



Williamsburg Planning Board

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Site Plan Review

Decision Date: October 28, 2015

Application: By Sao Joao Realty LLC for a
restaurant with drive-through located at
at 142 Main Street (Route 9) Haydenville.

Filed: August 17, 2015

Background

Under Williamsburg's Zoning Bylaw, there are certain uses that require a Site Plan Review by the Planning Board prior to any decision by the Zoning Board of Appeals on issuing a Special Permit. The uses which require Site Plan Review are listed in the Use Table in Section 3.0 of the Bylaw. One such use is a Business with a Drive-Through.

The Planning Board evaluates Site Plans to determine if they are "designed in a manner that reasonably protects visual and environmental qualities and property values of the Town, and assures safe vehicular access, safe pedestrian movement, and adequate drainage of surface water."

The findings of the Planning Board speak to the quality of the design. It is the purview of the Zoning Board of Appeals (ZBA) to weigh all interests of the town and determine whether to grant a Special Permit for the project.

Sao Joao Realty LLC has submitted a plan for a Dunkin Donuts restaurant with a drive through to be located at 142 Main Street in Haydenville. This site is currently occupied by a bank building with a drive through window, recently operated by Berkshire Bank. The plan calls for complete demolition of the existing building.

The Planning Board's decision is based on the following plans submitted by the applicant:

- Site Plan Review application, narrative, and supporting documents "Proposed Drive-Thru Restaurant" (bound copy labeled "RLA Project File 150407")
- Plans prepared by R Levesque Associates dated 9/18/15
- Exterior Elevations dated 9/9/15 from MJ Tavares Architects
- Traffic Study from JP Pechulis Land Development Services Dated 7/27/2015
- Specifications on proposed outdoor lighting fixtures TRA30 from Beacon Products and LNC2 Series from Hubbel
- A sign drawing and photograph from Viewpoint Sign and Awning dated 9/21/15

The Board also received written comments from the public, and verbal comments at a Public Hearing on September 21, 2015. The Board made a visit to the site on October 19, 2015.

Discussion of the Plan Review

These are the determinations of the Planning Board with regards to the review criteria in section 6.51 of the Zoning Bylaw (bylaw criteria are in *blue italics*):

6.51a: Building sites shall, to the extent feasible:

- 1. Minimize impact on wetlands, steep slopes, flood plains, hilltops*
- 2. Minimize obstruction of scenic views from publicly accessible locations*
- 3. Preserve unique natural or historical features*
- 4. Minimize tree, vegetation and soil removal and grade changes*
- 5. Maximize open space retention*
- 6. Screen objectionable features from neighboring properties and roadways*

The proposed development will affect wetlands since much of the site falls within the 200-foot Riverfront Area. Though the building falls mostly outside the 100-foot riparian zone, the driveways do fall within that zone. If constructed properly, the plan is expected to slightly improve the areas near wetlands and the slopes on site by restoring the grade closest to the river and by providing improved vegetation. The Conservation Commission has issued Special Conditions for this project. The ZBA should include these in any conditions on a Special Permit. See Condition (1) below.

The plan is not likely to adversely affect scenic views compared to the current use.

The plan does preserve the unique historical features of the Haydenville sign and the John Miller stone monument. See Condition (2) below.

The plan minimizes tree, vegetation, and soil removal. It does include grade changes but these are generally favorable to the riverfront area. A tree expert consulted by the Planning Board recommended maintaining a protective radius around the southern tree of the pair of large maple trees currently located near the east side of the site. The expert stated that the northern tree in this pair is diseased and should be replaced. See Condition (3) below.

The plan is neutral on open space.

Objectionable features may include the drive-through ordering station and service window. The plan includes the retention of a large stand of mature trees along the riverbank which will provide visual screening. See Conditions (1a) and (6) below. The dumpster may also be considered an objectionable feature. The plan calls for screening the dumpster with a 6-foot-tall stockade fence and shrubs.

6.51b: In the absence of town services, the development shall be served with adequate water supply and waste disposal systems provided by the applicant. For structures to be served by an on-site waste disposal system, the applicant shall submit a septic system design prepared by a Certified Engineer and approved by the Board of Health.

The plan calls for town water and sewer service.

6.51c: The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways. The plan shall describe estimated average daily and peak-hour vehicular traffic to be generated by the site, traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site, and adequate circulation within the site.

The proposed plan includes a Traffic Study which estimates that traffic will be increased significantly at all intersections associated with the site: the daily number of trips to the site will increase from 169 for the current use as a bank to 983 for the proposed restaurant – an increase of 814 trips.

The traffic study predicts a Level of Service (LOS) for each affected intersection using letter grades. The table below defines these grades. (Described in the *Highway Capacity Manual* (Transportation Research Board, Special Report 209, 2000).

Level of Service Criteria for Unsignalized Intersections	
Level of Service	Average Control Delay (seconds per vehicle)
A	0 – 10
B	>10 – 15
C	>15 – 25
D	>25 – 35
E	>35 – 50
F	>50

The study predicts increased delays for drivers at all affected intersections. Most intersections retain the same letter grade for LOS simply because the increases fall within the arbitrary bands set up by the letter system. The LOS for Bridge Street at Route 9 is predicted to drop from B to C during the morning peak hour.

It is not clear that the Traffic Study adequately predicts the ways in which delays at one intersection can compound the delays at another intersection. One example which concerns the Planning Board is the stacking of waiting cars on Bridge St. at Route 9 affecting the ability of cars to exit the site. In this case, drivers exiting the site may be forced to turn right on Bridge St. and return to Route 9 via South Main St. (going around the block). Another example is the effect on the High Street intersection caused by stacked westbound cars on Route 9 waiting to turn left into the site.

The Planning Board is concerned that Bridge Street is not wide enough for cars turning left out of the drive-through to avoid cars which may be parked on the east side of the street.

Though the restaurant is predicted to significantly increase traffic on Route 9 and on Bridge Street, the Board finds that the layout of the entrances and exits in the plan are the best that can be achieved. The predicted wait times, and increased wait times, for cars exiting Bridge Street onto Route 9 are considerably less than the estimated 1.5 minute service time (provided verbally by the applicant) for each vehicle at the drive through. This difference indicates that events of stacking of cars on Bridge St. preventing drive through customers from exiting the site and turning left onto Bridge St. should be relatively unusual occurrences.

6.51d: The Site Plan shall show adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, to prevent changes in groundwater levels, and to prevent increased run-off and potential for flooding. Drainage shall be designed so that run-off shall not be increased and that neighboring properties will not be adversely affected. A system of groundwater recharge shall be provided that does not degrade groundwater quality. Recharge shall be by storm water infiltration basins or a similar system covered with natural vegetation. Dry wells shall be used only where other methods are not feasible. All basins and wells shall be preceded by oil, grease and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

The plan describes adequate measures for handling stormwater and minimizing runoff. The stormwater management plans are designed for best management practices and should marginally improve runoff conditions for the 2-year, 10-year, and 100-year 24-hour storms. Some of the devices in the plan require maintenance. Requirement for a Special Permit should include proper maintenance of the stormwater management system. See Condition (4) below.

6.51e: Electric, telephone, cable TV, and other such utilities are required to be underground unless proven to be physically and environmentally unfeasible.

The plan has utilities underground.

6.51f: Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and other unsightly structures or uses shall be set back or visually screened to protect the neighbors from objectionable site characteristics.

The plan shows these areas to be set back and/or screened with fencing or vegetation. In order to continue the visual screening and also to comply with Conservation Commission requirements, ongoing maintenance of the vegetative screening areas will be necessary. See Condition (1a) below.

6.51g: Outdoor lighting shall be designed to prevent glare or light, which reflects, strays or scatters beyond the subject structure or structures.

The proposed lighting fixtures are designed to prevent glare. See Condition (4) below.

6.51h: Noise generated by machinery or equipment shall not extend beyond the property line.

Vehicles using the drive through as well as the intercom for placing orders have the potential to cause noise that extends beyond the property line. Fencing should be installed to control sound from the drive through lane and volume levels on the intercom must be controlled. Hours of trash pickup shall be limited. See Conditions (6) and (7) below.

6.51i: The Site Plan shall comply with all other provisions of this bylaw.

Bylaw section 9.0.b states that a building lot shall be not less than 65,000 square feet in area. The lot for the proposed development has only 57,000 ± square feet. This lot has already been used for a retail business and the lot size does not seem to be a problem for the proposed use.

Bylaw section 9.6.c. defines the required parking spaces for a restaurant as 1 parking space for every four seats in the restaurant. On the drawing titled Preliminary Floor Plan from MJ Tavares Architects dated 8/4/2015, 30 indoor seats plus 12 outdoor seats are shown. 42 seats would call for a minimum of 11 parking spaces. The plan drawings provide for 17 parking spaces on site, exceeding the minimum requirement.

Bylaw Section 9.81.a.4 states that a commercial business may have one freestanding sign of not more than 12 square feet in area plus one additional sign on the building of the same area or smaller. The drawing submitted for the freestanding sign shows a plan for a 32" × 54" sign which, at exactly 12 square feet, complies with the requirement. However the elevations show a sign on the Left gable with a size of 3'-9¾" × 10'-3" (39 square feet) and a sign on the Front entry gable with a size of 2'-6½" × 6'-10" (17.4 square feet). The signs on the building must be reduced to one sign 12 square feet or smaller. See Condition (8) below.

Finding

According to section 6.61b of the Zoning Bylaw for the Town of Williamsburg, the Planning Board finds that the project will constitute a suitable development subject the following conditions:

Conditions:

- 1) All Conservation Commission requirements, as reviewed by the ZBA, must be followed.
 - a) While respecting all requirements set forth by the Conservation Commission, the owners of the site must maintain vegetation that provides year-round *visual* screening at the riverbank.
- 2) The applicant must protect the Haydenville sign and the John Miller stone monument on the site during construction and permanently thereafter. The Haydenville sign may be temporarily removed and replaced if necessary.
- 3) The applicant must protect the southern tree of the pair of maple trees on the eastern edge of the site during construction by fencing to exclude construction vehicles or soil disturbance within a 15-foot radius of the tree. The applicant must remove and replace the northern tree in that pair of trees with a similar shade tree.
- 4) The applicant must maintain the stormwater system as required by the design and shall submit an report documenting such maintenance to the Planning Board annually no later than December 31.
- 5) Pole-mounted parking lot lights shall be turned off when the restaurant is closed. Any changes in the specific lighting fixtures must comply with the submitted lighting plan or result in a reduction in spillage of light from the site.
- 6) In order to ensure that noise from operation of the drive through will not extend beyond the property line, the applicant shall erect and maintain a fence south of the driveway near the drive-through ordering station. The fence shall be 30 feet long and of similar construction to the dumpster fence. Sound levels of the drive through intercom shall be limited to 65 db.
- 7) In the interest of minimizing disturbances from noise, trash pickup shall only be permitted between the hours of 9AM to 5PM.
- 8) Only one sign is permitted on the building, no greater than 12 square feet in area. A menu board for the drive through shall be allowed but it may not be internally lit. No other commercial signs are permitted on the property.
 - a) Per the suggestion of the applicant at the public hearing on September 21, signs shall use a color scheme of gold leaf on a dark background rather than the standard pink, orange, and white coloring of Dunkin Donuts signage.
 - b) Also per the suggestion of the applicant at the same hearing, the building shall be white and adornments such as awnings, if used, shall be dark green or black.

Despite this Board's finding that the plan meets standards of design, we urge the Zoning Board of Appeals to carefully consider whether this development has a non-detrimental relationship with its surroundings.

James Locke
chair