

# **PLANNING BOARD**

## **Town of Waterboro**

**December 11, 2002**

### **Public Hearing for Dunkin Donuts**

Chairman, Susan Dunlap called the meeting to order at 7:00 p.m. noting attendance of 7 members of the public, and planning board members; Kurt Clason, Tim Neill, Teresa Lowell, Roland Denby, Everett Whitten, and Gary Guerette from Alliance Construction representing the owners of the property.

Sue Dunlap explains that this lot is adjacent to the Hannaford property on the Route 5 side.

Gary Guerette presents and reviews the plans for the proposed Dunkin Donuts. This property is map located on 5 lot 16. The developed portion of the lot will cover a little over 1 acre. The proposal is for a Dunkin Donuts and two retail spaces. The building style is colonial with gray siding and white trim with cupolas and a full length porch and vestibules at each entrance.

The landscaping in the front will have an earth mound between the parking area and the road to screen headlight glare from traffic. There is a proposed sidewalk along Route 5. They feel this is a very pedestrian friendly site with covered sidewalks to get from one business to the next. The lighting on the site will be full cut off fixtures with no projection of light off the property or up into the air.

They have made application to DEP and DOT. DOT is requesting adding a lighted pole on the corner so that the intersection is fully lighted. The land on the undeveloped portion of the lot is intended to stay in its natural state. They plan on extending the water line from Hannaford's down Route 5 with a 10" line providing two hydrants and servicing the business with an 8" line.

DEP is reviewing the stormwater calculations.

The applicant has met with DOT and they are reviewing the traffic impact study. DOT is looking at turning lanes into the site and they are waiting for a reply from them.

The applicant has requested a waiver on the hydro-geological study and the board has not made a decision on that yet. There was a ground water study done some years ago on site and a lot of information was provided on that study.

The floor is opened for public input and questions at this time.

Wade Junkins asks how far back on the piece of property from the road will they be cutting? Gary G. replies that the cutting will be 310' by a width of 340'. Wade asks what are they going to do with the property in between the retail area and his lot? Gary G. replies there is no plan as of yet for development of that land.

Wade asks how much of the 11 acre parcel is usable property? Gary G. replies that they had a wetland study done but it would take more studies to determine what is usable or not.

Leo Binette asks what are the proposed hours of operation? Dan, a partner in ownership of the property replies that this is subject to corporate Dunkin Donuts approval but he thinks the hours will be 5 a.m. to 12 p.m. and that he doesn't think this site warrants 24 hour operations.

Leo asks what the other businesses will be? Gary G. replies that he doesn't know who yet, that the owners are in negotiations but are not sure at this point.

Eric Herrle states that he feels this site should require a right hand turn lane into the property. This site has high speed traffic coming almost to the property line just before the intersection of Route 202. He strongly recommends that the board take this into account when reviewing this application. Sue asks Eric if anyone from the town went to the scoping meeting at DOT when their application was reviewed. Eric replied no. Sue stated that DOT will look at that intersection and the board has little to say over DOT's authority.

Gary G. states that DOT has informed him that they are seriously considering moving the 35 MPH zone further down on Route 5 from that intersection.

With no more questions from the public or the board, the public hearing is closed at 7:25 p.m.

Wade Junkins requests to be notified when this project will be on the agenda again.

Sue Dunlap calls the regular meeting to order at 7:30 p.m.

## I. ROLL CALL

Sue notes attendance from the board of Kurt Clason, Tim Neill, Teresa Lowell, Roland Denby, Everett Whitten, and that Dwayne Woodsome will be late. Dwayne entered the meeting at 8:30 p.m.

## II. APPOINTMENTS

**7:30 p.m. Dunkin Donuts map 5 lot 16 for site plan review.** Sue reports that the estimates are in from the requests for peer review. Gary G. requests that the board waive peer review on the stormwater management plan in light of the fact that DEP is going to permit this and will do an extensive review. Sue replies that it is for the town's protection that peer review is required. DEP reviews applications for state requirements. The Peer review is done to insure that the project meets town requirements.

Sue adds that until the board fully understands the full impact of the property, knowing what the retail spaces will be used for and the gallons per day used. Gary G. states that they don't intend to have to re-apply to accommodate a different type of use or one that doesn't fit into the design they have been approved for. They are looking at a sub shop and a video store for the other two uses.

Gary G. is requesting site plan approval subject to the approval from DEP and DOT and have peer review done now.

Dwayne Woodsome states that he has been questioning the raising of the water level. Gary G. states that the whole intent of the stormwater management plan is to have zero water impact post development as compared to pre-development.

Sue states that she is concerned that the nitrate level is expected to exceed the town's minimum of 5 mg/l at the property line. Sue adds that the Hannaford septic system is close to their lot line and we have to make sure that their use does not impact the Hannaford site. They will have to get their nitrate levels down to 5 mg/l. Sue notes that they have submitted a revised stormwater management plan.

Kurt Clason asks about the swale. It states it is 3' at the turning point and tapers to 2'. Gary G. states that the berm is proposed to be 3' above the parking lot and taper down to 2' to block headlights. Tim asks if there is a standard height requirement for blocking headlights? Gary states that he can make it 6" higher.

Wade Junkins asks why they have applied for a waiver on the hydro-geologic study. Sue states that the board has not voted on that yet.

Gary G. states that if the town is going to require that they prove that the nitrates will not be more than 5 mg/l at the property line this will require a full hydro-geological study.

Wade states that there is a lot of hear-say that there will be an Irving Gas Station on this property in the future. Gary states this is hear say. Sue Dunlap adds that any additional businesses would have to be approved through the planning board first.

Teresa Lowell asks where exactly is the pylon sign proposed to go and will it block the site distance? Gary answers that DOT is reviewing the plans and will insure that site distance is maintained. Gary showed on the plans where the sign is proposed to be.

Teresa asks if there is a specific requirement that no light will leave the property? There is nothing in the ordinance written, but there is a standard that light from the property will not adversely affect abutting properties. Gary adds that DOT wants the intersection well lit. They have provided a lighting plan that will do that but there are limits on the lights that will keep the lights from affecting abutting properties.

Roland Denby asks what are they going to do with the well that is shown on the plan. Gary states that is a monitoring well which will be used when doing the hydro-geological study. It is noted that the plan calls this well a drinking water well. Gary states that he will look into that and if in fact it is a drinking water well it will be capped off and a note to that effect will be put on the plan.

Wade asks about the detention pond and states that there is a lot of water around there anyway enough to supply mosquitoes and he doesn't really want to see more ponds.

Gary G. explains that this detention pond is an infiltration pond intended to handle excess water in a 25 year or more storm and hold it until it infiltrates into the ground. Water will sit in this pond maybe a couple of days but for the most part will remain dry. DEP will review this in the stormwater management permit review. This pond will actually help clean the stormwater before it infiltrates the ground.

Leo Binette states that the plan states that there is room for 15 cars to line up at the drive thru window. Is that enough and what happens when there are more and the cars are lining up in the road? The owner of the property explains that he owns two other Dunkin Donuts in Biddeford and that the traffic count by those stores are from 19 to 21,000 cars. The stacking for those stores is 15-16 cars. They have never gone into the road. The traffic count by Route 5 is 13,000 cars. They have allowed for 25 cars in this proposal.

Leo Binette asks the board how many franchises can be allowed before the small business operations are run out of town. Leo states that he was told at the beginning of the meeting that they didn't know who the other retail businesses would be and later in the meeting they know who they are. Gary replies that he stated that they are in negotiations but are unsure of what other businesses will be at this time.

Sue states they are talking approvals for a category of business on the plans. If in the end a business that comes in will use a tremendous amount of water or chemicals there would have to be another review of the plan. Sue states that perhaps a statement could be made on the plan that any change would require planning board review and approval.

Someone asked what if a tractor trailer came through the drive thru and tied up a lot of the spaces for cars? A trailer couldn't fit under the drive thru window. There is access for tractor trailers to enter the site for delivery purposes to and will not affect the flow of traffic.

Sue asks if they have approached Hannaford to see if they could build a connector between the two businesses. Gary replies that Hannaford did not seem interested in doing this. Sue states she is disappointed that a consideration for the residents using these two businesses was not taken into consideration. That the

comprehensive plan is pushing for making village areas more walkable. She thinks it would be good for everyone to have a short cut to both businesses.

At this time the checklist for Site plan review is gone over.

A question about the deliveries is made. There will be deliveries made twice a week in the vicinity of early morning the routes are usually done before 5 o'clock.

Wade asks about lighting pollution. Sue states that all applicants are asked to make use of lighting that does not put off light onto abutting properties.

The proposed water supply is that they will have the water line run past this site on Route 5. They have confirmed with the Water District that there is sufficient water to serve this site.

There will not be any hazardous waste. There will be no adverse affect on any scenic vistas. This site did not show up on any wildlife or habitat maps.

The time frame for completion is that they are hoping to begin construction in April and be done in 4-5 months.

There is discussion about performance bond on the project. Gary states that he can provide information regarding what they would propose to put up for a performance bond.

Sue informs the applicants that they will have to provide proof by way of hydro-geological study that the nitrate levels will be in compliance with the site plan ordinance.

Gary G. has agreed to raise the berm by 6" or so to make sure headlights are not interfering with traffic. He will put a note on the plan that any drinking water wells will be capped or that the well is a monitoring well.

Dwayne Woodsome asks about the additional water being put into the ground. Gary G. states there will be no additional water created. They are sheet flowing everything into the swales and into the detention pond. The pond is an infiltration pond, it is not lined, and it will not hold water for long periods of time.

Dwayne states that the biggest concern is the amount of water they will be using in their business. They will not be taking water out of the ground but they will be putting water into it through their septic systems. There could be as much as 6,000 gallons per day between the two businesses and they are already bringing the water table up in East Waterboro. How much more is the ground going to take?

Sue states that the board did not vote to waive the hydro-geological study and these questions should be answered through that.

Gary G. asks if Dwayne's concerns are more of quality or quantity of water. This is the reason we will have a peer review to answer the town's specific concerns. Gary states that there is a 30-100' thick aquifer under the ground but the water table is 6' below the surface.

Sue states that the peer review can compare the levels at the Hannaford site and this site. We have no evidence to support these claims of raising the water table or that they are going to adversely affect the water table.

Gary states that they would like approval of this site plan contingent on DEP and DOT approvals. Sue explains that they have to submit a hydrogeological study and have that peer reviewed before any approval should be given. Gary states that he is hiring RW Gillespie to do the hydro study and this should be done within 3 weeks.

Teresa asks for a chain of events so everyone is clear as to what is supposed to happen next. Sue states that first they need to submit a hydro-geological study. Second the town will have that study peer reviewed. Thirdly the board has to determine what it will require for a performance bond. The stormwater management plan will be peer reviewed.

There is discussion about holding off on the peer review until DEP and DOT have completed their reviews. The reason being if those reviews resulted in any changes to the plan there would have to be a second peer review. Gary states that he would be willing to go through a second peer review rather than wait for the approvals from DEP to begin the peer review.

Teresa asks if the firm doing the peer review would want to see DEP's information along with the plan. Gary replies that the peer review would be done on the same plan that DEP is reviewing.

Dwayne Woodsome thinks the DEP permit should be provided to the town before the town gives approval.

There is lengthy discussion about what would happen if town approvals were given prior to DEP and DOT permits and construction began and there needed to be a change to the plan because of the permits issued from the state. It was determined that any changes that DOT might make would be incorporated into the right of way of Route 5 so the board wasn't as concerned about that permit. A straw poll was taken of the board that the DOT permit could possibly be omitted as a requirement for final approval assuming all else was approved. Dwayne said that an entrance permit would be required by the town at the very least. This poll is not binding.

Teresa Lowell states that she would like to see a dual exit with two way traffic as opposed to an entrance and an exit. Gary states that they don't have a strong feeling for that one way or the other. Sue states that the town should have sent someone to the scoping meeting with DOT on this application. Sue states that if Teresa feels strongly about this she should contact DOT with her concerns.

Leo Binette asks if it is common practice to give approvals prior to state permits being issued. Sue states they have done so in the past. Leo stated that he just wants to be sure that the town treat applicants the same.

The next Planning board meetings are scheduled for Jan. 8 and the 23<sup>rd</sup>. Gary will submit the hydrogeological study when it is done and a peer review will be scheduled. The performance bond will be discussed at the next meeting.

### III. MINUTES OF PREVIOUS MEETINGS

Kurt Clason made the motion to accept the November 13 minutes. Tim Neill seconds. Motion carries with 5 in favor and Dwayne abstaining.

Tim Neill made the motion to approve the November 25 minutes. Kurt Clason seconds. Motion carries with a unanimous vote in favor.

### IV. REPORT OF OFFICERS

Dwayne reports that the book bags have been ordered for the board. They should be in soon.

The budget has been turned into the selectmen and overall it was the same as last year. Just over 30,000 plus fees generated.

Dwayne turned in a budget for \$45,000 for a town planner.

Dwayne stated that they should look at fees for site plan and raise them again.

V. OLD BUSINESS

A workshop is scheduled for the January 8 meeting at 7 and Dwayne Woodsome made the motion to invite the road review committee and the fire chief to this workshop to discuss road standards and to start the regular meeting at 8:30 if there are any appointments. Kurt Clason seconds the motion. Motion carries with a unanimous vote in favor.

VI. COMMUNICATIONS

VII. MISCELLANEOUS

Sue reports that she saw in the paper that there is a public hearing on Jan. 14 for the Middle School proposal but saw no information as to where or what time.

VIII. NEW BUSINESS

Dwayne Woodsome made the motion to cancel the December 19 meeting due to no appointments scheduled and Christmas. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome made the motion to send a note to the selectmen requesting that any bills for the planning board be submitted and approved by the board prior to payment with two signatures needed from either Dwayne, Sue or Patti. Teresa seconds. Motion carries with a unanimous vote in favor.

The board asked if there was any news from the selectmen on their request to meet with them. There has been no word.

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 9:45 p.m. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Approved date: 1/23/03

<u>Marian Dunlap</u>	<u>Dwayne Woodsome</u>
<u>Teresa Lowell</u>	_____
<u>Tim Neill</u>	_____
<u>Roland &amp; Denny</u>	_____