



# BELLINGHAM PLANNING BOARD

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## **Meeting Minutes October 27, 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.**

### **Proposed Changes to the Planning Board's Procedural Rules, Bellingham Planning Board, 1<sup>st</sup> Public Hearing**

JSK read the public hearing notice and explained the reason for the changes. The procedures are being updated to reflect the current work performed by the Planning Department staff and the workflow process.

The Board made several amendments to the proposed changes.

### **WFO: Motion to approve as amended the Proposed Changes to the Planning Board's Procedural Rules.**

PCP: Second.

Discussion: None.

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: 11/30/16**

Present: Attorney Joe Antonellis for the Applicant. Attorney Antonellis requested a continuance of the public hearing until November 10, 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 November 10, 2016 at 7:00 p.m.**

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: 11/11/16**

JSK explained the current status of the project and that the discussion tonight will focus on the sound study.

Present: David Kelly of Kelly Engineering Group Inc., Mark Pilotte of Campanelli, Mark Wallace of Tech Environmental, Inc. sound study engineer for the Applicant, Rob DeMarco of Campanelli, Molly Kelly of Campanelli, Attorney Rob Fitzpatrick of WilmerHale, Andy Carballeira of CavanaughTocci, sound peer reviewer for the Town.

Mr. Kelly explained the project to date and the revisions to the number and location of the buildings. Mr. Kelly also explained that Campanelli Companies has identified a buyer for just building on Lot 1. The buyer is a low impact user with a daytime operation, low truck volume, and very low traffic generation. As originally presented, this building would have generated one hundred and fifty (150) trucks but now, with the new buyer and associated business, it will generate only four (4) full-size tractor trailers and fifteen (15) smaller trucks on a daily basis. Mr. DeMarco explained that the buyer has asked to wait until the next meeting to disclose the name of the owner and business.

As a result of the revisions, Mr. Kelly explained that they have relocated the noisier parts of the site (loading docks) away from the neighbors. However, the buyer for the building on Lot 1 wants the docks located at the front of the building. Consequently, they have moved the berm to provide sound protection to the northern neighbor and will continue the berm on the south side of that building. Full review of this redesign will be done and presented at the next meeting. In addition, Mr. Kelly explained that the revisions are under review by the Conservation Commission (Con Com) and their peer reviewer has begun a final peer review of the newly designed facility. The total impervious area has dropped by over six acres and the disturbance area has been reduced as well; consequently, this is a much less impactful project than was originally presented. JSK has requested that Con Com Chairman Cliff Matthews attend the Board's meeting when the stormwater management plan will be discussed. Mr. Kelly then stated that the Applicant will be presenting an ANR plan for the newly proposed Lot 4 at the next meeting.

Mr. Wallace then presented the results of the Sound Study dated October 11, 2016. The sound emissions have been changed as a result of the changes to the buildings and the earthen berms. Mr. Wallace's conclusion was that with the construction of the four buildings, the change in sound levels is noticeable, but it is still in compliance with all town and state regulations.

Mr. Carballeira explained his peer review of the Sound Study dated October 11, 2016. He noted that Mass DEP noise ordinance is lower (less restrictive) than the Bellingham noise ordinance. The Applicant has been conservative in their study, has significantly mitigated the impacts, and there is a strong likelihood that it will comply with all applicable regulations and MassDEP regulations. Mr. Carballeira further explained that the sound is attenuated by barriers (berms, fences, etc.) but it is not mitigated by trees.

The Board held lengthy discussion concerning effective and aesthetically pleasing sound barriers, the effect of a 24-hour business on sound, the inclusion of yard jockeys and forklifts in the sound study, impulsive sound impacts, and compliance with the noise bylaw and scenic road bylaw. In addition, the Board noted that the sound study did not include the new trailer storage area on Lot 2 and Mr. Wallace confirmed that this had not been studied.

Attorney Fitzpatrick reminded the Board of the efforts the developer has made to manage the impacts on the neighbors. He reiterated that this project is an industrial zone and Campanelli has managed this development to be less impactful.

## Public Comments and Questions:

Jim Dunlea of 57 High Street again asked the Applicant to reconsider what is being built here. In addition, he has the following concerns and believes the Applicant has to redo the sound study:

- The Applicant has not complied with the noise bylaw for scenic roads concerning impulsive sound;
- The sound measurements have not been taken on the southwest side of the property (the property line) and consequently, the sound study does not comply with Mass DEP regulations CMR 7.10;
- The town's noise bylaw specifies that town-owned land must be treated as Receiving Zone C and it has not been treated as such in the study.

The Board agreed that further study of the items referred to by Mr. Dunlea is necessary as well as inclusion in the study of the trailer storage area on Lot 2.

Mr. Dunlea also questioned when the Flexible Parking Special Permit will be discussed and JSK explained that it will be discussed at a future meeting when addressing stormwater management.

Attorney Fitzpatrick stated that the Applicant wants to get it (the sound study) right and asked the Board to be mindful of the time and money spent on this project.

Peter Gabrielle of 6 Stonehedge Road stated that at his house he can hear Blue Links' trucks and yard dogs all night long. At the Victory site, the trucks don't use beeping backup sensors.

Doug Porter of 3 Stonehedge Road asked if the sound of a tractor trailer going over the road at 3:00 am on Maple Street was considered as trucks travelling over Maple Street make significant noise when hitting ruts in the road. BTS explained that this is not part of the sound analysis but is part of the review of quality of life and safety impacts on the neighborhood. The Board cannot consider the sound of trucks going by his house.

Ms. Chang of 57 High Street asked if the hours of operation will be 24 hours for any of the buildings. WFO explained that the Board has not discussed this. BTS and WFO responded that only one tenant has been identified for the building on Lot 1 and that is not a 24-hour business. The other buildings are being constructed on speculation but the Board has taken a conservative approach during this review.

WFO left the meeting at 9:16 p.m.

**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 November 10, 2016 at 7:00 p.m.**

PCP: Second.

Discussion: None.

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

**General Business:**

- ☐ **ANR's**
  - ☐ **As-Built Certifications**
  - ☐ **10/13/16 Minutes Signing**
- BTS provided corrections to the minutes.**

**BTS: Motion to sign the October 13, 2016 Meeting Minutes as amended.**

BWL: Second.

Discussion: None.

Vote: 3-0-1 Carried. (3 voted yes - BTS, DJT, BWL) (0 voted No) (1 voted to Abstain - PCP)

**BTS: Motion to adjourn.**

DJT: Second.

Discussion: None.

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

Meeting Adjourned at 9:30 p.m.

**Meeting Documents & Exhibits:**

Procedural Rules – Proposed Changes

1. Proposed Changes to the Procedural Rules 9.16.16

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

1. Plan – 3<sup>rd</sup> Submission – 10.21.16

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

1. Plan Set – 3<sup>rd</sup> Submission – 10.21.16
2. Sound Study – CavanaughTocci Comments 10.24.16
3. Stormwater Management Report – Revised 10.21.16
4. Photometric Plan – 10.24.16

Minutes Accepted on: 11/10/16  
(Date)

Jean Keyes  
(Prepared by: Jean Keyes)

Brian T. Salisbury  
Brian T. Salisbury

William F. O'Connell Jr.  
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Peter C. Pappas  
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Dennis J. Trebino  
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Bruce W. Lord  
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