



Zoning Board of Appeals

Minutes of Wednesday, December 6, 2017 – 6:00 PM

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

Applicant Present: Thomas Reidy-Attorney at Bacon Wilson for Cumberland Farms

Public Present: Christopher Flory, Carol Carson, Bruce Tolda, Daria D'Arienzo, John Lancaster, Jeff Gillis, & Ana Gillis

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

Hearing called to order at 6:01 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. He noted this is a continuation of the public hearing that was held on 11/1/2017.

(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 and changes he had asked Cumberland's for to address the neighbors & the Town's concerns. He asked the Board members if they noticed a lot of the signage has been removed at the store. He also stated that he had spoken with the Police Chief and had offered to sit with her to adequately address her concerns of placement of cameras and alarms.

Mr. Reidy also stated the exterior lights are on for 24 hours now. The interior lights are emergency lights only now so the only change in lighting for the 24/7 hours would be the interior lights would be on. There would be no additional outside lights. He asked for a six-month trial of the extended hours to see if all the concerns are addressed. In that way the neighbors could weigh in on the delivery times, music and noise.

(gm) asked about vegetative screening. Mr. Reidy stated they are unable to change the screening at the back of the property due to the topography. Valley View Road sits higher at the back of the property and screening at the back of the property would not help. He suggested planting vegetative screening on Valley View.

(cd) stated he had gone to the site in the night hours and the lights in the back of the building are very bright. They equate to airport lights. They are very intense. Mr. Reidy will address the lights with Cumberland's management.

John Lancaster & Daria D'Arienzo noted that screening does not always need to be vegetative. They asked about fencing. They noted fencing along highways cuts down on noise for neighbors.

Chris Flory commended Cumberland's for removing many of the signs that were out of compliance. He did note one sign came down and did go back up.

Ana Gillis spoke about the noise. They cannot sleep with the windows open. Sometimes the noise is very bad and disruptive to their sleep and family time.

Carol Carson spoke that the lights are too bright. It is very bright in her yard with no lights on in her property. She also expressed concern about the noise also, but the lights are way too bright on Cumberland's property.

Daria D'Arienzo wants to know what the better change is for the inhabitants of Williamsburg. She does not see that the extension of hours will better serve the people in Williamsburg.

Mr. Reidy responded with the demographic studies they have done show that Route 9 is a heavily travelled corridor. With the proximity to Cooley Dickinson and area nursing homes, there are many people who work overnight shifts. People need availability to get gasoline or milk during the night time. Peoples schedules are varied from other residents that are present at the hearing.

(gm) noted he had read in the newspaper that the Cumberland Farms in Florence was closing for a rebuild of the building. He asked Mr. Reidy is this had to do with the request for extension of hours in Williamsburg as the Florence store is open for 24 hours. Mr. Reidy stated he did not know. He did not think that was the case.

(cd) wanted some additional correspondence to be entered into the record.

Daria D'Arienzo wanted it noted that the outdoor lighting is not the same all night as it is during the store's open hours. She has been up at various hours during Cumberland's closed hours and the lights are still there but at a much different level. There appears to be motion lights that sometimes come on, but the lights are much lower in intensity during the closed hours.

Motion made (mc) and seconded (gm) to close the public hearing. The motion was so noted.

Motion made (gm) and seconded (mc) to open a decision meeting Motion so voted at 6:22 pm.

(cd) spoke about a trial period. He thought that idea made a lot of sense.

(gm) feels the closing of the Florence store is what compels Cumberlands to extend the hours in Williamsburg.

(mc) stated that Mr. Reidy did not give a compelling enough reason to stay open 24 hours. This store is a Corporation not a franchisee. Corporate policy is not looking at the present Special Permit to ensure that the conditions of that special permit is being met. She stated the manager and district manager probably never saw the original permit.

(cd) noted the Board is three members and they need to make a unanimous decision.

(mc) noted when she drives home after 10 pm there are few cars on the road and the only brightly lit space is only Cumberlands. When she has been on the road at 1 am she has never seen any cars in the area.

(gm) noted the lighting is glaring. The lights over the gas pumps are very bright and intense. He has noted they are dimmer when the store is closed. He does not see a compelling reason to stay open 24 hours. It is a corporate want not a community need.

(of) also in agreement about the bright lights. She noted the neighborhood needs some relief from the lights at night.

(cd) noted that Cumberlands is working under the 2003 special permit. The Board deliberated if they can set new conditions to the 2003 permit.

(mc) noted there are seven conditions and three are about signage.

Tom Reidy asked to withdraw the application without prejudice. He will go back to Corporate to see if they want to proceed with the application if they make the changes that are necessary to make the neighbors and the Town happy with their concerns.

Motion made (gm) and seconded (mc) to allow the applicant to withdraw the application without prejudice. Motion so voted.

Motion made (mc) and seconded (gm) to close the decision meeting

It was noted that the old Cumberland Farms building needs to be addressed. The neighbors stated is an eyesore to the community and should be torn down. It was noted #7 condition in the 2003 Special Permit addresses the old building but that is not a condition that has been complied with.

Motion made (cd) and seconded (mc) to adjourn.

Respectfully submitted,

Brenda Lessard, Secretary