

Dear TSAC Committee and Members of the ZBA,

If possible please forward to TSAC Committee Members. However I will upload this to the contact page on the city website. This is my second letter as I wanted to add to the more to what I previously shared which was entered into the ZBA record.

I live at 14 Dove St. and oppose adding a fast food take out restaurant to Leary's. It will exacerbate the current danger of traveling and crossing Merrimac St. ultimately increasing risk to the personal safety of visitors to the neighborhood.

I'm disheartened and feel the recent meetings discussing this new use has been about recommending ways to advance the project rather than listen to the neighbors legitimate concerns. Two minutes of public comment per person remotely via zoom does not do justice to a neighbor's perspective on traffic and safety concerns. For this reason I'm writing my second letter in order to capture them.

On 5/26/22 at the TSAC meeting Police Officer Steeves commented that due to safety concerns police patrols are limited at this location due to possible safety risks. While I do not have the recording it was captured by the Zoom meeting for access. For this reason alone I hereby request the project be rejected for this safety concern along with those I capture below. This is not all the risks but enough to convey the concerns neighbors have of this proposal.

This proposal does NOT address the 18 wheelers that deliver now and will not be able to use the loading/unloading area. They are too big. However, if they try to back in to access the area they will create additional danger to Merrimac St., the parking lot and Dove St. traffic exiting the street.

While box trucks are part of the proposal, more of them pulling out of Leary's lot increase the danger of exiting Dove St. and those on Merrimac St. along with all pedestrians using the sidewalks.

Exiting onto Merrimac from Dove St. is difficult enough. There are currently trees and parked cars and limited visibility. Adding more cars to Merrimac St. at additional hours of the day will make the intersection more dangerous. And adding additional cars coming out of the parking lot increases the hazards for not only those on Dove St. but Leary's as well. It will also lead to the same thing to the exit by Kent St.

Merrimac St. at the bottom of Dove St. is not wide enough today. Cars traveling east and west must cross the solid yellow lines when cars are parked here. These cars include residents, customers of Leary's, Momma Dukes, the Modern Butcher, Port Paint and Paper as well as the Benjamin Moore tractor trailer delivery trucks This is a hazard for everyone that drives and walks in this area. With cars crossing the road there is going to be a collision.

The Merrimac / Kent St. crosswalk is a nightmare. Cars do not have visibility of it and pedestrians until they pass the Park Lunch. Then they speed up, when they realize there is a straight away. I have almost been hit by cars when I have been in the crosswalk when it was initially safe to cross. I can attest to at least one incident where a car traveling skidded into the Leary's east parking lot and came within feet of hitting me and my dog. This proposal now welcomes cars to go into that same parking lot additionally putting those at the crosswalk at new risk of harm.

The donation of a walkway to Cashman will contribute to cars parking in the Leary's lot on busy days when space is unavailable at the park. As a visitor to the park daily I know Rivers Edge Marina visitors, dog park cars, playground families and other Cashman visitors take up most available spaces. This cycle will take away spaces from Leary's parking causing them to park elsewhere contributing to a problem for neighborhood residents.

Last Friday I paid for a pizza at Otto. While I did not leave the building I made a purchase at Leary's. That's 2 different businesses. For the new fast food restaurant I will need to leave the building, enter another and make an additional purchase. These are 3 different businesses doing something totally different. It dawned on me while I waited for my pizza, this is a new use for a different location which I believe is a different address.

For all these reasons, particularly the risks of someone being harmed I respectfully request this proposal be rejected. I thank you for your time and consideration.

Thank you,

Dan Dener

14 Dove St.

Newburyport, MA 01950

M+ 978 376 9062

E+ Daniel.Dener@effem.com