



# BELLINGHAM PLANNING BOARD

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## Meeting Minutes June 9, 2016

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

### **Present at the Meeting**

Brian T. Salisbury (BTS), Chairman  
William F. O'Connell Jr. (WFO), Vice Chairman  
Peter C. Pappas (PCP), Secretary  
Dennis J. Trebino (DJT), Member  
Bruce W. Lord (BWL), Member  
Nikyda Resto (NR), Alternate

### **Other Officials:**

James S. Kupfer (JSK), Town Planner and Zoning Compliance Officer  
Jean Keyes (JK), Planning Board Coordinator

BTS opened the meeting at 7:00 p.m.

**7:00 p.m.**

### **316 Hartford Ave Solar, Development Plan Review and Stormwater Management Permit Large-Scale Ground-Mounted Solar Photovoltaic Installation, 316 Hartford Ave, Continued Public Hearing, Decision Deadline: 6/16/16**

Present: Brian Geaudreau and Joseph Pellegrino

JSK gave an update on the project and explained about the applicant securing an easement from the Board of Selectmen on the Town-owned land and the Decommissioning Plan.

The Board was concerned that the decommissioning plan may not sufficiently protect the Town. JSK recommended that the Board include a condition in the decision about the decommissioning plan and he will have Town Counsel review it. In addition, JSK and Town Counsel will come to an agreement about the cost. Tom Houston of PSC will also give his recommendations about the decommissioning plan.

The Board would like to see the easement agreement before the project is approved. JSK further explained that a title search is being conducted and is being certified by a third party. The Board agreed to allow JSK to work with Town Counsel to determine the amount of the decommissioning bond. The Board asked Mr. Geaudreau and Mr. Pellegrino if they would agree to extend the Decision Deadline to June 30, 2016 and they both agreed.

### **BWL: Motion to close the public hearing for the 316 Hartford Ave Solar, Development Plan Review and Stormwater Management Permit Large-Scale Ground-Mounted Solar Photovoltaic Installation, 316 Hartford Ave.**

WFO: Second.

Discussion: None.

Vote: 5-0 Carried. (BTS, WFO, PCP, DJT, BWL)

**WFO: Motion to draft an approval for the 316 Hartford Ave Solar, Development Plan Review and Stormwater Management Permit Large-Scale Ground-Mounted Solar Photovoltaic Installation, 316 Hartford Ave with the conditions that prior to signing the Decision, the easement agreement with the Board of Selectmen and the Decommissioning Agreement must be reviewed by both the Planning Board and the Town Counsel.**

BWL: Second.

Discussion: None.

Vote: 5-0 Carried. (BTS, WFO, PCP, DJT, BWL)

**160 High Street Lot 1 & Lot 2 Development Plan Review, Stormwater Management Permit, Major Business Complex Special Permit, Flexible Parking Special Permit, Scenic Road Special Permit, 160 High Street, Continued Public Hearing, Decision Deadline: 6/24/16**

Present: David Kelly of Kelly Engineering Group, Mark Pilotte of Campanelli Bellingham LLC, Rob DeMarco of Campanelli, Scott Thornton with Vanasse Associates, Molly Kelly of Campanelli Companies, and Attorney Katharine Bachman of Wilmer Hale. Kien Ho of BETA Group Inc. was also present as the Town's peer reviewer.

JSK gave an overview of the project and Mr. Kelly gave an overview of the project to date and summarized the traffic status as down to minor items. The applicant is still working with the Conservation Commission and will be adjusting the plans, but the limits of work for the site will remain the same.

Kien Ho of BETA Group was asked to review his latest comments in his May 19, 2016 memo along with the applicant's response in the Vanasse memo dated June 1, 2016. The key outstanding issues are:

1. Speed on Maple St: BETA recommends two permanent speed check signs. The proponent has committed to one sign. Mr. Thornton responded that Victory Warehouse provided money for two speed check signs and so the applicant thought one additional sign would be fine.
2. Unknown tenants: BETA and the Board wanted to be sure the highest trip generation was captured and so the proponent collected data from three additional sites as requested. The overall level of service remains the same as the previous analysis. The analysis assumes that 100% of the traffic will exit the facility and go south and will enter the facility coming from Route 140 and heading north. Mr. Kelly responded that they used standard methodology to calculate a facility such as this and the national standards are being corroborated. Mr. Thornton explained the traffic studies done in Middleboro, Stoughton, and Windsor, CT and that those sites are not comparable to this project. Those sites have a much lower trip generation than this project. PCP expressed his concern that the 29% of the traffic increase could be a very high percentage of trucks. Because the composition of the 29% is not identified, the Board has no way of knowing the true impact of the increase in traffic.
3. Pavement condition on Maple St: BETA has discussed this issue with the Bellingham DPW and the applicant. The applicant has agreed to work with the DPW to address future concerns with the pavement condition.
4. Post-development traffic monitoring study and pre-development traffic baseline data: BETA strongly recommended a six-month post development study of seven intersections that will be affected by the project. The proponent has only committed to monitoring the two site drives. Mr. Ho is concerned about trucks using High Street as a cut-through and the traffic coming from and going to Hartford Ave from the site. Mr. Ho also reminded that Board that no data has been collected on High Street or on Maple Street from High Street to Hartford Ave. Consequently, to conduct a post-development traffic impacts study, the proponent should collect the data now at the seven intersections to create a baseline to compare with the post-construction data. The proponent did not think this data collection was appropriate. Mr. Ho suggested that money be put in an escrow account by the applicant to correct any problems after the six-month post-build study is completed. Mr. Thornton responded that the six-month study should be monitored at the site entrances only. The applicant is confident that they have not underestimated the traffic generation for the site. Mr. Thornton will run an analysis to look at the volume of traffic using the north driveway to determine if a left turn lane on Maple Street is needed at that entrance.

5. Site drive and site line concerns: BETA would like the proponent to consider consolidating to one driveway and the proponent has refused. Consequently, Mr. Ho suggested that the two site drives be designed so trucks cannot exit and head north on Maple Street or enter the facility by coming south on Maple Street. The proponent stated that they would not change the site drives as Mr. Ho suggested. As a result of this response, Mr. Ho suggested that the proponent install raised medians and granite curbing on Maple Street to discourage left-turns out of the site and right turns into the site. The proponent has agreed to install a flush-island on Maple Street and both BETA and the DPW do not want that. BWL and several other Board members stated that the site drives are not adequate for trucks to turn onto Maple Street. Mr. Kelly stressed that this project is 180-degrees different from the Victory Distribution Warehouse site. Mr. Kelly and Mr. Thornton explained that the entrances are at 90 degrees and they have run auto-turn to see how the trucks will travel through the site and through the intersection at Route 140. This design does not repeat the Victory problem. Mr. DeMarco expressed his concern that Campanelli is just as concerned as the Board with trucks accessing the site. Mr. DeMarco further stated that the applicant is committed to mitigation with a reasonable amount of money, but to help trucks get to and from the property. They will agree to a small escrow amount but they cannot control other business along Maple Street. Mr. Kelly responded that the applicant would like to discuss all aspects of project and then discuss the six-month post construction traffic study and any additional mitigation.
6. Route 140 and Maple Street intersection: The proponent has recommended adding a left-turning lane on the southbound section of Maple Street at the intersection and widening Route 140 in front of the bank at the intersection to allow the trucks to make a left turn. BETA stated that this limited mitigation provides some improvement, but it will not resolve the operational problems with the intersection and significant queuing problems will still remain. BETA would also like a right turn lane on Route 140 at the intersection for westbound traffic. Mr. Thornton responded that they have used auto-turn to conform that a 53' truck can make the turn with proposed changes to this intersection. PCP stated that it is not only the number of trips that will decrease service at the intersection, but also the type of vehicle (large trucks) that will as well.
7. The Board again stressed that they cannot make an accurate assessment of the true impacts at this intersection because the proponent will not state what type of tenant will be using the facilities.
8. The proponent will be upgrading the traffic signal and pedestrian signal at the Route 140 and Maple Street intersection.

JSK explained that the Town is considering submitting an application to secure a Mass Works grant to improve the Route 140 and Maple Street intersection. This is a public-private partnership. Mr. Thornton added that this grant is only available for a public-private partnership. JSK added that the Town needs to improve this intersection whether this project is here or not and the applicant-proposed mitigation would not adequately improve this intersection.

BTS asked again who the tenant would be for this facility. Mr. DeMarco stated that they have no tenant yet and they have hired brokers to look for possible tenants. BTS stated that in his discussion with other attorneys who represents developers, those attorneys are very surprised that there is no tenant in mind. The Board would find it extremely helpful to know what type of tenant will be in the facility.

The Board is very concerned about all issues stated by Mr. Ho and the lack of knowledge of the possible tenant. Attorney Bachman stated that the Zoning Act does not require the applicant to disclose who the tenant will or could be.

JSK reminded the Board that the baseline data for traffic has been addressed, but there are a number of outstanding concerns that have not been agreed upon. It is now the responsibility of the Applicant to edit their designs to address the Board's concerns. In addition, it is important that the post-build traffic monitoring be beefed up and the escrow as well. This escrow will not fund other improvements but will have a direct correlation to this project.

BTS expressed his serious concerns about the traffic on Maple Street, the lack of traffic data for High Street, the safety of the northern entrance to the site, the queuing of traffic at Route 140 on Maple Street, and the lack of traffic data for trucks heading to and from Hartford Ave on Maple Street. BTS is very worried about the quality of life impacts for the residents of Maple and High Streets and told the applicant

that he will not vote for a 24-hour facility. BTS further stated that JSK has gone out of his way to meet with the applicant and have site visits and the impression that the applicant is giving is a take it or leave it attitude. BTS believes the applicant has taken the position that this is their project and they are not changing it. BTS expressed his hope that the applicant has heard the Board's concerns.

Public Questions:

Peter Gabrielle of 6 Stonehedge Road stated that at the Middleborough facility, trucks do not pass residents at all. He stated that he does not want to hear trucks at 11:00 pm. Currently, High Street is being used for trucking and he is concerned that the additional traffic will not be alleviated by the proposed improvements at the Route 140 – Maple Street intersection.

Andrew Sarno of 59 High Street suggested that the Town remove the designation of Maple as industrial. School buses currently fly down High Street. He is against any project in that area especially when the type of tenant is unknown.

Molly Jackson of 60 High Street expressed her disgust that the applicant is not considering High Street at all as there are many safety issues. She witnessed a truck trying to back up out of High Street.

Ms. Dunlea of 57 High Street referred to the Applicant's website that is advertising the site as a corporate office building or warehouse. Traffic study could be obsolete if corporate offices were allowed there. Ms. Dunlea showed the Board a picture of a truck stuck at a home on Maple Street and she showed a screen shot of Google map today at 6:00 pm of the backup at the Route 140 – Maple Street intersection. Ms. Dunlea questioned the reason for the flexible parking permit and why shouldn't the building be scaled down to accommodate the parking that is required. BWL answered some of the questions and assured Ms. Dunlea that if a use of the facility is changed, the owner would have to come back before the Board. WFO explained that the applicant has major components of warehousing and office area and that is why there was a reduction in parking requested.

Doug Porter of 3 Stonehedge Road stated that this is unprecedented development and he is not aware of any other building of this size that is built on a scenic road in Massachusetts. Maple Street cannot handle this type of traffic.

Attorney Bachman addressed the Board and stated that the applicant's team has heard the Board's message to respond to the concerns and add specificity to the mitigation issues. Ms. Bachman suggested that the applicant return with chart showing what was requested and their response and the costs associated and use that as a tool for dialogue to move forward.

JSK responded that this is a good approach, but they have been in discussion for months. The Board has voiced the concerns and has to move forward from traffic. It is now prudent to move forward to other topics. JSK suggested that the applicant address the Board's concerns when ready, but the Board is ready to move on. BTS instructed the applicant to address all other issues raised as well as those in BETA's report.

**BTS: Motion to continue the public hearing for the 160 High Street Lot 1 & Lot 2 Development Plan Review, Stormwater Management Permit, 160 High Street to July 28, 2016 at 7:00 p.m.**

WFO: Second.

Discussion: None.

Vote: 5-0. Motion Carried. (BTS, WFO, PCP, DJT, BWL)

**BTS: Motion to continue the public hearing for the 160 High Street Lot 1 & Lot 2 Major Business Complex Special Permit, Flexible Parking Special Permit, Scenic Road Special Permit, 160 High Street to July 28, 2016 at 7:00 p.m.**

WFO: Second.

Discussion: None.

Vote: 5-0. Motion Carried. (BTS, WFO, PCP, DJT, NR)

**Bellingham Shores, South Main/Center/Cross Streets, Preliminary Subdivision, Continued Discussion; Decision Deadline: 6/24/16**

BWL is not eligible to vote on this project.

**WFO: Motion to close the public hearing for Bellingham Shores, South Main/Center/Cross Streets, Preliminary Subdivision.**

PCP: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, WFO, PCP, DJT)

**WFO: Motion to accept the Certificate of Approval for the Bellingham Shores, South Main/Center/Cross Streets, Preliminary Subdivision.**

PCP: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, WFO, PCP, DJT)

**Brookfield Estates Bond Release Discussion and Vote**

**BTS: Motion to release the remaining Bond for the Brookfield Estates Definitive Subdivision.**

DJT: Second.

Discussion: None.

Vote: 5-0. Motion Carried. (BTS, WFO, PCP, DJT, BWL)

**Pine Acres Bond Release Discussion and Vote**

**BTS: Motion to release the remaining Bond for the Pine Acres Definitive Subdivision.**

DJT: Second.

Discussion: None.

Vote: 5-0. Motion Carried. (BTS, WFO, PCP, DJT, BWL)

**Daigle Back Lot Division Special Permit – Decision Discussion and signing**

JSK explained the Decision and that Town Counsel has reviewed it as well.

**BTS: Motion to sign the Decision for the Daigle Back Lot Division Special Permit, 890 South Main Street.**

WFO: Second.

Discussion: None.

Vote: 5-0. Motion Carried. (BTS, WFO, PCP, DJT, BWL)

**Master Plan Implementation Committee (MPIC) – discussion and status update**

JSK gave an update and presented his memo dated June 9, 2016 to the board. Since Bellingham's 300<sup>th</sup> anniversary celebration planning will be done by the MPIC, JSK suggested that the Board put the MPIC on hold for now until after the 300<sup>th</sup>. The Board agreed with JSK's suggestions.

**Planning Coordinator Jean Keyes – Contract discussion and signing for FY'17 (July 1, 2016 – June 30, 2017)**

JSK explained the contract and the changes.

**WFO: Motion to sign the FY'17 Contract for Jean Keyes, Planning Coordinator.**

DJT: Second.

Discussion: None.

Vote: 5-0. Motion Carried. (BTS, WFO, PCP, DJT, BWL)

**General Business:**

- ☐ **ANR's**
- ☐ **As-Built Certifications**
- ☐ **5/26/16 Minutes Signing**

**BTS: Motion to sign the May 26, 2016 Meeting Minutes.**

WFO: Second.

Discussion: None.

Vote: 5-0 Carried. (BTS, WFO, PCP, DJT, BWL)

- ☐ **Sign Vouchers**

**BTS: Motion to sign the Vouchers.**

WFO: Second.

Discussion: JSK explained the vouchers and payroll.

Vote: 5-0 Carried. (BTS, WFO, PCP, DJT, BWL)

**WFO: Motion to adjourn.**

BTS: Second.

Discussion: None.

Vote: 5-0 Carried. (BTS, WFO, PCP, DJT, BWL)

Meeting Adjourned at 10:00 p.m.

**Meeting Documents & Exhibits:**160 High Street Lot 1 & Lot 2, Development Plan, Stormwater Permit & Multiple Special Permits

1. Applicant Traffic Response to BETA Comments from VAI 6.1.16

Master Plan Implementation Committee – discussion and status update

1. Kupfer Memo to PB – MPIC Updates 6.9.16

Minutes Accepted on: 6/23/16

(Date)

Jean Keyes  
(Prepared by: Jean Keyes)Brian Salisbury  
Brian T. SalisburyWilliam F. O'Connell Jr.  
William F. O'Connell Jr.Peter C. Rappas  
Peter C. RappasDennis J. Trebino  
Dennis J. TrebinoBruce W. Lord  
Bruce W. Lord