

**SEEKONK ZONING BOARD
REGULAR MEETING
MINUTES**

July 10, 2017

Present: Ch. Roger Ross, Gary Sagar, Keith Rondeau, Shane Halajko, Robert Read

7:10pm

Ch. Ross: July 10, 2017, the Town of Seekonk Zoning Board of Appeals is in session, before we get started, I ask that anyone here, please rise and join in the Pledge of allegiance.

ALL SAY PLEDGE

Ch. Ross: Just have a very brief announcement, we're going to be a few minutes late in the game tonight, our fifth member is on his way he should be here momentarily. And as soon as he appears we'll get matters going, Thank you. If I may ask, any attorneys or experts who will be testifying on the Cumberland Farms matter, if you wouldn't mind, there are two tables up front if you could take those seats, and open up the other seats for people who are here, who would like to speak tonight, might make things a little more efficient.

Lawyer: I'm not representing Cumberland Farms but an objector to the project, I just wanted to let you know, I'm an attorney but I'm not with the project.

Ch. Ross: That's fine.

Ch. Ross: Ok, we're ready to go, Today is July 10, 2017 at 7:10pm; and the Seekonk Zoning Board of Appeals is now in session, before we get started, if you would all stand, and join the board, please in the Pledge of allegiance,

Ch. Ross: I'll have a few brief general comments about the way we proceed, and then after that, I'll get into reading the agenda in the order that we will hear the matters that are pending this evening. First as the matters are called we will ask the owner and or petitioner, as the case may be, to approach, if they are represented by counsel, counsel will of course, will speak on their behalf. Then we will ask any petitioner to present case, whatever evidence they want, whatever witnesses they want, whatever, documentary evidence they so choose at some point, after petitioner rest, I will inquire of audience, if there is anyone here who wish to speak in either favor or opposition, to the given pending matter, members of the board may have questions of witnesses or petitioners and we simply ask that they be answered in as comprehensive and as truthful manner as possible. At some point we will close the public hearing, there may be some discussion among members of the board, it is not necessary, but it is our practice to vote on matters, probably pending this evening, there may be circumstances where we will postpone a vote because we require, or are looking for additional evidence or, issues arise, which we will have to consider on a later date. Having said that, if we do vote on a particular matter, this evening, any persons who have sufficient standing who wish to file appeal, from this board's decision, may do so in accordance of the Commonwealth and I simply point out that there are fairly strict time requirements in taking such an appeal so I caution you to either be familiar with the statutes of the

Commonwealth in that regards or consult counsel if you so choose. Having said that, oh, finally, I caution always if any members of the audience wish to speak, either in favor or in opposition, I ask that any questions or comments be directed to the chairman, we will not entertain any conversation between members of the audience. Having said that I will read the agenda for this evening, the first matter we will hear is 2017-39 Jessica & Ian Boisvert, 237 Forest Avenue, Seekonk MA 02771 Owner/Petitioner, requesting a Special Permit under Section 5.1.4 of the Town of Seekonk Zoning Bylaws for relief from the minimum lot size requirements of 14,400 sq ft to 11,954 sq ft in order to construct a second floor addition at 237 Forest Ave, Plat 33, Lot 151 in an R-1 Zone, lot frontage 130.33', depth 92.52', containing 11,954 sq ft. Next matter is 2017-40 Jessica & Ian Boisvert, 237 Forest Avenue, Seekonk MA 02771 Owner/Petitioner, requesting a Variance, under Section 5.1.4 footnote 2 of the Town of Seekonk Zoning Bylaws for relief from the minimum front setback of 10' to 9' in order to construct a second floor addition at 237 Forest Ave, Plat 33, Lot 151 in an R-1 Zone, lot frontage 130.33', depth 92.52', containing 11,954 sq ft. Is someone here on the Boisvert matter?

J. Boisvert:

Yes

Ch. Ross:

Thank you ma'am, just sit tight for the time being. Ok, the remaining matters which I will read and detail are matters that were heard at a previous matter, that matter was continued until this evening proper notice was given, and so this is a continuation of an earlier hearing. First matter is 2017-27 Jeffery M Banna, Norma F. Banna, Janice M Peixoto (214 Taunton Ave), Jeffery M Banna, Albert G. Banna, Norma F. Banna, Janice M Peixoto (224 Taunton Ave), 214 and 224 Taunton Avenue, Seekonk MA 02771 Owners, Cumberland Farms, Inc Attn: Ms. Kathleen Sousa, 165 Flanders Road, Westborough MA 01581 Petitioners, By Farland Corp, 401 County Street, New Bedford MA 02740, requesting a Special Permit, under Section 4.2.4(a) of the Town of Seekonk Zoning Bylaw to dispense fuel/gasoline at 214 Taunton Avenue, Plat 20, Lot 596 in a Local Business Zone, containing 28,314 square feet and at 224 Taunton Avenue, Plat 20, Lot 470 in Local Business Zone and R-1 Zone, containing 3 acres. Next matter 2017-28 same petitioners and owners requesting a Variance under Section 8.8.4.4 of the Town of Seekonk Zoning Bylaw for relief from the maximum height of a free standing pylon sign from 15' to 25' at 214 Taunton Avenue, Plat 20, Lot 596 in a Local Business Zone, containing 28,314 square feet and at 224 Taunton Avenue, Plat 20, Lot 470 in Local Business Zone and R-1 Zone, containing 3 acres. Next matter 2017-29 same owners same petitioners requesting a Variance under Section 8.8.4.6 of the Town of Seekonk Zoning Bylaw for relief from the maximum display size of a free standing pylon sign from 60 square feet to 116.52 square feet at 214 Taunton Avenue, Plat 20, Lot 596 in a Local Business Zone, containing 28,314 square feet and at 224 Taunton Avenue, Plat 20, Lot 470 in Local Business Zone and R-1 Zone, containing 3 acres. Next is 2017-30 same owners same petitioners requesting a Variance under Section 8.8.3.3(d) of the Town of Seekonk Zoning Bylaws to allow for an additional identification sign on the western side (right side) of a proposed canopy structure at 214 Taunton Avenue, Plat 20, Lot 596 in a Local Business Zone, containing 28,314 square feet

and at 224 Taunton Avenue, Plat 20, Lot 470 in Local Business Zone and R-1 Zone, containing 3 acres. Next is 2017-31 Same owners and petitioners requesting a Variance under Section 8.8.3.3(d) of the Town of Seekonk Zoning Bylaws to allow for an additional identification sign on the eastern side (left side) of a proposed canopy structure at 214 Taunton Avenue, Plat 20, Lot 596 in a Local Business Zone, containing 28,314 square feet and at 224 Taunton Avenue, Plat 20, Lot 470 in Local Business Zone and R-1 Zone, containing 3 acres. And finally 2017-32 same owners same petitioners requesting a Variance under Section 8.8.7.1(c) of the Town of Seekonk Zoning Bylaws to allow for illumination of signs during all business hours at 214 Taunton Avenue, Plat 20, Lot 596 in a Local Business Zone, containing 28,314 square feet and at 224 Taunton Avenue, Plat 20, Lot 470 in Local Business Zone and R-1 Zone, containing 3 acres. And you are here again this evening representing Cumberland Farms, correct?

M. Kehoe: That is correct

Ch. Ross: And those are our public hearings, we do have a regulars session afterwards which is new business for approval of minutes of our May 15 and June 12, 2017 meetings. Before I call first case does any members of the board have any questions or comments? Hearing none, oh let me just, in both matters we have more than one petition for the same site, so our practice here is, we will consolidate the petitions for purposes of hearing evidence taking and consideration and when we vote, we will vote on each matter individually, so having said that, on the Boisvert matter, on Forest Avenue, Ma'am if you would step forward please, and are you both going to speak this evening? I'll tell you what, let's be safe. Why don't you both raise your right hands please? And do you both swear or affirm that the testimony that you are about to give will be truth?

Both: Yes

Ch. Ross: And will you individually state your names and addresses for the record?

J. Boisvert: Jessica Boisvert 237 Forest Avenue,

Ch. Ross: Sir?

I. Boisvert: Ian Boisvert, 237 Forest Avenue, Seekonk

Ch. R: Ok, good, why don't you tell us what you want to do, what you are looking for, and your reasons for being here this evening.

J. B: We currently bought the house right before we got married back in 2012, 924 square feet the house itself; it's our only living space. So, we currently have a three year old. We have 2 bedrooms on the first floor, including kitchen, bathroom, and living room. It's very, it's a small space, and basically we're just looking to put to spread out a little bit of space on the bottom floor and make it a little more livable. And put all the bedrooms up stairs. We're looking to put three bedrooms upstairs and a bathroom. We're running out of space, like I said we have a three year old, the 925 sq ft the walls are kind of closing in on us, we're just hoping to gain more bedroom space and little more living space on the property.

Ch. Ross: Ok and you want to go up?

J. B: Yes, just up

Ch. Ross: You're not changing footprint of the house? You're simply adding a second floor addition?

J. B: Correct, we currently have porch on the front of the house. There is a garage that goes underneath into the house that we are looking to seal off because we are getting water and mice. So we're looking to completely seal off the foundation. The only change to the front, not change the footprint would be to finish the porch across the front of the house, the way that it should be. Once we seal off the garage.

Ch. R: Ok

J. B: We're just trying to make it a little more uniform. Like I said, we're having problems with the garage, we've had water issued from the way that it is pitched because the house was built in 1917, the lot wasn't laid out until 1925, so the house was there prior to even the Benoit plat, the plat that it was originally a part of, before it was even put there, the house was there. So

Ch. R: So you're in front of us this evening, because you have a legal non conforming, lot?

J. B: Correct

Ch. R: Zoning was changed after the subdivision was laid out

J. B: Correct

Ch. R: And you're a couple of thousand feet short

J. B: We actually just sat with planning last month, there was a paper road that ran between our house and our neighbors, we actually went through the process of increasing the lot size, we took our 20' of the paper road, that the town abandoned. So we did increase the lot size as well. In hopes to, kind of try to conform a little more to the zoning laws.

Ch. R: Ok the Board of Selectmen has already abandoned

J. B: Yup, it's already approved. Everything has already been brought to the registry, so it's all set

Ch. Ross: Ok, and that's the 40' wide

J. B: Yup, you can see the

Ch. Ross: Not to be built

J. B: Correct, 20' is ours and 20' went to our neighbor.

Ch. Ross: And the recorded plan shows that merger?

J. B: Absolutely. It's actually that plan, they changed it slightly just to show the building that we're planning on doing

Ch. Ross: And you're also here because you're 1' foot short on the frontage?

J. B: Correct

Ch. Ross: What are putting on the second floor? I missed that

J. B: Just we're moving the bedrooms upstairs, so we're just adding a 3rd bedroom because we only have 2 currently so we're doing 3 bedrooms and a bathroom.

Ch. Ross: Full bath?

J. B: Correct.

Ch. Ross: Any members have any questions? It looks pretty straightforward. Do you have anything else you want to say at this point?

J. B: I don't think so.

Ch. Ross: Why don't you take a seat. Let me inquire of the audience, and inquire of the members. Is there anyone in the audience who wishes to speak in favor of the Boisvert application? Sir, with your hand up in the back, would you step forward please? Come up to the podium and would you raise right hand? And do you swear or affirm that the testimony you are about to give will be the truth?

Resident: Yes, I do

Ch. Ross: And would you state name and address for the record.

T. Proulx: Timothy Proulx 238 Forest Ave, Seekonk MA.

Ch. Ross: And spell your last name, there are variations on that

T. P: P-R-O-U-L-X. The LX is silent

Ch. Ross: Very good, thank you, go right ahead.

T. P: I am in favor, my door is facing their door, and we are directly across the street. I've gotten to know them over the past little while, that we've had our house, and I think that they'll do a fantastic job increasing value of my home, and doing a fantastic job of updating their home to make it a better living space for not only their family but for the neighborhood as well. So I just wanted to say that I am in favor for it, and I do think it is a good idea to go ahead and move forward and increasing the size of home.

Ch. Ross: Ok, great. Thank you very much. You can take a seat. Is there anyone else in the audience who wishes to speak in favor? Seeing none, hearing none. Is there anyone in the audience who wishes to speak in opposition to this petition, seeing none and hearing none? Do any members of the board have any questions, of any of the witnesses? Hearing none, do I have a motion?

G. S: The only comment I'd like to make Mr. Chairman, is that they applied for a special permit, and a variance, and the variance is not necessary. They only need a special permit. I fully support what they are doing, so I mean they applied for it, we need to address that going forward, though. I would move that, there is no zoning determination that I can see.

Ch. Ross: I didn't see one in my package.

G. S: So I would move that we approve it as submitted.

R. R: Second

G. S: And clearly the hardship, is the fact the house and the plat, predate zoning, on both counts.

Ch. Ross: Correct. I think 1925 was the subdivision, and the recording date, at least that was the testimony. So do I have any discussion on the motion?2745

K. R: We're voting first on the Special Permit?

Ch. Ross: Yeah, we're on 2017-39, the Special Permit for the lot area.

G. S: It should be all encompassing.

Ch. Ross: Yeah, I just want to take separate votes. So on 2017-39 I have a motion and a second to approve the special permit for the undersized lot, the legal non conforming lot, all those in favor granting the petition, signify by aye, aye, opposed no, ayes gave it 5-0. On 2017- 40, a special permit, even though it says variance, for the relief for the setback house currently has 9' of setback, the by-law now, requires 10'. Do I have a motion for 2017-40, the petition for the special permit?

S. H: So moved.

G. S: Second

Ch. Ross: Second. Do I have any discussion on the motion, hearing none, all those in favor of granting the special permit for the front yard setback relief, signify by saying aye, aye, opposed no, ayes have it 5-0. Good luck Mr. & Mrs. Boisvert

Ch. Ross: Ok, next matter, 2017-27 through 2017-32, the Banna and Cumberland Farms matter.

M. K: Good evening, Mr. Chair, board members, on behalf of the applicant my name is Michael Kehoe, I'm an attorney with Partridge, Snow, & Hahn, New Bedford, Mass. Also with me with this evening is Christian Farland, Farland Corp, site engineer. Francisco Lovera our traffic engineer. And someone you haven't seen before, Mr. William Baird, he is the president of WEB which does our, US the underground storage tanks. He was engaged to describe to this board, precisely what will happen with the underground storage tanks, the design, the delivery system, and also to address, for the board, some of the concerns in the written petitions that were opposing the Cumberland Farms development. So those are the folks that will be with me, tonight and presenting this evening. We have, as you quite rightly pointed out, a special permit request, and what I call the sign package request which is a series of variances. I would point out this evening, we are scheduled to go before the Planning Board tomorrow we have the ability to reduce the pylon sign's height, we've got permission to do it, but we haven't run that by the planning boards. So there is a few of the variances that depending on what happens tomorrow night, it may not be required. So I just want to point that out. We do have potentially, lower pylon sign, with smaller area.

Ch. Ross: Ok, if I could interrupt you for one second? You said you have permission to reduce the sign, for your client?

M. K: From the applicant. I want to be clear on that, from the applicant. So we haven't gone before planning with this, and their concern, might just be how that smaller or lower sign may impact the sites that they have already taken, cars entering and exiting.

G. S: I think this is backwards. You should get whatever relief you need from us first, before you go to planning.

Ch. Ross: That's not your issue.

G. S: No, I'm just saying that he's bringing up signs that are not in compliance, you may want to reduce them with the planning board. Then if he's going to do that, there is no reason to hear a petition for bigger sign. Am I missing something?

Ch. Ross: No, that's an in house issue, that's been ongoing.

M. K: I understand. If I may Mr. Chair, Respectfully for the signage, perhaps that should be continued until we've had a chance to see what planning says, then we may

G. S: Doesn't matter what they say, if we say, no you can't have it, then you've got to go back to them again anyways. I mean, this is ridiculous.

M. K: If we're able to put up, if they're ok with the 15' sign, we won't need a variance for the height we'll be at your required height, and we may still need to come before you for the square footage of the sign,

Ch. Ross: The area,

M. K: But that may be smaller than what we're requesting tonight, it will be smaller. So it wouldn't be as much of a variance, that's all I'm saying. We might have a modification for the request (INAUDIBLE)

Ch. Ross: I guess our question, my question is I assume its Gary's as well as everybody else. We don't make decisions how you go forward, whatever you want to present tonight, you know, we're here, we'll consider and we'll vote, and whatever the planning board does, the planning board does. I mean, if you

G. S: If in fact, the issue that he brings up, as part of sign package, if he's got to back and discuss that with the planning board, why do we want to discuss it tonight, if we know they're going to come back and discuss it again? Right, I mean the whole process is ridiculous.

Ch. Ross: Yes

M. K: You know, I'm not getting up here to say you're wrong, I just want to let you know that we understand that but we're scheduled tonight for this, and we're scheduled for planning tomorrow night. I wish it were reversed, that we'd know exactly where we're going.

Ch. Ross: Yeah, It's

G. S: It doesn't make any sense to me to tie up everybody's time here if we're going to come back and do it all over again.

Ch. Ross: And I really don't want to do, I'm not inclined to do petitions piece meal, but you know, we've got 40 some odd people here, everyone's been geared up for this.

G. S: And let's call it what it is Mr. Chairman the 600lb gorilla in the room is the gasoline. Why don't we, I'm just saying to you, if you've got to do the signs over again, let's do them another day, and let's talk about the gasoline.

M. K: I think that would be a good suggestion, Mr. Chair, we are prepared to go before the special permit request, I think it is separate from the sign package request.

Ch. Ross: There may be sign issues, in addition to the height, and the area, I know I have questions, I don't know what the people in the audience have, but the special permit is the big issue, as I see it

M. K: I agree, Mr. Chair.

G. S: I think you'd have to request that of us to continue everything; I was just verbalizing to my colleagues.

M. K: I understand, and Mr. Chair, I think the suggestion made is a good one, we're prepared to go forward on all of it, but I think it is appropriate to go forward on the special permit, and continue the sign package requests because they may change, and rather than have a discussion this evening, on a package that my change, I concur with what been stated.

Ch. Ross: We've been having this discussion for weeks now, and it's not been case specific, it's a broader question than that.

G. S: In fairness to the residents too, you know they should feel that they could come to a meeting and be prepared

Ch. Ross: To hear the case.

G. S: Yeah. So the special permit is the first one

Ch. Ross: The first one, 27. Let me put it this way then, sir, are you asking, requesting of the board that matters 2017-28 through 2017-32 be continued until you have some

type of decision from the planning board and go forward this evening on 2017-27?

M. K: That is correct Mr. Chair,

Ch. Ross: On that motion,

G. S: We have to pick a date

Ch. Ross: That's correct,

G. S: And I'd just like to ask, if I could of the secretary, we're fine with time, because we had opened the public hearing, we have

B. Garrity: We're fine, we're ok. We opened it within 65 days.

Ch. Ross: I think in fairness, I think I ought to see if anyone in audience wants to speak on that issue.

G. S: Well, if we take them in order, the gasoline is the first one

Ch. Ross: The first one anyway, that is correct.

G. S: Then we can, after we dispense of that, if we

Ch. Ross: Why don't you hold your motion, in advance, why don't you go ahead on 2017-27 which is the first one on the agenda, in any event, and we'll go from there.

M. K: Very good Mr. Chair,

Ch. Ross: Thank you counselor.

M. K: As you know the applicant in this case is Cumberland Farms, and what they are proposing as we've stated in the previous meetings is a retail convenience store with gasoline fuel island, much as depicted in the rendering that's on the easel in front of me. And that particular view would be the view of the corner, so you have Pleasant and Rt. 44, looking at it from that direction. I believe that the pylon sign in that depiction, I know we're not talking about the signage, but that's the 20' sign, I believe, but just to give you an idea of what we are looking at. That's what we're proposing. This particular request is for the special permit to dispense gasoline and obviously the determination is yours. That the proposed use is not, and will not be substantially detrimental to the neighborhood. I would suggest to you that, when you look at this particular permit under Chapter 40a section 9, which allows special permits, specifically they say that boards weighing the special permits have to make the determination of that it's a substantial detriment, but must do so the principal they call uniformity, and that uniformity means that if others in this district have been allowed, I'm sort of paraphrasing it, have been allowed to make use that we are proposing, you have to find that we'd really be doing something different than they are in a detrimental way for that to be denied. Citation for that would be SCIT vs. Planning Board of Braintree 19 Mass appeals court 101 and page 107 that's a 1984 case which has never been distinguished or overruled.

Ch. Ross: I have to cite, I didn't get the name of the case

M. K: Sure, name of the case is SCIT vs. planning board of Braintree,

Ch. Ross: Thank you

M. K: Ok. And much like that case, there is another case, it's a Slater case, it is older but it's still good law. Slater versus board of appeals of Brookline and that's at 350 Mass 70 page 73, 1966 case. And when you look at Slater and SCIT, that tells us that the board has to consider the use and the neighborhood based on information which was presented in the hearings. And in this particular case, also looking at

your Zoning By-law, what is harmony with Zoning By-Law, and in this case, I would submit that your Zoning By-law for the Local Business district says that it's supposed include commercial areas that serve the shopping needs of the greater regional community and are accessible to major highways this particular site is accessible by a major highway, route 44, but it also what we are proposing are commercial, retail, serving shopping needs of the greater regional community. That's what this district is supposed to be. The special permit is requested for the pouring of gasoline, it's not a disallowed use, it's a use that you can permit. And that was done to give you flexibility so you're not dealing with the standard zoning (INAUDIBLE) and I would submit that it's been presented by some of the abutters in their petitions and the verbal discussion, that there are gasoline stations in this neighborhood, in fact there are not only gasoline stations there are car dealerships with service bays and everything else that goes along with that. Washing of cars, servicing of cars, we're not doing any servicing or washing of cars. But I point that out to say, those uses and our use are completely in harmony with each other, and with the proposed intent of this particular district. And with that I would like to just ask Christian Farland from Farland Corp to step forward and he will be able to, again, a presentation from site and then I'll go on to the other engineers that we have with us this evening.

Ch. Ross: Ok, Thank you. Good Evening, Mr. Farland.

C. F: Good Evening, Mr. Chairman,

Ch. Ross: Good, would you raise your right hand, please and do you swear or affirm that the testimony you are about to give will be the truth?

C. F: Yes,

Ch. Ross: Would you state your name and affiliation?

C. F: Christian Farland, Principal Engineer and President of Farland Corp.

Ch. Ross: Address?

C. F: 401 County Street, New Bedford Mass. Since the last meeting the site plans themselves haven't had any revisions made to the plans, so the plans you're looking in front of you are the same plans that were presented last month. Since then we did receive comments from the peer review consultants, VHB Engineering and CEI.

Ch. Ross: On the traffic?

C. F: On the traffic, which we'll go into a little more detail on after me. If peer review, consultants. VHB pretty much didn't have any more comments, in regards to the civil engineering. And CEI had a few, a couple technical comments, none of which are going to design, that you have in front of you. Most of them were in regards to soil testing since we relocated the subservice drainage system. We're doing additional soil testing, in which we actually did today. Which came back in favor of the project so there will not be any more drainage revisions made to the plans other than more technical comments that will be addressed. Which we feel won't have any effect to the plans that you have in front of you tonight. I just wanted to bring that up, that there is another planning board comment that came back in regards to having the sidewalk extend around the corner for ADA accessibility which we will be adding to the plan. Other than that that was it.

G. S: Mr. Chairman, if I may,

Ch. Ross: Yeah, go ahead.

G. S: Mr. Farland, at the last meeting, I asked you for a copy of the planting plan,

C. F: We had submitted the revised plans electronically that were updated with the lighting plan as well. There was a module online for planning to be able to see it. I don't know if you had a chance to look at that.

Ch. Ross: The landscaping plan? When did that come in?

B. G: (INAUDIBLE)

G. S: Do you have a hard plan for that?

C. F: All together we have over 100 plantings throughout the project over 30 trees. It's pretty heavily landscaped all along Taunton Ave, here with some large shrubs, and in the back we have (INAUDIBLE) cypress to create a very nice buffer in the back that really (INAUDIBLE) I can show you that. This is also mounded in the back here, so it's going to be pretty high, the height of these being propose is 6' these plants grow a good 1' a year, they are all spaced exactly per the request of the 10' apart from each other, which eventually will be a solid wall of plantings. In the northwesterly corner here, this is the ledge outcrop which is a pretty high buffer as well. (INAUDIBLE) the tanks sit beside them

G. S: Will that ledge removed?

C. F: Some of it will be, but we'll try to keep as much of it as possible for obvious reasons. Some of it will be exposed, naturally.

G. S: Can you make a determination at this point if it's going to be excavated or blasted?

C. F: I can't

G. S: You can't? When you did the landscaping did you reference in our by law, 8.4.1.1 screening in a local business district?

C. F: Yes

G. S: You did? And it complies with that requirement?

C. F: Yes, we have made some adjustments to that from the previous. Most of it was in regards to the abutters as well, actually it exceeds the requirement

G. S: It does exceed?

Ch. Ross: Are the plantings parallel to Evelyn Way, at the time of planting will be approximately 6' tall?

C. F: 6', Yes

Ch. Ross: Any idea what the mature height of those?

C. F: The height of those cypresses, they can grow up to 40' Cumberland Farms will try to keep at eventually at 15'.

Ch. Ross: Let me ask you a question about, I just want to make sure I'm correct on this. Your site plan, obviously on one of these lots we're dealing with split zoning, and the zoning boundary line, I see is that northwesterly corner of the lot, where you've got that property line along of 35.6". I've got the zoning district line running through Evelyn way, and there is a small triangular piece in the northerly corner. Right.

C. F: Yes

Ch. Ross: Ok, that is I understand there is more land off to the east, that's the residential piece on this entire planned development, is that correct?

C. F: Correct

Ch. Ross: I just wanted to make sure that I'm reading that correctly. And as long as you're on that plan, let me ask you, I see the 25' jurisdictional line, the buffer zone, the 100' buffer zone, is all of that going to be your drainage area, your drainage easement? The entire width of that?

C. F: The drainage easement right now, we weren't currently planning on changing easement, but one of the comments from the planning department was to meet with DPW, we may increase that, to allow enough access to get all the way around, it was something that was (INAUDIBLE)

Ch. Ross: but you're not going to reduce it?

C. F: no

Ch. Ross: Ok, and that's developable, any of that jurisdictional area, that buffer area?

C. F: This is all within the wetland buffer?

Ch. Ross: It's all the wetlands. Just wanted to make sure, that's not our jurisdiction, just want to make sure I understand. Do any board members of the board, any other members have questions of this Mr. Farland? Anything else sir?

M. K: Mr. Chair, I'd like at this moment, to introduce Francisco Lovera, who is our traffic engineer, again we met with him earlier at the previous meeting but he will now update you now as a result of peer review and additional studies, which were done after the last meeting.

Ch. Ross: Would you raise your right hand, and do you swear or affirm that the testimony you are about to give will be the truth

F. Lovera: I do,

Ch. Ross: And would you state your name and business affiliation and address, please.

F. L: My name is Francisco Lovera, with McMahan Associates, address of 14 Breakneck Hill Road, Lincoln RI.

Ch. Ross: You may proceed, sir,

F. L: Thank you, Mr. Kehoe was describing, McMahan developed a traffic impact, study for the proposed site, in November of 2016, based upon comments from Planning Board we've updated that study to reflect Saturday volumes as well as analyze the intersection Evelyn and Pleasant St. Evelyn Way. The traffic impact study was developed following (INAUDIBLE) guidelines, established by ITE and by Mass DOT, for this type of study, we obtain counts on Pleasant St and Taunton Avenue on October 13, 2016, for (INAUDIBLE) traffic impact study, the counts were obtained on that Thursday, between 7-9 in the morning and 4-6 in the afternoon. With those counts we determined that the peak hour on Taunton Avenue was 7:15 and 8:15 in the morning and 5 o'clock and 6 o'clock in the afternoon. When we compared the counts from Oct with other months of the year, based on a counting station that MASS DOT has nearby, we determined that the counts for the traffic volume, that happens in the roadway that were in October is higher than a typical month. Therefore we did not provide for any seasonal adjustment to the counts to provide a more conservative analysis. In other words the volumes that we measure are typically higher than what you would serve on a typical month. We also look into the safety of the site, the intersection at the time of the study we had crash data 2012, 2013 and 2014 there were 7 reported crashes at the intersection, when we look at the crash rate, we take into account not only the number of crashes that happened at that intersection but also the

amount of traffic that uses the intersection to give a volume constant across the board and many other intersections, and all the intersections were the same with the same characteristics in the Commonwealth, as well as in the district. The crash rates that we observed and calculated at this site are .35 cars per million vehicles a year that travelled through this intersection. The average for the district as well as the average for the state is significantly higher at .58 & .60 respectively. What we can conclude based on this information is that this intersection is not presenting a significant concern, they are cautious but not they are not to the level of concern to the State, as something that needs to be addressed. We also confirmed that the only, there were two projects, or there are two projects within the area or within the town that would affect or change. We look into any other project that is occurring in the town that could have the potential of changing the traffic patterns on the network, the roadway network, there was a recently a development of a FedEx facility in town located at 1997 Fall River Avenue, but the location of this site and the access to that location is so remote to this particular site that we determined that there was no chance for that site to change the traffic patterns at the proposed location. There is another project that is ongoing with Mass DOT that is proposing to resurface Taunton Avenue however there is no geometric changes that will be implemented as part of that project as far as we were notified by Mass DOT. We confirmed with SRPEDD as well as with the Town Planner on the expected volume growth that will occur at this intersection and similar to any other traffic impact studies. We not only determined what is happening today, but we are also able to project what is happening in the future, without the development and then with the proposed development to determined if there are any needs of, or concerns that could happen once a site is developed as it is described. Therefore, based on our contact with SRPEDD as well as with the town planner we estimated that 1% growth rate per year at on the traffic volumes on the roadway network nearby the proposed site. This percentage of growth not only will include all the amount of traffic that would be expected to grow on the roadway network but also capture all those little developments that may occur in the area, and what is typical and what percent is typical for a project like this in similar regions as the proposed site. We then estimated the amount of traffic that would be generated at this site using ITE land use for convenience market with gas pumps and using that, with projected size of the store as well as the number of and pumps would determine the amount of traffic that would be generated at this site. The Institute of Traffic Engineers which publishes these guidelines also acknowledges and makes public that there are certain trips that already on the roadway network that would not necessarily new to the site. What it means is basically that there are certain land uses that would actually create new traffic in the roadway network. Meaning like a new stadium like a new car dealership where anyone who is on the roadway is not driving to all of a sudden decide to watch a game or buy a new car or lease a new car, and the other development, like a restaurants or like a gas stations, which is typical that the drivers are on the roadway network and sees the signs sees the business and decides to go buy gas or buy something at that store or to get some food. With that in mind ITE, and following the ITE guidelines we were able to deduct up to 63 & 66% of the new

trips are generated by the site. What it means is that, out of the trips that would be coming to this site, roughly between, less than 40% of those trips would be new to the roadway network.

Ch. Ross: That's what's call pass by trips in the reports, correct?

F. L : that is correct, that is what is called a pass by trips. Taking into account the amount of traffic that will be generated by the site, as well as the pass-by trips. We are able to conclude 36 cars coming in and 36 out, new trips coming into the site during the morning peak hour and 41 cars coming in and 41 cars coming out for a total of 82 during the afternoon peak hours.

Ch. Ross: You're talking peak hour only, right?

F. L: Peak hour, so that is the worse, the expected worse conditions. Similarly, those numbers were based on regional traffic study; with the revised numbers we were able to include the expected new trips on a Saturday. And Saturday new trips would be 44 cars coming in and 39 coming out of the site, for a total of 83 during the peak hour, in both case, that happens to be less than 1 per minute coming in and less than a car a minute coming out, of the site.

S. H: So these are all guesstimations?

F. L: That is correct

S. H: From your study, and the study that you have in here as far as the accidents that have occurred, at this intersection, obviously that was before this proposed commercial building was there, is that correct?

F. L: That is correct

S. H: Let me just ask you, how are they getting into the gas station?

F. L: There are two driveways

S. H: I can look at the plans, but I like seeing, I'm more visual if I can see someone point it out to me.

F. L: Absolutely, in the original plan we had three different driveways, now there is only 2 driveways. One on Taunton Avenue, right here and there is another one, on Pleasant St, right here.

S. H: So they can go in Pleasant St, or Taunton Ave, ok, thank you.

F. L: That is correct. Vehicles have the ability to make a right or a left turn on Taunton Avenue, depending on where they are coming from. With that, we also measured the site distance that is available, on the driveways on both driveways on Taunton Avenue as well as on Pleasant St, and we took into account the speed that is posted. The posted speed limit on Taunton Avenue, as well as on Pleasant St. The stopping site distance which is required, which means, the amount of distance that is estimated for a driver to realize that there is something going on the roadway, and having the ability to react to it, and stop for 40mph, is 305'. There is currently a vertical curve on Pleasant St. that prevents some of the site distance for someone going on Taunton Avenue, and the site distance that is available that we measured on this site, on the driveway on Taunton Avenue is short of that value, it is only 260', however the driveway where it is located is located in the best the most available location to be placed, meaning that any other site closer to the intersection would have a less site distance than what is measured and further away from the intersection there is wetlands, so it is not an ability, there is no ability to provide a driveway over there. This site distance of both direction of

Pleasant Street, meets and exceeds the required volume. We also estimated, not only the number of trips but where the drivers are coming from and where they are going to, based on the volume distribution that exists currently on the roadway network, we estimated that 50% of the cars that are coming and going from the west, 45% are coming from the east and 5% of the cars are coming from the south of the intersection. We performed...

- Ch. Ross: Let me interrupt you for a second, Gary has a question.
- G. S: Your original traffic study is November 2016
- F. L: Correct
- G. S: You updated 6.9.17
- F. L: That is correct, 2017
- G. S: In between that, and prior to that on May 18 is when the Town's peer review, subsequent to that you increased the building size
- F. L: That is correct
- G. S: Does that have any effect on the information that you've compiled?
- F. L: Yes, the number of trips will be expected to be higher, but not significant.
- G. S: I think at the last meeting I asked you if you could give us the numbers, and maybe they're in here, I've skimmed through it, and read the summaries, if this was just a convenience store what is the impact on the traffic, and how much additional traffic will the gas pumps have
- F. L: We did not look into that information.
- G. S: Do you remember I asked you for that.
- F. L: Yes, I remember, that you asked for that information
- G. S: And can you tell me why you didn't do it?
- F. L: Because we are pursuing the gas station in this case and any other use would be different amount of traffic, different amount of... there are too many variables, for that.
- G. S: I'm sitting and I've got to decide on a petition, for the people you're working for, I should have the most update and accurate information in front of me
- F. L: And you are correct, however there are so many variables to this site, that I
- G. S: Can you give me a percentage of increase in traffic?
- F. L: There is no ability for me to provide you with that information? Because all of those estimates depend on the size of the building and there are many other options, there is a significant number of alternatives that could be built here. Not only a convenience store, it could be a fast food restaurant,
- G. S: You're correct, but there is no existing data for other locations that show if you have an existing Cumberland Farms and you added gas pumps to it, percentage wise what is the traffic increase?
- F. L: There is no data for a Cumberland Farms store itself, versus a Cumberland Farms with gas pumps
- G. S: Any store, doesn't matter who owns it, take an existing convenience store, a retail store and add gas pumps to it; there is no data that can say how much the increase in traffic is?
- F. L: That is correct. There is no data
- G. S: None?

F. L: No data, where a store is there and you add gas pumps, how much traffic would be added.

G. S: That's a little hard for me to...I'm sorry but

Ch. Ross: I'm not speaking for Gary, but you said there are all kinds of variables,

F. L: That is correct

Ch. Ross: Gary has isolated one variable, it's the gas pumps, there are no other variables, it's the convenience store without gas pumps or convenience store with gas pumps there are no other variables that I know of, if you can tell me what they are, that's fine, I'd be amendable to that, but he's isolated one variable that's all he's asking you to look at.

F. L: No I understand that, that at the same time the variable we're looking at now is a convenience store with gas pumps, if we go into different alternatives of what if, what if, what if, there are so many other variables in terms of this size, this store...

G. S: Sir, sir, sir I was very specific to you, of what my what if was.

F. L: Yes, sir.

G. S: Alright, and to come back here, 30 days later and say you don't have that I....

S. H: The thing is too, right now you have a convenience store, you're trying to get the ability to dispense gasoline, so it would make sense to know what the increase would be with the pumps or without the pumps.

F. L: That is correct, but that site would, if this site was developed with only a convenience store, that convenience store would likely be a lot larger, than just the proposed size

G. S: No, no, that's fine, that's fine, but you we know its 5200 sq ft. go with that, and go with the pumps, and I think I'm not out of line asking for that information.

Ch. Ross: You've isolated the only variable that I can see, the 5200 sq ft convenience store is a given,

G. S: Yes

Ch. Ross: That is what we're dealing with. And you want to know what the incremental traffic generated if you add 10 pumps or 5 pumps, 10 dispensing units to that convenience store.

G. S: I think that is a very fair question, Mr. Chairman.

Ch. Ross: I don't know what the other, what other variables could there be? You tell me.

F. L: No, absolutely, what I can tell is; if this site was developed as a convenience store only, the size of the store, the distribution of the driveways is likely to be different, so, I don't it's fair for me to give you numbers that may not necessarily represent this site, it's likely to be developed at some point, the matter we are discussing is just

Ch. Ross: So what you're saying is ITE has no data on a 5200 sq ft convenience store without fuel dispensing?

F. L: ITE has information, on that, the question, the way I understood it was the convenience store and then same site then add pumps, gas pumps.

G. S: I thought I was very specific last month, that I wanted two numbers; convenience store only, convenience store with pumps. And I don't think you've done your job, and supplied this board with the documentation, that at least I was looking for.

Ch. Ross: Ok, let's move on,
G. S: Ok
Ch. Ross: I'm agreeing with you, there is nowhere to go with this now, other than...
F. L: So using the traffic generation information that we obtained, for the proposed site, as it is proposed, any use in the existing traffic volumes and projected traffic volumes for 7 years, and adding traffic that will be expected to generated by a site like this, the intersection with Pleasant St and Evelyn Way is currently operating at a level service A on all the approaches and in the future is expected to operate with the same level of service and minimal delay and even with this proposed site the operations of that intersection would continue to be a level of service A on all the approaches. The intersection of Taunton Avenue and Pleasant St on the north bound and south bound directions, for morning and afternoon as well for Saturday they have in the northbound direction a level service E and level service F in the afternoon, and level service E during the Saturday peak hour. In the southern direction the typical level of service are C, D and C, in the future with no development, all the northbound direction approach on Pleasant Street at Taunton Avenue, are expected to operate at a level of service F. Under the volume of capacity ratio under 1, even though there is a delay that drivers are incurring when they approach that intersection, they still have an opportunity to find gaps on the main road traffic, once we add the traffic that we generated to this site, the expected level of service for the three, for the three scenarios, morning afternoon and Saturday, it's also level service F, but in all case will still remain under capacity, which means that there's enough ability of the drivers to have, to find a gap on the road. And anticipating there will be some concerns on the level of service we performed a delay in gap study, which means we sat on the road and we measured the number of gaps and the length of the gaps that occur on the traffic volume during the main afternoon peak hour, which is the one that has a significantly higher amount of traffic than the morning, in our observations and based on the data we are able to, were able to conclude that in a typical peak hour there will around 264 gaps or 264 opportunities for people to make a right turn, meaning that there is at least 6.2 seconds for drivers to be able to make a right turn in both directions on Pleasant St. And there are 82 gaps for those vehicles to make a left turn from 7.1 seconds and that is similar according to ITE. So I'd be happy any other questions.

Ch. Ross: I want to go back to the other issue, let's put it to bed. I'm looking at your amended report after VHB made their comments, did their peer review. Page 3 of 9, half way down you've got a paragraph, captioned site generated traffic, correct?

F. L: That is correct.

Ch. Ross: Above the table, and it says in there, and this is the 2nd sentence the trip generation rates were developed based on ITE publication, trip generation, 9th edition for land use code 853 (convenience market with gasoline pumps) now is it your testimony that ITE does not have a land use code for convenience stores without gasoline pumps? Is that what your testimony?

F. L: No sir

Ch. Ross: That's not your testimony, or they don't have one,

F. L: That is not my testimony; they do have a land use that includes only convenience market.

Ch. Ross: And that would be used to determine whether the trip generation is on Taunton Avenue, correct?

F. L: That is correct for convenience market

Ch. Ross: And was that not your understanding of what Gary asked you for last month?

F. L: That is correct, sir, yes. That was my understanding, yes.

Ch. Ross: Having nothing to do with your testimony, sir, I'm going to have to take a 5 minute recess. We have two of us that have to take a 5 minute recess. Okay, we are back in session, counselor. I think we have some questions of Mr. Lovera. Keith,

K. R: I was looking through the traffic study, and I was looking for information on what the impact on site would be on the light that's westerly of the site, down towards the front of Tasca, did you look at any impact there for motor vehicles traveling east?

Ch. Ross: This is the intersection of Fall River Ave

F. L: I am familiar with that location. No, we did not look at the impact there, because the amount of traffic that is generated by this site is not significant to affect the traffic

K. R: The reason why I ask, the reason why I ask that is, and it happens every single time I drive down there, down that way and when I'm driving back, where somebody will try if you're in the left hand lane, somebody will try and get in the right hand land, and then they speed up to try and pass you on the right hand side, alongside Tasca, and cars really don't separate from each other until, maybe a hundred yards or so before the site is, so my question is, did anybody look at that, and the impact of that traffic, because that happens quite often. It's almost every single time I drive easterly, from East Providence into Seekonk. Somebody is gunning it to get through the light, and it's almost at Pleasant St before they separate.

F. L: Yeah, it's right after the site.

Ch. Ross: It's before, heading east is well before the site,

K. R: Correct

F. L: The traffic going towards the signal it would be just another

K. R: From the signal towards Pleasant

F. L: From the signal towards the site, that a point we discussed with Mass DOT in the preliminary meeting we had with them, they raised same concerns we mentioned to them, where the merge occurs and there is enough space for cars to form a single line before they get to Pleasant St.

K. R: So Mass DOT brought that up, as a concern?

F. L: They were concerned of the operations and we pointed out where the merge is occurring and they were satisfied with the response that there would not be an effect from this site on the operations of that property.

G. S: Mr. Chairman, if I could just one more time.

Ch. Ross: Sure, Gary

G. S: Going back to the chairman's comments on page 3 of 9 that chart that you have there, the ITE land use code 853, convenience market with gas pumps based on

5,275 sq ft, that's the numbers with the gas pumps. In your professional opinion, if there was no gas pump there, in your many years of doing this; by what percentage would the traffic be decreased, with just the store? Could you give me your professional opinion on that?

F. L: I cannot give you my professional opinion on that without looking at the numbers, because there are variables that are used and the results are slightly different. So I'm not exactly sure. If the traffic would be higher or if the traffic could be lower.

G. S: but you could get us that?

F. L: I cannot provide you with information on that now,

G. S: Not now, but can you get that? What I asked you a month ago, I'm asking you again, can you get that?

F. L: We could look into that

G. S: Thank you

C. F: Mr. Chairman, if I may, most likely if we weren't proposing a Cumberland Farms. It would be something more like a CVS, is that something that you are looking for? Just to be on the same page, like an 8,500 sq ft, or an 11,000 sq ft CVS building, which marries between what is allowed by right versus...

G. S: Well the convenience store is by right. What is the traffic generated by the by right use of the convenience store on that site, it's 5,275 sq ft.

C. F: If we just did a convenience store it would defiantly be larger than that to support the site that, so would you want it on just the 5,000 sq ft.

G. S: So now, what you're telling me is, if you don't get the gas, you're not going to build the convenience store?

C. F: Most likely, correct.

G. S: So, I have to base it on what you submitted, I can't show up with hypotheticals on 10,000 or 11,000 sq ft CVS, I'd just like to know what is in front of us.

C. F: If you want exactly what a 5,500 sq ft convenience store,

G. S: Would generate, as opposed to a convenience store with gas pumps, that's what I asked for a month ago, I thought I was pretty clear.

Ch. Ross: What is the incremental traffic, generated by the gas pumps?

C. F: We can get that for you.

Ch. Ross: Does anyone else have any questions of Mr. Lovera, the traffic engineer? Okay, hearing none. Counselor

M. K: At this time I'd like to introduce you to William Baird from WEB. Again this will be Mr. Baird speaking to the issues of the underground storage tanks the delivery system and the issue involving the hydrocarbons etcetera that were expressed as a concern of abutters.

Ch. Ross: Not to preempt you, counselor, I don't know when this was filed, it's dated January 23 on a Cumberland Farms letterhead, but it's all about fire suppression.

M. K: That was sent as a courtesy to this ZBA because we were asked to submit what the materials were in the canopy fire suppression system, that was requested by John Aubin at Planning and so I thought rather than just submit to planning, we'd submit it to ZBA, I sent a copy to conservation

Ch. Ross: I received it today, and quite frankly I'm not competent to go through this in short order, is there anyone here that can speak on this tonight? I don't know if it essential, but

M. K: I'm not sure Mr. Baird could,
W. B: I can only state what the state fire marshal office approves, (INAUDIBLE)
M. K: We did have that reviewed by fire chief, who confirmed what you just heard from Mr. Baird, that these are not usual, these are the normal
Ch. Ross: So, the proposed fire suppression, is in compliance, with State fire code?
M. K: that is correct.
Ch. Ross: For our purposes
M. K: But because planning had asked for it, I thought I would submit it to everybody.
Ch. Ross: That's fine, thank you. Appreciate it. Mr. Baird, would you raise your right hand, please, and do you swear or affirm that the testimony you are about to give will be the truth?
W. B: Yes
Ch. Ross: And would you state your name, professional affiliation and business address for the record, please?
W. B: William Edward Baird, I am president of WEB Engineering Associates, I reside at 111 Summer St in Scituate that is also the address of the company.
Ch. Ross: Scituate Mass or Rhode Island?
W. B: Scituate Mass.
Ch. Ross: Mass, Baird?
W. B: Baird, if you don't mind I'll hand out cards. I'll start by saying I have more than 40 years experience in the design of underground tanks an fueling, at one time I was considered an expert on leak testing, underground storage tanks, I've been published and lectured to the Department of Defense and also a course given at the University of Wisconsin on underground storage tank leak testing, and the dynamics of underground storage tanks
Ch. Ross: Not to be picky, you said you were once considered an expert on leaks by whom?
W. B: By the Department of Defense, American society of mechanical engineers and I lectured at University of Wisconsin
Ch. Ross: Was that a certification of some type
W. B: No, I was a teacher.
Ch. Ross: Thank you
W. B: That said, I'm very familiar with Cumberland Farms design, and I've done over the last 5 years probably 10 presentations similar to tonight. There design, has changed dramatically with each improvement in storage that has come along. What they are proposing, is 2 12,000 gallon and 2 8,000 gallon tanks, the 12,000 gallon tank and the 8,000 gallon tank share a common shell structure. The 2 tanks are then surrounded by 20,000 gallon FRP structure, very similar, same material of which the tanks are made. FRP tanks are fiberglass reinforcement plastic tanks they are thermo set, so the structure cannot be reversed, they have been approved up to 95% ethanol. Massachusetts right now, gasoline in Massachusetts has 10% ethanol. The space between 8,000 and 12,000 gallon tank together and the 20,000 gallon tanks surrounding it that's secondary containment, that will contain a brine, a calcium chloride brine, and this brine serves many purposes. And this installation is in excess of current federal regulations. Current federal regulations require double walled tanks, but not require brine in the interstice, the good thing about the brine is that unlike tanks with dry interstice, if there is a breach of the

external tank the brine leaks into the ground and an alarm goes off, because there is a sensor at all times, sense the level of the brine in the interstice. If the primary tank fails, and that would be either, the 12,000 gallon tank or the 8,000 gallon tank, the brine leaks into the tank, it is heavier than gasoline. And when it leaks into that tank, 2 alarms go off, one alarm is a sensor on brine itself the other inventory sensor in the tank that measures the volume of tank, also has a sensor in bottom for liquids other than gasoline and diesel fuel. So that liquid being, brine, would sound an alarm that something is wrong with the primary tanks. The dispensing, Cumberland Farms plans on having 5 dispensers, capable of fueling 10 vehicles at a time. One dispenser will have gasoline and diesel; the other four will gasoline only, regular and premium. Um, these the tanks and the piping system, the pipes are also double walled FRP pipes, and this pipes and these tanks have been approved by the American Petroleum Institute the American, API, the American society of mechanical engineers, the American Society of testing materials, American water works association, Factory mutual, the National sanitation foundations, and underwriters laboratory. There are more than 200,000 fiberglass tanks in service in the United States at this time. Approximately half of them are double walled tanks. And less than half of those have brine in them, although the brine is becoming very popular with the major oil companies. It's another level of protection. You could have a dry interstice and the contractor finishing the piping and everything, puts a little hole in the outside of the tank, it goes unnoticed because the interstice is dry, and there is a sensor in the bottom of the interstices that would sense a liquid. Therefore it requires high ground water to leak into the tank for an interstice sensor to go off if the outside tank is breached. Therefore the brine, in my opinion is a super level of protection for the environment and the ground water. This is a better depiction of the two tanks and the four tanks with the surrounding FRP. In this drawing the tanks are anchored, they are always anchored regardless of whether that there is any ground water that could float the tanks. Cumberland Farms always anchors the tanks. These anchors are concrete reinforced by steel, and by design to keep the tanks from floating if they were fully submerged and empty. I'll just go through this quickly, I know you have these drawings, so that, let's just look at the 12,000 gallon, 10' diameter master tank above that is the containment for the piping and there is a submersible pump in that containment are. The submersible pump pumps obviously the fuel to the dispensers. There is a leak detector on the, discharge of the submersible pump and it is state of the art and manufactured by Veeder root. It is a positive line leak detector. The old leak detectors would only work when the tank was shut down and there was leak on the piping and the pressure went down. These positive line leak detectors will sense a leak even while the pumps are running and functioning. The secondary containment on that though, is these pipes are contained in another FRP pipe, and should the primary pipe holding fuel fail, the gasoline or diesel fuel will flow back to the sump where pump is located or to the dispenser sumps and in each sump, in both the sumps that contains the pump and the sump that is at the dispenser, there are liquid leak detectors that are hung down at the bottom of these sumps. And so if the line, if there is a leak, if there is gasoline or diesel fuel in any of the containments, an alarm goes off and

the system gets shut down. So in addition to the positive line leak detector we also have a back up of the product should the primary line fail. The product gets carried to a sump that has a liquid sensor in it. The filling of the tank, the Cumberland Farms complies with the California air resources board requirements for enhanced vapor recovery. Which means that the delivery of the fuel to the tank is literally state of art. California air resources board doesn't allow leakage at any of the connections at the top of tank, where the delivery hose gets connected when tank is being fueled. At the same time, when gasoline is being delivered to the tank, the product flows in to the tank, and the vapors are returned to the truck with two hoses on the connection whenever gasoline is delivered. Fuel goes in it creates a slight vacuum in the truck the gasoline vapors are displaced from the tank to the truck those vapors are then carried back to the oil terminals where they are reprocessed. The other feature that is very important for gasoline storage is that, the vent pipes, there is a pressure vacuum vent which restricts the vapors from leaving the tank under any circumstance.

- Ch. Ross: Could I ask you to get to the microphone please. You're point out, I understand
- W. B: Um, the only other important feature is that the dispensers, the dispenser has fiberglass reinforced sump under the dispenser, so if that there is any failure in the dispenser, the gasoline or the diesel fuel leaks into the sump and alarm goes off. The other feature at the dispenser is a, commonly called a crash valve, Cumberland Farms employs a double pump crash valves, crash valve closes completely when the dispenser is displaced in an accident. So if a car hits dispenser, so even if the gasoline is being pumped this crash valve closes under the pressure from the pump and there is no release of gasoline. At the same time since it's a double pop-it, if the gasoline or the diesel fuel that is in the dispenser is prevented from leaking out, also because of the double pop-it it closes at both directions. At the dispenser, also the hoses at the dispensers have breakaway valves, at the dispenser so if someone drives away with the hose still in the car; this valve shuts off the gasoline or diesel fuel in both directions. Both from hose that is being dragged down the street, and also from the product that is in the dispenser that is being pumped. Those are the primary safety features of this design. Any questions at this point?
- Ch. Ross: I was always told in school that there is no such thing as a silly question, so,
- W. B: No silly questions
- Ch. Ross: It's mine, you've got the fiberglass outer tank, and you've got the 12,000 & 8,000 gallons, and what I think you said was, and I'm ready to be corrected. Is that if the primary tank fails, at that point the brine flows into
- W. B: The primary tank
- Ch. Ross: the primary tank
- W. B: Yes
- Ch. Ross: What happens next? Where does the gasoline or the fuel go?
- W. B: The tanks cannot be filled above 95% of their volume, so under any case if there is a failure the brine flows into the tank. Now if the interstice is not like this, it's about like that, and it's the sump on the top of the tank, that contains, the additional brine, here it is. Ok, it's a sump, the interstice is really very small, um

and the outside tank and the inside tank are structurally bonded, essentially by ribs, as part of the design,

Ch. Ross: What is it you mean by a tank failure? Maybe that's really basic, I took it

W. B: Ok,

Ch. Ross: I took it to be some type of rupture.

W. B: Yes, a tank failure would be a hole in the tank

Ch. Ross: Ok, so what prevents the fuel, from migrating into the ground, from the tank?

W. B: Well, you have the outside structure and you have the inside tanks. So if the inside tanks are breached the outside structure

Ch. Ross: Will contain the fuel.

W. B: Yes. And under most circumstances the gas can't leak out because of the brine is leaking in and creating a pressure on the outside of the tank.

Ch. Ross: Anyone else have any questions, silly or otherwise? Bob,

R. R: That remains to be seen. The alarm systems, are they checked and by whom?

W. B: The alarm systems in themselves are self checking, every fraction of second, there is a signal sent out to each sensor, and the Veeder root console, which is in the, which is in the building, automatically checks so if there is a sensor failure, an alarm goes off and it has to be investigated. No, every 3 years, required by Massachusetts and Federal regulations the entire system is checked by a third party. I'm a tank inspector, I'm third party certified also, too. That does not mean that I go out and take all the equipment apart and everything. Cumberland Farms hires company to do that, and go through a checklist, and generally I'm there while they are doing their work and it's done in accordance with the regulations

K. R: Mr. Chairman, is there a central station monitoring system that monitors the alarms?

W. B: Yes, Cumberland Farms has its dispatchers have access to all of this, and it only makes sense now, because now that the inventory is automated, the dispatchers don't send out trucks with too much product for the tanks to hold. That used to be one of the problems, a dealer would stick his tank and the 4th of July is coming up and so he'd ordered 7,000 gallons, and the truck would arrive, it's a rainy day, and the tank only holds 5,000 gallons, so now that driver is stuck with 2,000 gallons going someplace else. That doesn't happen anymore. Because everything that happens at this station, in regards to the fuel is also sent to the Cumberland Farms dispatch.

K. R: Perhaps you misunderstood; I meant a central station monitoring system for the alarms.

W. B: Oh, that's Veeder Root system. Veeder Root is the largest supplier of gasoline and diesel fuel components in the world. And everything that Veeder Root puts out has to be third party approved by well a third party not somebody associated with Veeder Root and all that information goes to the federal government for approval. There is a second group of people that are looking over the shoulder of the third party inspectors, and that's a group of about 6 states, where there number one person on underground storage tanks is evaluating what the third party people say, what Veeder Root says and making sure that they do comply with the federal regulations.

K. R: Let me put it a different way

Ch. Ross: You've still not answered the question.

K. R: Let me put it a different way, it's 4 o'clock in the morning on Christmas morning, the store is closed, nobody is there, and an alarm goes off, who gets the alarm call?

W. B: The dispatcher at Cumberland Farms, that's a 24/7 operation because they have trucks on the road, all times day and night.

K. R: So he is monitoring all the alarms?

W. B: All the alarms are monitored.

K. R: Okay.

W. B: Okay, um one other thing I'd like to point out is that should the tanks fail, there is an observation well if you will, after all the alarms going off, and there is a catastrophic failure, the product will be contained inside the excavation of the tanks for a period of time, because the tanks are backfilled with pea stone, and pea stone is far more permeable than the native soils. So if there is a catastrophic failure the alarms go off, Cumberland Farms responds with haz-mat company they can find out if any product has escaped the tanks by checking the observation wells and if there is, these wells then the product can be pumped out with vacuum trucks at that time. Personally I'm not aware of this ever happening with double walled tanks, and I've checked with the fiberglass tank institute and with Xerxese and containment solutions, they are the tank manufacturers that Cumberland Farms uses they've had no failures of double walled underground tanks with brine in the United States at anytime. That includes California where there have been documented earthquakes.

K. R: What is the expected life?

W. B: 30 years, they are warranted for 30 years

Ch. Ross: Any other questions of Mr. Baird. Hearing none, Thank you sir.

W. B: Well I still have a few things

Ch. Ross: Oh, you do? I thought you said you were through. I'm sorry

W. B: No, I'm just through with the tanks.

Ch. Ross: You're through with the

W. B: I think I have beaten the tanks to death,

Ch. Ross: Go right ahead, I didn't mean to cut you off

W. B: Um we talked about the tanks hooking up their hoses, the driver is required to stay by the hoses when they are in contact with the tanks, and so, if while the product is being delivered to the tank if there is hose leak, the driver is right at the manifold there's self closing valves, the internally close against the tank, the truck tank, the spill is reduced to no more than about 40 gallons. 40 gallons is a lot of product on the ground, the fire department is immediately notified, and the dispatcher for Cumberland Farms sends out a haz-mat company to clean it up. Now, the selectmen were sent a petition, by the families of the Banna Estates. Now this petition was sent to your selectmen, and it entitled "NO to Cumberland Farms on Taunton Avenue/Pleasant Street, Seekonk, Mass." Now there were four articles I pulled each and every article and examined them carefully, and I have some comments based on those articles.

Ch. Ross: We have that as well, so if you could reference where you are

W. B:

Okay. Article 1, is entitled acute childhood leukemia and environmental exposure to potential sources of benzene and other hydrocarbons, a case controlled study. This study is based, is a French study based on hospitals in the cities of Nance, Lily, Lion and Paris. Within the report, it says a disease in children, though unfortunately still remains relatively rare, with an incident rate of 4 in 100,000 in developed countries. There is a positive association between acute leukemia in exposure to a close neighboring repair garage or petrol station. My comment to this report is, there is no indication for design and operation of the facilities or that the stations meet the environmental protections required by Massachusetts and Federal regulations. The distance between the dispensers and the tanks for the residents in these cities is not defined. The nearest house to the proposed facility is 140 feet from the tank fence and 205 feet from the dispensers. The distance from dispensers and the tank fence is critical as gasoline vapors are heavier than air, and dispersed rapidly in any situation, even with the vehicle movements within the gasoline delivery facility. I went to the site today, and I noticed that there is the nearest house is Evelyn and Pleasant Street, and there was ledge on the, on the side of the abutting house, or the closest house and I understand from Cumberland Farms that some of the ledge, if you've gone out there, it's a huge (INAUDIBLE) and that some of that ledge is going to remain, in my opinion that that will prevent any vapors, whatsoever from spillage reaching this house, regardless of circumstances. The other house is 400' from tank fence and 405 feet from the dispensers and there's a lot of vegetation between that house and the proposed dispensers. It's extremely unlikely that any vapors would reach that house at that distance with all the vegetation that is between that house and the proposed dispenser units. The next article is the residential proximity to environmental hazards and adverse health outcomes in a publication by the American Public Health Association. This study included the populations of people living near hazardous waste sites, industrial sites, cropland with pesticide application, highly traffic roads, nuclear power plants, and gas stations or repair shops related to an increase in adverse health outcomes. These studies were for repair garages and gas stations in France, Taiwan, Denmark, Great Britain, Italy and also the United Kingdom, why Great Britain and the United Kingdom were separated I have no idea; it's not in the (INAUDIBLE) statement. We have no idea whether these facilities, comply with the current regulations that are proposed and the proposed facility of Cumberland Farms. They did cite a study in Los Angeles County dated 1988 and 1994 for childhood cancer rates, Seekonk, I've been to Los Angeles, Seekonk is not Los Angeles and Los Angeles is not Seekonk and furthermore the 1988 and 1994 none of the current environmental protections were in place at that time. So this does not compare to what Cumberland Farms is proposing tonight. The third article is assessing the impact of, petrol stations on their immediate surroundings, Journal of Environmental management this concerns the evaluation of petrol stations in the city of Mercia Spain, it has nothing to do with facilities in the United States. And the last article was the infiltration and evaporation of small hydrocarbons spills at gas stations in the Journal of Contaminant Hydrology. The article discusses gasoline infiltrating into concrete and evaporating, and they used a piece of pavement from the City of

Baltimore for part of their study. I suggest that a pavement in the city of Baltimore is only about 2" thick, and the Cumberland Farms we're looking at 6" of concrete. They also assume there were capillary tubes in the concrete that the gasoline could then flow through to get to the underlying soils and eventually the groundwater. I have seen way more than 100 mats, removed and unless there is a crack in the mat, there is no contamination of soils under concrete mats at gas stations and oil facilities. I would like to call your attention to the US EPA publication for gasoline mobile air toxics December 5, 2016, that is called MSAT, and in it, it states that all refiners must meet annual average gasoline benzene content standard of 0.62% by volume nationwide. Currently national benzene content in gasoline today is 1% by volume. The nozzles that fuel today's vehicles are much, much different than any nozzles that were cited in any of the previous articles. You know now, that when you put the nozzle in your car, it is tight fitting; it's smaller than the nozzle that used to be. The reason for that all modern automobiles have carbon canisters in their system that any vapors being generated while the automobiles being filled the vapors are absorbed by the carbon canisters, and when you drive your car, the air coming from the outside goes through those carbon canisters picks up those gasoline vapors, and they are burned in your engine. There are enough cars in the United States today, that the federal government did away what used to be called vapor return from the dispensers, and what they have is they built vacuum pumps so they would suck the vapors that could be generated while you are filling your car, back into the tanks. It's been concluded that today's delivery system are far superior to any of the, what used to be called vapor returns. The next article is US EPA composition and behavior of fuel ethanol dated April 2009. Compared to conventional gasoline benzene levels are lower in reformulated gasoline, that's gasoline with ethanol. Then due to the clean air act requirements, and if further states that benzene levels are below 1% by volume. One of the most cited documents are the, is the toxic committee of the California Air Pollution Officers Association. And they evaluate gasoline stations in industry wide risk in California. This article is 1997, and it's outdated as far as the air pollution control that I told you tonight. But it states that the weight percent of vapor, gasoline vapor, benzene is 0.3% and that prior to 1996 those vapors were 0.7% I'm just pointing that out that the articles that were previously cited do not have any relationship to today's gasoline. One of the important things is the pressure vent valve on the tanks, the California air resources board, and therefore Massachusetts limits the amount of gasoline vapors to 0.5 cubic feet per hour, so this is roughly the cubic foot a tenth of that is about this, and 0.5% is about like that. So the vapors coming from the vent pipes which were 12 in the air, the vents discharge 12 feet in the air, release no more than 0.5% cubic feet per hour. Those vapors won't even be noticeable standing right next to them at the Cumberland Farms station. The vapor recovery adaptors approved by CAR the vapor adaptor coverage will not leak when closed, so that means no vapors from any of the equipment that is along the tops of the tanks. And lastly this is a US EPA document on vapor recovery, since early 2000's new passenger cars, light duty trucks and most heavy duty gasoline powered vehicles have been equipped with on board refueling vapor recovery. ORVR systems are

carbon canisters installed directly on automobiles to capture the fuel vapors evacuated from the gasoline tank before they reach the nozzle of the gas pump. The fuel vapors captured in the carbon canisters are then combusted in the engine. One other thing I would like to point out, is that this is US EPA, and this is from the California Air Resources board, gasoline vapors are four times heavier than air, and the concentration of benzene which causes a cancer risk of 10 per million people is 0.345 micrograms per meter cubed, benzene concentration due to spillage is 0.172 micrograms per meter cubed, or less than half the cancer risk of 10 in a million which is pretty standard in the industry. So that is basically my presentation I'd like to leave this with you, this shows the tank fence, the approximate location of the dispensers the distance to the nearest house,

- Ch. Ross: If you'd like to make that an exhibit, Mr. Kehoe,
M. K: Yes, please
Ch. Ross: Ok, that will be petitioners 1, Bridget please, or next in order, you had exhibits last month, didn't you?
M. K: Yes we did
Ch. Ross: Next in order, whatever it is,
B. G: Yes, there was one, petitioners 2.
W. B: Any questions?
Ch. Ross: None from me.
G. S: You obviously have a wealth of knowledge, sir,
W. B: I've been doing this for more than 40 years, so I've seen single walled steel tanks fail and I've seen the advent of fiberglass tanks, and now the double walled fiberglass and the double walled fiberglass with the brine interstice. I saw these current air pollution regulations for gas stations, truly incredible.
Ch. Ross: Thank you sir, take a seat for the time being, Mr. Kehoe?
M. K: Thank you Mr. Chair, I would submit that there are some open questions, of, if I've heard correctly, specifically the question regarding traffic and traffic for convenience store without gasoline. I think that is a fair request, and it is a request we should find the information on.
G. S: I agree with you sir,
M. K: So, I would point out that we would be happy to provide that, I will make sure that that gets in.
Ch. Ross: If we could coordinate the availability of that amended traffic study with whenever we're going to schedule a hearing on the sign issue, so we'll have it in advance and we'll know what we're talking about, so I guess what we need from Mr. Lovera, and that is your call, what's the time line on getting it, feel free to consult with him.
M. K: No that's alright, we, how far are we, two weeks a month, what are we talking?
B. G: I need 17 days.
Ch. Ross: So, three weeks
M. K: That would be more than enough time to submit that
Ch. Ross: Advertising and the rest of it,
G. S: So if we looked at the first Monday in August,
B. G: The 7th?
Ch. Ross: That would be the 6th?

B. G: The 7th?
Ch. Ross: The 7th
G. S: I'm throwing that out as a potential date.
Ch. Ross: August 7th is the first Monday, assuming that is acceptable to everyone, if we could have that study in our possession at least a week in advance, so call that July 31,
M. K: Mr. Chair that is also a reasonable request and you'll have that by the 31st or earlier.
Ch. Ross: And preferably hard copies rather than electronically, if that is possible.
M. K: Yes, they will be delivered to the town hall (INAUDIBLE) copy
Ch. Ross: Ok, great. Okay, so in the issue of the pending motion, the sign package as you call it,
G. S: Are we going to continue all the public hearings until then?
Ch. Ross: No, I don't think we are done yet.
M. K: As far as our presentation, other than what's been requested, which we haven't given, and the summation, we are finished for this evening,
Ch. Ross: We have a number of people in the audience
M. K: I think that is fair, Mr. Chair,
Ch. Ross: And I'm not going to send them home
G. S: Right,
Ch. Ross: So, if you'd take a seat Mr. Kehoe, I'm sure there will be questions of either of your witnesses
M. K: Certainly, that is why we have then here tonight.
Ch. Ross: So is there anyone in the audience who wishes to speak in favor of the pending petition? Seeing no hands, is there anyone, going to see a lot of hands, anyone wishing to speak in opposition? All hands are up? Counselor, are you representing a group, or one particular objector?
J. C: I am representing one objector.
Ch. Ross: Why don't you step forward?
J. C: Thank you, Mr. Chairman
Ch. Ross: Ok, and would you put your name, firm and address on the record please?
J. C: I'd be happy to. My name is Jennifer Cervenka,
B. G: please spell that
J. C: Cervenka,
B. G: Thank you,
J. C: My business address is 235 Promenade Street, Suite 475, Providence RI 02908. And I'm here representing, who is standing with me now, Mrs. Pamela Bochiechio, who lives in, and she can spell that for you.
Ch. Ross: Yes
J. C: Who lives in the home one of the experts described as approximately 400 feet from the dispensers, the proposed dispensers.
Ch. Ross: Okay, are you with Cameron and Middlemen?
J. C: No, I am not; I'm with Cervenka, Green, Ducharme, Antonelli.
Ch. Ross: Okay
J. C: The same complex
Ch. Ross: The address

J. C: You're good,

Ch. Ross: Ok,

J. C: If you'd like Mrs. Bochiechio to spell her last name,

Ch. Ross: Yes,

B. G: I have it; it's on the abutters list.

J. C: As you may know, Mrs. Bochiechio has presented previously, in particular, at your uh, June 12, 2017 meeting? And in talking with her, I understand that she presented a number of her concerns, and basically her concerns center around, you know, the potential negative impacts of this proposed project, to her property specifically, and in general to the Banna Estates neighborhood. I'm not going to go through, in detail, all those concerns, I did want to focus on the special use permit standard, and I wanted to start with this is a request to permit by special use a "gas or fueling station" in a local business district, which is by special use. It is worth noting prior to your zoning ordinance change last year, a gas station was prohibited in a local business district, but because of the change, it is now allowed because it combined with a permitted retail facility. And in our view there are still these potential negative impacts that were previously considered to be too much to be located in a district like this. We've heard a little bit about the negative, potential negative environmental impacts, potential leaks and spills from gasoline pumps, and underground storage tanks and cars, I won't go into that, because you've heard a lot of evidence, I don't have an expert to speak to that, but also noise and light pollution, traffic volume increase and a decrease in traffic safety. And just simply the poor esthetics of locating a gasoline station at the entrance to a residential neighborhood, and established residential neighborhood. Those potential impacts get compounded and intensified when you add a 5,000 sq ft retail facility, and I think that is what your board, or a couple of you, were getting at, when you wanted to understand the comparison to what the traffic impact is of a 5200 sq ft retail facility versus that, plus 5 gasoline pumps. And that makes your job a little more important here, because your scrutiny has to be that much more intense because not only is it, all of potential negative impacts that used be prohibited under your zoning ordinance, but it's now a 5,000 which I submit a very large retail facility associated with a gasoline station. The applicant as presented, the project as presented does not appear willing to minimize the impacts to my client's home and to the Banna Estates neighborhood in general. I know we are separating it for the time, but there are numerous variances that are requested for taller, larger and more signage there is a request for more illumination, for what we view as an excessive number of gasoline bays, or dispensers, and this larger than average service station, retail store. Certainly larger than average for this area. And the gasoline with the three gasoline stations that are located around this area. And finally, a request for this to be a 24 hour operations appears to be excessive for this area, at the entrance to a residential neighborhood. Um, with respects to my clients property, there is no meaningful buffering or landscaping screening between what is going to be the proposed parking lot and I believe and outdoor café seating area and her backyard. I'm going to have her describe a little bit, where her property is and how she would be able, or the people would in the parking lot and outdoor café would be able to see

into her backyard, where she uses the yard with her husband and her two young children. If the board is inclined to grant the special use permit, then we request that it only be done upon specific conditions that would minimize the impact on my client's property and the neighborhood in general. The zoning ordinance as it written currently does evidence a clear intent to provide protection between gasoline stations and neighboring residential districts. As you well know the new gasoline fueling station category is a subpart of an auto service station, that auto service station use, of which is a subpart as a footnote, footnote 7 under the table of uses, which provides that a building or facility must be 50' from a residential district boundary and 200' from a number of thing, including a children's home and two screening with walls or natural vegetation, must be used between the station and the residential district. That shows a clear intent of the Town to provide for protection between these types of uses, including a gasoline service station, and residential districts, and I would submit it would be entirely appropriate for you to place certain restriction or limitations upon this project. I would like to present to you, specific conditions which we would deem to be appropriate which would help to ameliorate the impact upon my client's property.

G. S: Mr. Chair, may I interrupt for a minute?

Ch. Ross: Sure

G. S: Correct me if I'm wrong, but I believe you are misstating, footnote 7 does not apply in this application, because this is not a service station,

J. C: Mr. Vice Chairman, the table of uses has in it, what is defined as I believe as an auto service station, and that's section 11, section 11a is the new gasoline or fuel station.

G. S: Correct

J. C: The way that I read that, is that a gasoline or a fuel station is then a subpart of an auto service station. And would be subject to the same general requirements that the auto service station is subject to. If it not viewed that way, my general point on that, there is intent to protect residential districts from uses that have gasoline service stations with them, whether it's under the one with the retail facility or whether it's the one that has the auto repair part of it.

G. S: I think, in fairness to this, the Town went to a great extent through our planning and changing the bylaw to differentiate between the two because there is a difference, there is a world of difference between fueling and or having a service station. Most of my own, and I'll tell you this, I don't know how familiar you are with are in our town, most of all the fueling stations, are in a local business district. And they were allowed years ago, they've changed that over the years. This was not, this site, you're absolutely right, this would not have been allowed until the bylaw was changed, and it was clearly done to differentiate between the two uses.

J. C: And I understand there are different definitions but when the Town went to amend the table of uses, it did not provide say a number 17, that's just a gas or fuel station, it made it a type of auto service station, as it is 11 and 11a, it is an indentation, it and I don't think we need to say whether or not those particular provisions apply strictly to a gas or fueling station, I think it is a fair reading to say, that there is an intent, where you have a gasoline station, to provide

protection for abutting residential districts. That's, that is the point I am trying to make.

G. S: Okay,

J. C: Thank you, before I get to the conditions that we would suggest, I do want Mrs. Bochiechio to explain exactly where her property is, and what she would see, if the property were built out per their specifications.

Ch. Ross: Do you need the easel?

P. B: It may be helpful for me to be able to show you the pictures,

Ch. Ross: Sure

P. B: Or I can certainly describe it

Ch. Ross: What until Baird removes his, exhibit?

P. B: Maybe if you had the landscaping plan, I can start with that, that's fine for me to start my comments. As you are noticing these are the reported 6' trees, that do not nearly come close to covering the building there are obvious spaces between them, you'll see, you can see through to the building, you can see whoever is walking up on this balcony. You can actually see some of the seating, if you look at the landscaping plan, just to give you a sense, this particular map does not list the fire pole that is there, on some of the others, you will see that fire pole. My home is right behind that, so when you are looking out at my home, from my home you are essentially looking at this viewpoint from my driveway, and I can show you a picture of that currently, actually. Um, so if you are standing on my front lawn, this is what you are seeing. So just to direct you as to where it would be on this particular map, this is the, this is the home that burned down, and behind these trees, is where that farm stand was, or is currently. So I don't even see the farm stand, you're going to rip all this out, and then if you are looking at where the farm stand is I'm going to see what you just saw, a giant building, with some skimpy little trees that don't actually block anything. The other piece if you are looking from

G. S: You can see the hotel from where you are correct?

P. B: You can see the top of the hotel, yes, and that is what you would see in this picture. So this is from my family room window, and you do, in the very distance see the top of the hotel, there's no lights that come from that it's dark, you can sort of see it from an elevated position, this is above a garage so it is elevated, you can see the roof of the farm stand, you do see this fire pole that is in this picture, that is where the end of this building is, it is roughly right there. Where the trees stop, so as you are looking out from my home, this entire area over here, that is currently vegetation, would become café seating, where everyone who is sitting in that café, could look right at my driveway where my children color with chalk, ride their bikes, you can see into my family room windows, there is nothing other than two trees and who knows how long they will take to grow, that block you from, I don't remember exactly how many parking spaces that are there, so people sitting loitering in their cars, people loitering at these tables, for endless hours, particularly if it's 24 hours, which my vote is it is not. And they're staring at my home, staring at my children as we are playing outside, as you can see I have a pretty big front lawn, we like to play ball there, kick ball, play soccer, that's where we were playing much of the time. Do I have a backyard? Yes, but is skinny

and narrow because of the wetlands, we have to be respectful of that, so often are out in that front area. This row of trees that stops, does not protect me from all of this, it does not protect me for seeing these last two bays, which are excessive to begin with. I don't want to see that, I don't want anyone looking towards my home. And I ask that there be coverage of that.

G. S: Can I comment on that Mr. Chair?

Ch. Ross: Mm hmm

G. S: One of the problems with the way this whole process has gone, in my opinion, this whole plan should have been submitted to our zoning enforcement officer for zoning determination because that use in a local business has never been allowed. And it, it's still a question in my mind, if it can be, can be allowed, or I don't know where our authority is on that.

P. B: Are you referring to the gas station itself?

G. S: No, I'm talking about the outside café, in a local business district; the whole intent of the local business district had always been inside of a confine of the four walls. So that's the question that should be answered moving forward. And maybe we can refer that when the planning board reviews the site plan again, so, I just want to give those points as we go along. Unfortunately and if we get the opportunity we've all received letters from a lot these other peoples and there is a lot of inaccuracies in here, that I'd like to at some point address and correct, just so that people leave here with the right information,

Ch. Ross: Know what we are dealing with

G. S: Yes,

Ch. Ross: I agree

G. S: Ok, thank you

J. C: And to that end, Vice Chairman, one of the conditions that we are proposing, and I have a letter that I enough copies and I can provide that to you, as well as to the applicants counsel, but is the elimination of the proposed outdoor seating, we do think that it, you know, adds to the impasse of noise and is an expansion and intensification that is not warranted for this type of use.

S. H: Excuse me, if you don't mind, where are they sitting, on the outside?

P. B: It's not fully depicted here, you can sort of see

S. H: Oh, I see

P. B: the patio is off to the side, there's an umbrella here.

S. H: Thank you,

P. B: So the trees stop there,

G. S: But certainly I think in fairness too, that those trees are just planted now that's what it is going to look like, give it a few a years to grow, and the bylaw only says it has to be 6' high,

Ch. Ross: 6' high.

G. S: But we can address that, I'm sure.

J. C: We have had some discussion with Mr. Kehoe, about how long it takes for the trees to reach maturity and there's some, I heard that when they do reach maturity they might be 40', I think Mr. Kehoe said 10' so there is a little bit of confusion there, but I agree with you on the 6' requirement, but I think in this case, if this is going to be permitted, this type of use, that there be a additional buffering of

which would be a fence, like a tight board fence, in addition to the vegetative cover which would absolutely prevent someone from being able to see in to my client's backyard, and would in fact prevent any access, in case someone wanted to wander over, and whatever in her backyard because they want to get a little more privacy for whatever they are doing. So those are the two conditions, to eliminate the proposed outdoor seating and to have the both, the tight board fence and the vegetation, we would also suggest limitation of the retail service station hours, so that it would close at night, and it would not be a 24 hour operation. Mr. Kehoe talked about harmony and uniformity with other uses in the area, the other gasoline stations are not open 24 hours and so that would be consistent with what is there now. We would also ask that the lighting, and honestly I'm not sure if there designed for this, but would be designed for "dark skies" so that the lighting would be directed onto the site and not spill onto abutting properties. There are some outstanding questions on traffic, and the traffic impact of both the gasoline and the retail, and it appears from reading the supplemental memorandum while it may not be, they describe it as it may not be a significant impact, there is an impact there will be a decrease in service level in an already bad service level area for the peak hours being at least the afternoon on weekdays and the Saturday days we would want um, police detail hired to monitor that traffic for those afternoon peak hours and for the Saturday hour to ensure safety at the intersection of Taunton Avenue and Pleasant St. lastly, we would ask that there be a condition prohibiting the use of Evelyn Way for through traffic for the fuel and other delivery trucks as well as timing of when they would you know, be able to come to the station. It would be the middle of the night as opposed as business hours. We believe that if there were these types of conditions imposed that it would get this project closer to meeting the standard for a special use permit and that it wouldn't be inimical or antagonistic to the health, safety and general welfare of both my client and those other residents in the Banna Estates neighborhood. Do you have any additional comments?

P. B: I do, just want to add one piece in speaking to the uniformity aspect, that was referenced repeatedly today, when we look at the other gas stations that exist they are much smaller, they have much smaller convenience stores attached to them, they have two to three bays not five, and um, I also ask you to consider that as part of your review that the size of the station itself is excessive to what the standard is for this street. Um, the last piece I wanted to raise the question of, the traffic study, I didn't hear this mentioned but there are two other businesses that have on this corner, that have driveways that are both to Pleasant St and Taunton Ave, there is a closed antique store, but it does have both businesses, so whatever business may move into there, is going to have additional traffic trying to come in and out at the same place that these cars to the gas station will be coming through, as well as the tankers, so when that tanker is coming through, the size of the tanker is going to fully block Pleasant St. so no one is turning in, no one is coming out until that tanker can get back onto Taunton Ave, or wherever it's headed for its route. So that congestion there is not mentioned at all, in the traffic station, there is a travel agency right across the way, that also has driveways going onto Pleasant and Taunton, further distributing cars into this intersection that

aren't mentioned in this traffic study. So just to be mindful that there is even more volume than what was already presented. That is a limited scope.

J. C: Lastly I just have a copy of the letter which does memorialize what I have just presented.

Ch. Ross: If you want to, submit it as an exhibit

J. C: If I could, thank you. And would that be 6 copies?

Ch. Ross: Just one,

J. C: One, ok

Ch. Ross: That would be fine, circulate it and mark it as a full exhibit. Bochiechio A would be fine

J. C: Thank you Mr. Chairman, members for your time.

Ch. Ross: Thank you councilor, thank you ma'am. Mr. Kehoe, do you have any experts that need to address any of those comments? No

M. K: Mr. Chair, I think we've put in some of the experts already; I don't want to repeat them

Ch. Ross: No

M. K: We do have to supplement the traffic, which I think will also

Ch. Ross: That's fine

G. S: Can I ask Mr. Kehoe a question?

Ch. Ross: Sure

G. S: And if you're not prepared to answer this, that's fine, I was told in another meeting of one of the boards in town, that the suggestion was made to Cumberland Farms on not being a 24 operation,

M. K: That was at a technical review committee a few weeks back

G. S: And you were; they were receptive to it?

M. K: We'd be willing to consider, and so we're talking with Cumberland Farms on that regard and if the fact of the condition we'd certainly be open to that, as long as we can think through the process on how long we want to be open. It was a store where there was a limitation on the retail for selling gasoline, till I believe it was New Bedford, it was either 11 or 12, right next to a subdivision. Ok, so I think it was (INAUDIBLE) 5 in the morning until 11 or 12 at night. I'll have to take a look I know Cumberland Farms had accepted that, we use the other hours for restocking shelves, fueling etcetera. But for retail gasoline sales, no. So that's something that would certainly be we'd be open to that, we're not rejecting it off hand

G. S: Okay, good thank you

Ch. Ross: Okay, Keith?

K. R: I have one questions, probably a site engineer could probably answer this best, one of the things I have a problem with looking at this time after time after time, is how is the tanker trailer get in and out of the property, without totally disrupting I can't see how they can get in and out of Pleasant St. and that looks like where it should be the way they come in, because that is where the tanks are.

C. F: They'll be coming in from Taunton Ave, circulating this way, that's why you see that additional (INAUDIBLE) stripped area.

K. R: Ok

C. F: The tanks fuel on the right hand side, so they'll be fueling up while, it won't interact with the flow of traffic?

K. R: How will they exit?

C. F: They exit right out of?

K. R: Just knowing many years being in traffic distribution that curb cut etcetera that's not going to be enough when you have traffic coming up and down Pleasant St. people trying to access off of 44, all I can see is, half of a tractor trailer parked across the road, with traffic backed up in both directions, trying to get out

C. F: Just so you know, these Cumberland Farms they have a timing that they do these deliveries and it will obviously it will be during off peak traffic. Going forward I can provide you the template that we use, the truck template so you can see the turning radius if you would like, certainly we can address that.

K. R: Ok, I'd like to see that

M. K: Just to follow up on what Christian said, all deliveries can't possibly be at hours when we're not open, if it's 24 hours, we're always open, but if there were limitation on hours, we would make sure that the deliveries occurred when we were not open for retail sales. And usually that's at times when, there's virtually no traffic, ok? Which would be, what we would propose, we're not going to nor want to tie up traffic, but um, very candidly, this proposal was thought through and it was designed to make sure the trucks can make these turns, if we can do in off hours

K. R: I know the trucks can make the turns, that's not the issue, can the trucks make the turns with traffic? Is the issue.

M. K: If there were conditions on when those deliveries could occur, we would certainly abide by those, Mr. Chair, sorry I was talking directly to

Ch. Ross: No, no, that's fine

M. K: But you know the goal would be to have the tankers when were not busy and when the roads aren't that busy, ok so we can have them come in and out, without disrupting traffic and without disrupting the internal traffic on site, so if that were a condition, we'd work with that. We would try that anyway, that is whole the goal of our delivery system, we don't want to tie up the internal circulation of our site with a tanker if we don't have to.

Ch. Ross: Alright, who's next, show of hands, sir, in the white shirt. Yes sir,

M. R: I spoke at the last meeting,

Ch. Ross: Consider yourself sworn in, put your name on the record

M. R: My name is Michael Ruffell and I live at 148 Pleasant St

Ch. Ross: Okay

M. R: Right around the corner from this proposed magnitude of a, construction, whatever you want to call it, not appropriate for the area. The first thing I want to say is the applicant has filed a notice, and I'm reading this from the notification from abutters from the Massachusetts wetland protection act, the applicant has filed a notice of intent with the conservation commission for the municipality of Seekonk seeking permission to remove, fill, dredge, alter and areas subject to protection under the wetlands protection act. General Law's chapter 131 section 40. I've lived in Seekonk my entire life, and I have written this letter and it's only a short little letter, and I'll read it, and it's to the committee and everybody that

has power to do what's got to be done right, in this situation. When Banna Estates was promoted by the builders as an estate community with homes in an expensive price range, I don't want to mention exactly. Abutting the estates they were assured that there would be no entrances or exits from Taunton Avenue, because it would cause a hazard, a traffic hazard. It was decided to access the estates from Pleasant St, which is now called Evelyn Way and it was beautifully shrubbery and beautified and entrance sign clearly stating Banna Estates which never came to fruition. Pleasant Street on both sides of 44 which is Taunton Avenue is a go between street, from Taunton Avenue, to Ledge Road on the north side and from Taunton Avenue and Arcade on the south side. All of the home owners in the Banna Estates and those of us on Pleasant St and the houses on Taunton Avenue, next to the property in question, feel as though it would be detrimental to the area, if this proposal of Cumberland Farms is allowed to succeed as a gas station on a 3 and 1/3 acre commercial complex which takes up just about all that land between Evelyn Way and Taunton Avenue. It is an unacceptable use of that property which would require rezoning, moving a protected wetland, watershed, several special ordinances to allow the current proposal by Cumberland Farms to pass. Mr. Chairman and members of the committed you must take into consideration all of the exclusive homes in the Banna Estates and the surrounding community that are currently providing the town with a substantial amount of tax revenue, I'm sure. Which would be greatly reduced should this be allowed. It would reduce the value of the properties, they would be dropped considerably, I'm sure. Several homeowners have recently stated they specifically purchased a home in Banna Estates because they want to move away from East Providence and Pawtucket, to get away from the urban atmosphere of 24 hour gas stations, 24 hour lights and noise that are promoted by these facilities. Although it is a tragedy of what happened to the resident at 214 Taunton Ave, the house was a beautiful home, as it was the home of the Banna Family for over 60 years. It was a beautiful home and is currently zoned RI-1 residential property, that one third, almost, it's almost an acre, excuse me. It could still serve as a residential property without any changes of the current zoning; it is a one acre residential property in which a new residence could be built. In conclusion at this time, numerous variances as well as moving a watershed wetland area and changing the current zoning part residential, 214 at Taunton Avenue, to all commercial would have to take, would have to take place before Cumberland Farms could proceed with their current proposal. The surrounding community includes approximately 90 homes counting the homes on 2 sides of Taunton Avenue on Pleasant St and all the homes in the Banna Estates which are very expensive property. And even off of Pleasant St on the south side, on those side streets, which residents would like to remain, they'd like them to be remaining a residential area. Currently any trucks over 2 ton are not even allowed to pass on Pleasant St. that sign was taken down when the put Evelyn Way in and was never put back. There are no large vehicles or trailers or any of that type of vehicle coming off Taunton Avenue into Pleasant St. they're not allowed to. This is less than 50' from my home actually, the abutting properties to Evelyn Way and should not serve as a back entrance to a 24 gas station, which I'm sure they're going to make an access from Evelyn Way to the back of this building and gas

station. And tanker trucks or any type of day or night and lights to be on from dusk to dawn is not acceptable. And I can't say much more other than thank you for allowing me the time, not allowing this to pass; I will be attending as I'm here now. That location is not acceptable to the type of building and gas station that Cumberland Farms is proposing to construct, in such heavily residential area there are other types of businesses that would be very acceptable in that area on Taunton Avenue, not any kind of entrance from Pleasant St whatsoever. Pleasant St has an entrance to Banna Estates and it's not even been completed the way it was supposed to be, it's still rough when you first go into it. You'd think you're entering a quarry, until you get around the corner, and then you see the homes that are in there. Well another business would be acceptable for that location, we as residents in that area, and the people down on Taunton Avenue, right along the abutting property of that area, we realize it is a state road, and it's a business road, a local business road, it's not an interstate highway, that needs a service area, and super gas station and Taunton Avenue, and Pleasant St is not a major intersection by any means, but they are going to want to try to turn it into one. And when they finish knocking down the ledge that is on that corner, and change all of that wetland and dredging and whatever they are going to do, to make it accessible and to put gasoline tanks in the ground, and a septic system, I don't know where they're going to put that, for that size of an operation. They can't turn that area into a massive interstate area that is not what Taunton Avenue is. Taunton Avenue is a state highway and Pleasant Street is just a go between the two streets, and that's what it is, it's very much I lived there my entire life

Ch. Ross: Hold on Mr. Ruffell,

M. R: Ok

Ch. Ross: Is someone hurt?

Audience Member: He tripped on the chair

Ch. Ross: Ok

M. R: I'm sure, I've spoken with many of the residents and I can't find one that says, if it's got to go in, it's got to go in, no way, there are other types of businesses that can be put in there, that are not as magnitude of that type of operation. My god you think you're going to be on an interstate when you get there, and that's not what it should be at all, and I appreciate the time to explain this to you, or you already know it anyway.

Ch> Ross: We'll mark your letter

M. R: Oh you had the letter

Ch. Ross: We've got it, yea

M. R: Thank you very much

Ch. Ross: Mr. Sagar has a question, for you, or a comment

M. R: Yes

G. S: Mr. Ruffell, It's good to see you again, I haven't seen you in a long time, I ate in your restaurant many times with your nephew, Richard Banna who was my best friend, up until the time of his death.

M. R: You know my family owned that

G. S: You owned a part of the farm that was sold, housing, I just wanted, your letter, I know you're very passionate about what you're saying here; there are some inaccuracies in here.

M. R: Go ahead, I'll try and correct them

G. S: When you first brought up about, about dredging, altering, filling, that's kind of like a boiler plate heading that conservation uses for all work, it doesn't necessarily mean that all those things are going to be done

M. R: It didn't allow another house, further down towards the corner of Evelyn and Richard Banna circle, because of that wetlands

G. S: You're right, and believe, it's all taken into account, you'd have to address that with them, conservation,

M. R: They would have had to do a lot of dredging, and tilling and whatever

G. S: You said it would require rezoning. There is no rezoning required for this, it's a special permit

M. R: There's no rezoning required?

G. S: No, it's a special permit, the zoning is already existing, it's a special permit

M. R: It's a highway

G. S: It's local business district

M. R: Ok, what is the corner residential, business, both?

G. S: You say the property values would be greatly reduced, my research

M. R: I think it's going to bring the value down,

G. S: My research with the tax assessor was no,

M. R: They say no?

G. S: That is correct. The other thing is with the Banna's house that had the fire,

M. R: Oh, that's terrible

G. S: That can never be occupied as a house again.

M. R: Oh, no not that house, that'd have to be completely demolished

G. S: Excuse me, if you tore it down, you could not build another house there

M. R: You cannot build another house there?

G. S: That is a local business district

Ch. Ross: It's zoned commercial

G. S: It has to be a commercial site.

M. R: Okay so it'd have to be commercial, but it doesn't have to be at this magnitude, doesn't have to be a gas station with 8 pumps on it, on both sides, you've got count both sides of the pumps

G. S: It says Pleasant St had a limitation that trucks over 2 tons couldn't use it,

M. R: Tonnage, Yeah

G. S: Yeah

M. R: Yeah, it had a two thousand ton sign that was there

G. S: Two ton, half ton pick truck

M. R: Not two thousand, two ton

G. S: Two ton, a pickup truck weighs more than two tons

M. R: Maybe it was four tons, but or 6, but not a trailer, absolutely not a ten wheeler

G. S: Big difference and I agree with you

M. R: I agree with you too, it's not built or made for this type of

G. S: The only reason I raise that is, because with there is a lot of opposition to this petition, so it's certainly, we're all entitled to our opinion, but we're not entitled to our own facts. So it's very important that we all have the facts, the right facts that we're dealing with, and everybody can make a better informed decision from there.

M. R: I'm speaking for the whole area, telling you how it is,

G. S: Thank you for your letter

M. R: Not one person that I spoke to, who said that would help the Town of Seekonk and it'd be good for the area too. We've got three gas stations on the corner of Arcade Avenue and Taunton Avenue

G. S: That area of Rt. 44 was rezoned in 1964 from residential to local business, so

Ch. Ross: So, Thank you, Mr. Ruffell

M. R: I just hope that you take it into consideration, everybody that lives around that neighborhood

G. S: Sure

M. R: Thank you very much.

Ch. Ross: Young lady, come on up. Raise your right hand please, do you swear or affirm that the testimony you are about to give will be the truth?

M. D: That is correct

Ch. Ross: And would you state your name and address for the record, please?

M. D: My name is Maria Dias; I live at 11 Evelyn Way

Ch. Ross: Dias?

M. D: Dias, D-I-A-S. My question is a traffic question actually, the traffic study we did, did we do anything as far as the actual speed limit? Because I only heard the actual, don't think they did studies with the actual 40 miles per hour, I actually travel on Taunton Avenue, nobody goes 40 mph, so was that what the study was done by?

Ch. Ross: That, Mr. Lovera?

M. D: Mr. Lovera?

Ch. Ross: Can you answer that question? I know the answer, but I am not the expert.

F. L: Absolutely, the speed that we used for the measurements was the posted speed limits, and it is traditionally done on all the traffic impact studies.

M. D: Okay. So my question to the board would be, obviously, nobody goes 40 mph, so can we actually do a study on the actual speed that goes on Rt. 44, on Taunton Avenue, because that number could actually be skewed based on that speed limit. I actually travel on Taunton Avenue, and it takes me more than 2 seconds to actually make a turn now. And if he's saying it's going to be minimal impact and we're going by the speed limit, when nobody actually goes the speed limit, then obviously this study is not correct.

Ch. Ross: I think he has answered your question, but

M. D: It's a (INAUDIBLE) factor

F. L: The result of the study show that the impact would be minimal because of the added volume is not significant compared to what is existing or projected to be existed.

Ch. Ross: Yeah, but her question is the posted speed limit is 40, she said the actual flow of traffic is excess of the posted speed limit, does that render your study inaccurate?

F. L: No.

M. D: So it's going to, so basically if I'm going faster going down Rt. 44, it doesn't change my speed to the actual intersection? In math, if I'm going 40 mph or 45 I'm going to get there faster going 45 so if that is the case, then all the incoming traffic coming down Rt. 44 has to have some impact. There is no way you can tell me that there is no impact. Even if it is minimal there has to be impact.

Ch. Ross: Ok,

M. D: That's the question that I have.

F. L: One thing that we did is that we measured the actual gaps in the traffic flow, so we did take into account the actual operation of the roadway not just what the model was telling us. So with that, we counted how many opportunities traffic would have to take turns either left or right with the existing volumes. So that takes into account existing and the current speed on the roadway.

M. D: Was there a certain time that study was done? Was that a certain time that study was done?

Ch. Ross: Give'em the study

G. S: Do you like to read?

M. D: No, no, no, I just (INAUDIBLE) I'm just being very honest, because I'm actually living there, and this is the first I've heard him say that the study was actually done then it should be, I don't know if he said 300' clearance, and he was short 200' somewhere above there, so someone like we weren't there yet at that point, but

G. S: You can have my copies, seriously

M. D: I can have your copies

G. S: You can have my copies,

M. D: Ok

G. S: Just bring them back next month alright?

M. D: That was my question.

Ch. Ross: Thank you. Sir, in the front in shorts. Raise your right hand please, do you swear or affirm that the testimony you are about to give will be the truth?

P. R: I do

Ch. Ross: And would you state your name and address for the record, please?

P. R: My name is Paul Rufful, I'm Mr. Rufful's son, my address is 148 Pleasant St. Seekonk MA. I am 49 years old; I currently reside at the residences I've lived in that residence over 30years of my life. I farmed the farm where Evelyn Estates was located; I've seen all the development that's gone up around it. I just have some very basic questions, I've seen many of the plans happen; my parents house was there before the Kmart was built, Ok? Every time one these plans is made Pleasant St happens to be on the back rear side of the plan, where all this gorgeous, no disrespect to anybody who put time and effort into putting all these plans together, but we live there, K? All of these gorgeous plans are formulated and put together my personal question, is who is responsible on the follow through that every single one of those buses exist and if one dies it's replaced? We had a Dunkin Donuts go in as a commercial residence somehow they were allowed to put their septic system, and I don't know what the factual distance was from the street, but it seems very close to Pleasant St. Their septic system existed

we were supposed to have asvervitus wall; we were supposed to have all kinds of stuff. The first two years they were there I couldn't even open my front window in my residence because I was getting sewer gas ok? There was no vegetation that was filtering any of that and it's still isn't, to this day. As stated previously Evelyn Way plans went in, gorgeous vegetation, beautiful entry way, last house was sold, you don't see one landscaping truck, once that last house is sold, we're cashing checks. I'm very concerned that's what's going to happen here. Ok? On the backside, that's my first concern. My second concern, as I've heard repeated testimony from many experts, this is in harmony with the other commercial businesses in the area. Anybody that lives in the area, which is all of us here, realizes that the DiPietro station doesn't compare to this in massivity, nor, does it have any homes in the vicinity as tight as this facility will have. The only house that exists between DiPietro station and the Shell station, belong to Mr. DiPietro because he owns the station. The next residence that way is an antique shop, which recently became a residence with a rental over the garage. And across the street is all commercial businesses. The Shell station has no residences around it expect the one house that is behind it. The Getty station, no residences around it except for one that's behind it. This is going to have a house right abutting it and a full neighborhood right behind it. It doesn't compare, it's three times the size of any of the other stations that exist, again I don't know the accuracy of the square footage, but on appearance it appears to be a minimum of three times the size in square footage. The lighting is going to be way beyond any other station that exists there. They've already asked and they've put off the sign variances but they want signs that are close to double the size of any other sign out there because they want to be seen all the way to the corner at 44, that's obvious. And the lighting is going to be double of any other facility that's there. So she did propose the type of lighting that's more directed. We do very much appreciate that, from where we sit, once the Dunkin Donuts went in, my whole back light is daylight until Dunkin Donuts closes, nobody ever addressed that. The lights in the lot now, what was formerly Kmart, which is now mixed use you have Ann and Hope, and you have Safe, the supermarket, those lights do go off, but when the Post Office down moved down close to this end of the lot, those lights are on 24/7. My front yard is daylight all the time. Pretty soon I won't need to turn on lights, I'm not trying to be totally sarcastic, but these are things that have occurred over the 49 years I've lived there, off and on, ok? I know the study, we've beat to death, but again no large trucks were ever allowed down Pleasant St and that would absolutely be an accurate statement, trying to get trucks out of that on to Pleasant St. next to impossible. It will be blocking Pleasant St. My concern also is I haven't reviewed any of the plans, what are they dealing with the way Taunton Avenue, crests? And he mentioned, very briefly that there is a vertical curve that obstructs views. We all know it; we all eat ice cream at Sundaes at least once or twice throughout the summer. Just try to get out of Sundaes while people are flying over that hill. Next to impossible, now you're going to put, what did he say, approximately maybe 36 more cars in non-rush hour, and 46 more on top of that hill? And we're not going to have any more accidents? I find it extremely hard to believe. I know it's all mathematical speculation, I'm not belittling anybody's

work or study, everybody's put a lot of time into it, and they're just doing their job, I'm just doing what I observe from living here. It, there's many other, like my dad said, there is a lot of other businesses that can go there, and this is nothing against Cumberland Farms, I live abutting, the time I wasn't at Pleasant St, I abutting the Cumberland Farms on Pawtucket Ave, so I fully understand what it is like to live behind a Cumberland Farms, there's lots of noise, there's lots of loitering, there's all that kind of stuff. And that's going to come with any commercial business. We're not trying to stunt growth, or stunt development, but this in no way harmonizes with the surrounding neighborhood? If it was about a third the size, it might, but at the size that they're proposing, in my opinion, it does not harmonize. And I appreciate your time and thank you for listening.

Ch. Ross: Okay, thanks Mr. Ruffell. Blond lady in the back on my right. Raise your right hand, and do you swear or affirm that the testimony you are about to give will be the truth

K. P: I do

Ch. Ross: And would you state your name and address for the record please?

K. P: Kristen Pruitt, 21 Evelyn Way.

Ch. Ross: Last name?

K. P: Pruett, P-R-U-E-T-T

B. G: And what was the address?

K. P: 21 Evelyn Way

B. G: Thank you

CH. Ross: Thank you

K. P: I just want to piggyback off of some of the other comments that were said. We talked about the speed of 40 miles and how a lot of cards go above that. It was mentioned at that rate, you need 305' to be able to come to a complete stop. That traffic study it was only 260' because of the crest, because of the visibility that they would be able to stop. So if the cars are going in excess of that, they would need a greater distance, I assume, to be able to stop.

Ch. Ross: That's not what the study said though.

K. P: No?

Ch. Ross: No,

K. P: No, what did it say?

Ch. Ross: Mr. Lovera? I don't want to testify for you, would you explain stopping site distance, please?

K. P: Stopping site distance,

Ch. Ross: Tell the lady what stopping site distance means, is.

F. L: Absolutely, it's the distance that is estimated or required for a driver to notice something on the road,

K. P: Correct

F. L: React to it and being able to stop.

K. P: Correct

Ch. Ross: To notice it. Yes

K. P: Yeah, so 305' to be able to notice it, not going 300,

Ch. Ross: Right

K. P: So my question would be then, going at 40 mph with that crest and that visibility how many feet do you need to stop? That would be my question to the site.

Ch. Ross: of the witness,

K. P: I'm just saying was that ever addressed in the study?

Ch. Ross: I don't know

K. P: You know with the visibility being what it is,

F. L: That concern was addressed in study but also in the peer review and the completions of the peer review were that the stopping site distance going over the curve is adequate for this site.

K. P: Ok, alright, cause I know a question was brought up of a board member of the two lanes merging into one, right after that merge is Pleasant St, so when we are turning left on Pleasant people are still going up, is it Johnson & Wales now, they're still passing on your right, so when traffic is turning, they're passing on your right, and now we're going to have outflow of Cumberland Farms coming out too at the same time, that just seems like an issue. Um, the other thing was the comparison study of the non fuel station, uh that we wanted to address, they had mentioned CVS I don't think CVS is appropriate because they have a pharmacy and I think a lot of traffic is generated at a CVS due to that pharmacy. Um I don't know if that is what they were planning, but I would think that it would be a comparable size store just convenience, not a pharmacy that would be done. The other thing, I'm not sure why, Cumberland Farms is so intent on this site. I mean, the general public doesn't mind Cumberland Farms coming to Seekonk, that's fine. It's just that this site is not appropriate for Cumberland Farms to build, being so close to the neighborhood, you know I don't want to restate everything that people have said, but there are other vacancies available when you wouldn't have any kind of issue having a fuel station available to them. And would eliminate a lot of these concerns because there are no neighboring houses around. I have so many notes; I just think that was that's all I wanted to say.

Ch. Ross: Alright, thank you

K. P: Alright, thank you,

Ch. Ross: Ma'am,

H. H: Heather Hunt, 13 Evelyn Way

Ch. Ross: Raise your right hand please, do you swear or affirm that the testimony you are about to give will be the truth?

H. H: Yes, Um I had a question as far as signage. The other Cumberland Farms in Seekonk doesn't have a sign at all, it's just on the front of the, so why do we even need a sign, and if we do go with the sign, why do we need the digital, because then they have to, (INAUDIBLE) a question of

Ch. Ross: Okay, perfectly valid question, all the signage issues have been deferred until the August 7th

H. H: I'm just saying something to think about, that we don't really need a sign since the other Seekonk one doesn't have one, why does this one need a sign. Um, again please consider decreasing the hours of operation if the town noise ordinance is till 10, why can't we do 6 to 10 especially if there is an outside eating, that would also help with it, we're requesting no outside eating, in keeping with the other gas stations on Rt. 44. Um this isn't a restaurant which he referred

to have a restaurant? And I'm kind of confused with that because it's just get food and if you were going to sit outside, there's no restaurant going in, like Subway or anything else? Correct?

Ch. Ross: That's correct.

H. H: Ok, um, realistically we'd be asking for no gas I'm not sure how that's going. BJ's has 5 islands, and we see how that backs up why on earth would we put 5 islands on this small area? And another question is, 5,000 sq ft building or 1,500 sq ft again keeping with the same with the other gas stations, it doesn't need to be this big, especially for this size lot, and there would be less blasting and less disruption to um land, again that the traffic concerns on the Cumberland Farms in Seekonk and Rehoboth, there are two lanes of travel on either side, and there are intersection lights. This has one lane on either side, down the road, next to Pride Hyundai the land is clear, there's no, you know, why can't they go there? Like Kristen said, there's other options for land that's a double sided travel direction as well. Um, where they're having the entrances these people on Pleasant they're not going to come through and come back on to 44, they're going right into Evelyn which is now going to be more traffic. The other day I was outside with my daughter, she's riding her bike, how many times I had to yell, car, car, car forget it let's go in the house, you're going to add that traffic to it too, we're not even be able to ride our bikes in the neighborhood, they need to keep both the entrances on Taunton Ave and maybe that would help with their trucks, I don't know, but the other day I was pulling in, a car was coming out of Pleasant and I was coming in and someone was walking their dog, I had to stop wait for the other car to come around so for the person walk her dog to get by me not a car, me and a person walking their dog couldn't pull out, how is a tanker pull on to Pleasant. I don't care what hour it is. Um, and I want to know who is going to be responsible if this goes in and there are foundation cracks, is there going to be something in writing, that they blast and now 3 to 5 years down the road we all have cracks, who is going to be responsible for that? Um, if there is an increase in traffic accidents at this intersection who is going to be responsible for that? If there is an increase in crime in the neighborhood who's responsible for that? If you're saying that they said that there's not going to be a decrease in our home value, is someone going to have that in writing, because 3 years from now if I go to sell my home, and my house has decreased because of Cumberland Farms, and I was going told "No, it's not going to", like who is going to be accountable for these things? Um, these need to be in writing and I also think I was here at a meeting I feel it was for zoning, that someone was here a contractor, and I think it was you requesting that the trees, who's going to make sure the trees are planted? It might have been conservation, I'm not sure.

G. S: Might have been conservation or planning.

H. H: Um, but everybody keeps bringing up that there's plans show that there is a sign, there's trees, there's finishes to this development, why isn't anybody making a person, the developer responsible for this? Why was it just left? And like, we're saying these trees they're saying 10' apart that's not 10' apart, and that's only 10 trees. The building is 5000 sq ft, 10 trees is not going to cover a building. Um I just think that these all need to be considered.

G. S: Could I just briefly, respond to a couple of things you said? In a local business district, they are allowed by right, to have 70% coverage of the lot, ok? Here, I believe they are representing 40%,

Ch. Ross: It's 3 plus acres

G. S: yes, Ok, so the total, when you look at the total, the total size of it. The café issue, we will address okay? Have you reviewed these plans?

H. H: Only from what I can see here

G. S: would you like to have my copy?

H. H: I would love to,

G. S: But the other thing I'd like everyone to remember too, is, under this process, under the worst case scenario we grant the special permit with conditions, we grant it, we can also take it back. So, there's a good checks and balances there too. It keeps a lot the applicants honest.

H. H: And hypothetically say three years down the road, this is here, and it doesn't go well, and they pull out, what happens to the gas tanks? Who is responsible for it then?

G. S: Whoever's name's on the deed I would think, right?

H. H: I mean, because right now, that development, that lot is abandoned,

G. S: Right

H. H: and thankfully the DPW mowed it this morning, because we can't see coming in out of there now, with just grass growing. Um, but it's been how many years? And it's just been left. And no one's maintained it. So who's to say that's not going to happen to them? And now we've got gas tanks in there and we've got a gas easement on the other side, and we've got drainage issues. It's just concerns, and I moved there, and I spent a lot of money and I just don't feel that this is the appropriate place for it, so I hope you take that into consideration.

Ch. Ross: Sir, in the back standing up. Raise your right hand please, and do you swear or affirm that the testimony you are about to give will be the truth?

G. Solas: Yes I do

Ch. Ross: And put your name is address on the record, please.
My name is George Solas, I'm the father to George Solas that lives on Evelyn Way, and it's the first time in 30 some odd years, 22 Winterberry Lane in Rehoboth and my son asked me to speak for this evening. It's the first time since he got out of high school and I was amazed. I guess he's matured or maybe I'm a good guy now. I was listening to the conversation and I was hearing the term universal or common usage that would be shared throughout the town, was that the, there was a word that was used. Harmony, whatever word it was, and my son was talking about that, because there are gas stations already on 44 and similar things they should be able to enjoy the same similar things. Well, I had somebody go off and do some quick calculations for me, and when you look at the gas stations up the other end of the road, that space between the end of the side of the road where those gas stations are, is 44' two lanes, this here is 24' and I've been I'm 70 and all the years I've been coming down 44 and when Dunkin Donuts went in, I was surprised that there was no traffic control because as you know, you all live here, when you come down 44 in the morning, that those cars are right out on 44, and that's not good, even if this gas station wasn't there. But my point

is, at that curve that's 59' elevation. It drops almost 9-10' from the top of that road, and you're coming up to that road, and all the discussions about elevations and road, you know, traffic, it's all focused within a certain number of yards there. Think a little bit bigger, you've got Dighton that has these chapter 40, 30, 43's but they are building, they have these proposals for housing that is about 100 some odd units, that are going in, multiple. 44 and you made the comment that it is not a major highway; it is, for us in Rehoboth, in Dighton, in Seekonk, all the way into Providence, the only way to come west is 44. Think out a little bit further, with the traffic pattern that's going to happen when these homes being built in Dighton, also in Rehoboth. You have a very limited amount of land that you can still your homes in this town. Rehoboth we have a 140 some odd miles in Rehoboth, lots of farms, lots of homes being built. They've got to come down this road, my suggestion, if you put a gas station in, level that crest have the Cumberland Farms take ownership, level that crest and then widen that road, because you own certain parts, well you can't because it's a state road, that's got to be paid. Someone's got to pay to level that road, so you don't have that crest. I, coming up the road, knowing I was going to be here tonight I did a line of sight. I happened to have a red car in front of me, I got almost to the that red building, not the gun shop, the antique shop halfway through that I'm looking out and then I was able to see the top of the red car. Now with all this traffic we're talking about and people going in, that's not really good. Now I'm going to the personal side, if my grandkid, my grandchild, my daughter in law, my son get hurt, and all the discussions that people are bringing up here, these are facts, that are being brought up to you, and when someone gets hurt, where does that liability fall, cause people are bringing up real issues. I was surprised that Cumberland Farms is a wonderful company, great, it's a wonderful partner. But I began to recognize that they came in with 100% of what they'd like to do and how it's all changing. And it's coming down from 100% to where they'll settle for certain things. And I'm looking at that and I'm saying why wouldn't they come in with that in the first place? If they had shared with the town, willing to do it versus forcing it, and having all these parents and kids that are staying up all these times and all the talking that's going on behind I'm not sure why, Great partner, wrong damn area. It's not that. When you're talking about the study, I've mentioned to out there, that's one of the other things. Tedeschi food markets were bought by 7-11, it was proposed in 2014, purchased happened in 2015. Tedeschi food marts had 186 stores, you all know Tedeschi food marts, 11 stores were gas stations and they were purchased by 7-11 and 7-11 bought them because they didn't necessarily have gas stations, they fit. And this is a comment, and I just wanted to read this (INAUDIBLE) "7-11 has long been a player at eateries operating without fuel in urban markets and busy neighborhoods." Question is it's like someone's trying to jam stuff down your throat, why not look for another partner, who may not necessarily want a gas station there. There are others partners out there. This seems ridiculous what you guys are going through. And I have one other thing, I mentioned the drop of the elevation, check that, have someone look at and measure the road, where does all that traffic go in a 24' width with a road on an

angle? I just, it just, guys it just seems kind of, it's like having a toothache, you get rid of the toothache, get rid of the tooth. Thank you,

Ch. Ross: Thanks. Yes, ma'am, raise your right hand, do you swear or affirm that the testimony you are about to give will be truth?

K. P: Yes,

Ch. Ross: State your name for the record, please.

K. P: Kimberly Pare, 10 Richard Banna Way

B. G: Can you spell your last name for me?

K. P: P-A-R-E. Just a couple of quick questions, you stated that the monitors for the gas tanks were monitored by Cumberland Farms dispatch. Who's to ensure that those monitors aren't turned off, by Cumberland Farms employee and that doesn't allow dispatch to really communicate with those alarms? Can someone speak to that?

Ch. Ross: Mr. Baird, can you answer that question?

W. B: I am familiar with more than 20 installations, in the last 15 years that I've been occasionally doing this; I've never had a Cumberland Farms broadcast a failure on monitoring the stations.

Ch. Ross: I think the question, if I heard you right, can the alarm

W. B: (INAUDIBLE)

Ch. Ross: Can the alarm be disabled at the station level?

W. B: No

Ch. Ross: So that it doesn't reach the dispatcher, is that your question, ma'am?

W. B: No

K. P: Yes,

W. B: No, it's a 24 hour set up through the dispatcher.

G. S: So if that was interrupted it would send an alarm, to the dispatcher?

W. B: I can't say that, I truly don't know the answer to that question. I do know that the Veader Roots are hard wired,

G. S: Could you get an answer for this lady?

W. B: I can.

K. P: Thank you. Just one final question, obviously live in Banna, how were the numbers obtained for the traffic study? Because it my experience when I've seen traffic studies going on, there's either some sort of monitoring device laid out to count the number of cars that are coming through the area, how was the traffic study completed, at Banna and the intersection as well?

Ch. Ross: Yes, Mr. Lovera, sure feel free

F. L: The trips that you see they only captured the traffic that is going through for this particular study we actually hired someone to count, visually everyone single car that was making a turn at the intersection.

K. P: Okay, so my follow up question to that is, in my observance, and I don't know if anyone else observed this, and I go in and out quite a lot, cause I have two little children, the individuals counting the cars have their face inside a cell phone, the entire time they were sitting there. I went in and out numerous times; I don't think the number of cars is correct to be completely honest with you, I think it's been way estimated very low. Um I just, I don't have total confidence in that traffic study that was completed, and I just wanted to point that out to you.

Ch. Ross: yup
K. P: And I appreciate your time.
Ch. Ross: Sir, in the glasses? Raise your right hand, please, do you swear or affirm that the testimony you are about to give will be truth?
B. C: Yes
Ch. Ross: And will you state your name and address for the record, please?
B. C: Bob Chase, C-H-A-S-E, I'm at 6 Richard Banna Way. Thank you, I just had one question and one comment. First I'd like to agree with the folks who spoke before me, with respect with the opposition to the special use permit. One of the questions I have and one of the themes is safety. There was an incident in Rehoboth last month, at a Cumberland Farms, where there was a suppression system that apparently malfunctioned and four people were hospitalized, I was just curious as to what happened, what the result was, there was a reason and this could happen again.
Ch. Ross: That issue did come up in the June meeting; do you know anything further, Mr. Kehoe? Did you enquire of anyone?
M. K: Mr. Chair, we did inquire frankly that's why the
Ch. Ross: The handout,
M. K: The materials there to make sure the town knew what materials were in there. I don't know what happened to the four individuals, I would imagine they were sent to the hospital for precautionary reasons, they were probably under the canopy when it was discharged, so they probably sent them to make sure they were properly checked out. I can certainly find out if there were a follow up, I'm not sure, that Cumberland Farms would know, unless they were getting something from an attorney, I can find out, if there was any follow up on those four individuals who were brought to, I believe it was Morton Hospital, if the story was correct. But I did follow up with Cumberland immediately, or shortly after requested gave me the information as to what those materials were so they can determine whether these were something abnormal for what is required by the State Fire and they were not, but I will certainly follow up and look to see what happened with those four individuals.
Ch. Ross: If that type of information is available,
M. K: If I can find it
Ch. Ross: that'd be fine.
B. C: Actually now that I think of it, I have one additional question. The gentleman here was talking about the fuel to maintain the fuel a little bit earlier before it goes into the ground. I thought I heard him say, that most of the time the fuel would be captured I wanted to make sure it was all of the time. (INAUDIBLE)
Ch. Ross: Mr. Baird?
B. C: Maybe I'm wrong
W. B: You're talking about if the tank fails?
B. C: Yes
W. B: The tanks by regulation can only be filled to 95% and the amount of brine is only a few gallons, so that if all the brine went into the tank, the gasoline would not escape the tank.

B. C: Ok, fair enough, I thought I heard it was most of the time, it would happen so...That's all

Ch. Ross: I would have noted that. Thank you. Anyone else? Going, yes in the back with your hand up sir? Raise your right hand, please and do you swear or affirm that the testimony you are about to give will be truth?

J. S: I do,

Ch. Ross: And would you state your name and address for the record please?

J. S: My name is James Sirois, S-I-R-O-I-S, 24 Evelyn Way. I have a few, back there hopefully I'm not going to be making glue out of this dead horse, but I've been jotting down a few questions. I didn't really see the main plan, and I was going to ask how the building or the any type of foliage being planted is it going to obstruct the view coming out of Evelyn Way on to Pleasant? Cause right now, even with that ledge there, you have nose out, and if someone's making a quick right hand turn off Taunton Avenue on to Pleasant, you've got to be real careful that you don't get the nose of your car knocked off. So I don't know if anything will obstruct the view.

Ch. Ross: Mr. Farland, could you explain where the plantings are going?

C. F: Talking about this corner over here?

J. S: Yes

C. F: There's going to be no plantings over here. Actually we're cutting this down quite a bit. So you'll be able to see a little bit more than what you can see now.

J. S: Thank you. I know this probably had to be a filed with the DEP, but what is the mitigation plan if a leak occurs to the tanks, including the training of employees at this Cumberland Farms, what the, you know, their supposed

Ch. Ross: That is way out of our jurisdiction

J. S: Questions that are popping up in my head

Ch. Ross: Understood

J. S: Because if it's going to be this close to the wetlands I want to know how fast are they going to be able to respond, and does that brine, what effect does that brine have on ground water? So if the brine gets out

Ch. Ross: Mr. Baird has an answer for you, regardless of jurisdiction.

W. B: State and Federal government require all facilities to have an A operator a B operator and a C operator. The A operator is responsible in the corporation for the overall compliance with all gasoline storage. The B operator is responsible for knowing what each, what is in each and every site and training C operators. C operator is trained and there has to be a C operator whenever the station is open. The C operators is trained to respond to hazardous material spills, the fire system going off, any unusual circumstance at the station. C operator is always there, with a procedure for calling out and notification.

J. S: I'm glad you're still standing right there, at the beginning when you were giving your speech, you said that vegetation that you mentioned would be as a barrier between the house and fuel tank area from vapors and all that. But was that taking into account the existing vegetation, because it's pretty grown in there, or the new vegetation that I heard was not going be exactly the greatest to prevent vapors from going into that neighborhood, or that yard?

W. B: Well the gasoline vapors are heavier than air, and they evaporate very quickly and I think I mentioned that in a spill, that the cancer for benzene was like .3 something micrograms per meter cubed. And the EPA document says that a release of gasoline benzene release is about .1 and I'm sorry I can't remember the rest of the numbers, but it was less than half of the cancer. In my opinion, you're 400' away the amount of vapors, gasoline vapors that would be released even if there was no vegetation you would never know. You would never know.

J. S: Okay

W. B: Never smell it, it wouldn't be a threat to you and your family at 400' away

J. S: Okay, as the number of cars cutting through Pleasant because if this facility goes in, there's going to be a whole bunch of people coming down 44 they already normally cut through Pleasant to head out towards Rumford area, and Pawtucket to head out onto Ledge and then get onto Pawtucket Avenue, or in that area. I see that potentially increasing where somebody might have gone to the gas station between Arcade and Taunton heading up to Ledge and going that way instead of coming here, now they're going to start going out into the Pleasant St exit heading up that way, I see that as an increase, thinking ahead of the people that live there. And people that notice this is there, I live over there, I'm going to be using this way, so I see that as a big increase of people using that as a cut through. Um, lastly I mentioned in an email letter that I sent, that the site could be used for something better, and I one of the ideas I gave was how about a Richard Banna Memorial Cyber Library annex have a small library there with the computers and all that. So students can use it, instead of a gas station, but that's all I have. Thank you very much.

CH. Ross: Sir on the left, in the back, you had your hand up a minute ago. Ok, the other, left, go ahead. Raise your right hand please, do you swear or affirm that the testimony you are about to give will be truth?

W. P: I do

Ch. Ross: And would you state your name and address for the record, please?

W. P: Wayne Patterson, 234 Pleasant St. Seekonk MA. I live on Pleasant Street between Arcade and Taunton Avenue, and to pull out from Taunton Avenue, on that side of Pleasant St is very dangerous now. I've lived there 28 years, the traffic on 44 probably doubled, maybe tripled, as homes are being built in Seekonk, Rehoboth, as the man stated there is more and more traffic. I see, I respect the man's study but as he's not their everyday pulling out on this street, and now you have to look to Ramada Inn, to the car lots, to make sure no one is pulling out of there, now you'll be looking at a Cumberland Farms, where there's two, you know entrances that you'll be watching and Pleasant St isn't in a normal intersection. It's not like 44 and Arcade, you cut across to the left, so it's very hard to even get across that way, now. So I think adding a gas station in that one spot is going to make it very dangerous for people from Banna Estates, but for us people on the other side, and to relate to that man, we used to have no through trucking, because of Johnson & Wales, on that Pleasant. All those signs have disappeared, so now there's trucks going down our street, all the time and with the construction at the Gristmill on the road when they detour, they come down, they come down Pleasant, so people have learned that our streets a cut through. So I'm afraid that this gas station will

increase our traffic also. That's basically what I wanted, and there's one more thing. I work for a large chain, when we abutted residential properties most of those stores, there's no deliveries after 9am or before 7am, so that's something 9pm that was the latest, and 7, they couldn't deliver before 7am, that's something to consider.

Ch. Ross: Sir,

N. A: Good Evening

Ch. Ross: Would you raise your right hand please, and do you swear or affirm that the testimony you are about to give will be the truth?

N. A: Yes

Ch. Ross: And would you state your name and address for the record?

N. A: Nelson Almeida, 48 Quarry. I just want to thank everybody that came here; it's a little different being on this side. What's the possibility of getting an independent or third party to do like a traffic survey for us?

Ch. Ross: It's been done. It's been done for the planning board.

N. A: For the planning board?

Ch. Ross: Yup, this was submitted to the planning board, they had it peer reviewed, it wasn't an independent study it was peer reviewed. And independent traffic engineering firm VHB, took the study that was presented, it was the same one we have, they reviewed it, they commented on it, they submitted all of their comments, with a copy to the proponent of this, and that's why we have two. We have the original one dated November of 2016, we have the revised one dated June of this year, to reflect the comments of the planning board and the peer review study.

N. A: So, two different surveys came in?

Ch. Ross: No,

N. A: Like which company gave us the survey? Was it through Cumberland Farms?

Ch. Ross: Oh, yeah, it's their expert.

N. A: That's my question can we have, can we have someone, someone else, let say an independent, I'm only asking, only because the gentlemen that came up either was not prepared or just tried to give us, you know give us the run around.

Ch. Ross: Ok, let me

N. A: I sat there in big disappointment and a survey, you know Mr. Sagar here, 30 days in advance asked for a particular survey to be done, then when the gentlemen came up here, he didn't have it, and said it couldn't be done. But yet in three weeks it can be done. So I have a big concern with that.

Ch. Ross: Let me rephrase my answer,

N. A: I'm sorry, go ahead

Ch. Ross: Okay, the study was done in November, it was submitted to the town, planning board, zoning board, any board that has any authority over this project, the planning board selected its own engineering firm to review the traffic study that was commissioned by Cumberland Farms, they didn't pick the review firm the planning board did, so they did an independent review of the traffic study that was done on behalf of Cumberland Farms. Based on the comments, written comments, that were submitted to the planning board, Cumberland Farms engineers revised their study, did some additional testing which the planning board's traffic

engineer's requested be done, that's why they have a revised study in June of this year, to incorporate, it didn't change their basic study, but it incorporated the additional work that the planning boards firm be it VHB, wanted done. And they commented on the quality of the work as well.

N. A: I'm just; I don't buy all of it. I don't, and to say there's an extra 40 cars in the morning and an extra 40 in the evening, you've seen Cumberland Farms like I have, and I have yet to see one that's empty. Ok, it's a lot more than that, I just have some concerns on the traffic study, I hope at the next meeting, if it's the same gentlemen, or if they have someone else, to be prepared and answer your request.

Ch. Ross: Ok,

N. A: Ok? Thank you,

Ch. Ross: Thank you, is there anyone else in the audience who wishes to speak on this pending petition? Seeing none and hearing none, yeah,

G. S: I have one last question, for either the attorney or the engineer; will this require a MEPA review? This project? MEPA is the Massachusetts Environmental Policy Act; it would be a state review of whatever town...

M. K: Uh, we very may well have to, we're going to be filing with them, whether or not they're going to require it based on the scope of the project, if they do, we're going to have to file with MEPA,

G. S: You're still going to have to apply to the state department of transportation for curb cuts

M. K: That's right, we had a preliminary, actually we're closing a curb cut and widening one, but yes we have to go and that, when we last went to Mass DOT, which was probably now, about 5 or 6 months ago, what was shown to them was the first plan proposal we had 3 curb cuts. So they haven't seen this yet, and we went before them in an informal meeting, they didn't have any problems from their standpoint, with the previous curb cuts, so, we're assuming and it is an assumption, that they will find this even better than it was before we're reducing the number

Ch. Ross: There are fewer

M. K: But we have to go before back before them to answer your question.

G. S: I have one other thing

H. H: I have a question as well

Ch. Ross: Yes Ma'am

H. H: Um, would Cumberland Farms consider moving that other entrance on to Taunton Ave, in our request as far lessen traffic through the neighborhood?

M. K: Well there's not too many places it can be moved to. We cannot move it further to the east because we have wetland issues

Ch. Ross: Wetlands

H. H: But you had three before so why now?

M. K: Well we, well because we had, yes we had three existing, they're right there now, go look, we didn't, we proposed no additional curb cuts,

H. H: I'm not saying curb cuts, I'm saying get rid of that entrance

M. K: Well, if we get rid of this entrance we only have one entrance, it's on Pleasant Street.

H. H: No, there were two original, there were three original, two on Taunton
M. K: Two on Taunton, those were existing,
H. H: Why can't you get rid of the Pleasant and put your other one back on Taunton, why is that not possible
M. K: Well, first of all because planning didn't want the curb cut to the west, on Rt. 44, because they viewed it too close to the intersection, what we did here, was to comply with the request of planning board, and also, part of it was the site plan review process and the peer review. So this plan which is before zoning board was basically vetted by both, technical review committee and the planning board, this is the planning board's proposal. We would have been happy to have all three, and not have to do any curb cuts, cause we already got approval, basically from MASS DOT, so this was extra work on our behalf to comply with what planning wants. But we can't go any further to the east.
H. H: If you cut back to three gas pumps, would you put another entrance there, and get rid of the Pleasant St one?
M. K: No, not according to the planning board,
H. H: (INAUDIBLE) two more gas tanks
M. K: They wanted us to move that curb cut, as far to the east as possible, so we did, and we have one on Pleasant St for circulation, so if you put another curb cut, they also didn't like the fact there were two curb cuts on Taunton because that's a bad circulation pattern in and out. And they would want, if you have two on Taunton, one would be for, not entrance but for exit only, but no, this, it's not a matter of the pumps it's a matter of proximity
H. H: (INAUDIBLE) pumps anyways
M. K: to the intersection bounded by wetlands, so there's, no, so the answer to your question simply is Pleasant St entrance and exit and the one Taunton entrance and exit was to comply with what was required by previous two planning board hearings. So we did what they asked us to do.
H. H: I think that should be considered because that Pleasant St entrance, if that can't be moved is going to ruin the neighborhood with traffic.
Ch. Ross: Ok, are you all set for this evening Mr. Kehoe?
M. K: Yes, Mr. Chairman,
Ch. Ross: Okay, just to make sure everything is buttoned up. Do I have a motion?
G. S: I have a motion Mr. Chairman; first I'd like to request the zoning determination by our zoning enforcement officer, of the outdoor seating café area, if that is a proper use in a local business district.
Ch. Ross: Is Mr. Abelson still here?
G. S: I want it in writing
Ch. Ross: I know that, I wasn't going to ask for his verbal, I just wanted to know if he was here to hear your request. Ok. We'll make sure he get's that
G. S: And to continue all these hearings until August 7th, was it? At 7pm.
Ch. Ross: 7pm that is correct
G. S: And to, I don't think we have to put it in the motion, I think they know, the information we're looking for
M. K: I'll just recap that, I want to be sure we do, from traffic you're looking now for our vehicle count if we had no gas tanks, or fueling stations, convenience only.

Ch. Ross: And any effect, if any on the level of service,
M. K: We'll go through the whole
Ch. Ross: ok, good. So we're down for August 7th with the understanding that we will have hard copies of the amended traffic study by July 31,
M. K: That is correct Mr. Chairman that is represented to you, that is correct
Ch. Ross: Thank you Mr. Kehoe. Do I have a motion?
G. S: I made a motion, need a second,
K. R: Second
Ch. Ross: To close public hearing? To adjourn?
G. S: To continue
K. R: To continue
Ch. Ross: To continue the matter until August 7th, 7pm, all those in favor signify by saying say aye, aye,
G. S: Move we adjourn
Ch. Ross: Ayes have it, move to adjourn, do we want to approve the minutes or defer that?
G. S: No,
Ch. Ross: Ok. We'll defer that, we'll defer the minutes. We are adjourned. See you in a month.
Meeting adjourned: 10:52pm