



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 23, 2015
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ORDERED:

That the **RESCHEDULED PUBLIC HEARING** On the Application for Special Permit from Attorney Bergeron on behalf of NPG Management LLC, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple St., Order No. 15-1006070A, all were heard who wish to be heard, hearing recessed at 8:55 PM.

Councilors Present: Pope, Ossing, Oram, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.

PUBLIC SPEAKING IN FAVOR

David McCay of Mirick O'Connell introduced Arthur Bergeron, also of Mirick O'Connell, Mike Scott, of Waterman Design Associates, and George Delegas of NGP Management, and provided an overview of the project.

Mr. McCay explained they are proposing removal of the old registry building at 525 Maple Street on the South end of town before crossing into Southborough. There is another Dunkin Donuts further North on Maple Street and a condition of this Special Permit application, is to close that location when this proposed location opens. This site had some other permitting requirements associated with it, one of which was an order of conditions from the Conservation Commission which they have obtained. The site also required a number of variances due to the shape and topography of the location. They have obtained the necessary variances. They have spoken with neighbors and believe they have resolved the neighbor's concerns. They have submitted a letter of support from Brox Industries which is located across the street from the site. They have obtained the necessary variances from the Zoning Board of Appeals (ZBA) so that portion of the permitting is in place.

Mr. Bergeron explained what is being proposed for this site. The layout of the site required the backing of the Dunkin Donuts parallel with Mill Street so all traffic will enter and exit on Maple Street. The cue runs perpendicular and then parallel to Mill Street as indicated on the applicant's Power Point presentation. Customers will order prior to the building and then proceed to one of two windows for order pick up. There is enough room for a car to pass on the right of a vehicle at the first window to pick up their order at the second window to prevent traffic backups.



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One abutting neighbor had concerns and the applicant had agreed to the construction of a fence on top of a wall between the properties.

Mr. Bergeron stated there is room for at least fourteen cars in the cue and there will be the ability for large orders to be taken out of turn and not hold up the line.

Mr. Bergeron showed pictures of the location as it is the view of drivers entering the City. The location is zoned as commercial and automotive and the most likely use of the site would be a used car lot. They are proposing the planting of trees to screen the site from passing traffic.

There is no one else speaking in favor. That part of the Public Hearing is closed.

QUESTIONS FROM THE PUBLIC

There are no questions from the public. That part of the Public Hearing is closed.

PUBLIC SPEAKING IN OPPOSITION

There is no one speaking in opposition. That part of the Public Hearing is closed.

QUESTIONS FROM THE CITY COUNCIL

✓ Councilor Oram asked if there was consideration for more vegetation or seating for the parking lot. Mr. Scott responded that the parking lot, as noted in the application, has forty-one spaces which is an excess amount of parking compared to what is required by zoning. The proposed store has quite a bit of internal seating as compared to the typical Dunkin Donuts. On the south side, there is a patio area but they are trying to keep people in the store by providing Wi-Fi and comfortable seating. They will utilize most of those forty-one spaces during peak times by the employees and customers. There is no availability for off-site or on street parking as it is a remote spot and for safety, they want to provide as much parking as possible.

✓ Councilor Oram asked if a traffic study was done. Mr. McCay indicated in discussions with the Police Chief, it was his understanding that a traffic study was not requested and was not deemed necessary in large part because it is not a destination location since most traffic would be existing traffic on Maple Street traveling South and occasionally North.



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- ✓ Councilor Oram stated that he is hearing two different stories, that it is not a destination location but they are trying to keep people in the building with additional seating. He then asked if they have taken pictures of the site with the snow banks. There is concern with the current conditions that two cars cannot pass each other. Mr. Scott stated the photo from their presentation illustrated the road had thirty-eight to thirty-nine feet of pavement although he has not driven the stretch of road recently but if there is six feet of snow on either side, there is still twenty-eight feet of pavement. It would be just enough for three vehicles, not ideal but possible.
- ✓ Councilor Oram asked the applicant to consider a turn lane, especially Northbound as there is an abundance of traffic in that direction.
- ✓ Councilor Elder stated the applicant is planting a lot of trees to block the view of the used car lot next door and asked if they had discussions with that business about the planting plan. Mr. McCay was not aware if those discussions had taken place however they were trying to balance a number of interests. Those interests included beautifying the site and planting as much vegetation as they could being cognizant of the fact that they would need landscape variances because of the configuration of the site.
- ✓ Councilor Elder asked with two checkout windows whether customers are ever confused about which window to utilize. Mr. Delegas explained typically the first window is used the most and if an order will take more time to prepare, the staff directs the customer to the second window.
- ✓ Councilor Clancy asked the applicant about the portion of land owned by the City of Marlborough at the corner of the property and whether their plan has it noted as such. Mr. Scott stated the property line is the bold line that curves around the three trees as the right of way line from Mill Street.
- ✓ Councilor Clancy stated the clientele of Dunkin Donuts is often truck drivers and tractor trailer drivers and a tractor trailer cannot be accommodated in that parking lot. He requested they place no parking signs along the property line on Route 85 so drivers would not park along the road. He indicated at their other Maple Street location, drivers currently park along Route 85 on the other side of the street.

At the proposed location, there is a paved area on Mill Street the applicant wishes to create for deliveries and Councilor Clancy sees that location as an attractive nuisance for the residents of Mill Street for trucks parking there. He understood the reason for the paved area and is not against it but it could be a problem.



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✓ Councilor Clancy asked the applicant whether there is a newer plan than the one dated May 16, 2014. Mr. McCay stated there is a newer plan dated December 22, 2014 and they can provide copies of the most recent plan.

✓ Councilor Page stated that the current Dunkin Donuts on Maple Street has difficulty with any vehicle larger than a pickup truck. If a larger vehicle decides to park on the street at the proposed location, it would cause a traffic jam. The proposed location also cannot handle any vehicle larger than a pickup truck or small box truck causing the same problems as the current location. He suggested they provide a few ideas about the larger vehicle parking for discussion in the Urban Affairs committee.

✓ Councilor Robey stated she was in attendance at the ZBA hearings and was surprised to hear that Brox is now in support of the proposal as they were opposed at the ZBA hearings. She also had some of the same concerns regarding the parking.

✓ Councilor Robey indicated the State is planning a redesign of Route 85 and she had discussions with the City Engineer and the plans she had seen changes the Mill Street connection to Route 85 by straightening it out. The City Engineer has been working with the State about the road construction and it does not appear there will be a problem for the site; however they will lose a small area of frontage and were they aware of the proposed Route 85 construction. Mr. McCay stated they were not aware of any reconfiguration of that intersection.

Councilor Robey also indicated it was her understanding the State is looking to install a sidewalk on that area of Route 85 and their plan did not include a sidewalk and she was disappointed it was not included.

✓ Councilor Robey stated to enter the store, there is a one way entrance in on the northern end of the property and for people parking and entering the store, they will enter and make a quick left into the parking lot, park, and then continue south out of the property. She gave a situation of a customer going through the drive through window, realizing their order was wrong after leaving the window; they would have nowhere to go to fix their order. They can't go left and park their car; they would have to come all the way out and around. She saw that as a concern for those having to fix a wrong order.

✓ Councilor Robey mentioned the concern of the abutting resident about the speaker system she would hear from her house. Councilor Robey requested the applicant provide some sort of example of the loudness of the system to either prove the resident right or wrong in her concern.



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- ✓ Councilor Delano stated they will be taking up this application in the Urban Affairs Committee the following week. He stated the decision on providing a traffic study will be made by the City Council. He stated there are a lot of concerns regarding traffic, and applicant has provided anecdotal information but no real evidence of their claims. Mr. McCay stated they have not done a traffic study to support their claims.
- ✓ Councilor Delano indicated the applicant had mentioned a condition of this Special Permit would be the closing of other location when this store opens. He was unsure if the City Council could condition the closing of the other drive-through a condition of this Special Permit but would discuss in the Urban Affairs Committee.
- ✓ Councilor Delano also stated they should explore the option of a sidewalk as people will walk down Route 85 to reach this proposed business.
- ✓ Councilor Elder stated he drives a thirty-two foot trailer and some Dunkin Donuts have signs leading up to them indicating no trailer or truck parking/access. Looking at their parking configuration, some customers will attempt to pull into the parking lot with large trucks or trailers, take up several spaces while inside the store, and then pull out of the parking area.
- ✓ Councilor Robey questioned the hours of operation, as at the ZBA hearing they stated their hours were 4:00 AM – 11:00 PM. Mr. Delegas clarified their hours are 5:00 AM – 10:00 PM.

There are no further questions from members of City Council. That part of the Public Hearing is closed.

That ends the entire Public Hearing. This is currently in the Urban Affairs Committee.

ADOPTED

ORDER NO. 15-1006070B