

APPROVED

**ADAMS PLANNING BOARD
MEETING MINUTES
MONDAY, MAY 24, 2021**

MEMBERS PRESENT: Chairman David Rhinemiller and Members Lisa Gazaille, and Michael Mach

MEMBERS ABSENT: Vice-Chairman David Krzeminski and Member Sandra Moderski

OTHERS PRESENT: Town Administrator, Jay Green; Building Commissioner, Gerald Garner; Donna Cesan, Special Projects Coordinator; Attorney Tom Reidy, Bacon/Wilson; Luke DiStefano and Andrew Platt, Bohler Engineering; Charles Meek and Peter Yesky, First Hartford Realty; Diane Whelan; Steve Dadak; 413-743-1843 (unidentified number); 413-344-3116 (unidentified number); Town of Adams; Jack Guerino, *iBerkshires* and Recording Secretary, Pam Gerry

Join Zoom Meeting by Video

<https://zoom.us/j/97558052153?pwd=SlhUUkZmbDFsSFJpSi9QNEN5eE9KUT09>

Meeting ID: 975 5805 2153

Passcode: 344275

Join Zoom Meeting by Phone

1 929 436 2866 US (New York)

Meeting ID: 975 5805 2153

Passcode: 344275

Find your local number: <https://zoom.us/u/aeniyUJkD1>

CALL TO ORDER: Chairman Rhinemiller called the meeting to order at 7:00 P.M.

Ms. Gerry reads:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15 and July 2, 2020 Orders imposing strict limitations on the number of people that may gather in one place, this meeting of the Town of Adams Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort has been made to ensure that the public can adequately access the proceedings as provided for in the Order. We have posted today's agenda in accordance with Open Meeting Law, which included the call-in information for the meeting. Despite our best efforts, if we are not able to provide for real-time access for the public to participate in today's meeting, a recording of this meeting can be made available by request, as this meeting is being recorded using the Zoom platform.

Chairman Rhinemiller opened the meeting to the public. He reminded the public audience to state their name and phone number before addressing the board members.

Application of Cumberland Farms, Inc. for "Site Plan Approval" under §125-19(E)(12) and (13) of the Adams Zoning Bylaw for property located at 95 Commercial Street. The request is for the siting and operation of a 4384 sq. ft. retail convenience store with four (4) fueling islands and eight (8) dispensaries in a B-2 Zoning District.

Chairman Rhinemiller addressed the applicant to inform them that the Planning Board consisted of a three-member board. He continued by stating that the applicant would be required to obtain a unanimous vote to move forward on their site plan request. Attorney Reidy responded by stating that if the town had adopted the Mullen's Rule, this would allow the two members who were not in attendance to review the video tape of the meeting at another time, which would offer them the opportunity to vote at the board's next scheduled meeting. Chairman Rhinemiller informed the applicant that the town had not adopted the Mullen's Rule. Attorney Reidy stated that he would move forward on the application request with a three-member board. Mr. DiStefano addressed Peter Yesky and Charles Meek from First Hartford Realty to seek their opinions on moving forward. Mr. Yesky responded by stating that the application should move forward. Chairman Rhinemiller wanted the applicant to know if the approval was not granted for their proposed project that they would need "a substantial change to bring the site plan approval back to us." Attorney Reidy stated that if they felt they were not receiving positive feedback from the board members regarding their proposed project that they could choose the option to withdraw without prejudice and submit modifications to the plans at their next meeting.

Attorney Reidy from Bacon Wilson began their discussion by introducing the representatives for Cumberland Farms, Inc. stating that Luke DiStefano, Bohler Engineering, Peter Yesky and Charles Meek from First Hartford Realty were in attendance. Attorney Reidy explained that the town underwent a zoning district change recently. He stated that the parcels included in the proposed project would meet the new zoning criteria for the B-2 Zoning District. Attorney Reidy offered board members some past history regarding the steps that Cumberland Farms had undertaken up to this point. He stated that they had appeared before the Adams Traffic Commission in March, 2021 and a review of their Traffic Impact Study was completed. Attorney Reidy stated that the board members should have a copy of the minutes to that meeting for their review. He continued by stating that they had requested a Special Permit by the Adams Zoning Board of Appeals in April, 2021 for the approval of the operation of a 24-hour convenience store/gas station. He stated that some "concessions were made with the outdoor audio advertisements and rubbish removal trucks." Attorney Reidy stated that they also appeared before the Adams Conservation Commission a few weeks prior, noting that they received an Order of Conditions for their project's compliance with the MA Wetlands Protection Act. He stated that at this point in time, they were presenting a site plan approval for the siting and operation of a 4384 square foot retail convenience store with four (4) fueling islands and eight (8) dispensaries. Attorney Reidy stated that he would turn the discussion over to Luke DiStefano from Bohler Engineering.

Mr. DiStefano displayed the site plan on the zoom screen for the board members' review. He started the discussion by explaining that there was an existing 6500 square foot parcel of property located at 95 Commercial Street at the intersections of Elm Street on the south side and Prospect

Street on the north side. Mr. DiStefano stated that the site was a vacant automotive repair/junk yard with a series of eight residential structures proposed to be “raised and rebuilt” upon approval by the Planning Board. He stated that Cumberland Farms proposed to redevelop the entire parcel with a new 4384 square foot convenience store in the center of the property. Mr. DiStefano continued to note that the store would consist of 27 parking spaces located on the north side of the building and at the front of the building near Elm Street. He stated that they would construct four multi-product fuel dispensaries with an overhead canopy between the building and Commercial Street, noting that eight vehicles could be fueled at one time. He stated that the site would be accessed with two curb cuts, one on the south side of the property on Commercial Street and the second curb cut would be on the north side adjacent to Prospect Street. He stated there would also be significant improvements made to the landscaping and the stormwater management. Mr. DiStefano stated that the existing conditions sheetflows “unchecked and untreated into the stormwater management systems within Prospect and Commercial Streets and ultimately into the Hoosic River.” He stated that the proposed conditions would be a sophisticated stormwater management system designed to capture runoff from an impervious portion of the property and into an infiltration system located in the front and center portion of the property. Mr. DiStefano further stated that they would witness a significant improvement in the quality of the stormwater management system. He noted that Cumberland Farms was aware of the input submitted by the abutters regarding their property concerns with the proposed project. Mr. DiStefano stated that they had designed an “extensive landscaping plan” to provide esthetic screening which included an 8-foot white vinyl fence to establish a “structural buffer” between the properties. He stated that they would bring the new utilities underground on site. Mr. DiStefano further noted that there would be a state-of-the-art lighting system which would include “downlighting” to ensure that light was projected to the appropriate areas on the property without disturbing the abutting properties. Mr. DiStefano let the board members know that the lighting would be focused at the fueling center, parking spaces and the driveways emphasizing that this would result in “zero light trespass” onto rights-of-ways and abutting neighborhoods.

Mr. DiStefano addressed the board members to offer them an opportunity to ask any questions they had for the applicant.

Member Mach was curious to know what would become of the existing Cumberland Farms on Commercial Street if they were to get approval for their new business. Attorney Reidy responded by stating that the site would become decommissioned and the existing gas tanks would be removed under the supervision of the Adams Fire District to ensure the site was environmentally safe before being sold or leased. He further noted that the business would only be sold to a non-competitive retailer.

Member Gazaille asked the applicant to explain their proposed fire system in regard to the fueling area. Mr. DiStefano addressed her concern by stating that their self-serve gasoline facility was required to have a self-serve fire suppression system installed according to Massachusetts law. He stated that within the canopy there was a series of nozzles containing a dry chemical pre-engineered system that required approval by the local fire department and the Massachusetts Fire Marshall’s Office. Mr. DiStefano emphasized that if there was any heat source detected, that the thermostats set in place would be self-activated and would blanket the entire fueling area with a dry chemical that would suppress any fire that occurred.

Chairman Rhinemiller addressed Mr. DiStefano to ask him if the stormwater management plan would be reviewed with the Adams Department of Public Works (DPW) to assure that the stormwater system could handle the addition of impervious surfaces. Mr. DiStefano stated that the town's engineer or DPW would most likely review the system. He stated that they had provided the board with a drainage report which depicted that they are "reducing the runoff rates for all design storms up to and including the 100-year storm event."

Ms. Cesan addressed the board members stating that the town's DPW had reviewed the plans indirectly in addition to a review by the town's engineers working on the Route 8 project and in coordination with Bohler Engineering. She stated that Cumberland Farms went through "a rigorous review process with the Conservation Commission." Ms. Cesan stated that the town hired peer review with a hired engineer and a wetland scientist who recommended conditions be imposed on the proposed project. Ms. Cesan explained that it would not be necessary to add further conditions by the Planning Board in addition to the ones set by the Adams Conservation Commission.

Chairman Rhinemiller asked if there was any public comment from the audience.

Mr. Steve Dadak, an abutter to the proposed Cumberland Farms project addressed the board members stating that he was in opposition of the project. He stated that the Traffic Study was "inadequately answered a year ago." He further noted that it was a biased traffic study paid for by Cumberland Farms and their own firm. Mr. Dadak wanted the board members to know that Cumberland Farms had been sued in the past for 25 million dollars due to a serious accident that occurred on their property. Mr. Dadak stated that he assumed there will be future traffic problems for vehicles entering Prospect Street and exiting onto Commercial Street from the proposed business. He stated that he was aware that the town would still move forward with their approval of the project. Mr. Dadak requested that this information be included in the public record that he has not been able to access his government during the COVID-19 protocols. He further noted that the staff have refused to return his phone calls in regards to the Cumberland Farms project, as well as other issues in his neighborhood over the past twelve to eighteen months. Mr. Dadak stated that there could be other individuals who share similar feelings and concerns over the potential for future accidents that could happen in the future.

Chairman Rhinemiller asked the applicant if they would like to respond to Mr. Dadak's comments.

Attorney Reidy addressed the board members stating that Cumberland Farms had performed an updated Traffic Study which was presented to the Adams Traffic Commission in March, 2021 relative to "site distance and safety circulation." He stated that they were questioned by the Traffic Commission with their submitted responses at their meeting. Attorney Reidy stated that traffic was a "difficult area because everyone drives and has their own experiences." He told them that the applicant has to rely on feedback from their traffic engineers. He further noted that Cumberland Farms was a convenient store which "designs and promotes something convenient." Attorney Reidy stated that they disagreed with the abutters' comments further noting that Cumberland Farms had a professional conducting their Traffic Study which was approved by the Adams Traffic Commission.

Member Gazaille stated that she was a member of the Traffic Commission emphasizing that the report submitted by Cumberland Farms was "thorough" and approved at their March, 2021 meeting.

Chairman Rhinemiller asked if there were any further questions for the applicant.

Member Mach asked if there would be additional people hired to work at the new Cumberland Farms. Attorney Reidy agreed there would be additional employees hired at the new Cumberland Farms.

A motion made by Member Mach, seconded by Member Gazaille to approve the application of Cumberland Farms, Inc. for "Site Plan Approval" under §125-19 E(12) and (13) of the Adams Zoning Bylaw for property located at 95 Commercial Street. The request is for the siting and operation of a 4384 sq. ft. retail convenience store with four (4) fueling islands and eight (8) dispensaries in a B-2 Zoning District, as proposed in the plans. A roll call vote was taken with Chairman David Rhinemiller and Members Lisa Gazaille and Michael Mach voting three (3) in favor.

APPROVAL OF MINUTES: The Board members need to approve the minutes of April 26, 2021.

A motion made by Member Gazaille, seconded by Member Mach to approve the minutes of April 26, 2021, as submitted passed unanimously.

OLD BUSINESS:

NEW BUSINESS:

REVIEW MAIL: Mail was made available to the board members.

ADJOURN: A motion made by Member Gazaille, seconded by Member Mach to adjourn the meeting at 7:29 P.M., passed unanimously.

Respectfully Submitted,



Recording Secretary

9/28/21
Date