



PUBLIC HEARING MEETING MINUTES
Cumberland Farms
(184-186 West Boylston Street)
January 13, 2016

Chairman: Marc Frieden

Members Present: Vincent Vignaly, Christopher Olson, Cheryl Carlson, Barur Rajeshkumar

Members Absent: None

Others Present: See Attached Sign-In Sheet

All documents referenced in these Minutes are stored and available for public inspection in the Planning Board Office located at 140 Worcester Street.

Present were Tom Reidy (Bacon Wilson, PC), Luke DiStefano (Bohler Engineering), Tracey Roll (TMC-CF New England) and Colleen Mederios (McMahon Associates-Traffic).

Mr. Reidy said they received approval from the ZBA for the three Special Permits they requested (auto fueling station use, parking in front of the building, and reduced queueing spaces). They received an Order of Conditions from the Conservation Commission, they go before DCR for the Watershed Variance on January 21st, and the Board of Selectmen on February 3rd. Revised Site Plans were provided.

Mr. Stefano said they added a sidewalk along the full frontage of West Boylston Street wrapping around the entrance drive and provided a connection to the front sidewalk of the building. They did not provide a crosswalk. Ms. Mederios explained the traffic concerns with a crosswalk to the Police Chief who agreed it was not appropriate. There is nothing in writing, so Mr. Vignaly requested that she provide a memo of that conversation and a note from the Chief to confirm.

Mr. Stefano said the standing sign size has been reduced. It was 8' wide and they reduced it to 6' (82.5 square foot area) and 20' in height; he felt that was a fairly significant reduction. Mr. Reidy said they are trying to keep it in proportion to blend in with "the neighborhood", which he referenced the new oversized plaza sign (approved by the ZBA) and the nearby billboards. Mr. Frieden measured the existing signs and said the Shell Gas Station sign is 17 ½' in height x 4' wide, the signage area is 43 square feet. Mr. Reidy was asked his opinion to make the Cumberland sign the same size as the Shell Gas Station sign. He said they reduced the size as much as they feel comfortable with for that site and have included sidewalks. Mr. Vignaly said the Zoning Bylaw only allows one-third of that; it would be twice the size of the other existing gas station signs that appear to be working and he will not vote for it being that size. Mr. Olson said that under the bylaw it says we can "waive strict compliance". He is comfortable with waiving "strict compliance", but when it comes to doubling the size, he is not sure if that falls

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under strict compliance or a complete waiver of that provision of the sign bylaw. Mr. Reidy said the justification for that would be public safety; making it a smaller sign may hurt the public safety. Mr. Stefano said these types of uses are unique in that they are trying to promote, one of which is the price of the product being sold. Mr. Olson said there is also a provision that talks about two businesses on a lot and allows 50' square feet as opposed to 40' square feet. The BP Gas Station is much smaller with the letter size being 10' tall (the area is 35 square feet).

The Graves Engineering review letter dated January 11, 2016 had not been reviewed by Cumberland Farms. Some items were briefly addressed. Mr. Stefano said the drainage plan was designed based on the original proposed liquor store conditions; they did not use the existing conditions today for their calculations. #7 Landscaping–Mr. Stefano said they feel the landscaping is adequate. #9 Parking–Mr. Reidy produced a letter from the landlord. Mr. Vignaly said the Graves letter requests that they make sure there is adequate parking for the remainder of the site in the event another tenant comes in. Mr. Reidy said the eight spaces are specified in the lease. #13–Mr. Stefano said that was previously addressed. #18–Mr. Stefano said a 36" culvert is a large pipe. They would do the engineering if required, but it will be costly because it is a large tributary area. They were directed to coordinate with Graves Engineering to address all the concerns.

When SPR approval was given for the proposed liquor store, it included improvements that allowed them to build on the southern lot (south of the driveway). Those drainage improvements were never completed and Cumberland Farms' drainage plan does not address the drainage on the southern part of the property. Any development that would be proposed on the southern parcel will no longer have an approved drainage design. The impact would need to be addressed through their own SPR; it will no longer be a buildable site once approval is issued to Cumberland Farms.

Mr. Stefano requested the public hearing be closed on the condition they can provide compliance with Graves Engineering. Mr. Vignaly informed him that typically the hearing is continued with the approval letter being drafted for the next meeting. Mr. Stefano felt the longer it is continued, it is open for more risks. He was told the board does not close a hearing and issue an approval until everything is addressed and complete.

How does the board feel about 80' vs. 40' size? Mr. Frieden is comfortable. Mr. Vignaly said the townspeople voted for 40' and he has received many negative comments regarding the new large sign for the plaza. He is not comfortable with it. David Femia (ZBA) does not have a problem with the sign he allowed as a ZBA member. Mr. Olson's issue is the difference between waiving strict compliance and waiving a provision in its entirety and thinks a ZBA variance route might be more appropriate. He is not comfortable. Ms. Carlson is comfortable; she does not think our current bylaws are looking at size and safety of motor vehicles and the latest review could have been more in-depth. Mr. Rajeshkumar is comfortable with the sign being twice the area allowed under the Zoning Bylaw.

Ms. Mederios will provide a memo of the conversation she had with the Police Chief, and documentation is needed indicating that the parking for the rest of the plaza will accommodate the rest of the lot without the eight spaces. Mr. Reidy feels that is more of an enforcement issue to be dealt with by the Building Inspector and does not know if it makes sense to get this

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information now or if it can be dealt with later. Mr. DiStefano (Bohler Engineering) will contact Mike Andrade of Graves Engineering directly to address all issues raised in the most recent comment letter.

Mr. Vignaly made a motion to continue the Public Hearing to January 27, 2016 at 7:00 p.m.; Mr. Olson seconded the motion; all voted in favor; motion approved.

Date Accepted: _____

By: _____
Christopher E. Olson, Clerk

Submitted by: _____
Melanie Rich