



BELLINGHAM PLANNING BOARD

10 MECHANIC STREET
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Meeting Minutes October 13, 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 - absent
Dennis J. Trebino (DJT), Member
Bruce W. Lord (BWL), Member
Nikyda Resto (NR), Alternate - absent

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.

Board of Health – Livestock Discussion

JSK explained why the BOH is present. PB is looking at zoning bylaw updates and may be updating the definition of livestock. Livestock has been the number one complaint received by the zoning officer due to noise and odor from chickens. The current bylaw does not address a lot of what is happening today on smaller parcels. This creates a health and safety issues for smaller lots in dense neighborhoods.

Present: Bellingham Board of Health agent Mike Catalano,

Mr. Catalano explained that the Board of Health (BOH) has received numerous complaints over the last year concerning odor and noise. There is nothing in the bylaws that allows for enforcement and so the BOH along with Building and Planning have started looking at how this can be improved. What the BOH has proposed is a regulation that is very different from what exists now. The regulation needs to be more clearly defined to be effective for all residents. The enforcement would consist of fines for odor or noise.

The BOH has looked at similar regulations from other towns and has created regulations incorporating some of those ideas but not all. The BOH wants to be sure these regulations are specific to Bellingham and are fair for all residents. The BOH public hearing for the proposed changes is October 20, 2016.

Cumberland Farms, 297 Pulaski Boulevard – Request for determination of a major or minor modification to the hours of operation.

Present: Phil Lombardo, Attorney representing Cumberland Farms. Julie Iadarola, area sales manager for Cumberland Farms and Steve Codeiro, store manager for Cumberland Farms.

JSK explained the situation – Cumberland has received a beer and wine license from BOS and would like to change the closing hour to 11 pm from 10 pm.

Mr. Lombardo explained a brief history of the permitting process and the \$20,000.00 mitigation that was provided to the Town. Cumberland Farms obtained a beer and wine license from Board of Selectmen in June of 2016 and they are presently selling beer and wine. WFO asked if the business of selling beer and wine has been successful to this point. Ms. Iadarola responded yes.

BTS expressed his opinion that generally speaking any change to the hours of operation should be discussed with the abutters to the site as they will be the most affected. The abutters should be provided notice of this change. During the permitting process, BTS specifically remembered lengthy discussion about the hours of operation for this store as compared with other stores in area and input was received from neighbors at that time.

WFO: Motion to determine that the request to change the hours of operation for the Cumberland Farms at 297 Pulaski Boulevard Development Plan is a major modification.

BWL: Second.

Discussion: WFO stated that he does not think it is proper that within one year of permitting, Cumberland Farms is asking for an extension of hours even though went through a rigorous review process at that time. Attorney Lombardo responded that the discussion during the permitting process was reasonable; however, Cumberland Farms felt that once the town saw that it was a good operation and a good neighbor, they felt it was a reasonable request.

Vote: 4-0 Carried. (BTS, WFO, 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.

Present: Attorney Joe Antonellis representing the Applicant requested a continuance of the public hearing for one month so that his client can be fully prepared to discuss all changes and revisions.

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 November 10, 2016 at 7:00 pm.

WFO: Second.

Discussion: None.

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

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

Present: Eric Bazzett of Heritage Design Group and Joe Antonellis, Attorney for Applicant

BTS stated that the noise and sight concerns for the existing business are not Planning Board concerns and they should be addressed by Inspectional Services and the Zoning Board but the applicant has agreed to work and try to resolve all issues recognizing that it is more efficient to resolve the issues now rather than in another forum.

Attorney Antonellis gave a summary of the process to date and what they would like to achieve at this hearing. He had a meeting at the site with owner primarily in area where berm is. Attorney Antonellis stated that the beeping noise was constant all day long, but it is not coming from Premier's property; it is

from the abutting property. The equipment on this site is not producing the predominant continuous beeping that is heard. Attorney Antonellis stated that he stood on the Maplebrook property and could hear the beeping but it is not all from this property. The Applicant has proposed to extend the berm to 110' and will not destroy the vegetation that is already there. Attorney Antonellis stated that he is certain that this won't solve everyone's problems, but his client is committed to moving as much activity inside as possible and moving work indoors when the temperature allows. Attorney Antonellis also stated that he and the Applicant believe that the pipe on the site is acting as a sound barrier and they do not believe that it is exacerbating the issue. The building location might act as a buffer as well to the block sound coming from offsite noise.

Mr. Bazzett stated that they have responded to GZA's peer review comments and he explained the redesigned stormwater system that is proposed outside of the water resource district. The revised plan shows a landscaped berm that has been extended in length and planted with white pines on top.

The Board had lengthy discussion with Mr. Bazzett and Attorney Antonellis about how the berm would reduce the noise and provide a visual buffer to the site. The Board also questioned why there was no berm on the west side of the property and asked if either a 4' berm with plantings and/or fencing could be installed to screen the bay doors to the building. Attorney Antonellis agreed to look at this situation.

Other issues that were discussed with at the last meeting were explained by JSK:

1. Storage of potentially hazardous materials outside on the site: The owner has removed the material from outside and the Building Inspector will inspect the property to ensure that all is being stored and handled properly. The Board would like the Fire Department to inspect as well.
2. Stormwater control: Mr. Bazzett explained that erosion control has been designed into the stormwater system.
3. Additional clearing of vegetation and installation of additional impervious surface: Mr. Bazzett explained that the surface is not impervious and runoff is being caught in a catch basin.
4. Roofing material: Mr. Bazzett explained that it will have a galvanized aluminum roof and no treatment is needed.
5. The Applicant has requested a waiver from the fence around the stormwater detention basin. Generally the Board does not see the need to require fencing around the basin.

WFO suggested that the owner of Premier Equipment, Inc. may want to contact his liability carrier to do a mock inspection. In addition, Mass Department of Labor oversees safety on worksites. Premier can volunteer to get inspected and get their recommendations. The Dept. of Labor won't do an unsolicited inspection if you volunteer and if you then comply with their recommendations.

Public Comments and Questions:

Robert Inguanti, Trustee of Maplebrook condo association voiced the condo associations' concerns about noise, light, visual impact on the property, and property values. Mr. Inguanti presented a map of property and explained the following concerns:

1. Berms not being constructed as originally intended to extend the entire perimeter of the property on two sides. JSK explained that Mr. Inguanti is referring to discussion that he has read in the meeting minutes when the property was going through the original permitting process. JSK further explained that the Planning Department now has only an as-built plan of the original property.
2. The abutters are present year-round and hear all the noise constantly on the property.
3. The water resource area goes through the property and there has to be less than 30% impervious surface and minimum of 30% vegetation. Mr. Inguanti believes that the original buffer was placed to satisfy the 30% requirement.
4. The business exceeds zoning noise regulations for an industrial use. The noise is coming from backup alarms and testing alarms that are left running for hours. Open doors have alarms and run for hours. JSK responded that he has observed these alarms and that the alarms have to be

used while equipment is being worked on for safety reasons. WFO reminded Mr. Inguanti that the standard for measuring decibel level is a weighted average of noise taken at the property line.

5. The business violates zoning regulations regarding lighting. The high intensity flood lamps that were installed on the roof shine in every direction and the light is hitting the condos. Mr. Inguanti believes that these lamps should be focused downward. The Board agreed that these lights should be shielded so there is no light trespass. Attorney Antonellis offered to check the zoning bylaw regarding this issue and report back to the Board. JSK explained that this can be rectified through enforcement from the Building Inspector.
6. The berm that on the site now is only about 4' high.

Jayne Neal of 427 Maplebrook stated that the land on the Premier site has been lowered and does not meet the height of the Maplebrook property. So the berm would actually be lower than is proposed.

DJT asked the public if they ever heard noise from any other companies that previously occupied this site. The public stated that they did not and visually they could not see the building either. DJT explained that Premier needs to have the alarms on for safety reasons and when they are working on the equipment.

Karen Trentman of 604 Maplebrook asked if the Board can limit the hours of work hours to control the noise like when a shopping center has to limit the hours trash can be picked up. WFO explained that Premier's core business is to repair and operate machinery to sell. OSHA requires these alarms for safety. The Board cannot regulate when they can repair and test this machinery as part of the business operation.

Joe Woods of 313 Maplebrook stated that backup alarms are 85-112 db and depending upon weather conditions it can travel more. The noise is not pleasant at 6:30 am on a Saturday morning. Backup alarms can be switched off and spotters can be used but is expensive. If after berms are installed we should be happy and they exceed the noise levels then we have an issue. Who is calculating what these berms will do to the noise levels. This is an engineering question and if not done properly we may end up in court if the company is exceeding noise levels.

BTS explained that we cannot require the applicant to get a sound study for the practices on their property because it has nothing to do with the building that they are proposing. Attorney Antonellis suggested that because vegetation has been removed the noise is greater. The applicant has agreed to restore the vegetation and install and extend the berms to control the sound. There is significant opportunity for enforcement because of the Town's zoning bylaws. This process should be focused on the building but the Applicant is willing to work to try and improve the situation. Attorney Antonellis explained that he does not think that all sound and light issues can be solved as this is an industrial site; however, he will work with Mr. Bazzett and the owner to try to correct as many issues as possible. Attorney Antonellis requested a continuance to October 27, 2016.

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 27, 2016 at 7:00 p.m.

WFO: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, WFO, 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: 11/11/16

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 to October 27, 2016 at 7:00 p.m.

WFO: Second.

Discussion: None.

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

General Business:

☐ **As-Built Certifications**

☐ **ANR's**

205, 211, 213 Blackstone Street – Cameron Jr., Blake, Cameron – JSK explained that the lots are not buildable and has explained it to the Applicant. The lot has enough frontage to do an ANR, but none appear to meet the lot shape factor. If they want to build in the future and they do not meet the lot shape factor, they will have to seek a variance from the Zoning Board.

WFO: Motion to sign the ANR for 205, 211, and 213 Blackstone Street.

DJT: Second

Discussion: None.

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

☐ **9/22/16 Minutes Signing**

WFO: Motion to sign the September 22, 2016 Meeting Minutes.

DJT: Second.

Discussion: None.

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

WFO: Motion to adjourn.

BTS: Second.

Discussion: None.

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

Meeting Adjourned at 8:30 p.m.

Meeting Documents & Exhibits:

Cumberland Farms, 297 Pulaski Boulevard – Request for Determination of a Major or Minor Modification to the Hours of Operation

1. Letter from Attorney Lombardo – Request for Modification 9.21.16

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

1. Approved Modified Parking Plan – 5.10.1990
2. As-Built Plan for Grading on Lot 1 – 10.16.1990
3. Heritage Design Group – Response to GZA Comments – 10.3.16
4. Drainage Calculations – Old – 9.8.1988
5. Stormwater Management Report – Revised – 9.30.16
6. Plans – 2nd Submission – 9.30.16

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

1. Continuance Request from D. Kelly – 10.13.16
2. Sound Study Updated – 10.11.16

Minutes Accepted on: 10/27/16
(Date)

Jean Keyes
(Prepared by: Jean Keyes)

Brian Salisbury
Brian T. Salisbury

William F. O'Connell Jr.
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Peter C. Pappas
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