

Town of Uxbridge
Planning Board
21 South Main St.
Uxbridge, MA 01569
(508) 278-8600, ext 2013

FEB 10 '16 PM12:25

Received by
Uxbridge
Town Clerk

DECISION
SPECIAL PERMIT APPLICATION
FY16-05, 40 DOUGLAS STREET
ARIS Group, LLC

**Modification to Special Permit Application Decision dated
September 28, 2009 & recorded with the Worcester Registry of Deeds
On November 3, 2009, Book 45053, Page 106, attached herein.**

Date: January 13, 2016

Name of Organization: ARIS Group, LLC

Name of Applicant: ARIS Group, LLC

Address of Applicant: 100 Church Street
Whitinsville, MA 01588

Owner: ARIS Group, LLC

Address of Owner: 100 Church Street
Whitinsville, MA 01588

Location of Property: 40 Douglas, Uxbridge MA 01569

Assessors Map/Parcels: Map 24A Parcel 713

Deed Book/Page: Deed Book 42255 Deed Page 164

Site Plan Dated: September 22, 2015, Plan No. L-4665

Engineer or Land Surveyor: Andrews Survey & Engineering, Inc.
P.O. Box 312, 104 Mendon Street
Uxbridge, MA 01569

Zoning District(s): Business

BACKGROUND/SUMMARY/DETAILS

In accordance with Massachusetts General Laws, Chapter 40A as amended, and the Uxbridge Zoning Bylaws, on September 24, 2015 the application to amend the existing Special Permit (dated September 8, 2009, received and time stamped by the Uxbridge Town Clerk on September 28, 2009, and filed with the Worcester Registry of Deeds Book 45053 Page 106 on November 3, 2009), for a proposed change in use for a portion of the property located at 40 Douglas Street, was duly filed with the Uxbridge Town Clerk, and submitted to the Planning Board. The named Owner and Applicant of record is ARIS Group, LLC. Notice of the Public Hearing was published in the Worcester Telegram & Gazette, posted in the Uxbridge Town Hall, and abutters were notified by way of certified mail. A Public Hearing was scheduled and opened on October 14, 2015. The Voting Members of the Planning Board members were Chair Joseph Leonardo, Vice Chair James Smith, Clerk Barry Desruisseaux, Member Peter Petrillo, and Member Daniel Antonellis.

The Applicant and Owner of Record, ARIS Group LLC, with the provisions of MGL Chapter 40A, Section 9, presented for review a Special Permit (Modification) Application prepared by Andrews Survey & Engineering, Inc. dated September 23, 2015. The project site is shown on the Uxbridge Assessor's Map 24A, Parcel 713 and is located in a Business zone. The title to said land is recorded in the Worcester Registry of Deeds Book 42255, Page 164 and said land is free from encumbrances.

The Public Hearing was continued through several meetings: October 14th, October 28th, November 16th, and December 16th, and January 13th via written and verbal requests by the applicant's representative.

The Owner/Applicant of record, ARIS Group, LLC, was seeking to amend a Special Permit for a proposed change in use for a portion of the property located at 40 Douglas St., Uxbridge, MA. Enclosed within the application was a copy of the current Special Permit in which Condition #9 restricts the use of the drive-thru to a bank. The applicant has secured a commitment from Dunkin' Donuts ("DD") and was requesting an amendment to the Special Permit to allow the drive-thru to be used for this new use being a restaurant. A few minor cosmetic changes will also be needed so the site meets the operational standards for the franchise. The Plan includes a menu board along the drive-thru lane and signage to designate parking spaces for DD employees. A traffic analysis of the site with the build-out of the proposed restaurant has been performed.

Mr. Stephen O'Connell from Andrews Survey & Engineering, Inc., representing the applicant, reviewed the history of the property and referred to the Special Permit granted in 2009 for a drive-thru. He reviewed the details of the project and stated that the owner has tried repeatedly to bring in a bank tenant to utilize space and the drive-thru that the Special Permit was granted for but has been unsuccessful.

The owner was approached by a local DD franchise owner, DD Corporate viewed the property, and they have authorized him to open a store. Any change of use of the drive-thru requires a modification to the Special Permit by the Planning Board. Mr. O'Connell presented the submitted as-built site plan to the Planning Board. In anticipation of the Board's concern regarding traffic impact, a traffic study was performed on Thursday, September 3rd, during am and pm peak hours. Mr. O'Connell stated that the distance between the window and the menu board exceeds DD corporate standards and provides adequate queuing for customers for a good traffic flow. The Tenant could be operational within 60-90 days.

Discussion was had with the Board regarding congestion within the site and street traffic. Mr. O'Connell stated the drive-thru will provide a uniform stream of traffic rather than congestion within the site. There is room for 14 cars around the building, within the site, for queuing of customers waiting at the drive-thru.

Pass thru lane is also a loading zone. He stated that the Dunkin Donuts peak hours were 6am-8am on weekdays and Saturdays 6am to 10am.

Snow removal areas were designated on a prior approved plan and were identified at the meeting. Condition in previous Special Permit states that excess snow must be removed off-site. No parking spaces will be used for snow storage.

Discussion was had with the Board regarding traffic issues. The Chair read into record the traffic study conclusion: *"The modification of the proposed drive in bank on Douglas St. to a coffee shop with drive-through will result in an increase in the weekday AM peak hour trip generation. The operations of the site driveways were determined with the proposed coffee shop in place. During the weekday AM peak hour, the driveways will operate at LOS C or better. Vehicles exiting the site driveways will experience approximately 15 seconds of delay. Vehicles on Douglas St. westbound will experience only 9 seconds of delay as a result of the left turning traffic onto the site driveway."*

Mr. O'Connell reviewed the project details with the Board; Dunkin Donuts drive-thru instead of a bank drive-thru, 13 cars total in queue, pass-thru lane/loading zone, dumpster placement, parking and the traffic analysis that was performed.

Mr. O'Connell stated there would be signs designating employee parking. Mr. Leonardo noted there would be double the amount of employee cars during change of shift and commented that additional parking would be needed.

Mr. Petrillo expressed concerns regarding traffic and safety due to parking being allowed on both sides of Douglas Street. He stated he felt that the project would cause a heavy increase in traffic; too much for that area.

Mr. Desruisseaux also expressed concern about traffic due to parking on both sides of the street, including truckers, which could cause additional delays of traffic traveling in both directions.

He stated he would be more comfortable with the project providing there was no parking going east, residential parking only going west, and designated parking off-property as well as the designated spots on the side of the building to allow for the extra employees on-premises during the change of shift.

Other Board members expressed similar concerns. They discussed conditional approval options such as an off-property overflow parking condition, "NO PARKING" signs on the road, and employee parking signs on the property,

The Public Safety Committee recommended and the Board of Selectmen voted to post "NO PARKING" signs" in front of 40 Douglas St. on both sides of the street.

Following input from the public and review of all materials and testimony the Public Hearing was closed. Motion to close the Public Hearing was made by Mr. Desruisseaux. Motion was seconded by Mr. Smith. Motion carried 5-0-0.

Per ZBL, §400-10 Section C Special Permit: Planning Board, "A use designated in the Table of Use Regulations by the letters "PB" may be permitted by special permit only if the Planning Board so determines and grants a special permit...". Per ZBL §400-50 Sections A thru H, including but not limited to Special Permit Granting Authority, Criteria, Procedures, Conditions, Plans, Regulations, Fees and required timelines, will be followed by the Planning Board. The site lies completely within a Business zone.

FILINGS

As of the close of the Public Hearing, the Planning Board has received the following written materials:

1. The application submitted by ARIS Group, LLC consisted of a Special Permit Application Form, Project Narrative, a copy of the Application for Certified Abutters List, a copy of the Abutters List Report, Locus Map, associated fees, Quitclaim Deed, traffic impact study by Conley Associates dated September 16, 2015, copy of previously approved Special Permit, and a Site Plan.
2. Plans, titled Project No. 2007-256, drawn by Andrews Survey & Engineering, Inc. dated September 22, 2015 included the following plan sheet:
3. Sheet C-01 Special Permit Modification Site Plan dated September 22, 2015; revised through January 12, 2016.

NOTES:

-Reference is made to the Special Permit issued by the Uxbridge Planning Board dated, September 8, 2009, and recorded in the Worcester District Registry of Deeds Book 45053, Page 106, for Plans prepared by Andrews Survey & Engineering, Inc. dated January 18, 2008, revised through June 10, 2009.

-Existing site features shown on this plan are a result of an "as-built" survey performed by Andrews Survey & Engineering, Inc. on June 29, 2015.

-Existing "NO PARKING" signs along Douglas Street between Route 122 and the subject property shall be replaced or repaired as necessary.

DECISION/FINDINGS/DETERMINATIONS

In granting the Special Permit with conditions, the Board determined that any adverse effects of the proposed use of land will not outweigh its beneficial impact to the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. The Board has also taken into consideration the following:

1. The social, economic and community needs which are served by the proposal are positive.
Utilizing a previously vacant building, providing employment, and additional revenue to the Town.
2. There is little impact on traffic flow and safety, including parking and loading.
The Applicant will provide designated employee parking with signs, a loading area, and "NO PARKING" signs on both sides of the road.
3. There is little to no impact on utilities and other public services.
4. There is a positive impact on the neighborhood character and social structures:
Utilizing a previously vacant building

5. There will be a positive impact on the natural environment.
There is an Order of Conditions by the Conservation Commission that the parties are subject to.
6. The potential fiscal impact on town services, tax base and/or employment is positive.

DECISION

On January 13, 2015, Mr. Desruisseaux made a motion to grant the Special Permit Modification for 40 Douglas Street, Uxbridge for ARIS Group, LLC with the conditions as discussed. Motion was seconded by Mr. Smith. Motion carried 4-0-1 with Mr. Petrillo abstaining.

No waivers were sought for this Special Permit application. The conditions of approval are set forth below as shown in the previous Special Permit Decision (dated September 8, 2009), received and time stamped by the Uxbridge Town Clerk on September 28, 2009, and filed with the Worcester Registry of Deeds Book 45053 Page 106 on November 3, 2009 and as amended in this Decision dated January 13, 2015.

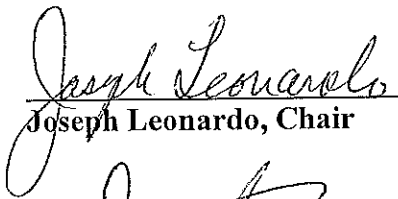
CONDITIONS

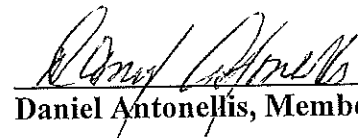
1. The Applicant shall comply with all applicable laws, regulations and permit conditions required by the Uxbridge Conservation Commission, Board of Health, Fire Department, Building Department and all other departments and agencies for this project.
2. Within 60 days of the date of this decision, the Applicant shall record this Special Permit at the Worcester County District Registry of Deeds and provide evidence thereof to the Planning Board. Failure to do so shall render this special permit null and void.
3. Any change in use or occupancy shall trigger a review by the town's zoning agent to ensure continued zoning compliance.
4. In accordance with MGL Chapter 40 A S. 17, this Special Permit shall lapse in two years if construction has not begun by such date except for good cause. To continue an extension of the Special Permit it must be requested. Said time shall not include such time required to pursue or await the determination of an appeal referred to in M.G. L. c.40A, s. 17.
5. Prior to site construction, a pre-construction meeting shall be held in order to facilitate coordination of various permit requirements, construction sequencing, inspection/monitoring requirements, traffic control, site security, etc. The developer shall request such meeting through the Planning Board office. At a minimum, the meeting shall include representatives of the Fire Department, Police Department, Conservation Commission office, Inspector of Buildings, Planning Board consultant engineer, Department of Public Works, and a representative of the Planning Board.
6. Periodically throughout the site construction, the Planning Board's consulting engineer shall monitor progress with particular attention to stormwater management installations, and sediment/erosion control. All activity of such consulting engineer shall be as directed through the Planning Board, and shall be at the expense of the applicant. Funds shall be established pursuant to the Planning Board's regulations, prior to the above-mentioned pre-construction meeting.

7. Snow shall not be stored on site except in the designated areas shown on the plan; excess snow must be removed from the site and disposed of in a lawful manner.
8. Copies of all quarterly and annual stormwater management inspection reports shall be provided to the Town (DPW, Conservation Commission and Planning Board), beginning upon utilization of this special permit.
9. This special permit is restricted to a drive-thru DUNKIN DONUTS; any modification shall require an amended special permit.
10. As-Built plans shall be submitted to the Planning Board office prior to any authorization for final occupancy. Seven copies shall be submitted, for distribution to Assessor's office, Building Department, DPW Operations, Conservation Commission, Board of Health, and Fire Department, as well as maintenance of one copy in the Planning Board file.
11. Four (4) "NO PARKING" signs will be placed on both sides of Douglas St from 33 Douglas Street to 45 Douglas Street. Existing "NO PARKING" signs along Douglas Street from Rt. 122 to the subject property shall be replaced or repaired as necessary.
12. Four (4) "EMPLOYEE PARKING ONLY" signs will be placed according to approved Plan Sheet C-01, dated September 22, 2015; revised through January 12, 2016.
13. There will be four (4) designated employee parking spaces.
14. An easement shall be granted for successors, heirs, and assigned, for four (4) employee parking spaces partially on the adjacent 50 Douglas Street property for as long as the drive-thru is in use.

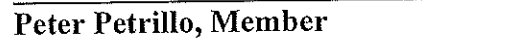
SAID SPECIAL PERMIT APPROVAL IS GRANTED PURSUANT TO M.G.L. CHAPTER 40A, SECTION 9. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 17.

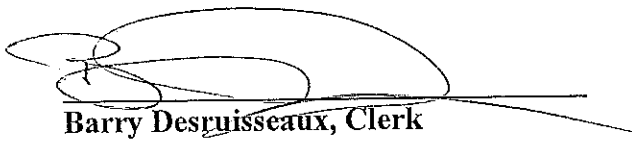
UXBRIDGE PLANNING BOARD

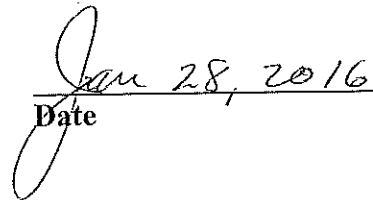

Joseph Leonardo, Chair

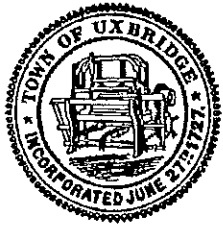

Daniel Antonellis, Member


James Smith, Vice-Chair


Peter Petrillo, Member


Barry Desruisseaux, Clerk


Date Jan 28, 2016



SPECIAL PERMIT DECISION

FY16-05 ARIS GROUP LLC
40 Douglas St
Uxbridge, MA 01569

I hereby certify that twenty (20) days has elapsed from the date this decision was filed and that no appeal has been filed in this office.

A true copy: ATTEST

Town Clerk/Assistant Town Clerk
(Town Seal Affixed)

Date