

# ***TOWN OF LUNENBURG*** ***Office of the Planning Board***

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Minutes  
Public Hearing (continued)  
400 Electric Avenue  
March 4, 2019

Meeting Posted: Yes

Place: Town Hall, 17 Main Street, Lunenburg, MA

Time: 8:42 PM

Present: Matthew Allison, Kenneth Chenis, Tanner Cole, Paula Bertram, Adam R. Burney

The Hearing continuation was to hear and discuss applications for a Special Permit and Site Plan Approval under Chapter 250, Sections 4.5. and 8.4. of the Code of the Town of Lunenburg for construction and operation of a retail motor fuel outlet and convenience store with a drive-thru at 400 Electric Avenue, Map 98, Parcel 166-2. Owners are Daniel and Jean Proctor, 1529 Massachusetts Avenue, Lunenburg, MA. Applicant is NJLJ Properties, LLC, c/o Mickey Higgins, 280 Ayer Road, Harvard, MA.

NJLJ was represented by Patrick McLaughlin, MHF Design Consultants, Inc., Salem, NH ('MHF') and the developer Mickey Higgins.

The Board was in receipt of a Traffic Analysis prepared by Heather Monticup, Greenman-Pedersen, Inc. ('GPI'). A loading zone was added to the rear of the site, a fifth (5<sup>th</sup>) dispenser island (now 10 fueling positions) was added, and the parking count was clarified with both peer reviewer Graves Engineering, Inc. ('GEI') and A. Burney. No parking was added to the plan. There has been no change to the number of parking spaces; they are still at 29 spaces, which complies with zoning.

K. Chenis voiced concern that a vehicle queue would be created with the single diesel dispenser. T. Cole asked if the diesel dispenser could be moved to the opposite island, which would allow trucks to queue along the curb line. This would also move the queue further away from the drive-thru. M. Higgins responded that he has only a low-speed nozzle for diesel as he does not want to attract tractor-trailer trucks. He would, however, be willing to have two diesel dispensers; one at each end.

Danny Proctor, 1529 Massachusetts Avenue- He is looking forward to the new facility.

Carl Luck, 50 Sunset Lane- Inquired about drainage of the water in the pump station area. Stormwater at the front of the site will be captured in a closed drainage system. There are spill containment grooves around each fuel island. On the downward side of the detention system there is a manhole with a manual shutoff valve as requested by GEI. C. Luck asked about the possibility of an automatic shutoff. M. Higgins responded that this system exceeds the Massachusetts Stormwater Policy Act and did not require a manual shutoff. The manual shutoff was at the request of GEI.

M. Allison noted UNITIL located across the street had its system fitted with an absorbent that would expand and close off the drainage system in the event of a transformer spill. M. Higgins responded that he is a civil engineer and has been building gas stations for over 30 years. He is not aware of a product that works for hydro-carbons.

Phyllis Luck, Chair of the Stormwater Task Force- Opined that a manual shutoff is not good enough.

The Board felt that the manual shutoff process was not an adequate solution to spills and further research was required by the developer.

D. Proctor, 1529 Massachusetts Avenue- Stated that both the designing engineer and reviewing engineer identified the current process as meeting specifications. There are a series of safeguards in place.

M. Higgins asked if the Board had information on the product under discussion. He expressed concern with the Hearing going to a second continuation and the possibility of there not being a Board quorum available for a vote.

A. Burney noted that only three (3) votes are required for site plan approval; but four (4) for the drive-thru special permit. If the Board desired, it could vote on the drive-thru this evening.

M. Higgins explained the process for the manual shutoff, explaining that an individual has to go outside, pull off the gate valve, insert a rod and manually crank the valve. He is not aware of an automatic shutoff that works on hydro-carbons.

T. Cole stressed he did not feel qualified to recommend any sort of barrier to an applicant. He understands that the Board wants to protect the wetlands, but he feels the Board is trying to engineer something outside its jurisdiction.

Heather Monticup, Greenman-Pedersen, Inc. ('GPI')- Presented the Traffic Analysis for the Project. She was aware the Board wanted to ensure traffic flow on Electric Avenue. In contrast to the current wide open curb cut, under the re-development of the site there will be two defined curb cuts. Existing conditions data was obtained from MASS DOT. With that data, GPI did a capacity analysis out to 2026. On site queues were also analyzed. The analysis showed traffic on Electric Avenue would remain favorable with queue lengths of one vehicle or less. The site driveways would have queue lengths of two vehicles or less during weekday mornings, and four vehicles or less during weekday afternoon/evenings. These queues can be accommodated on-site without upsetting flow along Electric Avenue. The site re-development will not have a significant impact on the Electric Avenue traffic flow.

M. Allison, speaking as a member of the Stormwater Task Force, would still like to have the developer investigate automated shutoff.

P. Bertram suggested the Board vote on the drive-thru this evening and postpone the site plan approval to the Board meeting of March 25<sup>th</sup>.

MHF noted there is an "actuated version" of the shutoff, e.g., the employee would push a button inside the store, which would close the valve. The majority of Board members were satisfied with that change.

Dave Passios, 56 Whiting Street- Stated actuated valves are very dependable. He opined that the Board should agree to both the special permit and the site plan approval this evening based on the installation of the actuated valve.

**K. Chenis made motion to close the public hearing for the special permit for the drive-thru, P. Bertram Seconded, all aye.**

Special Permit Hearing closed 9:43 PM

There was Board discussion of whether to close the public hearing for the site plan approval or continue to the March 25<sup>th</sup> meeting.

MHF voiced concern that if the hearing is continued to March 25<sup>th</sup>, there will be only three (3) Board members available, and that regardless of what valve was before the Board this evening, it now appears MHF must find one that suits the preference of the Board.

D. Passios- Asserted that an issue with the Planning Board is that even after applicants have fulfilled the necessary conditions, the Board continues to place more conditions on them, and this results in repeated hearing continuations.

D. Proctor- Noted the financial costs that continue to add up each time more information is requested.

At the request of the Board, MHF reviewed the drainage system.

**K. Chenis made Motion to close the public hearing, T. Cole Seconded.** Discussion: M. Allison inquired if the Applicant was prepared for the hearing to close this evening, or if he wished to continue the hearing to provide more information and answer Board questions. **K. Chenis retracted his Motion to give the Applicant time for more testimony.** M. Higgins was of the opinion that the Board would vote affirmatively for the site plan approval, but the Board is also looking for a piece of additional information. Every safeguard is in the system that way it is currently designed. A straw vote indicated that P. Bertram, T. Cole and K. Chenis would vote to approve the site plan approval with conditions.

**K. Chenis reiterated his Motion to close the public hearing, T. Cole Seconded, all aye.**

Site Plan Approval Hearing closed 10:25 PM.

Documents used at meeting:  
Site Plans revised 02.25.19  
Traffic Impact Analysis dated 02.19  
Graves Engineering, Inc. letter dated 03.04.19