



BELLINGHAM PLANNING BOARD

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February 14, 2002 Meeting Minutes

Present at the meeting:

Richard V. Dill (RVD), Vice Chair
Brian J. Sutherland (BJS)
Steve D. Choiniere, Sr. (SDC)
Edward W. Guzowski (EWG)
Glenn C. Wocjik (GCW), Alternate
*Not Present: Roland Laprade

Other officials: Paige Duncan (PED), Town Planner
Beth Partington, BEP, Coordinator
Lt. James Haughey, Police Safety Officer

BJS: Motion to accept the 1/24 minutes.

SDC: Second. Vote: 4-0, approved.

• **Old Business:**

• **Discussion on Handicap Parking at Stallbrook Plaza and High School:**

Amy Cook, Commission for Disabilities, came before the Planning Board to discuss the walkway from payless Shoes to Wal Mart. It seems the ramps flow into traffic and the walkway has somewhat dangerous and awkward accessibility. The Commission would like to contact the owners of the plaza to have this corrected. L. Rocco and S. W. Weiner own half the plaza and Wal Mart owns the other half.

The Board discussed the options of contacting the owners, responsibility for slopes of walkways, if they were built to code. It was decided that Stuart LeClaire, the Building Commissioner is the enforcement officer for this issue and the Planning Board could send him a letter with the Planning Board's recommendations.

BJS: Motion to send a Planning Board approval letter to Stuart LeClaire regarding the handicap parking and walkways at Stallbrook Plaza. The Board is giving permission to Paige to speak on behalf of the Planning Board.

EWG: Second. Vote: 4-0, approved.

Regarding the handicapped spaced at the new High School, Ms. Cook presented a plan to increase the number of handicapped spaces at a location closer to the building more

accessible to the handicapped public. The Fire Department and Police approved the 3 new spaces in front of the High School.

- **As-built certificate for Hartford Village:**

It was discussed that the As-built was acceptable, and a Certificate of Occupancy letter could be issued. The Board would draft a letter to Stuart LeClaire.

SDC brought up the tree work at Blackstone Fields because he thought all work had to be done before any occupancy permits were issued.

- **Pierce Estates, South Main Street, Preliminary Subdivision Discussion:**

EWG stated that Town Counsel advised him that he is an abutter; he recused himself and sat in the audience.

Richard Schwartz spoke on behalf of the applicant. There was considerable discussion regarding mitigation. At the last meeting it was discussed that the applicant give \$250,000 for a light on Elm Street. Don DiMartino said it would cost the town close to \$500,000 for a light at that intersection. The applicant said they could put the light in for a lot less money. It was discussed that Don DiMartino would rather have the money designated to that area of town for road improvement. The applicant did not want to do this. Some members of the Board felt that this was extortion. It was also discussed that maybe sidewalks could be put in instead of the light.

Ed Guzowski, 758 South Main Street, discussed that an appropriate gift of \$250,000 to the Town based on a free will offering would be acceptable.

R. Schwartz felt that this project does not warrant a \$250,000 gift in mitigation.

Jeff Pierce, owner/applicant, discussed the signal was \$75,000 at BJ's on 140 in Franklin. Another estimate they got was \$125 - \$150,000. We feel the level of giving at a signal, that \$250,000 is a good cap, because if the price goes up, we agree to it.

Walter Basnight, architect, discussed the cost of a 3 way signal at Elm Street; they're willing to putting it anywhere.

SDC: So you feel doing it as a private contractor that you could do it for less money?

W. Basnight: Absolutely.

PED: The whole problem is that it says it goes by the Town's design; there's no design.

BJS: Mr. Pierce, you have agreed to pay for a signal up to \$250,000. The intent of the board at the time of approval was to get a light put in. If the town were in a position to get the plans done, it would do it. But since it is not and you have agreed to provide the light, the cost of the plans would fall upon you, pending design approval by the town. I

think the Board agrees this is consistent with their intent at that time, and so would be consistent now. The Board tried to save you money, but it can't, so the responsibility is yours.

R. Schwartz: We could change it to read: to provide design and install traffic signal, design and construction plans approved by the Planning Board, eliminate reference to the applicant.

It was discussed that Mr. Laprade signed the approval before he left on his vacation. Mr. Dill didn't feel comfortable signing it with the changes made while Mr. Laprade wasn't there. The Board decided not to sign the decision until the next meeting when Mr. Laprade was present and to try and contact him if possible in his absence.

SDC: Motion to accept the extension of the preliminary plan approval period to 3/29/02.

BJS: Second. Vote: 4-0, approved.

- **Cross Street, Robert St. Gelais property discussion.**

Mr. Robert St. Gelais came before the Board requesting a waiver for frontage. The ZBA granted a variance. He's not sure of the zoning. It was discussed if he could apply for a Special Permit for a back-lot subdivision. The Board informed Mr. St. Gelais that he not only needed a waiver for frontage, but also a waiver for acreage. The Board could not grant the two waivers and suggested Mr. St. Gelais see if he could get more acreage and apply for a Backlot Subdivision. They were concerned about setting a precedent on frontage waivers.

81-P, G & D Daigle Realty Trust, South Main St., Lot 2

SDC: Motion to approve the 81-P for G & D Daigle Realty Trust, South Main St., lot 2.

BJS: Second. Vote: 4-0, approved.

Pond View Estates, Lake Street, Lorusso Construction:

Asking for a waiver of infrastructure of the road, and putting in 2 driveways instead. The Board felt the waiver would be better environmentally, minimizing runoff and other impacts. The driveways would need to be in the "street envelope."

SDC: Motion to continue Pond View Estates to 3/14/02 at 8:00p.m.

- *At 8:30pm, Richard Dill opened the public hearing for Dunkin Donuts and tabled discussion for several minutes.*
- **Energy Electric Development Plan Review, South Main Street:**

Bill Halsing, of Land Planning spoke on behalf of the applicant. Stated they were applying for a variance from the Zoning Board to move the building on the lot. He also stated they were waiting for re-review from Tom Sexton until the plans were completed.

BJS: Motion to continue public hearing for Energy Electric to 3/14/02 at 8:30p.m.

SDC: Second. Vote: 4-0, approved.

BJS: Motion to accept extension for the Development Plan for Energy Electric to 3/24/02.

EWG: Second. Vote: 4-0, approved.

- **Dunkin Donuts Development Plan, South Main Street:**

Jennifer Connolly, traffic consultant for the applicant, discussed the volumes of traffic on South Main Street passing by the proposed facility. There are 15-16,000 that pass by daily, 1,300 during the a.m. peak. With Dunkin Donuts, there is a direct correlation in the amount of business to the amount of cars driving by. 11% in the a.m. peak hours between 7 and 9 would be 142 in/out hourly. Due to the large percentage of pass by volume, it will result in only 3% addition volumes of traffic. They believe the delay queue leaving would be 26 seconds. The vehicle queuing for the drive-through is 9 vehicles, with the capacity for up to 20. The site distance is adequate, with 452 feet. The Saturday mid peak may be higher.

Mike Simmons of Guerriere and Hanlon presented the site plan. They are proposing a 40, 858 ± s.f. building with 19 parking spaces and a drive-through with a 20 car capacity for queuing.

EWG: First of all, you need a turning land for a left turn, maybe even adding a sidewalk. You also need a turn off lane coming from the other direction as well. This is a dangerous place to put it. Did you put a crash analysis on this? You have a real traffic danger in this location with substantial safety and traffic problems. If you're going to put it in this location, there's a lot that needs to be done to make it safer for an entrance and exit. I even recommend the widening of the road.

RVD: I'd like to echo that. I'm shocked at the fact that Glenn Gerrior isn't here tonight. He shot himself in the foot. Site distance isn't there. Part of the reason the a light was being put in at the shopping center was that it was designed for a fast food place like this.

SCD: Did you take into account in your traffic study the Shopping Center being completed? I think the 26 second average delay for exiting during the day is way off. The location of the handicapped parking space is a danger concern; they have to cross the flow of traffic for the drive through. What is the stacking lane at the other Dunkin Donuts?

Mr. Serpa indicated that there are 10-11 stacking at the Dunkin Donuts on North Main Street.

PED asked the queuing for the new one in Franklin. It is also 10-12.

SDC asked about trailer trucks pulling over or pulling in and where deliveries would be. Don Nielson of Guerriere and Halnon indicated that deliveries are in the early mornings around 4:30am or after lunch, but that if it was a problem, they could make arrangements for all deliveries to be after lunch.

BJS discussed traffic and the Master Plan. He stated the numbers aren't realistic; they might look good on paper. If you have one or two cars that want to pull in, you're going to have an accident, even if people were going the speed limit, which realistically, they don't on that road.

SDC asked about the roof over the dumpster. He requested a rain tight dumpster because a lot of grounds will be thrown out. He also requested a fence to buffer the northerly residents and asked if the concerns from Mainstream Engineering had been addressed.

Helen Alan, 832 South Main Street, expressed that she waited 2-5 minutes to turn into driveway, that they listen to brakes squealing all day long turning into Charlie's Tires. There were 3 accidents there last year; they almost had a car in their house once.

Al Desper, 832 South Main Street, stated that he leaves at 10 of 5 in the morning and he can't get out of his driveway in 26 seconds. He feels the traffic study is completely off. He also discussed that tractor-trailers that deliver are 48 feet long and they will not fit in that lot. To turn around for the delivery, it will block the drive-thru two cars back.

Debbie Marsh, 835 South Main Street, requested a fence be built as she is abutting the lot. She also has concerns of deliveries at 4:30a.m. She stated that at 3 in the afternoon traffic is a problem and asked what the hours of operation would be.

Mr. Serpa stated the hours of operation would be 5a.m. to 11p.m. and that they would be more than willing to work out deliveries after 11a.m.

D. Marsh stated she hoped it would be a 6' stockade fence, since Charlie's was getting a big fence.

RVD read a letter from Ann Odabashian on the Board of Selectmen stating her traffic and safety concerns of a Dunkin Donuts going in at this location and that for the town she thought it would be much better if put in the Shopping Plaza further down the road.

SDC requested concrete sidewalks versus bituminous sidewalks, as they don't work, they get trashed.

Dawn Thompson of 836 South Main Street stated that Scott Hill is backed up all the way to Charlie's Tire at times. She stated there are a lot of walkers along this road and that half the trash is Dunkin Donuts trash, how much more would it be now that one will be right there. She stated that someone hit her mailbox yesterday and that it's a dangerous spot to put a Dunkin Donuts in. She asked if they put in a turning lane, where are they going to take the land from? She also asked about the signage and lighting.

Debbie Marsh expressed that she feels it is dangerous to walk on South Main Street.

RVD asked the audience if they would prefer sidewalks along South Main Street or a light at Elm Street (referring to the Pierce Estates mitigation). The audience expressed that sidewalks would be much more useful.

RVD: I just feel I can't approve this in-between Charlie's Tire and a house. The traffic would be much better suited in the plaza down the road. We've required a developer to put in a light there for a fast food institution such as this. I'm not trying to make real estate plugs here, but that center was part of the Master Plan and this just wouldn't help the neighborhood or the Town's traffic.

EWG: Motion to deny the Special Permit at 829 South Main Street on the basis the applicant failed to prove to the Planning Board that traffic to be generated will be accommodated without reduction in the level of service on any affected on or off-premises, due to the hazard of the drive-thru.

BJS: Second. Vote: *(interrupted by applicant)*

Mr. Nielson requested the board would continue the hearing until such time as when the applicant could come back with plans more preferable to the board or withdraw without prejudice.

EWG: Withdraw the motion.

BJS: Withdraw the second.

EWG: Motion to continue the public hearing for Dunkin Donuts Development Plan to 3/14/02 at 9:00p.m.

SDC: Second. Vote: 4-0, approved.

BJS expressed he would like to see a better delineation of tractor-trailer traffic and the handicapped parking space moved to a safer location if they were not withdrawing.

EWG: Motion to grant an extension for the Development plan for Dunkin Donuts to 3/25/02.

BJS: Second. Vote: 4-0, approved.

BJS: Motion to adjourn.

EWG: Second. Vote: 4-0, approved.

Minutes Accepted on: 3-28-2002 Beth E. Dartington
(date) (prepared by)

Roland R. Laprade

Richard V. Dill
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Brian J. Sutherland
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