

**Meeting Minutes**  
**Planning Board**

**Approved**

Wednesday, January 6, 2021  
Virtual Meeting via Zoom

**Members Present:** Peter Paicos, Chair; Larry Murphy; Woody Knight; Leslie Matthews;  
George Morse; Mary Stohn (Associate Member)  
**Staff Present:** Martha Taylor, Planning Director; Emily Noble, Planning Board  
Administrator  
**Town Counsel:** Brian Winner, Mead, Talerman & Costa, LLC

P. Paicos opened the Planning Board meeting at 7:05 p.m. and verified that all members and persons expected to be present were in attendance.

He then announced that this January 6, 2021 Open Meeting of the Newbury Planning Board was being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, suspending certain provisions of the Open Meeting Law due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus." He stated that the Planning Board was convening by video conference via Zoom, as posted on the Planning Board's agenda, and provided information on how people could view and join the Zoom meeting and participate when public comment was invited. He concluded by stating that each vote taken in the meeting would be conducted by roll call vote.

Following the opening remarks, P. Paicos turned to the first item on the agenda.

**A. Steven Sawyer, Design Consultants, Inc. – Submission of Level II Site Plan Review Application for new three-season 164-seat restaurant, including outdoor dining and 54 parking spaces, at 2 Old Point Road and 8R Old Point Road, Map U02, Lots 153 and 154; Owner/Applicant: Plum Island Properties, LLC, Vincent Godin, Manager**

P. Paicos invited the Applicant's representative to provide a brief overview of the project.

S. Sawyer, Design Consultants, Inc., spoke on behalf of the Applicant, Vincent Godin. He said this is a redevelopment of Angie's Garage and that the project will include demolition of the existing service station and the single family unit that is right behind it. He said they would be renovating the rear garage for the interior portion of the restaurant and that a mobile kitchen would be brought on site. He said in his opinion it will be a great addition to the Island and stated that they are hoping to get this moving forward as soon as possible.

M. Taylor said that this project has gone before the Zoning Board of Appeals, which has granted a special permit for the use, but that the written decision is still in process and has not yet been filed with the Town Clerk. A Notice of Intent will need to be filed with the Conservation Commission. She noted that a pre-application conference with the Applicant and relevant Town staff is a requirement of the Site Plan review Regulations and is done for the Applicant's benefit to identify potential issues before the Application is filed, but that this conference had not taken place, so those issues will need to be addressed during the process.

**Motion:** A motion was made by L. Murphy and seconded by G. Morse to accept the Submission of the Site Plan Review Application for new three-season 164-seat restaurant, including outdoor dining and 54 parking spaces, at 2 Old Point Road and 8R Old Point

Road, Map U02, Lots 153 and 154; Owner/Applicant: Plum Island Properties, LLC, Vincent Godin, Manager and to set the Public Hearing date for February 3, 2021 at 7:15 p.m. A roll call vote was taken. L. Murphy, yes; G. Morse, yes; L. Matthews, yes; W. Knight, yes; P. Paicos, yes.

**B. Continued Concurrent Public Hearings – A. L. Prime Gas Station and Convenience Store with Coffee Shop Tenant with Drive-Thru Window Operation, 23 Central Street (Map R20, Lot 28); Applicant: A.L. Prime Energy, c/o Anthony Guba, P.E.; Owner: R & E Realty Trust, Ronald & Edna Pearson, Trustees (Continued from December 2, 2020):**

- 1. Site Plan Review Application**
- 2. Special Permit Application (gas station & drive-thru operation)**

P. Paicos noted that L. Murphy will be recusing himself and M. Stohn will be participating in the Special Permit hearing. He said that M. Stohn missed the November 4, 2020, session of the hearing and has submitted the appropriate certification that she has watched the video of that session. P. Paicos said some new materials were received on December 2, 2020.

P. Paicos then asked Gary Hebert of Stantec Consulting, the Board's Traffic Consultant for the project, to address the traffic considerations. Mr. Hebert began by noting the dates of the review letters that he had submitted: August 27, 2020, October 6, 2020, and December 3, 2020. He then said he is going to speak in generalities. He noted that he felt that the Applicant had been responsive to his initial comments and that he had recommended some changes that were really needed to make this work. Overall the analysis of level of service during the morning and evening peak hours at this site indicate that it will work acceptably.

He said from an overall perspective, however, it is important to look at a few things that don't always get a lot of attention in traffic impact studies. One is the estimate of the traffic associated with the Dunkin Donuts component versus the traffic associated with the gas station. The applicant submitted information, which he agrees with, that shows that Dunkin Donuts would be responsible for roughly a quarter of the trips on a daily basis. During the morning peak hour it would be 60% of the traffic and during the afternoon peak hour it would be 40% of the traffic.

He said that even though this is "acceptable" there will be a noticeable difference in traffic in the area. He said pre-pandemic adjusted traffic pre-development is estimated at 800 vehicles an hour versus 1100 with the development. That is a 37% increase over the existing conditions. He said the increase on Central Street would be less east of Fruit Street than to the west between Fruit Street and I95.

G. Hebert said the increase would be significant from the standpoint of perception, but that it would be "acceptable" from a traffic operation perspective. That is the metric they have to go by when they are evaluating intersections in the area.

G. Morse noted that on one occasion when he was driving east over the highway, two cars had come off the I-95 off-ramp without paying attention to the yield sign at the top of the

ramp, causing him to use his horn. Both those vehicles then turned into Fruit Street. He said he doesn't think this is an isolated incident.

G. Hebert said it is important that traffic yield properly. He said when he was out there he didn't see anything too dangerous and that the crash data don't indicate there are a lot of serious problems at that location now. He noted, however, that the increased traffic would increase the potential for crashes. Even with that he doesn't expect crash rates to exceed the expected rates for similar intersections throughout the State.

G. Morse said it might be worthwhile to check with the State Police to see what kind of activity they have noted there. He said he has noticed State troopers stationed in that location more than once. He said that causes a concern for him. Referring to the Plan, G. Morse then asked if the center line had been moved.

G. Hebert said he was not aware of that and noted that might be a question for A. Guba, the Applicant's representative.

W. Knight asked if he heard correctly that this proposed development will cause an overall 37% increase in traffic over existing. G. Hebert said during the morning peak hour between the Central Street ramps and Fruit Street there will be a 37% increase. In other locations it is a little less. On a daily basis the traffic that exists between the Central Street ramps and Fruit Street is around 7,700 vehicles per day and that is projected to increase to 10,430 vehicles, a 2,730 vehicle increase, or approximately 34%, so a slightly smaller increase.

L. Matthews asked G. Hebert to reiterate what the peak hours are. G. Hebert said that the morning peak hour is between 7:00 and 8:00, with roughly a 324 vehicle increase. The afternoon peak hour would see a 264 vehicle increase.

M. Stohn asked what one would expect for overnight traffic. G. Hebert between the I-95 off-ramp and Fruit Street there would still be a 34% increase, but during nighttime hours traffic would be lower than during peak hours. If you have 200-300 additional vehicles per hour during the day, there could be an additional 40 or 50 vehicles per hour at night. M. Stohn asked for confirmation that traffic would be coming from I-95 right. G. Hebert said yes, primarily.

P. Paicos asked if G. Hebert had received the information on the traffic differential between a gas and convenience store only and gas and convenience store with a coffee shop. G. Hebert said that data was a combination of looking at the information provided by the applicant and data from the Institute of Transportation Engineers. He said it is hard to differentiate. He said that roughly 25% of the daily trip would be related to the Dunkin Donuts and 75% would be for fueling. He noted that from a big picture perspective, it is the total number of trips that matter and he thinks those estimates are conservative on the high side.

P. Paicos said according to the information provided the increase in traffic would be about 2,000 if it was just a gas station, but with a Donut shop it would be about 2,700. He said that is reflected in the peak hour totals as 206 additional trips in the morning and 108 in the evening.

P. Paicos asked M. Taylor if traffic would be turning into the site at the point where the road starts to narrow down. She said yes. P. Paicos then asked G. Hebert to help him understand the widths of the lanes.

G. Hebert said he believed that for the recommended option the maximum width was four feet beyond existing conditions. That is carried only to entrance to the site. He said the width of Central Street goes from 40 feet at Fruit Street down to 32 feet right to the west of the proposed entrance to the site. M. Taylor said that the eastbound travel lane is 13 feet wide with a four foot shoulder, and the westbound travel lane at that point is 11 feet wide with a four foot shoulder.

P. Paicos then went through a possible traffic scenario. He noted that peak traffic in the morning will see an additional 200 vehicles going just to the donut shop. He then asked for confirmation that the proposed entry operation would be encouraging eastbound through-traffic to pass traffic turning into the facility on the right. G. Hebert said yes. P. Paicos then noted that in the morning all the 50-foot long school buses going to Triton traveling eastbound on Central Street will have to negotiate around left turning traffic at the narrowest part of the road. He asked what traffic issues this would cause as people are coming out of a residential area during the peak morning hour and what impact this significantly increased volume during this very narrow amount of time would have. He said he was concerned especially because school buses are involved.

G. Hebert noted that he did not do the traffic study, he just reviewed it. He said he asked the applicant to be sure that all different vehicles were included and noted that he was concerned about the length of vehicles.

P. Paicos said he appreciated that G. Hebert was reviewing someone else's data. He then asked, if the Board were to approve this as designed, with a situation where vehicles are encouraged to pass turning cars on the right, would the project potentially create more traffic conflicts.

G. Herbert said technically what you are doing is allowing traffic to bypass to the right if necessary. He said if you don't want to allow that to happen, you would be increasing queuing, which would potentially make rear end collisions more likely. He said that any time a left turn situation is created, it is never an improvement over an existing situation where you don't have a left turn and creates safety concerns. He noted that it will be more difficult for people to turn out of Central Court onto Central Street, but it is not going to be an operation that is considered to be unacceptable in normal traffic engineering analysis terms.

P. Paicos said he understood and just wanted to have a sense of the impact this would have on residents that are coming out of that area.

G. Morse said that there is a large brown house to the east of the proposed site that extends out towards the road. He said you would have to look around this house to see the site. He asked if he has looked at that sightline issue.

G. Hebert said most of the traffic will be on the other side of the site. He said he expects very few changes to the east of the site. G. Morse said he was concerned that if someone is

travelling westbound, they may see the gas station and the traffic a little late. G. Hebert said he did look at the sight lines; he went to the top of the hill and he determined you would be able to see traffic entering there, but he didn't want traffic exiting there because that would be a sight line issue. He felt it was good that the exit had been moved farther away from that curve.

L. Matthews said she thought that what G. Morse was referring to was Noyes Tree Service – there are large trucks entering and exiting off that property. She then asked if the coffee shop is sit down or take out, with both an interior window and drive-thru window.

G. Hebert said he believed from the plans that there are a few interior tables, but that may be a question for A. Guba. He said they are both included in the analysis.

L. Matthews said she had had some people ask her if there was a restaurant going into the facility.

P. Paicos thanked G. Hebert for all his work on this. Then he asked Anthony Guba, A.L. Prime, if he had any new materials or information to present to the Board.

A. Guba said they had made some minor changes to the plans in order to address some peer review comments. He said he thought everything had been presented other than the addition of a catch basin at the front of the store to catch stormwater coming down the east side of the store so that it doesn't run across the front.

A. Guba shared his screen to show the current plan of the station. He pointed out the location of the additional catch basin.

A. Guba then said he wanted to answer a couple of questions. He said there was a question about the buses in the a.m. peak hour and noted that question had come up previously from the Fire Chief. A. Guba said the school start and stop times do not coincide with the a.m. and p.m. peak hours, so the buses would be passing through well prior to the a.m. peak hour.

P. Paicos said that if you have a coffee shop, high school students are going to be stopping and creating their own a.m. peak hour. A. Guba said hopefully this location would be safer for those students than a more distant location.

A. Guba said that the plan shows 12 seats, which is typical for a Dunkin operation. He added that most product will be consumed off-premises.

Regarding the comment about the police being on the ramps often, he said he knows that the ramps offer a good location for a speed trap and noted that he used to commute by there on a daily basis and was always careful there.

W. Knight asked whether the retaining wall on the plan was new. A. Guba said they always showed a retaining wall there. Previously it was along the property line, but they extended it and shifted it a little bit in order to raise the grade. W. Knight asked if the wall is in the easement or in the proposed lot. A. Guba said it crosses over onto the lot, but is primarily in the easement.

P. Paicos asked what the number of buses that travel to Triton in the morning looks like. A. Guba said couldn't answer that off the top of his head.

P. Paicos then asked about the numbers of trucks from Pearson Plaza and Noyes Tree Service. A. Guba said he didn't know if the truck counts were specific as to where they were coming from – he said he would have to go back and check. He then noted that when he has been at the site, he has not seen any trucks going in and out of Noyes. He said they must, but he is not sure how often.

P. Paicos asked whether M. Taylor whether there had been any written comments regarding the project. She said they had received an email from Chris Murphy with attachments.

P. Paicos then opened the hearing to public comment. He said that the Board appreciates all the wonderful input, but is looking for is new information and comments that the members have not heard before.

Eric Maramaldi, 28 Central Street, said that he lives diagonally across from the site and had a question for G. Hebert. He asked about the “do not pass” sign on Central Street and noted that he was concerned about that, how will that affect this situation, and how are you going to have enough room when you can't technically pass anyway. G. Hebert said that some people may still not feel that they can pass on the right, but it will be physically possible to do so. He said it is not intended to be a high speed passing situation. A. Guba said that bypassing on the right when someone is turning left is not considered passing.

E. Maramaldi said that, regarding school buses, it is not just the Triton buses. He noted that Pearson Plaza is where Whittier students get picked up and dropped off and those pick up and drop off times are not the same hours as Triton.

E. Maramaldi said in the spring with all the tree work all of the trucks from different tree services come to Pearson Plaza to sell the logs.

Kathy Spurling, 10 Parker River Drive, said she would like to know who is paying for the reconstruction of the road. She noted that there is a tree on the McBurnie property that may have to be removed. She said they continue to be concerned about visitors coming into the area and not being a part of the community. She said the applicant's materials included the frequency of trips to Dunkin Donuts in different parts of the State and noted that the most recent date was in 2016, which she thought was a little outdated. Regarding the discussion about turning and passing on the right, she said that there is no way that they as residents of Parker River Drive and Central Court will be able to get out of their street.

K. Spurling then said she had a new point that she believes she included in a letter of December 2 (undated) sent to M. Taylor. In the previous meeting it was brought to their attention that there was a project on Downfall Road, Seacoast Canine, that the Planning Board did not approve based on Section 97-3.C. (1)(a) of the Zoning bylaws. In that section of the bylaws there are five criteria that were considered. She said even though this is a commercial property, the properties across the street are residential and agricultural, so these criteria should pertain.

She said that per that Section of the Zoning Bylaw, in order to grant a Special Permit, the Board must find that the proposed project is in the best interest of the Town. In her opinion, based on the 276 signatures on a petition opposing the project, the 72 people that came to the first session of the public hearing, and the multiple letters that members of the community have written, this project is not in the best interest of the Town.

Second, the Board must find that the project will not be injurious or obnoxious to the neighboring properties. She said according to their interpretation the proposed project is obnoxious to neighboring properties, as evidenced by the number of neighbors who have spoken out against the project.

Third, the Board must find that the project will serve a need or convenience that is not otherwise served. She said that this has already been discussed with reference to the other gas station and convenience stores.

Fourth, the Board must find that the project will not affect abutting and nearby properties by increasing traffic and on street parking. She said that, as was discussed earlier in the meeting, traffic is going to increase. She noted that G. Hebert said earlier in the meeting that although the traffic operations would be acceptable, there will be a significant increase and noticeable change in the amount of traffic that will result from this project. The abutters have objected to the traffic.

She then referenced G. Morse's previous comment regarding the yield sign coming off of I-95. She said drivers do fly off that ramp and doesn't know how that can be stopped – it is a state issue. She said the big issue is traffic and there is no way around it, the traffic is going to increase. The question becomes whether this is something we want in our Town. She said she thinks that the neighborhood and people throughout the Town have brought to the Board's attention the fact that this is something that they don't want. She said that the Pearsons had previously proposed a gas station for the parcel where the office building is now located next to Pearson Plaza, but the application was withdrawn. She noted that nobody had had any issues with that office building being located on that parcel, because of the size and the lack of traffic it would draw. She concluded by saying that the gas station is not the type of project they would like to see on this commercial piece of property, that if this project were across the way on the other A.L. Prime property, it might be a different story, and that this project is too big for this site and is not wanted by the community.

Melissa Gaspar, 3 Johnson Lane, said she would like to echo what K. Spurling said, that there has been a lot of evidence of people not thinking this is a good project for their neighborhood. She said she would like to take issue with the traffic study when it says acceptable levels of traffic – she doesn't think 34% more traffic in the mornings is acceptable. She also disagreed with the determination that the peak time is between 7:00 and 8:00 a.m. She said you can clearly hear traffic at 5:00 a.m. and there is still a lot of traffic when she leaves for work at 8:30. She said that a coffee shop would draw more traffic there. She said she hopes the Planning Board will listen to the 276 people who have signed the petition. She said that if the project would not be safe with the road as it is, that is reason enough to say this is not a good use of this property. She is not comfortable with it and asked why should they accommodate something that is going to be detrimental to their neighborhood.

Karen Barry, 12 Parker River Drive, said that K. Spurling and M. Gaspar both made the comments she wanted to make regarding traffic, negative impact on the character of the Town, and lack of benefit to the Town. She said she doesn't see this as a benefit to the Town or the needs of the Town. She said there are two Dunkin Donuts in Newburyport and there is one in Rowley. There is already a gas station in Town. She thinks the traffic is going to be a huge issue. She said it is a mess both in the morning and the afternoon. She said they have made minor changes but the project is still the project.

Kimberly Kmiec, 56 Fruit Street, said she was here because she is opposed to the proposed project. She said she moved to Byfield four years ago with her husband to raise her children in a safe and quiet rural town. She said she believes a project like this is the opposite of the kind of development the Town needs. It is much more detrimental than the property's current use. She said the area around this property is a heavily utilized commercial operation with overreaching use of their surrounding environment. This type of addition to the area would only make the issues at hand worse. She said this property is a pre-existing nonconforming lot with less than required frontage and asked why the Town should allow a high vehicle intensity use on a lot with less than adequate area. This property is one third of the size of the lot that contains the gas station at 17 Central Street.

K. Kmiec said with the addition of the Rusty Can, the number of vehicle trips has grown 1000% over the last few years. This proposed use is only going to increase that. She said that this area is residential and there are a lot of children that live on Fruit Street and the surrounding streets. She said it doesn't make sense and it seems dangerous. She said the abutting properties at 2 and 10 Fruit Street are a regulated chapter 61A open space for forest and agricultural use. This project will be more detrimental to the abutting open space than it is in its current use. She asked for the Board to think this through and consider the current negative feedback from the Byfield residents. She said she appreciated the Town's peer review and the changes made, but this use would be much more detrimental than its current use. She said almost every traffic study is dependent on the method utilized. She said this is going to create issue for the Town far into the future and it is likely going to be coming through tax payer wallets.

M. Stohn commented that it is really great to have people participate in this process. It helps the Board members think through the proposal.

A. Guba said he would like to address a couple of things. First, he knows that there is a perception that the accident rate is really high, but the accident report that was done through the police does not confirm that and shows that this is a lower than average accident area. He said as far as who is paying for the project, the cost of any improvements that need to be made to the road would be borne by A.L. Prime and there would no extra cost to the Town. He noted that while it was stated that all the abutters are in opposition, there are at least three letters on file from direct abutters who are in support of the project.

A. Guba said as far as this not being the correct use of the property, the property is zoned Commercial Highway, one of the few zones that specifically allows the use of the gas station by special permit. The residential use that is there now is nonconforming. The gas station on the other side of the highway is nonconforming, because it is in the Commercial Highway A zoning district, which does not allow this use. He said he understands it seems



contrary, but it appears that this is the use that was intended when the zoning was put in place.

A. Guba said it is a lot harder to get people to sign a petition in support of things like this. He said at the same time that it is being argued that the use is not needed, it is being argued that it's going to generate a lot of traffic. He said those seem to him to be conflicting points of view. He said if it is going to generate a lot of traffic then it is a use that is needed or wanted.

A. Guba said that A.L. Prime is open to suggestions and could make modifications, but cannot reconfigure the project by turning the station around to put the pumps at the back of the lot because that would not work with the layout of the property. He said they also can't enter the site off of Fruit Street because this would require crossing several other properties and create grading issues.

M. Taylor made one clarification, noting that the existing A.L. Prime gas station is not in the Commercial Highway A zoning district, as stated by Mr. Guba. Rather it is in the same zoning district as 23 Central Street, the Commercial Highway District. The one difference is that the front part of the existing gas station property is zoned Commercial Highway and the back part is zoned Residential Agricultural.

Bob Gulino, 9 School Street, said he can't imagine putting three traffic lanes in that section of Central Street and doesn't know how they are going to do that.

G. Hebert said there will be no turning lane there; rather it will be a slightly widened area for people to be able to bypass turning cars on the right.

B. Gulino asked for confirmation that the shoulder has nothing to do with passable traffic, just the lanes. He said he doesn't understand how you can have any increase in traffic and not have it gridlocked periodically, let alone with 18 wheelers.

P. Paicos then said that in order for his Board and for the public to know what the Board is tasked with, he would like to go through the Site Plan Review criteria.

M. Taylor put the Decision Criteria from Section 97-9.A. of the bylaw up on her screen:

- (6) Decision Criteria: The Planning Board shall approve an application for site plan review if it finds that the Applicant has submitted sufficient information from which it can determine that the proposed project will:
  - (a) Minimize:
    - 01) The volume of cut and fill;
    - 02) The number of removed trees 6" caliper or larger;
    - 03) The area of wetland vegetation displaced;
    - 04) Soil erosion;
    - 05) The threat of air and water pollution; and
    - 06) Traffic congestion.
  - (b) Avoid removal of existing stone walls or, where removal is required, minimize length of removal;

- (c) Provide adequate stormwater management and other utilities consistent with the requirements of Newbury's Stormwater By-Law and the Planning Board's Subdivision Rules and Regulations;
- (d) Maximize safety for pedestrians and vehicles both on the site and entering onto and egressing from it;
- (e) Provide adequate access to each structure for fire and emergency service equipment;
- (f) Minimize obstruction of scenic views from publicly accessible locations;
- (g) Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- (h) Minimize intrusion of glare from headlights and site lighting on surrounding properties;
- (i) Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
- (j) Prevent contamination of groundwater from any source;
- (k) Enhance the appearance of the property to the greatest degree possible by means of landscaping and other site amenities;
- (l) Minimize impacts of the use on adjacent properties through regulation of hours of operation, deliveries, noise, rubbish removal, and on-site storage;
- (m) Ensure compliance with the provisions of Newbury's Zoning By-Law, including parking and signs.

Notwithstanding the above, regulation of uses and structures referred to in G.L. c. 40A, § 3 (exemptions from zoning) shall be limited to the extent allowed under said section of the General Laws.

Referring to the criteria, P. Paicos said that they have had meetings to discuss this, they have heard from the community, the Applicant, and the Traffic Consultant, they have taken a site walk, and they have looked at the plans and the Application. He would now like to open this up for Board member discussion to see if the Board is prepared to consider taking a vote on the Application at the next session of the hearing. If that is the case the Board will direct Town Counsel and M. Taylor to draft Decisions based upon the sense of the Board from its discussions.

G. Morse said he is ready to proceed.

L. Matthews said she is ready to move forward.

W. Knight said he is as well.

M. Stohn said she is ready to proceed.

Referring to the decision criteria, P. Paicos said he thought that with respect to (a) the project would result in minimal volume of cut and fill, number of removed trees 6" caliper or larger, area of wetland vegetation displaced, and soil erosion.

He then said there is some concern about the threat of air and water pollution. He asked the Board members if they felt the same. G. Morse said yes and that he also had concerns about (a) 06) Traffic congestion. L. Matthews agreed. W. Knight said yes to both of those. M. Stohn agreed also.

Moving on, P. Paicos said, in reference to (b), that he didn't think there are any stone walls on this site, so this criterion isn't application. In regards to "(c) Provide adequate stormwater management and other utilities consistent with the requirements of Newbury's Stormwater By-Law and the Planning Board's Subdivision Rules and Regulations," he didn't think there were any issues at this time.

M. Taylor said that J. Serwatka has reviewed the plans and he feels that his comments and concerns have been addressed.

B. Grasso said that J. Serwatka has reviewed the plans under the Site Plan Regulations and Stormwater Management and A.L. Prime has revised all the plans according to his recommendations.

P. Paicos asked if the Board members had any issues with "(d) Maximize safety for pedestrians and vehicles both on the site and entering onto and egressing from it."

G. Morse, L. Matthews, W. Knight, and M. Stohn all said they have concerns.

P. Paicos said he didn't think there is any issue with "(e) Provide adequate access to each structure for fire and emergency service equipment" or "(f) Minimize obstruction of scenic views from publicly accessible locations." The Board members expressed no concerns about these two criteria.

P. Paicos asked the Board members what they thought about "(g) Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned." G. Morse said it is marginal, he is not concerned. L. Matthews said minimal concern. W. Knight said the same and M. Stohn said she had no concern.

P. Paicos asked the Board members if they had any concerns with "(h) Minimize intrusion of glare from headlights and site lighting on surrounding properties." All members said yes.

P. Paicos asked the Board members if they had any concerns with "(i) Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places." All members said yes.

P. Paicos asked the Board members if they had any concerns with "(j) Prevent contamination of groundwater from any source." All members responded no.

P. Paicos asked the Board members if they had any concerns with "(k) Enhance the appearance of the property to the greatest degree possible by means of landscaping and other site amenities." All members responded no.

P. Paicos asked the Board members if they had any concerns with “(l) Minimize impacts of the use on adjacent properties through regulation of hours of operation, deliveries, noise, rubbish removal, and on-site storage.”

G. Morse asked for a comment from B. Winner as it applies to 40 A 3. B. Winner said no, in terms of the exceptions in 40 A 3 nothing stands out to him in particular in this provision. L. Matthews said she has no concerns. W. Knight said it is hard to foresee, there may be some issues. M. Stohn said no.

M. Taylor then noted that this involves regulation of hours and A.L. Prime has requested to operate 24 hours. It seems this request would come up for discussion under this item. M. Stohn said she had misread this criterion and yes she has concerns. G. Morse said he still has no concerns. L. Matthews asked if there was any provision that these services could be limited to specific hours. P. Paicos said we don’t want to get into writing conditions now, he said their experience has been that conditions like that can be hard to enforce, so if you are going to allow it you are going to allow it. L. Matthews said yes she has concerns. W. Knight said he has concerns with it being a 24 hour facility.

P. Paicos asked M. Taylor where are we in the process of trying to make this project more residentially friendly in appearance. M. Taylor said there are two issues. One of them is the building itself. She noted that the applicant has changed the form of the building to be a little more consistent with the buildings in the surrounding area, but the Applicant is still proposing the standard A.L. Prime color scheme which is not consistent or compatible with the neighborhood. She said the lighting that is proposed is far from what would be considered consistent with that neighborhood.

P. Paicos asked M. Taylor for some images that he thought might be helpful. The first image that M. Taylor put up on the screen was a gas station with very controlled lighting. P. Paicos said it was a comfortable look from his perspective. He said that the Applicant had made a nudge in this direction, but not to this degree. M. Taylor then pulled up a photograph of a Dunkin Donuts in Rowley with a more contextual design than the corporate standard. He said he thought something like this would make more sense for this community than what is being proposed.

P. Paicos read “(m) Ensure compliance with the provisions of Newbury's Zoning By-Law, including parking and signs,” and asked the Board members if they had any concerns. No concerns were noted.

P. Paicos then summarized his understanding that the Board members had concerns about compliance with a number of the Decision Criteria.

He asked Board members if they had a sense of where they are at with this.

G. Morse said he is against it.

L. Matthews said that she has concerns but they are not overwhelming.

W. Knight said he has concerns.

M. Stohn said that she has concerns.

P. Paicos said that he is very concerned with traffic safety, buses, trucks turning, the narrowness of the road. He said he is concerned with the fact that while the property is zoned commercial, it is across the street from a number of homes. He is sensitive to the presence of families and children. He said he has tried to encourage the Applicant to consider redesigning the project, but he has had significant push back. He said he thinks the Applicant has a sense of where the Chair stands on this.

He then asked if the Board would like to direct Town Counsel and the Planning Director to draft Decisions. All members said yes.

**Motion:** A motion was made by L. Matthews and seconded by M. Stohn to direct Town Counsel and the Planning Director to draft Site Plan Review and Special Permit Decisions for A. L. Prime Gas Station and Convenience Store with Coffee Shop Tenant with Drive-Thru Window Operation, 23 Central Street (Map R20, Lot 28); Applicant: A.L. Prime Energy, c/o Anthony Guba, P.E.; Owner: R & E Realty Trust, Ronald & Edna Pearson, Trustees. A roll call vote was taken. L. Matthews, yes; W. Knight, yes; P. Paicos, yes; M. Stohn, yes.

**Motion:** A motion was made by W. Knight and seconded by L. Matthews to continue the Concurrent Site Plan Review and Special Permit Public Hearings – A. L. Prime Gas Station and Convenience Store with Coffee Shop Tenant with Drive-Thru Window Operation, 23 Central Street (Map R20, Lot 28); Applicant: A.L. Prime Energy, c/o Anthony Guba, P.E.; Owner: R & E Realty Trust, Ronald & Edna Pearson, Trustees to February 17 at 7:15 p.m. A roll call vote was taken. G. Morse, yes; L. Matthews, yes; W. Knight, yes; P. Paicos, yes; M. Stohn, yes.

**C. Public Hearing – Site Plan Review Application for a new office building and site contractor storage, 84 Boston Road (Map R36, Lot 23A); Applicant: K & R Construction Company; Owner: Sled Road, LLC**

P. Paicos opened the public hearing continuance and asked the applicant if he had any new information to present.

Kevin Whitney, K & R Construction, showed the Board the revisions that were added to the plans. He said there had been some questions about how much cutting and filling was proposed and added that they are not doing any work in the wetland buffer.

M. Taylor asked if they are assuming they will be able to do a balanced cut and fill.

K. Whitney said it is pretty much balanced and they will mimic the grade of Boston Road.

K. Whitney noted that there is a septic system design on this plan and pointed it out.

M. Taylor said the one remaining question from the Peer Review Engineer is something she needs to address with the DPW Director regarding the interface between the grading on the site and the grading that will need to happen in the Boston Road right-of-way.

K. Whitney said the grades are not too far off, and they will be cutting their property down to match the grade in the road. He said they would be removing some of the hump on the edge of the road within the right-of-way.

P. Paicos said he knows some of the members of the Board were not able to make it to the site walk and he thinks it is very important for all of the members to visualize this. He said it is a rugged site and will require a significant amount of clearing and probably blasting. He said the site is across the street from the Transfer Station, on the back side of Newbury Self Storage.

He then said that the Conservation Commission at its meeting the previous night had raised some concerns about the amount of wetlands on the site and the impact of the project on the wetlands. He said K. Whitney had indicated to the Commission that they would not be doing work in the wetlands. However, the Commission feels that building a retaining wall in the location shown on the plans is going to disturb the wetlands.

K. Whitney said the Commission members seemed to be having trouble understanding the amount of space they are trying to create and use on the property. He said it is hard to show unless you know how much area a tractor trailer needs to maneuver.

M. Taylor pulled up a plan that showed a tractor trailer's path through the site. P. Paicos noted there are two bays in the building that they can fit tractor trailers into. The other bays would be for other equipment.

K. Whitney said he wanted to try to answer any questions or concerns. He said he supported having another site walk and could be there to guide that.

L. Murphy asked if they would be cutting trees on most of the lot. K. Whitney replied that they would be cutting about 70% of the trees on the lot, but would cut nothing in the wetlands. L. Murphy asked if there are any mature trees they can save. K. Whitney said he would like to, but it would be difficult with the grade changes.

L. Murphy then asked what sort of daily traffic they expect to generate. K. Whitney said they are a small company, eight employees total. There will be one to three large trucks coming and going in the morning and coming back in the afternoon, and a couple of office personnel. L. Murphy asked if they will have customers coming to the site. K. Whitney said they are not retail, but occasionally there might be a customer coming for a meeting with him.

L. Murphy asked if K. Whitney anticipates any issues with the Transfer Station, which is pretty busy three days a week. K. Whitney said no, he doesn't – he has been working at the Storage Facility and said that while there are a considerable number of cars going to the Transfer Station, his personnel would be leaving their site before the Transfer Station opens and coming back after it closes, so there should be no conflict.

W. Knight encouraged everyone to do a site walk. He said the only concern he has is with the lighting. The easement cut through to Newbury Self Storage has made it possible to see the Self Storage lights from Newman Road.

L. Matthews asked about the hours of operation. K. Whitney said they will be Monday through Friday. In addition, he occasionally goes in on Saturday to do some office work.

P. Paicos asked if there were any public comments; no one asked to speak. The Board looked at scheduling a second site walk and decided on Friday, January 15, at 2:30 p.m.

**Motion:** A motion was made by L. Matthews and seconded by M. Stohn to continue the Public Hearing – Site Plan Review Application for a new office building and site contractor storage, 84 Boston Road (Map R36, Lot 23A); Applicant: K & R Construction Company; Owner: Sled Road, LLC, to January 20, 2021 at 7:15 p.m. A roll call vote was taken. L. Murphy, yes; G. Morse, yes; L. Matthews, yes; W. Knight, yes; P. Paicos, yes.

**D. December Financial Report**

P. Paicos read the December Financial Report

**E. Liaison Reports**

L. Matthews reported on the Selectboard meeting – other than discussion of the 3 Newburyport Turnpike project, the meeting was all business licenses. L. Murphy reported that the Zoning Board of Appeals meeting is later on in the month. M. Taylor had nothing to report on the Merrimack Valley Planning Commission. P. Paicos reported on the Conservation Commission, which discussed 84 Boston Road and 3 Newburyport Turnpike at its last meeting.

**F. Planning Director's Report**

M. Taylor reminded the Board that the next Tuesday they have two public hearings, the Golf Center and 3 Newburyport Turnpike.

She reported that she had received that day draft copies of the OSRD Special Permit and Definitive Subdivision Plan submissions for 15 Coleman Road.

There being no further business, P. Paicos called for a vote to adjourn. A motion was made by L. Murphy and seconded by L. Matthews to adjourn the Planning Board meeting. A roll call vote was taken: L. Murphy, yes; G. Morse, yes; L. Matthews, yes; W. Knight, yes; M. Stohn, yes; P. Paicos, yes, and the meeting was adjourned at 9:49 p.m.

Respectfully Submitted,

Emily Noble  
Planning Board Administrator