

Zoning Board of Appeals
Minutes of the Meeting
And
Wal-Mart Stores, Inc. – Special Permit
Hanioti Properties- Special Permit & Variance

February 14, 2008

Present: Philippe Chevalier, Chairman, Barbara M. Deschenes, Linda Ann Isgro, Charles Witkus, and John O'Brien

Absent: Matt Colangelo, Paul Trippi and Paul Hennessey

Wal-Mart Stores, Inc.

The meeting was called to order at 7:20 p.m. by Phil Chevalier. Mr. Chevalier read the Public Hearing Notice into the minutes. There was a motion to continue until later in the evening by Mr. Witkus. Ms. Isgro 2nd the motion.

Hanioti Properties, LLC

Mr. Chevalier opened the Public Hearing at 7:30 p.m. The public hearing notice was read into the minutes. There were 6 signatures on the sign-in sheet.

Mr. Chevalier turned the hearing over to Mr. Matt Brassard, site engineer and representative for the owner. Mr. Brassard stated the 3 reasons for the Variance being requested in regards to Gates Brook, watershed protection act establishment of naturalization zone. 1st) the reduction of parking spaces from 35 to 25; 2nd) the sideline from 10' to 6', and 3rd) the signage closer than 10'. Mr. Chevalier asked how the numbers were calculated. Mr. Brassard replied that it was due to the combination of a fast food facility with 23 seats inside. Mr. Chevalier expressed concern in anticipating the amount of business and if the reduction was adequate, whereas vehicles could not be parked all over route 12. Mr. Brassard assured the board that it would be unlikely that cars would park other than the lot. Ms. Isgro asked for square footage confirmation and felt the food preparation, counter space and seat count to the parking ratio would be adequate, but had questions regarding the drive-thru. Mr. Witkus stated that when compared to Dunkin Donuts, Honey Dew's area would be larger and felt it would be positive. Ms. Isgro said she had no problem with the parking. Ms. Deschenes stated that if parking did become a problem, the police would address it.

Mr. Chevalier proceeded with the Special Permit for the drive-thru; Mr. Brassard showed engineering designs and explained the range of 8-10 cars. Mr. Chevalier expressed concerns of the sidewalk with the drive-thru.

Opened to the Public:

Mr. Matthew Marsello of 317 West Boylston Street asked if the site was elevated and Mr. Brassard explained that it was taken down 4'. Mr. Brassard stated that in order for the project to move forward with environmental benefit, the owners have agreed to eliminate the possibility of any work other than trees being planted. Mr. Chevalier asked about lighting and speakers

affecting the neighbors, as well as the hours of operation. Mrs. Hanioti replied that the hours would be 4:30 am – 10 or 11 pm. Mr. Witkus requested confirmation of signage and lay-out. Mr. Chevalier stated that in regards to Sec. 3.2 F20 restricts operation of business 6 am – 2 am and advised that they should come back for a special permit to open earlier if desired. Mr. Chevalier closed the public hearing at 8:10 pm.

There was discussion amongst the board in that the Planning Board had voted positive by Vincent Vignaly; it was a huge effort by Ms. Isgro, and Mr. Witkus again questioned the distance of a sign.

Ms. Isgro motioned to grant a Special Permit under Section 3.2.F.4 for fast food drive-thru window and to grant a variance from Section 5.2.B.1(h) and Section 5.2.B.1(i) and to reduce required parking spaces from 34 to 25 and to reduce parking lot side set back from 10' to 6' - Ref Sec 5.2.B.2(c) - and to reduce the off set for the location of the standing sign from 10' to 0' - Reference Sec 5.6.E.4(a) – Ms. Deschenes 2nd the motion. Mr. Witkus, Mr. O'Brien, Mr. Chevalier voted yes @ 9:35 p.m.

Wal-Mart Stores, Inc.

Ms. Isgro motioned to grant a Special Permit to Wal-Mart Stores to open at 5 am on Black Friday. Ms. Deschenes 2nd the motion. All voted yes.

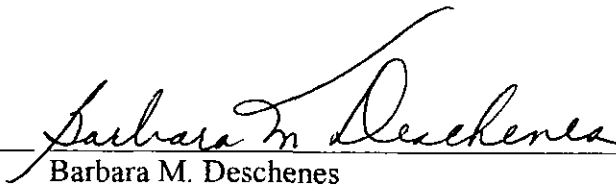
Motion Mr. O'Brien at 9:40 p.m. to go into executive session under the provisions of Massachusetts General Laws Chapter 39, Section 23b, Part 3 to discuss strategy with respect to litigation, and the Board will not be going back into open session, seconded by Mr. Witkus. Mr. Chevalier yes, Ms. Deschenes yes, Ms. Isgro yes, Mr. O'Brien yes, Mr. Witkus yes.

The meeting adjourned at 10:15 p.m.

Respectfully submitted:

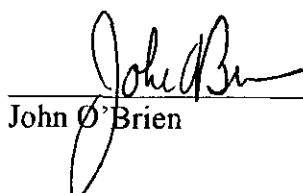
Donna Jean Ramonas, Secretary

Philippe W. Chevalier, Chairman


Barbara M. Deschenes

Linda Ann Isgro


Charles C. Witkus, Clerk


John O'Brien

Minutes accepted on June 4, 2009