

Minutes of Zoning, Planning, and Development Committee Meeting of October 3, 2018

Time: 6:03 PM
Committee: Councilors Flaherty, Burns, and Paul
Minutes by: Councilor Flaherty

Law Department advised Councilor Paul that he is unable to participate in Truck Terminal deliberations.

No public participation.

1. VOTED 3-0 to approve minutes from prior meeting.
2. Application for Special Permit, Site Plan Approval, and Stormwater Permit for Truck Terminal on Medeiros Way.
 - a. Councilor Flaherty and Burns discussed procedure outlined in prior meeting regarding reviewing the Special Permit, Site Plan Approval, and Stormwater Permit. Plan is to review findings one-by-one, deliberate, vote on each separately, then make recommendations to full City Council.
 - b. Councilor Flaherty open with opinion that “Special Permits” to him are “special” or “unique” or “rare” – not an extra step for a by-right use.
 - c. Storm Water Permit - based on City Engineer’s report, Councilor Paul and Flaherty agree that stormwater management plan and erosion and sediment control plan are consistent with the Stormwater Management Ordinance, that the plan meets the performance standards, and that it will adequately protect the water resources. **VOTED 2-0 to recommend approval.**
 - d. Site Plan Finding #1 – “That the proposed site plan shall be in conformance with the intent of the zoning district and shall not take precedence over specific provisions of the zoning ordinance.” **VOTED 2-0 to recommend finding.**
 - e. Site Plan Finding #2 - “That all buildings, structures, uses, equipment and materials are readily accessible for police and fire protection.” Councilor Burns and Flaherty discussed and believe plan satisfies this requirement, and that the plans have not been objected to by public safety departments. **VOTED 2-0 to**

recommend finding.

- f. Site Plan Finding #3 – “That adequate off-street parking and loading spaces are provided to prevent on-street and off-traffic congestion; that all parking spaces, maneuvering areas are suitably identified and designed to meet standards specified within this ordinance; and that provision is made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks.” Councilor Burns and Flaherty discussed lack of sidewalks along street. See no need to require sidewalks outside of fence. **VOTED 2-0 to recommend finding.**
- g. Site Plan Finding #4 – “That all proposed pedestrian access ways do not create traffic hazards and are: adequate, but not excessive in number; adequate in width, grade, alignment, and visibility; adequate distance from the street corners, places of public assembly and other access ways; and adequate design for other safety considerations.” No need to sidewalks outside of fence. **VOTED 2-0 to recommend finding.**
- h. Site Plan Finding #5 – “That the general landscaping of the site complies with the purpose and intent of this ordinance; that existing trees are preserved to the maximum extent possible; that parking, storage, refuse and service areas are suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way.” Councilor Flaherty and Burns discussed clear-cutting of most of the lot, but that D.F. Chase and Old Dominion’s plan included frontage design that satisfied the goals of City, and they had agreed to use a decorative rear fence at the request of an adjacent business. **VOTED 2-0 to recommend finding.**
- i. Site Plan Finding #6 – “That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation; that the glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent property and public rights-of-way.” Councilor Burns and Flaherty believe D.F. Chare has submitted a satisfactory lighting plan. **VOTED 2-0 to recommend finding.**
- j. Site Plan Finding #7 – “That all utility systems are suitably located, adequately designed and properly installed to serve the proposed uses, to protect the property from adverse pollution.” Brief discussion that utility departments have not opposed plan and that plans seem adequate for intended use. **VOTED 2-0 to recommend finding.**
- k. Site Plan Finding #8 – “That the development of the site will preserve sensitive environmental land features such as steep slopes, wetlands, and large rock outcroppings and will attempt to preserve public scenic views or historically significant features.” Discussion between councilors about meanings of words

and phrases. There are not known steep slopes, large rock outcroppings, or historically significant features. Councilor Flaherty believes most of the land and general area are “wet” on a regular basis, but not legally “wetlands”. “Public Scenic View” was discussed and both councilors feel the scenic view of the area would be negatively affected if the lot was clear-cut and a large trucking facility was built. The adjacent road “Timberswamp” appropriately describes the area. **VOTED 2-0 to not recommend finding.**

- l. Site Plan Finding #9 – “That the location and size of proposed buildings, uses or structures, as well as the nature and intensity of the operations involved or conducted in connection therewith, will be in general harmony with the surrounding neighborhood.” Councilors discussed structures and operations, and believe internal operations as described by D.F. Chase and Old Dominion during the public hearing are satisfactory. **VOTED 2-0 to recommend finding.**
- m. Special Permit Finding #1 – “The specific site is an appropriate location for such a use, structure, or condition.” Councilors Flaherty and Burn discussed adjacent businesses and **VOTED 2-0 to recommend finding.**
- n. Special Permit Finding #2 – “The use as developed will not adversely affect the neighborhood.” Councilors Burns and Flaherty discussed issues expressed by neighbors relative to truck traffic and depot. At public hearing and via emails or letters received during the public hearing process, the neighbors opposed to project due to increased truck traffic in general, additional noise, negatively affected air quality, lights, traffic volume and congestion on main roads and side streets (particularly Root Road), wear and tear on roads, destruction of natural resources, high percentage of impervious surfaces, and concerns related to the aquifer and other water and natural resources. City Planner Jay Vinsky suggests that maybe “Conditions” can be added to alleviate some of the concerns. Councilors Flaherty and Burns discussed the following conditions:
 - i. The project shall be developed and maintained in substantial accordance with the approved site plan, entitled “Old Dominion Freight Line Trucking Terminal” sheets C3.1, C4.1, C5.1 and C6.3, revised 9/13/18 and C6.1 and C6.2 revised 8/23/18 as prepared by J.R. Russo & Associates. A paper set of same site plans, signed and sealed by a Massachusetts-registered Professional Engineer, shall be submitted for the record file prior to construction. **VOTED 2-0 to recommend condition.**
 - ii. No vegetation removal or grading activities shall commence until a pre-construction conference has been held between the applicant (and/or his contractor) and the City Stormwater Coordinator (DPW). **VOTED 2-0 to recommend condition.**

- iii. Maintenance of the stormwater management system shall be in compliance with the submitted “Long Term Operations & Maintenance Plan” (Appendix 6 of the Stormwater Report prepared by J.R. Russo & Associates) dated 9/13/18. The City Stormwater Coordinator is hereby authorized to serve as an agent of the Council in the administration of the Stormwater Management Permit component of this permit. **VOTED 2-0 to recommend condition.**
- iv. Construction of the contemplated “Future Dock Expansion” is not included as part of this approval and shall require an amendment to this special permit. **VOTED 2-0 to recommend condition.**
- v. “Trucks No Right Turn” signage shall be posted and maintained at the driveway exits. **VOTED 2-0 to recommend condition.**
- vi. Not more than 40 average daily truck roundtrips (in and out shall count as one roundtrip) shall be generated by the facility. Quarterly traffic reports, detailing daily truck volume, delivered to City Council via City Clerk within 10 business days after the close of each calendar quarter. **VOTED 2-0 to recommend condition.**
- vii. No synthetic fertilizers, pesticides or herbicides shall be applied to the landscape or stored on the property at any time. **VOTED 2-0 to recommend condition.**
- viii. Due to the proximity of aquifer resources, “No Salt Zone” signage shall be posted near the entrances to the site from November through April. Use of deicing materials shall be restricted to the minimum amount necessary, with sand and ecologically- and water quality-compatible alternatives utilized. **VOTED 2-0 to recommend condition.**
- ix. No queuing of Trucks on Medeiros Way. **VOTED 2-0 to recommend condition.**
- x. Pavement or curbing mechanism at exits to steer trucks left toward Southampton Rd. **VOTED 2-0 to recommend condition.**

After reviewing conditions, Councilor Flaherty does not believe they do not make the plan such that it “will not adversely affect the neighborhood”. He stated that he believes that the neighborhood’s quality of life will still be affected by truck traffic, noise, air quality, congestion, wear and tear on roads, and destruction of natural resources. Councilor Burns feels that conditions will alleviate some, but not all, of his concerns. **Voted 1-1. No recommendation.**

- o. Special Permit Finding #3 – “Adequate and appropriate facilities will be provided for the proper operation of the proposed use.” Councilor Flaherty and Burns briefly discussed the facilities and believe D.H. Chase and Old Dominion have designed an appropriate facility and that the descriptions of operations during the Public Hearing were satisfactory. **VOTED 2-0 to recommend finding.**
- p. Special Permit Finding #4 – “The plan as approved conforms to all rules and regulations unless specifically waived.” Councilor Flaherty discussed the inability of the City Council to make a legal determination that all rules and regulations have been followed – particularly when there are layers of regulations and precedences that the council may not be aware of. The Law Department and other department heads have provided documents supporting the position that the plan conforms to all rules and regulations. Flaherty and Burns feel that is enough to support this finding. **VOTED 2-0 to recommend finding.**

Councilor Flaherty and Burns discussed additional non-required findings. **VOTED 2-0 to find that Old Dominion and D.H. Chase are fantastic companies, that their plans were thorough, that they complied with City requirements, and that they made accommodations requested by certain neighbors.**

VOTED 2-0 to find that the project would result in additional tax revenue to the City, and potentially benefit other businesses in the City.

Councilor Burns motions to adjourn. VOTED 2-0 to adjourn.