



Town of Danvers
Planning Board

Danvers Town Hall
One Sylvan Street
Danvers, MA 01923
www.danvers.govoffice.com

Planning Board Members:

Aaron Henry, Chairman
Kristine Cheetham
Margaret Zilinsky
William Prentiss
James Sears

Danvers Senior Center
March 12, 2013
7:00 p.m.
MINUTES

Chair Aaron Henry called the meeting to order at 7:00 p.m. Planning Board members James Sears, Kristine Cheetham, Margaret Zilinsky and William Prentiss were present. Planner Kate Day was also present.

FORM A

30 Harbor Street. Request by Peter Cummings for endorsement of Form A plan to adjust lot line between 30 Harbor Street and 30R Harbor Street. (Assessor's Map 59, Lots 159 & 159A). (*Approval Not Required Action Date: March 13, 2013*).

Peter Cummings appeared before the Board stating that he was looking for approval of the Application for Endorsement of Approval Not Required Plan submitted for 30 Harbor Street.

Henry stated that the applicant obtained the relief required from the Zoning Board of Appeals.

Prentiss asked if the shed was going to remain, and it was confirmed that it would remain. Day stated they went before the ZBA to address any zoning issues.

MOTION: Sears read the Certificate of Action and moved to find that Planning Board approval is not required to adjust the lot line for the property located at 30 Harbor Street. Prentiss seconded the motion. The motion passed by a unanimous vote.

STAFF BRIEFING

Day informed the Board of items that will be coming before them at the next Planning Board meeting. There is a Site Plan application for the Methodist Church located at 78 Holten Street across from McKinnon's that has already obtained zoning relief. BJ's will be coming before them with a Minor Modification for a propane refilling station on site, and 420 Newbury Street may be back before them if they are continued this evening.

Sam Cleaves, from the Metropolitan Area Planning Council (MAPC), appeared before the Board to discuss a follow up to a grant that is available to the MAPC. The State is trying to get communities to identify Priority Preservation Areas (PPA's) and Priority Development Areas (PDA's). The grant is intended to implement studies as well as continue work that is ongoing. Because PPA's and PDA's are good areas for smart growth, they decided to come back and speak with communities about follow-up studies and implementation work.

Cleaves stated that in speaking with Day they started thinking about the I-1 pieces, specifically the Holten Street I-1 zone. He is here to ask if Danvers would like to be included in an \$80,000 grant being offered. The grant would be split three ways with Beverly, Salem and Danvers; each receiving \$25,000. Cleaves stated he would be the lead planner on this project, and it would need to be completed by the end of the year.

Day elaborated about the discussion with Cleaves. She stated the I-1 zone extends from the ARC building to the Red Shed to Pete's-a-Place to an industrial building along the Rail Trail. She felt the area was expressing a trend toward mixed use. The charming colonials between ARC and the Methodist Church are already mixed use. The charming colonials between ARC and the Methodist Church are already mixed use. She stated this is finite enough and unique in its own way to explore the possibility of an adaptive reuse zone. Day stated that the Town may be looking at a zoning special meeting because of the medical marijuana issue and housekeeping items that need to be done, and that an overlay district in this area could be put forth for this warrant.

Henry stated that Day had contacted him regarding Cleaves coming before the Planning Board. Henry felt that the I-1 zone may be the easiest area to begin with, and felt it is a good time to look into the adaptive use overlay.

Sears thinks it is a good area that has not been addressed. He felt this area is an easier sell than High Street. He suggested inviting the Selectmen and the ZBA to a joint meeting to get a consensus before they proceed.

Cheetham stated she would prefer to see the High Street and Maple Street piece included. She felt they struggled with this in the waterfront area because they focused on I-1. She felt the same thing will happen on Maple Street. Some properties will want to flip over.

Henry felt they get a lot if they receive the \$25,000, but it will not get them very far.

Cheetham felt that they were not starting from scratch with the conversation.

Henry agreed with her and felt that it would not be a wasted effort. Whatever is accomplished will be a building block for the next zone.

Day felt it was advantageous looking at this area and an on-the-ground illustration would help it move forward.

Cleaves asked if the Planning Board was interested.

Henry felt they should bring in the ZBA and the Selectmen to be sure they were heading in the right direction.

Cleaves reiterated this was not a grant application; they are offering the money.

Day stated they should work with Cleaves to get the plan into motion to show to the ZBA and the Selectmen.

Cleaves stated he was glad the Board was favorably inclined and thanked the Board for their time.

CONTINUED PUBLIC HEARING

420 Newbury Street. Request for Special Permit and Site Plan Approval pursuant to Section 30 and Section 4 of the Zoning Bylaw submitted by Ventura Baking Corp. for property located in the Industrial I Zoning District. The applicant proposes to relocate the donut shop located within the Exxon Service station on the northbound side of Newbury Street (Route 1) to the Mobil station located on the southbound side of Newbury Street, to install a small addition to the rear of the building for cooler and storage capacity, and to add a drive-through window. (Assessor's Map 8, Lots 51A) (*Site Plan action date: March 29, 2013/Special Permit action date: March 29, 2013*)

Henry addressed the Board stating he was not looking to wrap up this hearing because they was still waiting for comments from various departments of the revised plans. He asked the applicant to begin the presentation.

Jason Panos, attorney for the applicant, Ventura Baking Corp., appeared before the Board. With him this evening was Scott Cameron from the Neve-Morin Group, Inc., Heather Monticup from GPI, Jose Ventura and Richard Ventura from Ventura Baking Corp., Richard Davenport for Global and Jim Murphy, site manager.

Panos recapped the application that was submitted. Ventura employs 40-60 people in town and has a good history of improving their sites. Ventura currently operates the Dunkin Donuts across the street at 425 Newbury Street .

Panos stated that they have also submitted a Traffic Impact and Access Study, a memorandum regarding refueling, and revised plans.

Panos stated the applicant is proposing a donut shop at 420 Newbury Street with a drive-through. He indicated the ZBA approved their application which included a Special Permit to accommodate the sign message board. The property is located in an I-1 zoning district, and they are looking to relocate the current donut shop to the Mobil station at 420 Newbury Street. A majority of the customers are heading southbound on Newbury Street and this will decrease the amount of left turns. The applicant proposes to install an addition to add a drive-through window which meets all the Special Permit requirements with queuing capacity. Panos stated there is more than ample parking having 18 spaces where only 12 are required. He stated that the traffic engineer and Cameron met with DOT, and as of yesterday, a

determination was obtained that no amended access permit is needed. Panos reiterated that the streets and water and sewer systems will not be overloaded. A traffic study was submitted, and the value of other land and buildings will not be depreciated. Panos stated that this is an appropriate location and improvement to the neighborhood.

Panos recapped the community impact traffic study prepared by GPI indicating that the traffic flow in and out of the site as well as within the site will flow better. He stated that overall there is no level of change. With the expansion of the 420 Newbury site, it will allow on-site safety. The bypass lane allows for more fluid access to delivery trucks as well as consumers utilizing the drive-through. Panos said that the visual impact analysis showed improvements to the rear of the property. The height of the addition will be no taller than the existing building. The existing six-foot berm just north of the property will remain as well as existing evergreen plantings will remain to provide screening to the mobile homes.

Scott Cameron from Neve-Morin Group, Inc. addressed the Board, noting that it is a flat site with ample parking. He described the fueling stations, existing building as well as the landscaping. The present south-side parking is a little short and the north-side parking spaces are undersized and very congested. Cameron stated there would be significant site improvements with parking by widening the south side. The north-side parking spaces will now be full size at an angle, and people can now exit through the bypass lane to the other curb cut. Cameron described the plantings that would provide screening to the mobile homes. The existing light poles will stay in the same location with the same type of lighting, and the menu board will be illuminated. Cameron stated that the bypass lane can accommodate a fire truck as well as a fuel truck.

Cameron described the grading plan showing where the runoff will be captured and felt the stormwater design was more than adequate. He also showed where the utilities were on the site.

Cameron stated that the plans were approved by Engineering, and they had been through the Technical Review Committee process.

At the ZBA meeting it was decided to provide an even bigger throat to allow emergency vehicle to exit the site, so a landscape island was eliminated. Maloney approved the revised plan.

Monticup addressed the Board concerning the Traffic Impact and Access study submitted in February. They looked at existing conditions of traffic volumes, collisions, speeds, future conditions projected through 2018 and traffic growth. They investigated site distances at driveways and they exceeded the requirements. She stated the drive-through can accommodate 15 cars in queue which exceeds the bylaw requirement.

Monticup described the two methodologies used for trip generation. One uses the traffic counts at the existing driveway, and the second is by trip-generation data from the Institute of Transportation Engineers (ITE).

She described the facility across the street as being a convenience store with a Dunkin Donuts and a gas station with eight vehicle fueling positions. This is the same as their site minus the drive-through

window. Traffic would be the same, but they had to account for the drive-through window. She presented rates from ITE for sites with and without a drive-through window, and it showed the rates would be lower with a drive-through window. Monticup further described the pass-by rates. In doing their calculations, they never removed the drive-through at 425 Newbury Street knowing that it can become occupied by something else.

The facility is being moved from the northbound side to the southbound site, so traffic will move from one side of the street to the other. There will be no detrimental impacts to Route 1.

Monticup described two southbound lanes with plenty of room for cars to get by if a car is waiting to get into the driveway. She stated there will be safer movements into the site along with more right-hand turns off the site. They met with Mass DOT and were informed that an amended access permit would not be necessary.

Panos told the Board that they are making site access and egress better as well as improving internal movement. He stated that stormwater is reduced onto Newbury Street, and the water is being mitigated.

Cheetham stated that the drive-through is at a suitable location. She felt the traffic flow is safer and offers a better position for safety for people coming down Route 1 to go to the malls or highways. She felt the drainage on the site is fine.

Zilinsky inquired what the queuing capacity was for the High Street Dunkin Donuts.

Panos presented a comparison with the High Street site and the Newbury Street site: urban vs. highway, seating vs. no seating, destination vs. commuter, no bypass lane vs. bypass lane, 15 queue vs. 10, 10,000 vehicles vs. 5,000.

Zilinsky stated she liked the project but is concerned with queuing. She felt that traffic moves smoothly in that area.

Cameron showed that the queues were based on a conservative order time of 30 seconds, but 45 second an even longer interval was used for the queuing forecast.

Panos told the Board that the internal plan of the site was designed to eliminate backup onto Newbury Street. He felt that people coming down Route 1 would drive by if there was a line at the Dunkin Donuts since there were other choices further down on Route 1.

Prentiss likes the way the site looks. He was not a big fan of drive-throughs, but changes in recent years make drive-throughs the best way to work on sites like this. He asked if there was a convenience store on the site, and this was confirmed by Panos. He inquired how many handicapped spaces were required, and it was confirmed that only one was necessary.

Prentiss asked how far away the traffic light on the south side was located. Monticup confirmed it was 200 feet from the south driveway. Prentiss asked if they would be amenable to one way in and one way out, and Monticup replied it would not be a good idea for people filling their cars with gas.

Panos stated that they investigated a one way in and one way out site.

Prentiss asked how they would be getting snow to the center island.

Cameron showed the snow storage areas on the plan and stated the center island works the best. The snow would drain directly into a treatment unit that will remove 80% of sand and grit.

Henry stated that the overall height of snow banks are limited, and he thought they should be clear about the height of the snow mound.

Cameron stated that even with 6 feet of snow, it is 1,000 yards of snow storage on this site.

Sears asked if the snow would melt into the queue.

Prentiss inquired the hours of operation and was told it was going to be 24 hours. He was told the peak business is in the morning, and they may scale back the hours. He asked about the 466 Restaurant, and Cameron told him that the three sides of the site abuts a storage facility.

Sears was concerned that this is the fourth use on a 2,000 s.f. site that is less than an acre on a highway. He feels they are trying to squeeze as many uses as they can onto the site. The building across the street does not have a drive-through window or liquor store. He felt a lot of activity is being crammed onto the site, and there is a crazy dynamic going on with people coming in from both entrances.

Henry asked Sears what the Special Permit conditions were that he had an issue, and what was the criteria that had not been proven to him by the applicant. Sears stated he was concerned about safety. Sears stated that the amount of people coming in and out of the convenience store and liquor store is not acceptable to him.

Panos stated that the beer and wine use exists and stated there would be an inverse peak time of operation. The peak time for the Dunkin Donuts is in the morning, and the beer and wine store is not.

Sears stated that Monticup's traffic study is flawed because it did not take the liquor store into consideration.

Henry pointed out the bylaws and told him to stay on point. The handicapped space needs to be there because of the handicap regulations.

Sears questioned the directional signage, and Cameron pointed out the stop sign on the plan. Sears asked where the employees were going to park, and Cameron stated there are 3-4 employees on the site. They have more parking spaces than needed, and parking would be most likely in the back. Sears is concerned it is a safety issue and suggested they park on the front left, and Cameron said that is where the manager presently parks.

Cheetham pointed out this is where people would fill their tires with air.

Panos stated the bypass lane helps with refueling which is done at night. The applicant has the ability to choose refueling times, and they are choosing 6:00 p.m. to midnight.

Sears questioned whether Monticup had the numbers for the activity for the other three uses on the site, convenience store, liquor store and gas. Monticup confirmed that they did not investigate who went where when entering the site, and the study did not segregate according to use.

Prentiss questioned whether the air-fill station and vacuum are staying where they are presently located, and Cameron pointed them out on the plan.

Henry stated it was a very thorough submission and felt it was a good application. He stated the Water Street site was a gateway to the town, and he would like to see their site look good since it is also a gateway into the town. He felt it could be a very nice situation. He was surprised that he had not heard from residents in the area. He confirmed that no waivers were being requested, and questioned whether they had received a lighting plan. There was mention of relocation of a light pole. He would like to make sure there is a lighting plan. He would also appreciate a response to the McMahon letter. He would like to see ITE results if the site is compared with fast food restaurants versus a donut shop. Henry also asked if no waivers were being requested, and Panos confirmed this.

Henry asked if the hours of 6:00 p.m. to midnight were being used for gas refueling only. Would other deliveries be made during this time? Panos confirmed that it was only for gas.

Henry asked if a crosswalk could be added from the four parking spaces on the left of the building. Cheetham did not think this was a good location.

Cameron responded to the questions concerning lighting by showing a picture of the existing light on the plan. The mobile homes are very far away.

Panos went over the requests of the Board such as the lighting waiver, a written response to the McMahon letter, and data on the breakdown on the sales for the uses.

Cheetham pointed out to Henry that there was a breakdown of uses in the traffic report. Monticup said she can provide the information for the next meeting.

Sears asked if beer and wine is a separate category, and Monticup responded she was not sure. She counted the convenience store since ITE does not have an add-on for liquor stores.

Panos pointed out this site only sold beer and wine.

Sears replied this is significant because they are going to the Mobil that sells beer and wine. The existing site generates less traffic than what is across the street.

Panos wanted to point out to the Board that the applicant was going to eliminate selling competing items at the convenience store that was being sold at Dunkin Donuts.

Stephanie A. Kiefer of Smolak and Vaughan appeared before the Board representing the property owner across the street at 425 Newbury Street, Verk Enterprises. She stated that 420 Newbury Street is a gas station, beer and wine store and a convenient store. She stated that the special permit had to be amended to allow additional use of a convenience store.

She pointed to a letter that she submitted from McMahon Associates in response to the traffic analysis. Monticup stated that they used ITE numbers and actual counts, however, the ITE numbers were extremely low in comparison to what she saw for the numbers at 425 Newbury Street. In fact the delta between morning peak hour incoming and outgoing traffic was approximately 90 each way. The present site does not have a drive-through or a liquor store. Kiefer stated they contradicted themselves. They do not fully account for traffic that is going to be generated by the drive-through.

She also questioned Panos' comment that traffic turning into 420 Newbury Street will be safer because it will only have to cross one lane of traffic, because it will impact the flow of traffic behind it.

Kiefer questioned the design and parking with no area for loading. She said that when the applicant was before the ZBA it was revealed that ten different vendors come to the site for deliveries, and there is no loading area which means the bypass lane or parking spaces may be used. The applicant stated that refueling takes ½ hour when her client reported that refueling takes over an hour which will impact the flow of traffic. She stated that fuel deliveries being made from 6:00 p.m. to midnight should be a requirement, and not a wish that this happen.

Kiefer also pointed to the McMahon letter indicating the queuing position of the cars was not adequate.

Kiefer also referred to Section 30.3.2 of the bylaws which states that public streets shall not become overloaded. She feels this is an issue with the site, and there may be a need for a divided entrance.

Sears asked about the alignment of the driveways at this site with the site at 425 Newbury Street, and Monticup stated the driveways were not perfectly lined up with each other. Sears asked that the entranceways be shown on the plan. Sears would like the site to have one way in. Monticup replied that this would not help the gas station on site.

Henry asked for clarification of a divided entrance, and it was pointed out that a median could be put in the driveways.

Panos stated that the DOT has exclusive jurisdiction over Route 1, and questioned the applicability of the bylaw stating they were overloading a public street. Henry asked Panos if they should defer their finding to the DOT. Sears stated that they are not pre-empted. Henry said this only meant that they did not have to redo their curb cuts on the site.

Sears told the applicant that he did not mean to be offensive. He does not live far from the site and feels the internal flow is concerning. He feels the site is overburdened, and they are maximizing the site for three to four uses.

Panos confirmed that the Board wanted the comments to the McMahon letter in writing.

Cheetham asked Staff to provide the Board with the ZBA minutes to address the uses that are being allowed by the ZBA. Panos stated that all ZBA issues were addressed.

Keifer stated there was a discussion with the ZBA regarding the hours, and they were not conditioned because the ZBA recognized that this application was coming before the Planning Board.

Henry told the applicant that they wanted all materials to be submitted to the Board prior to Friday, March 22nd.

MOTION: Prentiss moved to continue the hearing to the Board's next meeting on March 26, 2012. Zilinsky seconded the motion. The motion passed by unanimous vote.

MINUTES

MOTION: Sears moved to approve the minutes of February 26, 2013. Prentiss seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT

MOTION: Prentiss moved to adjourn. Sears seconded the motion. The motion passed by unanimous vote.

The meeting adjourned at 9:20 p.m.

Respectfully submitted:

Francine T. Butler

The Planning Board approved these minutes on March 26, 2013.