



BELLINGHAM PLANNING BOARD

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12-05-2017 @ 11:41a

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TOWN OF BELLINGHAM

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BELLINGHAM, MASSACHUSETTS 02019
(508) 657-2892
PlanningBoard@bellinghamma.org

2017 SEP 29 AM 9:12

OFFICE OF THE
TOWN CLERK

September 28, 2017

RETAIL SALE OF GASOLINE – 310 AND 320 PULASKI BOULEVARD AND 21 WESTMINSTER AVENUE DEVELOPMENT PLAN AND STORMWATER MANAGEMENT PERMIT DECISION

A. BACKGROUND

Applicant:

Irving Oil Marketing, Inc
190 Commerce Way
Portsmouth, NH 03801

Owner:

Gibbs Oils Co LTD Partnership
Six Kimball Lane,
Lynnfield, MA 01940

Estate of Elizabeth Coyle
P.O. Box 556
Bellingham, MA 02019

Pulbell Corporation
C/O W White, Gibbs Oil Service
50 Oliver St., Suite 102
North Easton, MA 02356

Public Hearing:

The Public Hearing opened Thursday, June 8, 2017 at 7:00 PM. Notice for the public meeting was published in the Milford Daily News on Thursday, May 25, 2017 and June 1, 2017. The Public Hearing was continued to July 27, 2017, August 10, 2017, August 24, 2017 and September 14, 2017 when the Public Hearing was closed.

Date of Vote:

September 28, 2017

The Premises:

The 1.66 acre site is located at 310 and 320 Pulaski Boulevard and 21 Westminster Avenue in Bellingham, Assessor's Map 094, Lots 138, 161 and 162, zoned Business-1 and Residential., also referred to herein as the "Site."

320 Pulaski Blvd. Bellingham MA
21 Westminster Ave Bellingham, MA
310 Pulaski Blvd. Bellingham MA

The By-Law: Section 240-16 Development Review Approval and Section 240-54 Stormwater Management

The Proposal: To construct a 3,600 square foot convenience store and a detached 4,125 square foot fueling canopy including six self-service retail fuel dispenser islands with associated improvements.

The Proposal was documented with the following materials:

1. Application for Development Plan and Stormwater Management Permit, received May 18, 2017
2. Proposed Retail Motor Fuel Outlet, Site Development Plans, last revised September 6, 2017, by MHF Design Consultants, Inc. (the "Approved Plan" or "Plan")
3. Certified Abutter List, Town of Bellingham, dated May 15, 2017
4. Stormwater Management Report, MHF Design Consultants, Inc., last revised September 6, 2017
5. Project Narrative, Cornetta, Ficco and Simler, PC, dated May 18, 2017
6. Waiver Requests, MHF Design Consultants, Inc., dated July 24, 2017
7. Traffic Impact and Access Study, by GPI, received June 6, 2017
8. Supplemental Traffic Analysis, by GPI, received July 25, 2017
9. Sight Line Triangle Plan, by GPI, dated July 24, 2017
10. Peer Review Comments of Stormwater Management and Traffic Impacts, BSC, dated July 10, 2017
11. Peer Review Comments of Stormwater Management and Traffic Impacts, BSC, dated August 2, 2017
12. Peer Review Comments of Stormwater Management and Traffic Impacts, BSC, dated September 11, 2017
13. Planning Board Staff Memo, James Kupfer, Town Planner, dated June 1, 2017
14. Response to Peer Review Comments, MHF Design Consultants, Inc., dated July 24, 2017
15. Response to Peer Review Comments, MHF Design Consultants, Inc., dated August 7, 2017
16. Response to Peer Review Comments, by GPI, dated July 24, 2017
17. DPW Comments, Don DiMartino, DPW Director, received July 25, 2017
18. Other miscellaneous documents on file at the Planning Board Offices

B. DETERMINATIONS

Following its public hearing on the Applicant's proposal and requested relief, the Planning Board has made the following determinations:

1. The Approved Plan meets the performance requirements of this By-Law (e.g. Article IX Environmental Controls, Article X Parking and Loading Requirements, Article XI

Landscaping Requirements) either by-right or by imposition of the below-listed conditions required under this Permit. Any material changes to the Plan and/or the Proposal depicted thereon must receive approval of the Board under a request for amendment to this Decision:

- a. Section 240.48 Noise: The use proposed on the Site complies with the zoning bylaw. The Board requested and the Applicant agreed to limit the hours of operation to 5:00 a.m. and 10:00 p.m.. In addition, the trash dumpsters will be emptied between the hours of 7:00am and 7:00pm
 - b. Section 240.49 Light and Glare: A photometric plan has been prepared illustrating the illumination of the Site and compliance with the By-law. Exterior building and parking lot lighting shall be consistent with "dark sky" standards - shielded and directed downward to maintain lighting onto the Site and shall comply with the Zoning By-Law. Ornamental street lighting has been provided at the request of the Board. The street lights shall be sited in conformance with the Approved Plan and shall be owned and maintained by the Applicant or its successors.
 - c. Section 240.50 Air Quality: The Proposed Use does not involve emission of odorous gases in such quantities to be offensive and shall comply with the air quality requirements of this section at all times.
 - d. Section 240.51 Hazardous Materials: No hazardous materials, as defined in this section, are proposed to be used or stored on Site other than the permitted fuel storage.
 - e. Section 240.52 Vibration: The Applicant does not propose any use that produces vibration which is discernible to the human sense of feeling (except as sound) at or beyond the boundaries of the premises for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for 30 seconds or more in any one hour between 9:00 p.m. and 7:00 a.m.
 - f. Section 240.53 Electrical Disturbance: No electrical disturbance is proposed or will be permitted which adversely affects the operation of any equipment other than that of the creator of such disturbance.
 - g. Section 240.54 Stormwater Management: The stormwater management shown on the Approved Plan has been reviewed by the Town's peer review consultant and further discussed by the Board and was determined to be in compliance with the regulations or has been granted relief. The Applicant provided drainage analysis and the Town peer reviewed the analysis to confirm sufficient capacity and improved volume infiltration.
2. For the given location and type and extent of land use, the design of building form,

building location, egress points, grading, and other elements of the development could not reasonably be altered to:

- a. Improve pedestrian or vehicular safety within the site and egressing from the proposed structure. As described in the narrative and further discussed during the hearing, the Applicant has agreed to reconstruct the sidewalk along the Applicant's frontage of both Pulaski Boulevard and Westminster Ave to comply with American with Disabilities Act standards as well as consolidate and reduce the curb cut along Pulaski Boulevard to reduce conflict points for traffic management along Pulaski Boulevard and improve pedestrian mobility;
 - b. Reduce the visual intrusion of parking areas viewed from public ways or abutting premises as the Site, in response to comments during the public hearings, provided additional landscaping and fencing as depicted on the Plan;
 - c. Improve the existing grading and topography. The Site is proposed to be graded to match the cuts and fills as much as possible and it is not anticipated that an Earth Removal Special Permit will be required;
 - d. Preserve existing landscaping features. No mature vegetation is to be removed as the Site is currently clear;
 - e. Improve drainage characteristics. A Stormwater Management Report has been prepared including an Operation and Maintenance Plan consistent with the Town of Bellingham requirements. The stormwater system has been designed to manage and reduce stormwater runoff.
3. Adequate access is provided to each structure for fire, emergency, and service equipment.
 4. Adequate utility service and drainage is provided.
 5. Projected peak hour traffic will not overburden the existing conditions.
 6. The Project is not within the Water Resource District.
 7. A waiver was granted for subdivision regulation standard 245-13D.(2)(b) and 245-13.D.(2)(e).
 8. No zoning violations are observed.

C. DECISION

Based on the above determinations, the Planning Board finds that the Proposal meets the requirements of the Zoning By-Law, and by a vote of 5 in favor and 0 opposed, accordingly, grants the Applicant and its successors and assigns as owner of the premises, Development Plan and Stormwater Management Permit Approval subject to the following conditions:

1. This Approval is limited to the improvements as noted on the Approved Plan, as may be conditioned herein. Any changes to such Plan must be reviewed and approved in accordance with the Bellingham Zoning By-laws. If the Planning Board determines that any change to the plan is a major alteration to the Approved Plan, a public hearing shall be required for a modification to this permit.
2. Exterior building and parking lot lighting shall be consistent with "dark sky" standards - shielded and directed downward to maintain lighting on to the Site and shall comply with the Zoning By-Law. Shielding shall be installed and be subject to the approval of the Building Inspector prior to Certificate of Occupancy.
3. The Applicant shall provide a sidewalk easement for review and approval by the Director of Public Works prior to any building permits. Final easement shall be recorded at the Norfolk County Registry of Deeds by the Applicant.
4. Hours of Operation shall be limited to 5:00 a.m. and 10:00 p.m. and trash dumpsters will be emptied between the hours of 7:00 a.m. and 7:00 p.m. Any changes to these hours shall be presented to the Planning Board for review and approval.
5. Stormwater basin waivers have been granted for Subdivision Regulation standard 245-13D.(2)(b) and 245-13.D.(2)(e).
6. The Planning Board's designated inspector or engineer shall be permitted to conduct inspections on the property, as may be required. The Applicant is required to abide by any reasonable directives or requirements of the Planning Board's inspector or engineer with respect to construction of project infrastructure. Failure to so comply may result in a stop-work order, as may be directed by the Board.
7. The fees and expenses of the Planning Board's engineer in performing tasks outlined herein shall be paid by the Applicant in accordance with M.G.L. c. 44, §53G.
8. The Applicant shall provide a copy of the final Stormwater Pollution Prevention Plan (SWPPP) and Spill Prevention Plan to the Planning Board prior to commencement of construction.
9. This Decision shall take effect to the benefit of and be binding upon Irving Oil Marketing, Inc. and its successors, transferees, and assigns, as well as any other tenant, purchaser or user of the Site or any portion thereof. This permit may not be assigned or conveyed to any other entity without the prior approval of the Planning Board, such approval not to be unreasonably withheld.
10. This Decision shall not be effective until it is recorded by the Applicant in the Registry of Deeds, with proof of such recording to be supplied to the Board and the Building Inspector.

310 and 320 Pulaski Blvd. and 21 Westminster Ave
Development Plan and Stormwater Management Permit
September 28, 2017
Page 6 of 7

11. The Applicant shall comply with §240-16B(5) and (6) regarding As-built plans and follow the policies of the As-built handbook.

310 and 320 Pulaski Blvd. and 21 Westminster Ave
Development Plan and Stormwater Management Permit
September 28, 2017
Page 7 of 7

D. RECORD OF VOTE

I vote to **APPROVE** the **RETAIL SALE OF GASOLINE – 310 AND 320 PULASKI BOULEVARD AND 21 WESTMINSTER AVENUE DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT.**

Bellingham Planning Board

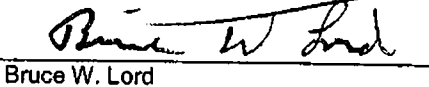
September 28, 2017


Brian T. Salisbury, Chairman


William F. O'Connell Jr., Vice Chairman

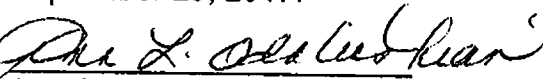

Peter C. Pappas, Secretary

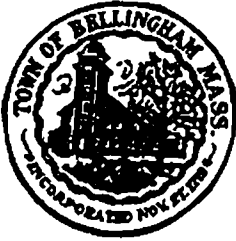

Dennis J. Troiano


Bruce W. Lord

Appeals of this Decision may be made within thirty days, in accordance with the provisions of G.L. c 40A, §15

This Decision, together with all plans referred to in it, was filed with the Town Clerk on September 29, 2017.


Ann Odabashian
Bellingham Town Clerk



TOWN OF BELLINGHAM

OFFICE OF
TOWN CLERK

Bellingham Municipal Center
10 Mechanic Street
Bellingham, MA 02019

Town Clerk
Ann L. Odabashian

Tel: 508-657-2830
Fax: 508-657-2832

DATE October 30, 2017

TO: Planning Board

RE: Irving Oil Marketing, Inc.
310-320 Pulaski Blvd.

This is to inform you that 30 days have elapsed since September 29, 2017,
the date the above was filed with the Town Clerk, and that no notice of appeal has been
filed with this office during that period.

A certified copy attesting this is available and on file in this office.

Sincerely,

Ann L. Odabashian
Bellingham Town Clerk