



# BELLINGHAM PLANNING BOARD

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## Meeting Minutes December 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.**

**Post Office Place Definitive Subdivision – Request for determination of a major or minor change to the approved plan.**

JSK gave an overview of the request.

Present: Applicants Ron Nation and Chris Nation.

Chris Nation explained the reason for the request and that they do not want to put in excessive sidewalk where it will not be used on the cul-de-sac. They would like to eliminate the sidewalk on the cul-de-sac and plant grass right up to the curb. In addition, Chris Nation proposed that instead of street lights, they be allowed to install lights at the end of each driveway in the residential section.

The Board was concerned about removing the sidewalk in the residential area of the project which is in close proximity to the commercial lots. In addition, the Board is concerned about a lack of lighting on the street near the commercial site and so removing the sidewalk would create a safety issue. In addition, most Board members, except PCP were opposed to the driveway lights.

**WFO: Motion that the request proposed by the applicant to remove the sidewalk on the cul-de-sac will be a Major modification to the approved plan.**

DJT: Second.

Discussion:

Questions/Comments from the Public:

Charles Voyer of 45 James Street stated that these should be major changes as they concern safety issues.

Bill McMullen of 24 Pine Street stated that he is a registered professional engineer and that the street will not receive sufficient output from the driveway lights.

Vote: 4-1 Carried. (Yes - BTS, WFO, DJT, BWL,) (No – PCP)

**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: 12/30/16**

JSK gave an overview of the current status of the project and read the following list of comments from the public:

1. Ed Wingert, 14 Fifth Avenue – Letter dated December 19, 2016 with concerns about the project's vicinity to the Charles River
2. Erin Bengiovanni, 346 Maple Street - Email dated December 19, 2016 with concerns about 24/7 hours of operation
3. Valerie Tobia, 1 Middle Avenue – Email dated December 15, 2016 with concerns about public health and safety issues with the project
4. Qin Li, 57 High Street – Letter dated December 20, 2016 with concerns about the project.
5. Jim Dunlea, 57 High Street – Letter to the Planning Board with concerns about the project.
6. Edward Gately, 6 Pine Street – Email supporting the project.
7. Michele Walker, 5 Bainbridge Road – Email with concerns about the project.
8. Doug Porter, 3 Stonehedge Road – Email with concerns about the project.
9. Amber Griffiths, 103 Maple Street – Email with concerns about the project.

Present: Present: David Kelly of Kelly Engineering Group Inc., Mark Pilotte of Campanelli, Rob DeMarco of Campanelli, Molly Kelly of Campanelli, Attorney Rob Fitzpatrick of WilmerHale

Mr. Kelly thanked the Board for their really hard work over the past year and stated that he understands that this has not been an easy process either for the Board or the public. The Applicant understand that this is a big project for the town as it is near residences; however, it is on an industrial lot and the Applicant feels that as a team – the Board and the Applicant – they have thoroughly reviewed all the components required during the review process. The Applicant took the most conservative look at each item in all the studies and reviews and believes that this was fair because the users of the proposed project were and some still are unknown.

Mr. Kelly explained that taking into consideration the Board's and residents' concerns, the Applicant is presenting a new concept plan that is drastically reduced in size from approximately 900,000 square feet to 700,000 square feet. The new plan was presented to address these concerns but to also express the Applicant's continued clear having an unrestricted ability to operate all facilities 24 hours a day 7 days a week. This plan stays completely within the limits of everything that has been studied and reviewed previously. The new plan shows that all docks are facing away from the neighbors and earthen berms have been created to mitigate noise. The tenant/owner of the smaller building, Spears, will not be operating 24/7 but wants the building to be unrestricted for any future increase in business or sale of the building.

**New Concept Plan features:**

- The Limits of Work have been pulled in;
- The total square footage has been reduced 47% from the original plan and 32% from the subsequent plan;
- The traffic analysis has not been changed as the original analysis was modeled for a much larger project. Since this new plan is greatly reduced plan, there will be a much lower traffic volume. They have consulted with their traffic consultants who agree that since traffic was reduced by 47% no changes are necessary;
- They have increased buffers to the neighborhood to maintain natural landscaped areas;
- The same parking ratios are presented that are consistent with the industry norm;
- The total impervious area is reduced by 15 acres from the first plan and 9 acres from the subsequent plan;
- They have eliminated the northern-most driveway and now only have one entrance. They will maintain the buffer on the northern side of the building against Maple Street;

- They have committed to provide the funds to repave the surface of Maple Street. They will not be widening Maple Street but will be funding the repaving of that portion of the street;
- They are confident that the sound mitigation will be more than adequate for the smaller plan.

Mr. Kelly further explained that the Applicant has tried to address the clear concerns of the Board so as to maintain the unrestricted hours of operation. This project is less impactful in every way. The only items that need to be discussed and finalized are:

1. Hours of operation: This project was designed to allow unrestricted hours of operation. One will not operate 24/7, but the future applicant needs the ability to reach out to potential users that may need unrestricted hours.
2. Flexibility clause: The Applicant has presented this as a master plan and there may be changes in the future. However, they believe that this process was established so that if there are any changes in the future, then they could come back to the Board with a full set of plans with all the necessary stormwater and requirements.

Mr. Kelly further stated that this is a property which is industrially zoned at Town Meeting in 1986. It is being under used by the town and does not provide any value to the town or the owner of the property. He has worked with Campanelli for 25 years and has found them to be honorable and professional. The proposed uses are the most benign uses that could be permitted in an industrial district. It is as low an impact project as possible that has been thoroughly reviewed and every request by the Board has been accommodated. The Board has worked very hard to accommodate all comments of the peer reviewers, other town departments, and the neighbors. This project will provide benefits to the town of employment, traffic mitigation, taxes, and historic site preservation. On behalf of the Applicant, Mr. Kelly stated that it is time to complete the process and close the hearing and deliberate on the final decision.

The Board discussed at length the new concept plan and would like to have the Applicant submit a much more detailed plan by the next meeting. A revised plan must be submitted for the next meeting and the new sound analysis must be reviewed by the town's peer reviewer. The Board appreciates all the work the Applicant has done to mitigate the impacts by reducing the size of the project.

After additional discussion about the hours of operation, the Board suggested that the Applicant reduce the square footage of the larger building by 50,000 square feet, reduce the trailer storage area next to that building, and move the larger building closer to Route 495. If those changes are agreed to by the Applicant, the Board members agreed to grant 24/7 hours of operation for all buildings on the site. The Applicant agreed to make those changes.

JSK added that the berm on High Street should be analyzed for sound impacts with from the revised plan before removing. Additionally, JSK reminded the Applicant and the Board that the Conservation Commission still has to review this plan.

Attorney Fitzpatrick stated that the Applicant would like flexibility so that the peer review would be done of the Final Plan after the Decision (which would contain language that approval is subject to the peer review of the final plan). He stated that he has reviewed this with Town Counsel and his general sense is, given the thorough review of the project to date, that post permit submittal and administrative approval could work. If necessary, changes could be made to Lot 2 once a tenant has been identified. That change would be within the limit of work and would be subject to peer review of all aspects. Campanelli is at risk of losing the Spears tenant. The zoning act does not require the identity of the user be revealed. Attorney Fitzpatrick stated that the Applicant thought the presentation of the smaller plan would be an opportunity for the Board to have closure. This would allow the Board to have all issues reviewed and would assure compliance with the downsizing of the project. Attorney Fitzpatrick clarified that as a procedural point, the suggestion that the final engineering of the plan be done after the decision is made, is not to subvert Board involvement. Mr. Kupfer would coordinate the peer review and he would make recommendations to the Board that is enunciated in the decision. The Board would approve the Final Plan subject to the review of the final drawings. The Board is approving a final plan and a use on the site. The final plan represents a downsized version of the plan that has been thoroughly reviewed. The applicant has reduced the plan with respect to those concerns. The Board could approve the Final Plan, issue a decision, and request that engineered drawings be presented subject to peer review.

The Board discussed the issue of flexibility at length and agreed that if changes were needed by a future tenant, the Applicant would have to come back before them and a peer review would have to be done concerning these changes. BWL stated that he would like to see the Final Plan and all engineering of the new plan, and then he would have no problem with flexibility. BWL also added that the Board has not had time to review this new plan or the new information concerning sound and traffic. He is not comfortable approving something that he has not reviewed. BWL would like to review this information and make a decision at the next meeting. All Board members agreed to this process.

#### Public Comments and Questions:

Jim Dunlea of 57 High Street stated that it is unprecedented to have a new plan presented and then to subrogate responsibility to administrative review. Mr. Dunlea repeated his concerns about impulsive noise, traffic, hours of operation, and the lack of improvement of the Maple Street/Route 126 intersection. In addition, Mr. Dunlea believes that High Street has been ignored concerning traffic impacts. Finally, Mr. Dunlea stated that the Board should not close the public hearing so as to allow the residents to comment on the new plan.

Art Paturzo of 10 Stonehedge Road stated that the Board doesn't know what hours of operation will be in the future. There may be more traffic if the hours of operation are 24/7 and he believes that the Applicant should have limited use of truck traffic on all sites. Mr. Paturzo stated that the Applicant reduced the size of the project because the Board would not approve it otherwise.

Peter Gabrielle of 6 Stonehedge Road stated that this is the same situation as Victory as it has come down to the wire and there are lots of problems. Mr. Gabrielle stated that he believes the Bylaw for all access has to be addressed and that 24/7 hours of operation does not work near a residential area.

Laly Viera 60 High Street stated that she asked for the Fire or Police chief to be here. Victory has so many issues that the town cannot fix. There is no one to enforce the violations of trucks on High Street. Ms. Viera stated that no Board members live on High or Maple Street and she believes the Board would be more concerned if they lived there. There is too much traffic in town and the Board is closing their eyes to the issues. JSK responded that the safety officer did provide an opinion early in the hearing and additionally responded that emergency response times will not be altered. This is a public road and few citations would be issued.

Doug Porter of 3 Stonehedge Road stated that he remembers that the Board went through a similar situation with Victory. He stated that there are many more practical proposals for the property. He commended Campanelli for reducing the project. The Town wants tax revenue but 24/7 hours of operation will cannibalize property values.

Don Martinis of 334 Stonehedge Road and on the Board of Selectmen and is a member of the Bellingham Road Committee stated that the Committee has been working on the Route 140/Maple Street intersection before this project. The \$1M will help the existing traffic. Mr. Martinis appreciates the Applicant reducing the project and overall it is at a manageable point. The Applicant is asking for them to make a decision on a project that has not been fully vetted. He is still concerned about 24/7 traffic. He has asked for the conditions for the Blue Links project and the Planning Board office cannot find them. Three shifts of cars is fine with him but ecommerce distribution is very different. The Spears company is a good tenant but he wants to limit 24/7 hours of operation on all buildings. Mr. Martinis further stated that it is not the Board's responsibility to worry about the Applicant's marketing of their property.

Qin Li of 57 High Street repeated her concerns about the volume of traffic currently and the increase this project could bring. Ms. Li requested that she be allowed to show the Board a video. BTS did not allow it and responded that the Board had read her extensive comments prior to the meeting and were aware of her concerns. Ms. Li replied that the Applicant will market this building as easy access but it is not true. The 24/7 operation and noise hurts the neighborhood and not fit for this road.

Jeff Lannon, 90 Highbank Street, Franklin, MA stated that he has ridden his bike on Maple Street in the past but will not continue to do so as it is not safe.

Joe Roche of 100 Maple Street is confused as to how this plan changed so dramatically in two weeks. Mr. Roche also asked for the police chief to be present and to address the question of what the emergency response times will be after this is built. Mr. Roche stated that there is a direct correlation between response times and mortality. There is a lot of dangerous industry on Maple Street and it needs adequate and speedy response times. Concerning the 24/7 hours of operation, Mr. Roche would like to have a joint meeting with the Assessor's office to find out the perceived decrease in property values. Finally, Mr. Roche stated that the decrease in mitigation is unacceptable and the lateness of the plan submission is unacceptable.

Bill McMullen of 24 Pine Street asked that Board what actions the public can take after the decision. He stated that he would like to publicize this hearing more and that he has not been on the website but would like signage and would like another public hearing. Mr. McMullen asked if the mitigation has changed. BTS explained that all the points Mr. McMullen has asked have been discussed in length over the course of the past year.

Attorney Fitzpatrick explained that the total mitigation is \$1.7 Million mitigation for the downsized project and explained all items included in that mitigation. The total mitigation was reduced from \$2.5 Million to \$1.7 Million as matter of economics based upon the reduction of the project.

Mr. Mahar of 944 South Main Street complained about Blue Links and questioned how the Board can allow 24/7 hours of operation for these new buildings. Mr. Mahar believes that property values will be reduced because of this project.

Edward Gately of 6 Pine Street he has watched this parcel for 45 years and has been interested in buying it and turning it residential and no one wanted it. Mr. Gately stated that the residents should have done their homework prior to buying their homes. He believes this will be a wonderful addition to the town and agrees with BWL that a definitive plan should be presented to the Board. He would like to see positive input from the neighbors.

The Board and Applicant agree to five-minute break.

JT explained that both attorneys have been working on the language in the decision. The current draft is somewhat protective but not protective enough. The Board does not have to keep the hearing open to get additional information from the sound peer reviewer. It is not uncommon, if the Board is 95% done with their review, to close the public hearing and have the engineers provide the final review and this can be post-permit information. If the Board closes now, there is urgency. If the Applicant presents a plan on the January 12, 2017, then it could be changed again. From an evidentiary perspective, the Board could hold the meeting open. JSK, JT and BTS can discuss the mitigation package before the next meeting. Attorney Fitzpatrick agreed. JT responded that he is not worried about post permit review of stormwater, traffic, noise etc., with the change of the plan. However, JT did agree that it is a great idea to have the plan and put it in the Decision.

NR asked if the Applicant can provide a gravel emergency egress for the larger building that exits to Maple Street. Mr. Kelly responded that the Applicant has been working with the Fire Department and could easily create a second gravel easement.

**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 January 12, 2017 at 7:00 p.m.**

NR: Second.

Discussion: None.

Vote: 6-0 Carried. (BTS, WFO, PCP, DJT, BWL, NR)

**General Business:**☐ **ANR's**

**WFO: Motion to sign the 205, 211, 214 Blackstone Street ANR.**

DJT: Second.

Discussion: None.

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

☐ **As-Built Certifications**☐ **12/8/16 Minutes Signing**

**WFO: Motion to sign the December 8, 2016 Meeting Minutes.**

DJT: Second.

Discussion: None.

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

☐ **Northeast Energy Associates – 2016 Biennial Groundwater Monitoring Report suspension discussion**

JSK explained that this report is done biennially and suggested that the Board contract a third party reviewer to advise them if monitoring will continued to be required. The Board agreed to invite Northeast Energy Associates to the next meeting to discuss.

The Board agreed to have it reviewed.

☐ **WFO: Motion to sign the Maple Street Drainage & Maintenance, Scenic Road Special Permit Modification Decision.**

BTS Second.

Discussion: None.

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 11:15 p.m.

**Meeting Documents & Exhibits:**High Street Development Plan, Stormwater Management Permit, and Multiple Special Permits Review

1. Plan Set – 4<sup>th</sup> Submission – 12.20.16
2. Sound Study – Tech Environmental – Acoustical Evaluation of Final Plan – 12.20.16
3. Traffic – Revised Trip Generation – Vanasse – 12.20.16
4. Kelly – Letter RE Flexible Parking Special Permit – 12.21.16
5. Plan – Fire Access Exhibit – 12.19.16
6. Plans – Fire Emergency Access IN, OUT, and Right Turn IN – 12.20.16
7. Poirier – Email RE Emergency Access for Fire Department – 12.20.16
8. Site Concept Plan – 12/22/16 received at meeting

**Public Comments Received:**

1. Ed Wingert, 14 Fifth Avenue – Letter dated December 19, 2016 with concerns about the project's vicinity to the Charles River
2. Erin Bengiovanni, 346 Maple Street - Email dated December 19, 2016 with concerns about 24/7 hours of operation
3. Valerie Tobia, 1 Middle Avenue – Email dated December 15, 2016 with concerns about public health and safety issues with the project
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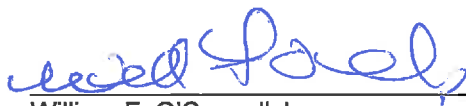
Post Office Place Definitive Subdivision – Request for Determination of Major or Minor Change to the Approved Plan

1. Guerriere & Halnon- Light & Sidewalk Modification Request 12.8.16
2. Plan – Sidewalk Modification and Landscape Lighting 11.21.16

Minutes Accepted on: 11/12/17

(Date)

(Prepared by: Jean Keyes)

  
Brian T. Salisbury  
William F. O'Connell Jr.  
Peter C. Pappas  
Dennis J. Trebino  
Bruce W. Lord