



Zoning Board of Appeals

Minutes of Wednesday, November 1, 2017 – 5:30 PM

Board of Appeals members present: Charles Dudek, Gerry Mann, Marcianna Caplis & Osa Flory

Applicant Present: Thomas Reidy-Attorney at Bacon Wilson for Cumberland Farms, Karen Galvogni, Easthampton, MA-Manager Cumberland Farms & Ross McGowan, Albany, NY- District Manager

Public Present: Christopher Flory, Robert Barker, Fran Tilley, Stephen Snow, Carol Carson, Bruce Tolda, Daria D'Arienzo, John Lancaster, Paul Kennedy, & Bill Sayre

Administrative Meeting

Meeting was called to order at 5:35 pm by (cd).

Motion made (gm) and seconded (of) to accept the Minutes of the Executive Session on 10/6/17. Motion so voted.

Motion made (cd) and seconded (of) to accept the Minutes of 9/21/17, 9/28/17, 10/3/17 and 10/11/17 as written. Motion so voted.

Motion made (gm) and seconded (of) to close the administrative meeting.

Cumberland Farms, 37-39 Main Street, Public Hearing 6:00pm

Hearing called to order at 6:02 pm. The chair announced the Secretary was recording for accuracy of minutes. He asked if anyone else was recording to let the Board know. No one spoke.

(cd) read the public notice of the hearing. This public hearing was called after an application was submitted by Cumberland Farms, Inc., 41 Main Street, Williamsburg requesting a modification of Condition #6 (hours of operation) of the Special Permit dated 6/19/2003, to be allowed 24-hour operation of the retail store and fuel sales at 37-39 Main Street, Williamsburg identified as Assessors Map J, Lots 202 & 203.

Thomas Reidy spoke to the application. The request is to go to 24-hour operation. There will be no site changes. Cumberland Farms business model is changing to the 24-hour operation. He noted the need for the extended hours with the varying work schedules at local hospitals, jails and nursing homes. There are increased third shift jobs in the area. He noted he had read some of the abutters concerns in the letters that had been submitted and wanted to address some of the concerns including lighting, noise, trucks, etc. He stated Cumberland Farms is willing to work with the neighbors with adjusting trash pick up times, deliveries, etc.

(cd) had questions. First, he asked about the store's security protocol. The store manager spoke about the many cameras that are in place and the push-button alarms that are already installed. The alarms go to a private contractor Universal Atlantic and then to the local police department or State Police. Mr. Reidy stated the company is willing to make changes if needed.

(gm) asked how many employees will be working on the overnight shift from 12 midnight until 5 am. The district manager said there are usually two people on. (gm) asked about training for the employees regarding potential issues which may come up. The district manager spoke that all employees are trained for 30 days on the notifications and responses regarding a robbery, gas spill, or trouble with a customer. (gm) had a concern with untrained employees, especially young workers.

(cd) asked about truck deliveries. Waste removal, gas deliveries, and store deliveries. All deliveries are on a regular schedule except the gasoline. That is driven by sales of fuel, but the managers noted that the gasoline deliveries could be scheduled to only be done between certain hours.

Ross McGowan, the district manager, stated the 24-hour business model is more fluid with around the clock hours. It is more difficult to close than stay open.

(cd) asked if there were any comments or questions from the public present. Many of the abutters present were against the 24-hour operation.

Daria D'Arienzo, 13 Valley View Road spoke against the extension of the hours. She stated that the increased hours would not serve the residents of the Town. She noted the lights are big and bright when open. The lights 24 hours a day, seven days a week, does not fit in to the community. The noise and lights have gotten worse over time. There is increased noise during all hours they are open now.

Robert Barker, who is chair of the Planning Board, spoke. He was not representing the Planning Board only commenting as a citizen. He brought up the store's signs. The amount and size of the signs are a gross violation of the Towns sign bylaws.

Carol Carson, 15 Valley View spoke. She had submitted a letter to the Board. She is against the extension of hours. She needs to keep her shades closed night and day to keep out the light that spills over into her yard which is behind the property. She also noted the dumpster is emptied at 5:30 am at the store. There is a lot of noise from music in the cars, music at the pumps, back up alarms on vehicles, and just people talking in the parking lot.

Chris Flory spoke about the signage on the windows and an article he read in a Police Journal. He noted the signs block people from inside seeing out and those outside seeing in.

It was noted the original special permit allowed a sign no larger than 39 square feet. Signs are corporate, and the Company dictates how many and where they are to be put up. Bylaws were discussed and what the sign bylaws were at the time of construction of the store.

Tom Reidy spoke to the abutters. Screening or vegetation can be put in to block the lights. They can shut off the music at the pumps at an earlier hour than is presently done or only during certain hours. They can put up no loitering signs and no idling signs to try to make the neighbors happier. Signs can be removed. He noted Cumberland's can work with the Town to address these issues and these issues are solvable.

Robert Barker stated in the original special permit it stated no other signs except the one 39-square foot sign done according to the design that was submitted at that public hearing.

Mr. Reidy will meet with the Conservation Commission regarding vegetation and possible planting. He would like some time to meet with corporate to address the concerns of the neighbors and come up with some solutions to the issues presented. He will also meet with the Building Inspector.

(mc) stated the original special permit was not complied with in various respects.

Motion made (gm) and seconded (cd) to continue the public hearing to 12/6/17 at 6:00 pm. Motion so voted. The public hearing was adjourned at 7:00 pm.

Respectfully submitted,

Brenda Lessard, Secretary