



*Town of Danvers*  
**Planning Board**

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

James Sears, Chairman  
Margaret Zilinsky  
Kristine Cheetham  
William Prentiss  
Aaron Henry  
John Farmer, Associate  
Member

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**Daniel J. Toomey Hearing Room**  
**April 8, 2014**  
**7:00 p.m.**  
**MINUTES**

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

**STAFF BRIEFING**

Day reminded the Board of a joint meeting on May 20<sup>th</sup> with the Board of Selectmen and Affordable Housing Trust regarding the proposed Housing Production Plan.

She told the Board that they were in receipt of several applications for the first meeting in May. There is an application for Site Plan Approval for the property located at 15 Cherry Street/4 Charter Street for 12 units at the Jones Brothers Insulation site.

Day stated that there was another application for a Special Permit at the location of the former Sports Authority at 100 Independence Way for indoor recreation in the form of trampolines. The applicant has a franchise that is successful, and is seeking to expand to a fourth location.

Day said that they had also received a Major Modification Application for 110 Newbury Street where they are looking to establish a drive-through for the credit union located at this site. The plaza is located at the intersection of Center St., Dayton St. and Route 1.

She stated that Car Max, a previously-owned car dealership, would be filing shortly for the site currently used by IRA Toyota. McCann stated that she hoped to file the application by the end of the week to be heard at the first meeting in May.

Prentiss addressed the Board and said that a Residential 3 property owner that presently had a home occupation was outgrowing the size of the house. This was brought to his attention by a Town Meeting member. He was told that the Building Inspector was informed and had not done anything about it. Prentiss asked who this party should speak to. He wanted to remain

anonymous. Day stated that she worked closely with Rich Maloney and would raise the issue with him.

## **PUBLIC HEARING**

**79 Andover Street.** Request for Site Plan Approval pursuant to Section 4 of the Zoning Bylaw submitted by Galopim Realty, LLC for property located in the Route 114 Zone A District. The applicant proposes to add a drive-thru window to the existing fast food restaurant. (Map 56, Lot 10) (*SPA action date: May 6, 2014*)

Sears read the legal ad and opened the public hearing.

Nancy McCann appeared before the Board on behalf of her client, Galopim Realty, LLC. Galopim has been operating this shop for almost 40 years. It started in 1975. The site is rather irregularly shaped, a perfect triangle. The site is a non-conforming lot with a non-conforming building and a non-conforming use. McCann told the Board that in November of 2012, Galopim acquired the property. He felt this was a good opportunity to address issues at the site along with putting in a drive-through.

She stated that they were looking for Site Plan Approval for a drive-through facility to meet the needs of their customers. Customers now expected and appreciated drive-throughs. In addition to adding the drive-through, parking issues could be addressed along with traffic flow layout and landscaping. The site is located on the westbound side of Route 114. The applicant also operates the Dunkin Donuts on the eastbound side of Route 114.

McCann stated that because they had a non-conforming lot and a non-conforming use, they needed to visit with the Board of Appeals. A decision was granted for a variance allowing relief, and a finding for the installation of a drive-through. Favorable comments were received from Building and Engineering.

With regard to the operations, Galopim's facility operates from 4:00 a.m. to 10:00 p.m. If the drive-through is approved, deliveries will be scheduled between 4:00 a.m. and 5:00 a.m. to mirror the Dunkin Donuts across the street.

McCann stated that there was a request for one waiver for visual impact assessment since the site had been there for 40 years. The improved landscaping and drive-through window are the only changes to the site.

McCann stated that with her this evening were Manny Tavares, the architect from M.J. Tavares Architect; Scott Cameron, the engineer from The Morin-Cameron Group, Inc.; Heather Monticup, project manager from Greenman-Pedersen, Inc.

Scott Cameron addressed the Board and described the site and existing conditions. He stated that there is parking around the building and at the rear. There are four stacked spaces at the front of the site, and three spaces on the right-of-way. The lot is 17,000 square feet encumbered by a

buffer zone close to the power company parcel. There is a wide span of wetland, and a very well established wooded buffer. To the east there is a restaurant and retail property which has an evergreen buffer with fencing.

Cameron described the site layout stating that they were focused on the drive-through and improving circulation. They would eliminate three parking spaces on the corner to be replaced with three trees.

He described the snow storage around the property. The circulation of traffic on the site would be counter-clockwise, and there would be a one-way in and one-way out. Curb cuts would be reconstructed to meet DOT standards. The dumpster will be relocated onto the property, and a loading space has been designated.

Cameron stated that they had initially eliminated the stacked parking on the site, but then decided to designate these as employee parking. The plan preserves the 27 spaces that now exist. There will be 15 dedicated spaces plus 12 in queue. There will be a menu board in the rear, and there will be full handicap access to the site.

Cameron described the existing drainage on the site stating that they had a fixed slab with a fixed building. They used existing grades on the site, and the landscaping areas will have depressions. The runoff to the highway is being decreased, and there are discharge benefits. It is a simple design due to the inability to put anything underground due to underground utilities. One light pole will be moved, and there will be downcast sconces at the pick-up window and menu board.

Heather Monticup from Greenman-Pedersen, Inc. addressed the Board about the traffic impact. She stated that they looked at the existing and designed condition with and without the drive-through window. There were two driveways that would be an exit and enter only. They looked at site distances and found they exceeded the minimum requirements. Monticup stated that in order to determine what type of trip generation would be generated with the drive-through, they looked at the site at 256 Andover Street. They compared the local trip-generation data with the ITE, which revealed the local data to be more conservative. She described the data to the Board.

Monticup stated that queue rates of two can be accommodated on this site for left and right exiting turns. The drive-through window lane will be a minimum of 12 feet wide and can accommodate 12 vehicles on site. She stated that they counted queues for two hours at 256 Andover Street and three hours on Saturday midday. She stated that there was a maximum of ten vehicles in queue with an average queue of five. On Saturday midday, there was a maximum queue of eight vehicles with an average queue of three vehicles. At the 420 Newbury Street Dunkin Donuts, queue observations were done between 7:00 a.m. and 7:31 a.m. and between 8:12 a.m. and 8:46 a.m. which revealed a maximum queue of nine vehicles and an average queue of six vehicles. It is anticipated that the queues can be accommodated on site.

Monticup stated that they have a counter-clockwise flow through the site. She stated that they met with Mass DOT on January 20<sup>th</sup> and they would like to see a couple of changes to the

driveway. They would like to see *Do Not Enter* signs on the site. An application has been submitted to the Mass DOT for an access permit, and they are waiting for comments.

McCann pointed out that in order to accommodate the drive-through, they decreased the size of the building. The existing building was close to the lot line which meant non-conformity was decreased.

Henry questioned whether decreasing four stacking spaces to two constituted a waiver, but felt this may have been due to a decrease in a non-conformity. He stated that he was concerned with the 12<sup>th</sup> spot. He felt it was a little tight and looked awkward in his review memo. The Engineer sat at the site and made observations and concluded that the 12<sup>th</sup> spot will work. Henry did not feel the site would generate more traffic. People will not seek out this specific site.

Cheetham stated that she was happy with this. Since the site is near a wetland, she asked if there was going to be a fence due to cups and straws that could blow off.

Cameron responded there was not a fence, but there was a dense evergreen hedge. Cheetham asked if there were trash bins and was told Galopim keeps the site very clean.

Cheetham asked if there was a better place for snow storage since this is adjacent to wetlands. She said she knew it would be difficult with the landscaping. Cameron stated that they are doing depressions to the landscaping to address the sand. Cheetham asked if they were going to do grass or mulch, and Cameron responded grass. He indicated there would be a grass buffer adjacent to the wetland.

Cheetham asked if they were going to need to submit a Notice of Intent, and McCann responded yes.

Prentiss thought it was a clean site. He said that he was not a fan of losing parking, but they are gaining a drive-through. He had a question concerning the traffic comparison point with two sites. He saw that there was a 50 car difference between the sites, and he asked if this was due to the drive-through. Monticup responded that traffic was greater in the eastbound direction. She felt that the Peabody location would lose some business now that this site would be gaining a drive-through.

Prentiss was confused with the information on Page 11 of the report regarding new traffic and pass-by traffic. Monticup responded that as part of the counts at the Peabody site, the new site would generate more traffic. Because they put in a drive-through, new traffic would be coming to the site. She felt it was going to be more pass-by traffic.

Prentiss stated that the number of cars was not going to change because of the drive-through. He stated that the Town Engineer mentioned a *Right Turn Only* sign and asked if the applicant had any issues regarding this. McCann said they saw the Town Engineer's recommendation, and his email indicated that he sat on the site for an hour and he was the only one that made a left turn. They had enough room for right and left turns and they would prefer not to have it. Cheetham

asked what was across from the site and Cameron described what was there. She felt that there would not be a lot of crossover traffic. Cheetham felt it was hard to stop people from taking a left turn.

McCann felt this site would pick up westbound traffic, and the other site would pick up eastbound traffic. People would take a left anyway. Prentiss would prefer the sign, but would defer to what the Board wanted.

Farmer asked if it was the oldest franchise in town, and he was amazed that this is the first time they have asked for a drive-through. He asked if there was anything in the future franchise agreements that would require upgrades that would cause problems in the future.

Galopim stated that the owner of the property at the time would not agree to a drive-through, but now the new owner of the land (Galopim) supports the idea.

Henry brought up the *Right Turn Only* sign or *No Left Hand Turn* that Prentiss mentioned. If no one else has an issue, he was okay with it.

Galopim stated that he has a *Right Turn Only* sign at the Peabody store, and customers still take a left.

Prentiss felt a *Right Turn Only* sign would not be a problem. McCann felt it made sense on sites that had a *Left Turn Only* sign.

**MOTION:** Prentiss moved to close the public hearing for the Site Plan Approval for 79 Andover Street. Henry seconded the motion. The motion passed by unanimous vote.

**MOTION:** Henry read the Certificate of Action and moved to accept the Site Plan approval for 79 Andover Street. Cheetham seconded the motion. The motion passed by unanimous vote.

## **MINUTES**

March 25, 2014

**MOTION:** Henry moved to approve the minutes of March 25, 2014. Prentiss seconded the motion. The motion passed by a vote of 3-0. Sears abstained.

Day passed out an informational pamphlet showing the function of the Planning Board. She felt it was helpful for new Planning Board members. She asked the Board to take a look, and she directed their attention to the left hand far column concerning citizens queries. She felt the Selectmen should do this at their meetings. Henry said that Lexington does not do it, and Cheetham stated that Hamilton did. Cheetham felt this should be done at the Selectmen's meeting, but it was not a wise idea to allow citizens to talk before a Planning Board meeting.

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Cheetham had a comment stating that the pamphlet did not spell out the planning functions that they do such as Master Plans, Open Space Plans and amendments to the By-laws.

Day said that they would make the change and expand to add her suggestion.

Prentiss felt if they were going to add citizen's queries, it could be added to the agenda prior to the meeting. Some queries may not be appropriate for the Planning Board, and they could be directed to the correct department. Day said that maybe they could put the queries under "contact us should you have a question". This way they could be directed to the appropriate department.

## **ADJOURNMENT:**

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

The meeting adjourned at 8:00 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on May 13, 2014.