

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

**WILLIAM M. WOZNIAK, CHAIRMAN
RICHARD V. DILL
PAUL CHUPA
EDWARD T. MOORE
ANNE M. MORSE**

MINUTES OF REGULAR MEETING

January 28, 1999

Meeting commenced at 7:00 pm. All members were present except for RD. Planning Board Consultant Philip Herr was present. Minutes recorded by Planning Coordinator Jill Karakeian.

GENERAL BUSINESS

Ted Bailey informed the Board that Bainbridge Woods is looking to put their underground utilities above ground.

AM said that she thought that isn't an issue anymore. Our bylaws allow you to put them above ground.

P. Herr says that the plans show them underground. You don't need a waiver, you just need a change in plan.

Tony Cogliano asks the Board to approve putting underground utilities above ground.

EM motions to change the plan to put underground utilities above ground. AM seconds. Unanimous vote of 4 (WW, EM, AM and PC).

Board signed Bellingham Business Park Alternative Decision that was approved at the 1/21/99 meeting.

WW mentions letter from Fire Department dated 1/28/99.

P. Herr suggests sending a copy of the letter to Brian Kelliher of the Aspen Group so he is aware of what they are looking for.

PC motions to sign the Alternative Decision for Bellingham Business Park. EM seconds. Unanimous vote of 4 (WW, EM, AM and PC).

MINUTES ACCEPTED

PC motions to sign minutes dated 11/12/98. EM seconds. Unanimous vote of 4 (WW, EM, AM and PC).

PC motions to sign minutes dated 11/25/98. EM seconds. Unanimous vote of 4 (WW, EM, AM and PC).

PC motions to sign minutes dated 12/10/98. EM seconds. Unanimous vote of 4 (WW, EM, AM and PC).

GENERAL DISCUSSION

P. Herr mentions letter received from Sara Pultz of Salvetti Engineering regarding the Approval Not Required plan signed by the Board for land on Grove Street, Applicant: Ed Lyons. From what Sara writes in her letter, it seems that the findings are okay. I will contact her to let her know that what she wrote in her letter was correct.

P. Herr also mentions articles for the Town Meeting in May. There will be atleast two that should be on the warrant. Wanted to know when the cut-off date was?

Jill said that the cut-off date to get it to the Selectmen for the warrant is February 19th.

P. Herr says that we can have them for the next meeting to schedule a Hearing which is February 11th.

WW says that we don't want to happen what happened last Town Meeting. We need to make sure that the Finance Committee knows what we have planned so that we can get on their agenda for their recommendation.

Jill says that she will contact Jackie at the Selectmen's office as well as the Finance Committee so that everyone knows what is going on.

P. Herr mentions items that need to be addressed due to the Master Plan. The issue about changing the building size in an industrial zoned area to be the same as an industrial building even if residentially used.

WW says that if you have a residential neighborhood and on one side it is zoned business. If you put buildings up on the land it will depreciate the houses on that street. There are some areas in town like that I don't think we should change the bylaw right now.

P. Herr says that it was supposed to be discussed per the Master Plan and we discussed it.

STOR/GARD DEVELOPMENT PLAN REVIEW/SPECIAL PERMIT PUBLIC HEARING – continued

WW reads letter from Stor/Gard dated 1/20/99. It has been brought to our attention that the Bellingham Planning Board would like to employ the services of an independent

Engineer to review our Stor/Gard Self Storage Development Plans. We understand that this is a standard practice. You have asked if we would pay the Town's Engineer for their services in this regard. We are willing to pay the reasonable costs incurred by the Town of Bellingham for their independent Engineering review, up to a maximum of \$30,000. You have also asked if we would pay the costs to re-advertise the public hearing. We agree to pay this re-advertising cost, to correct the Zoning By-law references. We realize that the above items will require further continuation of our hearing, and we therefore request that both the hearing and time period for action, be extended for such additional time as you may deem reasonable under the circumstances. Very truly yours, Denis J. Donovan, Vice President.

EM questions the time period and whether or not we need a letter from Stor/Gard withdrawing the Development Plan Review and Special Permit before we schedule another one?

WW suggest that Jill call Stor/Gard and ask them to submit a letter withdrawing so that we can re-advertise.

SUMMIT BANK – DEVELOPMENT PLAN REVIEW – PUBLIC HEARING

Craig Chekanowski from Gilmore, Reese and Carlson representing Summit Bank as well as Huseyin Sevincgil from Bruce Campbell & Associates was also present.

Craig Chekanowski presents to the Board that there was an extensive traffic study done this past Friday and Saturday.

P. Herr suggests going over the fax from Bruce Campbell's office dated 1/27/99 reflecting the Board's concern at the 1/21/99 meeting.

H. Sevincgil of Bruce Campbell & Associates states that there was an automatic recorder (ATR) placed on the Charles River Center Drive to obtain a traffic count of the outbound (northbound) traffic related to the Center. The ATR was placed at 3:15 pm on Friday January 22nd till 3:00 pm on Sunday, January 24th, 1999. The purpose of the ATR was to determine the peak hour for the Charles River Center during a Friday evening period and a Saturday midday period. A Friday was chosen since this day represents the busiest weekday traffic volumes at this intersection and the busy weekday for the cinemas. The results of the ATR are presented in Table 1 for the Friday data and Table 2 for the Saturday data in the handouts. The tables summarize the ATR data on an hourly basis for vehicles exiting the Charles River Center. The tables also indicate the equivalent flow out of the Center per signal cycle, using a 90 second cycle during Friday and a 100 second cycle during Saturday. We also show on the drawings the triangle rumble strip in the Hartford Ave. exit so that traffic can only take a right turn in and a right turn out.

EM says that just a rumble strip is not going to keep people from going in that entrance. I think that it needs to be a raised island with a berm.

WW says that he would still like to see the medium strip continued down Hartford Ave. if it is at all possible.

PC makes a comment that you can't take away from the roadway that is there now. We are at the max as far as widening of the road.

WW says that he understands that.

C. Chekanowski says that if that is what the Board wants to raise the rumble strip to an island type with a curb then that we can do. I don't want to say that we can extend the medium strip down Hartford Ave. and then it be an unbelievable cost to Summit Bank.

WW asked Bob Frazier if he was okay with the signs they are proposing on Charles River Drive to not block the intersection.

B. Frazier says that he doesn't have a problem with that.

EM says that if we are in agreement with everything then as long as they check in about the medium strip and they make the rumble strip triangle into an island with a curb then everything sounds okay.

P. Herr states that he wants to make sure the Board is okay with the hours of the bank.

C. Chekanowski says that he can't let the Board know exactly what the hours will be at this time. It will all depend on the need.

PC says that he has never seen a bank open past 7:00 pm so that shouldn't be an issue.

WW says that after the last meeting, I thought that was one of the issues was hours of the bank in operation.

C. Chekanowski says that he remembers working on hours of the peak time of the Charles River Center compared to the peak time of the bank and the entrance onto Hartford Ave.

P. Herr says that he thinks that this draft decision is okay with the exception of raising that triangle on the Hartford Ave. exit up to an island with a curb if checking with the State and the DPW and seeing if it is possible to extend the medium strip on Hartford Ave. to block people trying to turn left into the site is not possible. I will make that condition #5.

EM says that I don't see any other way to change that site. I think we are going to get the best that we can right now with this. I make a motion to approve the Development Plan Review Decision with condition #5 regarding checking with the State and DPW to extend medium strip on Hartford Ave. as long as it is allowable and feasible cost wise and if not raising the triangle rumble strip to a berm instead. PC seconds. Unanimous vote of 4 (WW, EM, AM and PC).

ZOOTS / MILFORD NATIONAL DEVELOPMENT PLAN REVIEW
PUBLIC HEARING

Bob Galey of RKG Development; Todd Crasnow, CEO of Zoots; Bob Lewis, CEO of Milford National; Joe Deluca and Gary Sadler of Millenium Design Group is in front of the Board to present the Development Plan Review.

Joe Deluca of Millenium Design Group presented to the Board the layout of the building and the purpose as well. One side of the building will be a Milford National branch with a drive-through and the other a Zoots Dry Cleaners with a drop off drive-through. We have made one entrance and one exit to the site.

AM questioned whether the dry cleaners did the cleaning there or it was just a drop off?

J. Deluca answered that it is just a drop off location and cleaned off site. Both tenants have adequate space and sufficient parking. The footprint of this building is slightly smaller than what was previously approved. It meets all requirements for zoning.

EM made the comment about traffic flowing and being able to get to the site and out of the site. There is such a big problem now, this will bring more traffic in.

AM questioned the parking of the vehicles that now use that area on a daily basis? Where are they going to park?

J. Deluca says that parking of the overall Center parking should be asked of Bob Frazier.

Bob Frazier passed out a chart showing that there is enough spaces as required.

AM says that there really is a problem over there. Also mentions the ATM building that just appeared on the site.

B. Frazier says that he checked into that. It got a building permit but was never approved to be put there.

EM says that it should be moved. It is in the way and really causes a problem.

B. Frazier says that is why he had the stop signs put where he did. So, you don't have to pull half way out into the roadway near that ATM building to see what is coming. Also mentions that the employee parking should be out of the way like at the long middle strip that divides Wal-Mart's parking lot and the rest.

WW says that they don't. The people that work for Marketbasket all park along the berm that abuts the main roadway coming into the Center.

B. Frazier says that he will contact Al Rocco and have him get in touch with the stores and let them know that the employees have to park out of the way of customer parking.

EM mentions the entrance only when you first pull into the Center going towards Staples and Marketbasket. People come out of that as well and that is a problem.

P. Herr wants to remind the Board that this is a hearing for Zoots/Milford National, not the parking and traffic problem at the Stallbrook Marketplace.

EM says that we need to address these issues because Bob Frazier is here tonight.

Brian Sutherland, concerned citizen makes a suggestion about the entrance to the right as you enter the Center. Why you couldn't make the curbing so that you can only enter and not exit from that location?

B. Frazier says that he will look into that. That is a good suggestion.

WW notices that there are quite a few parking spaces behind Marketbasket that he is sure is not being used.

B. Frazier will be in touch with Al Rocco to speak to the businesses and have their employees park in a designated parking area and not take up the parking for the customers.

WW says that if the numbers on the handout from Bob Frazier are accurate as far as parking spaces required, then something is wrong with our bylaw. I know that this has nothing to do with Zoots/Milford National but this is the only time we have to work on the traffic problem over at that site.

P. Herr mentions that we should get some input from the Safety Officer before the next meeting. There are some issues with the signs that is not a big concern. These people meet all the criteria as far as Zoning and Bylaws are concerned.

AM motions to continue the Development Plan Review for Zoots/Milford National to February 11, 1999 at 8:15 pm. PC seconds. Unanimous vote of 5 (WW, EM, AM and PC).

GENERAL DISCUSSION

Guy Fleurette is in front of the Board to discuss the possible changes to the Noise Bylaw. He asked the Board if they had a copy of the draft noise bylaw from Duff Kirklewski?

Jill said that she got something today and was passed out to the Board.

G. Fleurette gave the Board an updated copy so that they could go over it.

AM made a comment that this or any bylaw changes would not effect the proposed power plants.

G. Fleurette wasn't convinced of that.

P. Herr says that they are protected.

AM also is concern whether this bylaw change would effect other industrial zoned land or businesses, especially what is coming up?

G. Fleurette understands and makes a comment that the power plants have DEP standards that they have to go by that are much less than ours.

AM says then wouldn't DEP enforce those?

Duff Kirklewski says that they put it on the Town's to enforce.

G. Fleurette wants to turn it over to Duff and have him go over the changes that he made to the current noise bylaw.

Duff Kirklewski says that he made a few changes but it is clear. Under Section 3221. Sources generating noise shall be regulated based upon the noise zone in which the receivers are located. He added to Section 3222. All measurements made pursuant to this chapter shall be made with a Type 1 A-weighted Sound Level Meter as specified under ANSI (American National Standards Institute) S 1.4-1983.

EM asked if the meter was a standard model?

D. Kirklewski says that it is the standard meter available. He also makes the change under Noise Zone A 9:00 PM – 7:00 AM to be 60dB(A). There is a new section added 3223 that is for Duties and responsibilities of other departments and agencies.

P. Herr says that it is going to be hard to put that last section 3223. To put people in charge of enforcing. The person that is in charge right now of Zoning is the Building Inspector. Phil passed his version of the Noise Bylaw changes to the Board and the audience. You really need to leave the enforcing to the Building Inspector and let him ask for assistance from the police or whoever from there.

D. Kirklewski says that he certainly can't come out in the middle of the night to enforce it. Somebody needs to take responsibility.

P. Herr says no, he can't come out in the middle of the night but he can ask assistance from the police at that time.

G. Fleurette agrees. We need to keep the Building Inspector the enforcing one and have him ask assistance from there if he needs it.

P. Herr asked to go over his version. Some parts are the same and other more detailed. He makes the comment that the last line in 3222 of his bylaw was missing from Duff's.

D. Kirklewski agrees and says he forgot that line.

P. Herr continue's and goes over the Section 3223 "Exceptions". a. Any noise produced by equipment used exclusively in the maintenance or repair of buildings or grounds, provided such equipment is rated at not more than 15 horsepower. b. Any noise

produced by registered motor vehicles, provided such vehicles are equipped with all noise suppression devices required for legal operation under such registration by the laws of the Commonwealth.

Not liked by the audience and alot of comments. All agreed to remove it.

P. Herr continued: c. Human or animal noises unless mechanically or electronically amplified. d. Farm equipment. e. Any fire or burglar alarm or other emergency signaling device, provided such device is arranged to shut off automatically after not more than 30 minutes of operation. f. Construction equipment between the hours of 7:00 am and 7:00 pm, or at other hours upon determination of reasonable necessity by the Building Inspector. Such determination and authorization shall be valid for not more than 24 hours from the time of issue.

AM made a comment that 7:00 pm in the summer time is early for construction people to quite. Especially after the whole winter of not working.

PC agreed.

P. Herr suggested putting that to 9:00 pm.

All agreed.

P. Herr continued. g. Emergency repair due to flood, fire or other catastrophe if such work is necessary for the general welfare or to avoid further catastrophe. h. Parades, fairs, or outdoor entertainment between the hours of 7:00 am and 11:00 pm only, provided that a permit for such activity has been granted by the Board of Selectmen and that said permit is for not more than 10 days.

EM mentions the First Night that the Town is planning for New Year 2000. I think we should have the time permitted by the Selectmen as well.

All agreed.

P. Herr continued. i. Religious activities conducted by an organization which qualifies under the laws of the Commonwealth as a tax exempt religious group. j. Activities authorized on special permit under Section 3290, where peculiarities of the location or activity assure that there will be no adverse disturbance to use and enjoyment or nearby premises.

Debra Ferullo a concerned citizen commented on the use of the word "Receptor" and asked that, that we removed and another word be used.

P. Herr suggested using receiving instead and she was in agreement with that. He continued with Section 3325 Standards. The following standards must be met, with the applicable standard being based upon the Receptor Zone where noise is potentially hears, not the Zone where noise is generated. If the generated noise has a single dominant frequency above 4,800 cps, the below limits shall be reduced by 5 dB(A).

D. Kirklewski asked how Phil determines single dominant frequency above 4,800 cps?

P. Herr wasn't sure and said that we can remove that line.

All agreed.

P. Herr continued with the last line that said, "Daytime" shall be from 7:00 am until 9:00 pm on all days except Sundays and legal holidays, when it shall be from 12:00 noon and 9:00 pm. The next section is the MAXIMUM ALLOWABLE EXTERIOR NOISE LEVEL and asked if everyone wanted to change to Zone A Nighttime to 60dB(A)?

All agreed.

Don Kelleher, citizen that lives in abutting Town. Wants to know who enforces the law when it goes over the Town line?

P. Herr and G. Fleurette says that can't be done. Each Town enforces within their Town.

P. Herr said that he would rewrite this Noise Bylaw revision and also print out the Assisted Living Bylaw and get it to the Board for the next meeting so that they can review and set a hearing date. Jill needs to contact Jackie and let her know that the Planning Board tentatively has atleast 2 articles for the warrant and then we can go from there.

AM moves to adjourn at 11:25. PC seconds. Unanimous vote of 4 (WW, EM, AM and PC)


William M. Wozniak, Chairman

Richard V. Dill


Paul Chupa


Edward T. Moore


Anne M. Morse