



BELLINGHAM PLANNING BOARD

10 MECHANIC STREET
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Meeting Minutes January 28, 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 - absent

Other Officials:

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

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

7:00 p.m.

Van Lumber, 27 South Maple Street, Request for determination of a minor or major change to the approved plan

Present: Attorney Gerard Fong of Ligris & Associates PC for the Applicant, Eric Lin who is the principal of Allstate Trading Real Estate LLC who is buying the property.

JSK referenced two letters from the Attorney Fong dated January 22, 2016, the DWP Inspection form, and the 2005 Development Plan Approval decision. JSK explained that the Decision conditioned that any change in use required the Applicant/Owner to notify the Planning Board who must then determine if any modification to the Development Plan is required and if it is a major or minor change.

Attorney Fong explained that currently the building is entirely occupied by Van Lumber. Allstate Trading, who is buying the property, will occupy a portion of the building and lease out the remaining space to Van Lumber. The number of employees will be 59 and there is enough parking for all employees.

BTS questioned how much the truck traffic will increase with the addition of Allstate Trading to the site. Attorney Fong reminded the Board that the business has previously been located at 190 Mechanic Street for 5 years and so the truck traffic has been on that street already. The number of trips per day will be approximately 18 trips per day with 16 of those being 24' trucks and 2 being 18' trucks. The normal working hours are Monday-Friday 10:00 am – 4:00 pm and Saturday 5:00 am - 10:00 am. There will be no manufacturing, no assembly, and no alteration to the exterior of the building.

Questions from the public:

Art Paturzo of 10 Stonehedge Road asked of 18 truck trips was the total number or the amount each way. Attorney Fong responded that it was the total number.

JSK informed the Board that the 1987 Flexible Parking Special Permit was recorded but the 2005 Development Plan Approval Decision was never recorded. JT stated that the Applicant should record it and the recording should be a requirement of this decision.

BTS: Motion to approve the change in use for 27 South Maple Street as a minor change to the approved plan with the condition that the 2005 Van Lumber Development Plan Approval be recorded.

PCP: Second.

Discussion: None.

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

Rapid Refill: Request for determination of a minor or major change to the approved plan.

Present: Attorney Joe Antonellis, Peter Garrett president of MPG Corporation

JSK referred to the documents submitted for discussion which were the Plans dated December 23, 2015 and comments from Police Safety Office Rolls dated December 28, 2015. JSK described the applicant's proposal to add one new diesel fuel pump and one new hose to an existing pump in the existing diesel fuel filling area. The Board must decide if this is a major or minor change to the development plan.

Attorney Antonellis explained that there is a significant demand for the new diesel pump that is easily maneuverable by trucks. There will be no changes to the site, no elimination of parking spaces, and no changes to the travel lanes.

The Board asked about fire suppression, truck and car congestion on the site, and new signage. Mr. Garrett explained that fire suppression equipment is already there and they still have to go to the Fire Department for a permit. In addition, they have to apply to the state for approval to extend the fire suppression equipment over the new pump. Attorney Antonellis further explained that they will not be increasing the volume of fuel on the property just the increasing access to the fuel. In addition, they have to go before the Board of Selectmen (BOS) for a permit as well.

The Board and the applicant agreed that the new pump will alleviate the truck congestion at the diesel fuel pumps.

WFO asked the Mr. Garrett if he could install signage to direct trucks to use the exit to Maple Street. Mr. Garrett agreed that he would install signs at the diesel pumps and at the Maple Street exit.

Questions from the public:

Don Martinis of 334 Maple Street stated that Rapid Refill is a wonderful neighborhood store that has been very good for the community. He believes that this will be a good improvement.

Peter Gabriel of 6 Stonehedge Road agreed that it will be fantastic to add one additional pump. He asked if the trucks could move away from the pump after they have pumped the gas and not sit at the pump. Mr. Garrett responded that he can add signage and there is room for the trucks to pull away from the pump and park. He will also communicate this to his associates to make sure they remind the drivers to move along during peak hours.

Andy Sarno 59 High Street stated that this new pump will add to other problems with the additional trucks being added.

Jim Dunlea of 57 High Street stated that this new pump may increase business, but it will increase traffic volume.

BTS: Motion to approve the change for to the Volta Oil Development Plan Approval decision for Rapid Refill at 207 Mechanic Street as a minor change with the condition that signage be added to the diesel pumps and at the Maple Street exit to direct the trucks to that exit and to not block the Maple Street intersection.

WFO: Second.

Discussion: None.

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

**Bellingham Shores, South Main/Center/Cross Streets, Preliminary Subdivision, Discussion:
Decision Deadline: 2/1/16**

JSK informed the Board that the Applicant has requested a continuance to February 25, 2016. The wetlands delineation changes need to be completed. Also, several neighbors have expressed concern that they are not sure where the public discussion project stands. JSK feels strongly that the Applicant re-notice the abutters.

WFO: Motion to continue the Bellingham Shores, South Main/Center/Cross Streets, Preliminary Subdivision, Discussion to February 25, 2016 at 7:00 p.m. provided that applicant renotice the abutters.

DJT: Second.

Discussion: None.

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

160 High Street Lot 1 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: 3/8/16

Present: David Kelly, Mark Pilotte, Rob DeMarco of Campanelli, Molly Kelly of Campanelli, Kathy Bachman, Mark Wallace with Tech Environmental, Scott Thornton with Vanasse Associates

JSK explained that the Board received several documents in advance of the meeting including the Sound Study dated January 26, 2016 and the Applicant's traffic comments response dated January 26, 2016 to the town's peer review comments dated December 28, 2016.

Mr. Kelly gave an overview of the current status of the project:

1. They have filed with the Conservation Commission (Con Com) and it is still under discussion.
2. They have met with BETA, the Town's peer reviewer to discuss traffic and engineering and they expect to formally respond shortly.
3. They have applied for an Indirect Access permit from MassDOT as well as a MEPA certificate. In addition, the EPA has issued a certificate stating that no further MEPA review is needed.
4. They presented site renderings to the Board which are computer simulated pictures of what the project will look like when it is complete.

Mark Wallace of Tech Environmental began explaining the Sound Study dated January 26, 2016. During this explanation, the Board questioned the low number of trucks stated in the report to be idling on site at the same time during a 5-minute allowed idle period. The Board felt strongly that the numbers in the report were not adequate, as they reflect a traffic demand analysis that are not reflecting a more conservative impact as requested and would like to see this report revised.

The Board asked Mr. Wallace to step down and invited Mr. Scott Thornton of Vanasse Associates to discuss the Traffic Report. Mr. Thornton stated that traffic studies can be done without knowing who the tenant and will be by basing the calculation on similar land uses. He used the warehouse model on which to base the traffic study. The Board strongly objected to these calculations and that e-commerce modeling or other similar high traffic uses were not taken into account and Mr. Thornton stated that e-commerce modeling does not exist yet.

The Board was extremely concerned that a range of uses were not identified by the applicant that show higher impacts to traffic and they do not believe that the report reflects the possible maximum use for the proposed size of the buildings. They requested that Mr. Thornton revise the traffic report to see the highest impact possible and the maximum impact at full build out. Mr. Thornton agreed to revise the report. Mr. Kelly stated that they cannot attract a tenant or end user without knowing what mitigation is required by the town and without securing their necessary permits.

Mr. DeMarco reminded the Board that this is a by-right use and JSK responded that while it is a by-right use, the magnitude of the project crossed the threshold to a major business complex special permit and the applicant has applied for that special permit.

The Board was also not satisfied with the proposed improvements to the Maple Street and Route 140 intersection. It was agreed that just adding a left turn lane will not adequately address the large impact of the increase in truck traffic from this facility. In addition, there was no proposal to improve the Maple Street and Hartford Ave intersection or Maple Street itself.

At the next meeting, the Board advised that Applicant that they would like to discuss a revised traffic impact analysis and a revised sound study. In addition, they would also like to learn what the Applicant has proposed for mitigation and for improvements to the various intersections described previously.

Questions and comments from the public:

Jim Dunlea of 6 High Street read a statement that described a scenario of a real world warehouse of comparable size and its real world traffic and sound impacts. He strongly advised the Board that they should take into consideration mixes of use for this business and other businesses on Maple Street. The increase in traffic from this site will affect the quality of life and the safety of the public.

Peter Gabriel of 6 Stonehedge Road agreed with the Board that the traffic on Maple St. at High & Maple has to be looked at. He also asked if egress can be granted behind Victory to Route 140.

Don Martinis of 334 Maple Street and the BOS explained that the town is preliminarily planning road work on Maple Street up to Hartford Ave. The BOS may have to find a way to appropriate \$4.5 million to fix it just for existing car and truck traffic. The Applicant must have a road that can withstand the amount of truck traffic that would result from this proposed project. He continued by stating that he is not going to ask the Towns residents to raise taxes to fix either Maple Street or Route 140 for the damage that will be done by this new business. Mr. Martinis stated that he applauds the Board for their efforts and reminded them that the Scenic Road bylaw allows the Board to restrict traffic as well as trees. The Board should keep this in mind when making a decision and with regards to mitigation.

Cindy Prescott of 314 Maple Street stated that this project will be directly across from her home. She never saw anyone performing a sound study. She has lived here for 30 years and does not want to hear comparisons to any other projects. We don't need this project. Currently, people in south Bellingham don't shop in north Bellingham because of the traffic. She further requested mediation for her house or the applicant can buy it.

Andy Sarno of 59 High Street stated that Maple Street is a very dangerous road and we need to know more about the traffic

Mike O'Hearn of 14 Roberta Lane and of the Con Com asked what building height is and wanted to know what department has a record of the square footage of existing buildings. JSK said that the Assessors office and maybe the DPW but he can work with him on that. Mr. O'Hearn stated that Gillette Stadium in Foxboro is smaller than this building. He suggested that the traffic study should include existing truck traffic on Maple Street and on High Street. He also stated that the scenic roads are protected in a certain way and asked what are the protected areas for cutting of trees and for the proposed berm. JSK responded that clearing entrances fall under scenic road restrictions.

Doug Porter of 3 Stonehedge Road explained that the backlog of traffic on Route 140 at the Maple Street and Route 140 light, backs up to the 495 Forge Park Train station entrance in the evening. The traffic at Route 140 and Maple Street backs up to the Victory site while waiting for the light at Route 140.

Art Paturzo of 10 Stonehedge Road reminded the Board of the archeological site that is on the property and that it must be protected.

BTS: Motion to continue the public hearing for 160 High Street Lot 1 and Lot 2 Development Plan Review, Stormwater Management Permit, Major Business Complex Special Permit, Flexible Parking Special Permit, Scenic Road Special Permit, 160 High Street to February 25, 2016 at 7:00 p.m.

PCP: Second.

Discussion: None.

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

Miscellaneous:

- **Cumberland Farms, 297 Pulaski Blvd drainage issues discussion**

JSK explained that there are drainage issues in the rear of the property. John Harte, DPW inspector has found that the rear of property is in flood zone. The detention basin did not work appropriately within a 72 hour period and was overflowing almost onto the road. Cumberland Farms thought it was caused by heavy rain plus freezing temperatures plus grass not fully taking. Mr. Harte will monitor it and provide an update in the spring.

- **Annual Planning Report** – JSK gave an overview of the report and asked the Board to review it and provide any questions or comments. He has to give it to the BOS who then issues the final annual report for the town.

- **WFO** – additional topics in future:

- He has observed a diesel fuel delivery truck filling up a Lindenmeyr Monroe truck. BWL responded that this is a standard now. JSK stated that there is some kind of licensure as he has seen that happening during the construction of the EMC Solar facility. The BOS required a pad where the fuel refilling must take place.
- Commercial development needs to be aware of the Mass idling law and that it should be enforced with significant fines.

- **Peer Review Interviews** – JSK explained the interview process and that he and the DPW Director have narrowed it down to six potential firms.

- ☐ **ANR's – Julia Drive Lot 9, Snowflake LLC**

JSK explained the ANR and the Board signed the plans.

- ☐ **As-Built Certifications – none**

- ☐ **1/14/16 Minutes Signing**

WFO: Motion to sign the January 14, 2016 Meeting Minutes.

BTS: Second.

Discussion: None.

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

BTS: Motion to sign the January 14, 2016 Executive Session Meeting Minutes.

PCP: Second.

Discussion: None.

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

- ☐ **Sign Vouchers**

BTS: Motion to sign the Vouchers.

WFO: Second.

Discussion: JK explained the vouchers and payroll.

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

BTS: Motion to adjourn.

WFO: Second.

Discussion: None.

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

Meeting Adjourned at 10:15 p.m.

Minutes Accepted on: 2/11/16
(Date)

Jean Keyes
(Prepared by: Jean Keyes)

Brian Salisbury
Brian T. Salisbury

William F. O'Connell Jr.
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