



BELLINGHAM PLANNING BOARD

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Meeting Minutes September 22, 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
Jay Talerman (JT) – Town Counsel

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

7:00 p.m.

Charles River Center, 245 Hartford Ave – Request for determination of a major or minor modification to the parking requirement.

JSK gave an overview of the status of the project.

Present: Andrew Manning, Development Project Manager for WS Development of Chestnut Hill, MA.

Mr. Manning described the September 8, 2016 letter he submitted that outlined the changes for the proposed minor modification. There will be no change to square footage or to the parking field. They are only changing the use from retail to restaurant for parking and it is just a paper change. With the number spaces currently available, the plaza could accommodate two more Chili-type restaurants.

The Board held lengthy discussion about the traffic impact of adding more restaurant use to the plaza and the safe ingress and egress of that traffic. Mr. Manning further explained that the traffic study for this shopping center that was previously permitted doesn't differentiate between uses for types of retail or the number of restaurants. The original traffic study, driveway, and parking spaces were designed to handle 1208 parking spaces. They are trying to adjust the number of spaces assigned to retail and to restaurant use.

In addition, WFO and BWL were concerned about pedestrian safety and asked if vegetation could be trimmed and crosswalks could be improved. Mr. Manning responded that his company takes the Board's comments seriously and will try to improve visibility and safety for pedestrians. He will look at various options and work with JSK and, if necessary, the Police Department.

BWL: Motion to accept as minor the modification to the parking requirement for the Charles River Center, 245 Hartford Ave.

WFO: Second.

Discussion: BTS agreed that the exit from the plaza is not ideal but the Board and Town will not know the real effect until restaurant is opened.

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

Premier Equipment, Inc. 47 South Maple Street, Development Plan Review and Stormwater Management Permit, Continued Public Hearing. Decision Deadline: 10/14/16

JSK gave an overview of the project as it currently stands. Stormwater comments have been submitted by our peer reviewer GZA, but the applicant has not had a chance to respond. That discussion will be held at the next hearing, but tonight the Applicant will be discussing the plan changes.

Present: Eric Bazzett of Heritage Engineering, Joe Antonellis, attorney for the Applicant.

Mr. Bazzett explained that the plans have been revised to reflect that the existing berm at the southern end of project will be extended and heightened to 6'. Trees will then be planted on top to give adequate screening. There is currently no buffer between their property and the Maplebrook Condos. The original As-built plan shows a 100' buffer but shows that the limit of clearing was within the 100' buffer. So the applicant is not sure what the buffer was used for.

BWL responded that most likely the buffer was set up to protect the residential area. The vegetation in this buffer area has been removed within the last several months which opens up the residents of the condominiums to noise. In addition, the condo residents believe that the applicant is storing chemicals at the property line. BWL asked Mr. Bazzett what can be done now so the condominium residents are not impacted.

JT explained that this new development plan is being reviewed for the impacts of the project being proposed and not the project that survived. There is no notation on any plan or in the chain of title that shows a restriction in that buffered area. There is no recorded plan. The Board cannot construct a vegetated buffer out of a prior proceeding. There is no restriction to that buffer and the Board cannot assume what the buffer was for.

PCP replied that the Board only has jurisdiction to discuss the current Development Plan. BWL responded that what has occurred on that lot was in preparation for this project. The residents have a right to not be impacted by the proposal or the work done on the property. WFO offered that the residents of the condos can work with the owner of Premier to reduce the noise and resolve the screening issue.

Attorney Antonellis stated that he would like to recognize the noise complaints from the abutters; however, while the owner has a right to use his property in an appropriate manner he would like to mitigate. Attorney Antonellis could not find any evidence of what the buffer zone was intended for either. The Applicant already made efforts to minimize sound impacts. He has proposed to add a 6' high 100' long berm with trees to replace vegetation that was removed and he hopes this will bring about a positive result. In addition, constructing the proposed building will allow them to remove items from the ground outside and store them inside. Attorney Antonellis further stated that the activity on the property will continue as it is an allowed use in an industrial zone.

Public Comments and Questions:

Robert Inguanti of 624 Maple Brook Road and a Trustee of Maple Brook Condo Trust presented two items: the first plan showed the issues perceived by the residents on the Premier site and the second item showed pictures of the site and the storage of items on the site.

Belinda Rempelakis of 806 Maplebrook Road stated that the plan presented by the Applicant is not correct. Her condo is directly in the line of sight of the machinery and the bay doors on the existing Premier building. Ms. Rempelakis further stated that the Applicant removed trees and put asphalt up to the fence line on the Premier site. The Applicant has machines right next to the fence line and is working

on the machines there. The backup alarms are a very loud screeching noise that prevents her from opening her front windows. When Premier's workers are working inside, they leave the large bay doors open and the noise carries to her building. She would like some kind of remediation and would like the work to be done inside the building with the doors closed. Ms. Rempelakis explained that she never had this type of problem before the land was cleared and would like vegetation planted on the Premier property.

Deborah Sullivan of 630 Maplebrook asked why she hears trucks and machinery at 4:00 a.m. every day.

Jayne Neal of 427 Maple Brook stated that when the noise and dirt moving started, she realized the building was there. She supports the people in the condo development who are affected.

Don Martinis of 334 Maple Street asked if there was a change in use, hours, or owners for Premier. Attorney Antonellis responded that there has been no change to anything. Mr. Martinis asked if the applicant has permission for all the land clearing. PCP stated that JT explained this previously in his comments about the buffer zone. BWL responded that a buffer zone is a no-build area and not necessarily a vegetated area. There is nothing that would preclude the Applicant from cutting on their property. This has been a reasonably good business and is hopeful they can mediate.

Joe Gillis of 304 Maplebrook Road has complaints about the noise from the beepers on the equipment. Mr. Gillis questioned what will be stored in the building and could parts be cleaned in that building. PCP responded that it is for storage of parts only not equipment. BWL responded that the Fire Department would have to inspect the building and this would be under their purview.

Jim Dunlea of 57 High Street added that OSHA does not require just beepers on trucks; a business can use flaggers.

Thomas Woods of 313 Maplebrook Road stated that he has been in construction for 25 years. Beepers are designed to be annoying and catch attention. The owner can switch them off but have to have an individual spotter for each truck and that costs money.

Mitchell Ewing of 824 Maplebrook Road requested remediation to have the Applicant replace the berm along the entire length of the back of the property. This berm has been removed but no one is addressing this issue.

BTS: Motion to continue the public hearing for the Premier Equipment, Inc. 47 South Maple Street, Development Plan Review and Stormwater Management Permit to October 13, 2016 at 7:00 p.m.

PCP: Second.

Discussion: None.

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

Hartford Village II, Hixon Street, Continued Public Hearing, Development Plan, Stormwater Management Permit, Special Permit for Special Residential Use – Multi-Family Dwellings. Decision Deadlines: 10/28/16, 10/28/16.

JSK gave an overview and explained that PSC is representing both the Planning Board and the Conservation Commission on this project.

Present: Brad Wright, Applicant/Owner, Joe Antonellis, Attorney for the Applicant, JP Connolly, from Andrews Survey & Engineering, Inc., and the Board's peer reviewer, Tom Houston from PSC.

Attorney Antonellis explained that the Applicant has requested to have a second all-department meeting to get more feedback from each department on the revised plan that was submitted. The most recent plan revision would bring some of the buildings into the current condo development. Consequently, a modification of the original special permit would be required. The Hartford Village Condo Association would have to be a co-applicant on the application for a modification to the special permit. Once that public hearing has been opened, they are hoping to combine the two public hearings.

JSK clarified that the 1999 Special Permit Decision would have to be modified because the square footage allotted for each unit in the original development cannot be changed. Since this plan proposes to change that, the original decision has to be modified.

JP Connolly quickly explained the revised plan and stated that it will respect the 100' multi-family buffer.

Tom Houston explained his comments as stated in his memo dated September 7, 2016 on the expansion of existing project and the eleven major issues he would like bring to the Board's attention. In addition, WFO asked the Applicant to add tactile warning pads for wheelchairs on ramps from sidewalks.

Public Comments and Questions:

Harry Hamjian of 35 Hixon Street stated that his house has windows facing the proposed development and believes that the evergreens won't serve as a buffer. One of the buildings is 63" from his border which is past the buffer requirement and so he wants to move one of the buildings so that it won't look so imposing from his home. In addition, he has requested that the screening be continued around the cul-de-sac because he is concerned about headlights from cul-de-sac shining into his property. Finally, he believes that the cul-de-sac is an extension of the street and is not a driveway. As such, it is not excluded from the buffer.

Mr. Houston of PSC explained that this this is not a subdivision. The road is an access way within the lot or may even be called a driveway. From land use point of view, it is not a street or road and does not create frontage. It is a private road and not built to specifications of a subdivision road. JT agreed that it is not a road but is a driveway and, because of this it technically it cannot be accepted as a road. Mr. Houston also stated that the buffer requirement does not apply to this project. The Applicant does not need a waiver because the buffer is not required.

Lynn Hamjian of 35 Hixon Street asked if the buildings will be moved or added to with the modifications and will the plan shift the buildings away from her property. JP Connolly responded that the plan will be revised further. Ms. Hamjian also stated that she wants screening along the whole building and around the cul-de-sac. She believes the design is too condensed and asked that the Applicant scale down the plan and be flexible and reasonable.

Attorney Antonellis responded that the Applicant has heard the Hamjians' requests and is making a good faith effort. However, he cannot answer questions until we have a final plan. While the Applicant is trying to move buildings away from the abutters, the plan is still being changed and they have to present a design that the Board is comfortable with and have to modify the special permit.

JSK made suggestions to JP Connolly and Attorney Antonellis about the plan and stormwater system and described them to the Board.

BTS: Motion to continue the public hearing for Hartford Village II, Hixon Street, Continued Public Hearing, Development Plan, Stormwater Management Permit, Special Permit for Special Residential Use – Multi-Family Dwellings to October 13, 2016 at 7:00 pm.

WFO: 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: 10/28/16

JSK gave an overview of the project and explained that the Applicant will be providing an update about the updated Concept Plan dated September 22, 2016. Additionally, a peer reviewer for the sound study has been contracted but the comments about the study have not yet been received. The sound study will be discussed at the next meeting.

Present: David Kelly of Kelly Engineering Group, Mark Pilotte of Campanelli Bellingham LLC, Rob DeMarco of Campanelli, and Attorney Bob Fitzpatrick of Wilmer Hale.

Mr. Kelly explained the mitigation offered by the Applicant as detailed in the Campanelli Update Memo dated September 8, 2016. Mr. Kelly then explained the updated Concept Plan dated September 22, 2016 that he provided to the Board at this meeting. This is a scaled-back project that is approximately 18% less in size than the originally proposed project. This new plan will also reduce traffic generation by that same amount. The Applicant has reduced the limit of work, left a larger amount of existing vegetation, pulled the buildings back from wetland, reduced stormwater runoff, reduced traffic volume, reduced parking, reduced the number of bays, and have moved the bays on two of the buildings to the north side of the buildings facing Route 495. The third building will have bays facing Maple Street but a large berm has been proposed to buffer the impacts. These changes help to mitigate the concerns about sounds at night as mentioned in the sound study. Mr. Kelly also stated that the configuration of the buildings could change if a future tenant had a specific need for a change. BWL requested that Mr. Kelly provide any new configuration to the Board once a tenant has been identified.

The Board briefly questioned the Applicant about the mitigation offered and proposed updated Concept Plan.

Public Comments and Questions:

Don Martinis of 334 Maple St asked the Applicant how many truck bays were on the original plan compared with 153 bays being proposed on the updated Concept Plan. Mr. Martinis went on to describe the almost daily that are taking a right from Rt. 126 and heading south on Maple Street. It is virtually impossible to prevent trucks from doing this. If the Board considers mitigation, they must seriously consider it at the Maple Street and Rt. 126 intersection. The mitigation the Applicant has offered for fixing that intersection is not enough. PCP responded that the raised islands proposed on Maple Street will eventually act as a deterrent to trucks who drive south on Maple Street. Mr. Martinis disagreed and stated that this won't be a deterrent and the Board has to make that intersection safe for the residents and people who use that road.

BWL responded that it is not a good idea to place the blame or cost of re-doing all of Maple Street on this Applicant. This road being zoned industrial has a tremendous industrial development potential and one has to face the fact that the main traffic on Maple Street will be industrial. The Board cannot place the burden on fixing Maple Street on one applicant. BTS agreed and stated that it is not fair for businesses to have to fix Maple Street. The town created the industrial zone and designated this as a scenic road and so the town has to fix this road.

Art Paturzo of 10 Stonehedge Road stated that he appreciates the mitigation offered by the Applicant but from the site to Rt. 140 it is still not safe on the road. If there are 150+ bays, then the road should be adequate to handle the trucks going to the site. In addition, there are 550 parking spots and he can't see how the Board can prevent cars from turning left thereby causing another issue at Rt. 126.

Jim Dunlea of 57 High Street stated that the Board and Applicant can't stop the non-truck traffic from using High Street or the Rt. 126 intersection. Mr. Dunlea also stated that to dead-end High Street would be a good idea for walking trails, etc. Mr. Dunlea stated that the Applicant is trying to fit a square peg into round hole by trying to fit these buildings onto this site and he would like the Applicant to realize that this is a residential neighborhood.

Peter Gabrielle of 6 Stonehedge Road said that the beeping of trucks will occur at night and wanted to know what the hours of operation would be. BTS responded that this will be discussed at a later meeting.

Mr. Martinis responded that as a member of the Board of Selectmen they are fully aware of what needs to be done on Maple Street but the town prioritizes roads and what needs to be done. He is not expecting Campanelli to fix the Rt. 126 intersection but stated that what is needed is a usable plan that works for everyone.

BTS: Motion to continue the public hearing for the 160 High Street Lot 1 & Lot 2 Development Plan Review, Stormwater Management Permit, Major Business Complex Special Permit, Flexible

Parking Special Permit, and Scenic Road Special Permit, 160 High Street Continued Public Hearing to October 13, 2016 at 7:00 p.m.

WFO: Second.

Discussion: None.

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

Hillside Estates Definitive Subdivision – Damon Road Street Acceptance Discussion

Present: Mounir Tayara, Applicant. Mr. Tayara explained that the entire infrastructure is in place, DPW has certified the As-Built Plan, and DPW has signed the As-Built Certification. The binder coat of the road went through a tough winter with no problems as it is 5" of pavement.

JSK explained that the only outstanding issue with the developer and Eversource is concerning the responsibility for installation of the light poles. Mr. Tayara responded that he has called Eversource numerous times to get this done. JSK further stated that the Town has sufficient security on deposit to complete this should the applicant or Eversource not do so.

WFO: Motion to recommend street acceptance of Damon Road in the Hillside Estates Definitive Subdivision.

PCP: Second.

Discussion: None.

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

Woodland Hills Definitive Subdivision – Julia Drive Street Acceptance Discussion

JSK explained that the entire infrastructure is in place, DPW has certified the As-Built Plan, and DPW has signed the As-Built Certification.

PCP: Motion to recommend street acceptance of Julia Drive in the Woodland Hills Definitive Subdivision.

WFO: Second.

Discussion: None.

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

General Business:

- ☐ **ANR's**
- ☐ **As-Built Certifications**
- ☐ **8/11/16 and 9/8/16 Minutes Signing**

PCP: Motion to sign the August 11, 2016 and September 8, 2016 Meeting Minutes.

WFO: Second.

Discussion: None.

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

- ☐ **Board Payroll**

WFO: Motion to sign the Board's payroll for July 2016 to September 2016.

PCP: Second.

Discussion: None.

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

BTS: Motion to adjourn.

DJT: Second.

Discussion: None.

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

Meeting Adjourned at 10:00 p.m.

Meeting Documents & Exhibits:

Charles River Center – Request for Determination of a Major or Minor Modification to the Parking Requirement

1. Amendment & Parking Summary 9.8.16

Premier Equipment, Inc. Development Plan & Stormwater Management Permit Review

Hartford Village II Development Plan & Stormwater Management Permit Review

1. PSC – 1st Comments 9.7.16
2. Plans – 5th Submission – 8.26.16

160 High Street Development Plan, Stormwater Management Permit, and Multiple Special Permits Review

1. Campanelli Update Memo – 9.8.16
2. Sound Study Updated - 9.8.16
3. Concept Plan Updated - 9.12.16
4. Sound Study Comments from CavanaughTocci – 9.19.16
5. Concept Plan Updated – 9.22.16 – delivered at this meeting

Hillside Estates Definitive Subdivision – Damon Road Street Acceptance Discussion

1. As Built Certificate 9.21.16

Woodland Hills Definitive Subdivision – Julia Drive Street Acceptance Discussion

1. As Built Certificate 9.22.16
2. As Built Plan 9.22.16

Minutes Accepted on: 10/13/16
(Date)

Jean Keyes
(Prepared by: Jean Keyes)

Brian T. Salisbury
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William F. O'Connell Jr.
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