed adding his belief that Osco was not creating a traffic situation significantly different than what exists now.

With regard to a question on the loading dock, Mr. Radner explained that the truck traffic pattern will remain the same. It will have to go around the Sudbury Farms building. Deliveries are spread out throughout the day between 8AM-5PM and consist of three semi-tractor trailers per week plus several smaller panel trucks coming in on a daily basis.

To a question on drive-through hours, Mr. Radner said the proposed hours would be the same as for the store. At Mr. Wright's request he pointed out the location of the directional signs on the plan and also showed a rendering of the proposed drive-through sign.

Mr. Kablack asked if Attorney Wallace has been before any other Boards. Attorney Wallace replied that this Board is the first. He is scheduled to go before the Design Review Board and Planning Board tomorrow (Jan. 24). He has met with the department heads.

In response to a question from Mr. Wright, Attorney Wallace explained the drop-off and pickup procedure and traffic pattern.

Mr. Delaney asked whether it was assumed that the drive-through sign on the canopy falls under the category of a directional sign. Attorney Wallace replied in the affirmative. Mr. Delaney felt this to be a judgment call of the Zoning Enforcement Agent (ZEA).

Attorney Wallace said his only concern is that the sign be large enough to be a cue. He believed the current Bylaw requires a directional sign to be not more than 2 square feet.

Mr. Delaney wanted assurances that if the sign is not permitted by the ZEA, that the applicant would return to this Board. Attorney Wallace said he would.

Mr. Delaney asked if he (Wallace) would have a problem with including wording to that effect in the Decision. Attorney Wallace said he would not. Further, he said he had no intention of putting any other sign, except for this drive-through sign, on the canopy and he would not

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have a problem with wording to that effect being included in the Decision. Additionally, it was understood that if the directional sign exceeded the height limitation, the petitioner would also be required to come before this Board.

Mr. Kablack wanted more information on the drive-through and traffic pattern. With regard to the two entrances being pulled towards the northeast corner of the building, he wanted to know what that did in terms of pedestrian traffic from the parking areas; i.e., will it conflict with the drive-through; will it be worse or better; why not an entrance into the middle of the store.

Mr. Radner believed the reason for the selection of the corner entrance was because of the internal setup of the store as well as for an architectural statement.

Referring to the site plan, Mr. Kablack pointed out the traffic flow towards the northeast corner of the building. Ms. Berman added that traffic flow is much tighter in this area. She said there was supposed to be a stop sign and stop line; however, people rarely do stop. She asked whether the petitioner saw this as happening. There were also speed bumps; however, these have deteriorated.

Mr. Kablack asked whether pedestrians coming from Sudbury Farms would be able to stay on the sidewalk on the north side of the building until they come to the entrance. Mr. Radner replied that they would. That walkway is narrow, but will not be blocked as shopping carts remain in the store.

Mr. Wright felt uncomfortable with voting on this petition without additional information. Attorney Wallace said he was asking the Board to vote on the concept of the drive-through window. Mr. Wright pointed out that although the petition is for a drive-through window, it is by special permit, and the Board must take into consideration the guidelines which include traffic congestion and adequate and appropriate facilities for the project.

Mr. Kablack read letters from the Town Planner dated February 5, 2001 and Town Engineer dated January 8, 2001 which were submitted to the Selectmen for their Site Plan Review. The Town Planner offered 10 items of comments/recommendations. Town Engineer noted 3 items which are required to be added to the plans.

It was the Board's opinion that more information is needed from Town Engineer in terms of traffic safety. It was agreed to continue the hearing in order to obtain comments from Town Engineer on traffic flow around the shopping center and, in particular, the drive-through window.

The Board also requested the applicant's traffic engineer provide more detail with respect to traffic circulation on this shopping plaza parking area and how it mingles with the Sudbury Farms parking area. To the extent necessary, Mr. Kablack would also want information

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provided as to whether Sudbury Farms would be amenable to some of the ideas discussed which involve the use of their property; i.e., walkway, alley. Additionally, any traffic mitigation proposals should also be submitted.

The hearing was continued to February 27, 2001.

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