



BELLINGHAM PLANNING BOARD

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11/13/03 Meeting Minutes

- **Present at the meeting:**

Richard V. Dill (RVD), Chair
Edward W. Guzowski, (EWG), Vice Chair
Brian J. Sutherland (BJS), Secretary
Roland R. Laprade (RRL)
Arthur P. MacNeil (APM)

- **Not Present:**

Glenn C. Wocjik (GCW), Alternate

- **Other officials:** Stacey J. Wetstein, (SJW) Town Planner
Beth E. Partington (BEP), Coordinator
Amy Cook, (AC), Commission on Disabilities
Tom Guerin, Deputy Fire Chief
Ron Picard, Member of the Board of Selectmen
Richard Martinelli, Member of the Board of Selectman

RVD opened the meeting at 7pm.

- **General Business:**

BJS: Motion to accept the minutes of 10/23/03.

APM: Second. Vote: 5-0, approved.

EWG brought up Blackstone Fields; the sidewalks are not complete. SJW informed board that the property owner was seeking a new contractor. SJW also stated sufficient funds were still available to complete the work.

BJS asked what happened with Home Depot.

SJW stated that we took pictures and sent them along with a letter to the Building Commissioner.

RVD discussed researching how many spaces they had for the shopping plaza.

BJS stated Home Depot is taking advantage of the parking.

RVD stated sending a letter to not allow any more permits for tents or parking spaces.

- **Tom Sexton, Connor's Crossing Invoice Discussion:**

Tom Sexton, here to discuss an outstanding invoice with Connor's Crossing. He has over a ten-year history with this board. With respect to this issue, the Town Counsel's opinion stated that he referred to the applicant's engineer, which as you know, I am not. The review had certain tasks associated with them. The fee should have been \$5,600. The actual bill came to \$4,900; the applicant paid \$4,200. I acted in good faith and do not want to jeopardize my relationship with the Board.

BJS stated we discussed this at the last meeting. We asked Tim Jones to discuss this with the Board. There definitely was a lack of clarity. We also talked about the fact that his project seemed to require additional time, because there was a discrepancy between doing x,y,z. The staff looked at a chronology of the events that took place and the time of the invoice. It was at a time period of change between when Paige left. The applicant stated he never received it. Possibly if there had been some other clarification, maybe it could have been dealt with sooner. He was going to go back and look at the dates. We were hoping some amicable solution could be reached. It was our impression we had taken care of this. Why it wasn't included for payment, we weren't sure.

TS asked if the Board felt he was entitled to be paid, and secondly, if so determined, how to get it on a warrant. Whether the developer thinks he got a too thorough a review, that's irrelevant. I've never known this Board to stop me in the middle of a review. I've always known this board to have confidence in my reviews and I completed the review.

RVD discussed keeping within the budget. He spoke with Paige Duncan and she stated that if there was communication, it would be in her email, which has long since been deleted. In a proposal there should be a certain amount, not an open ended billing for unlimited services.

TS stated he listed an amount for the initial review and then listed tasks after that. There are too many variables to give you an amount and say it will always be x, unless I gave you a very conservative amount. I was trying to get more services in within the same budget, such as follow-up reviews, someone on site at test pits and response to secondary comments.

RVD: On your end, don't you put your time at a certain amount before you reach an agreement? There was an original proposal for \$2,500. Were there additional proposals?

TS there was another \$2000 needed for review. I had listed that in tasks. I may have gone forward at some risk thinking I would be reimbursed. If the Board wants to hold me responsible for that then so be it.

RRL thought it was signed prior to the decision..

BEP stated it was the invoice was received while she was on vacation.

RRL felt he should be paid.

EWG felt he should ask the applicant for half.

TS stated he would not negotiate with the applicant. He is an employee of the town.

EWG stated you are not an employee of the town. You may be a contractor.

TS stated he works for the Town.

EWG stated you can take him to small claims court and you'd get about half.

RVD stated he doesn't even know how we'd proceed now. The decision has been approved.

TS stated he did stay within budget.

RVD stated one proposal was for \$2200, the other for \$2000. Correct?

TS stated no, the original proposal was for \$2,200 and listed amounts for additional tasks that could be required.

SJW stated what we do now is get a flat rate fee. What this one was that he was proposing specific tasks with a specific rate. When they wanted to do more tasks, they would ask for more money.

RRL stated, "So when it came for that time for those tasks to come in on an invoice, she wasn't in and Beth was on vacation."

BJS: Clearly when the applicant came in, we all agree things could have been handled differently. Regardless of the date it came in, we all signed it. The applicant could have not waited until now to come in. I don't think it would hurt as a board to go to Tim, stating the drainage system took more time. Let's just ask him to take care of it. Everybody could have done something different.

RRL: He did a service for the town's behalf. I figured there were funds behind that.

RVD stated we all thought the funds were in there. If you want to draft a warrant for Town Meeting go ahead. I don't have it. We don't have it in our budget.

APM: stated he did not want to go before Town Meeting

RVD: Had Paige not said she had conversations with you to hold off.

TS stated that he would have to consider the matter closed if the Board wasn't going to act.

- **New Business:**
- **81-P 230 234 Depot Street:**

RVD asked which date to put in.

SJW stated it was new, so tonight's date. It was lost some how in the process of registering it, and the applicant needed a copy of the mylar.

APM: Motion to approve 81P on Depot Street entitled DeSimone & Associates.

BJS: Second. Vote: 5-0, approved.

RK Plaza, Pulaski Boulevard, Development Plan Approval, Public Hearing:

Art Scarnio, Traffic Specialist for the project, discussed variations in traffic counts, such as in weeks of Thanksgiving and when there are a lot of people shopping, versus a summer week when many people are on vacation.

(For the benefit of the Board and the general public he displayed a computer generated model of the area with one set of lights and also with 2 sets of lights.)

What we're showing is what the signal would look like with two lights. He showed a simulation of traffic with two lights. It was suggested not to put a light at the intersection of Pulaski and Bellingham, as the intersections almost work as one intersection. As you can see, with two signals, the queues become much greater. You are putting additional delay onto (Route) 126 as a result of that, though it is a much safer situation. Both Bonnie and myself felt it would be reasonable to put in the stop line and not block intersection, but if need be, everything would be put into place and could be hooked up down the road. The eastbound direction has a queue where there was none before. We took the same exact volumes, put in a stop line and a new signal.

RVD stated it's a five second green light.

AS stated to keep the flow going at the other intersection, it needs to be a quick light.

RVD asked if this was based on counts today or build out.

AS stated 5 years out, background development, reoccupation of the facility. This was the PM peak hour.

BJS stated it certainly looks as though Bellingham St. backs up with changing the signal

AS stated they were going right on red after a stop.

It is a fully actuated signal, based on the vehicles that are there. The loop detectors are in the roadway. The biggest concern was making sure the westbound flow did not back

up the 126 intersection. That's why the eastbound traffic at the Bellingham St. intersection had to be backed up to clear out the 126 traffic.

Dave Baker stated that's why it was suggested that we put the conduit in there in case this area were to reach peak buildout in the years to come.

RVD asked if S & S peak hours were AM and PM or did they have different peak shopping hours.

AS stated midday is the peak, generally 11-2 for a supermarket, but for the study they are actually using a rate seen at supermarkets between 4-6 PM. You might see more traffic during the day, but at the peak hours, there is more traffic on the roads at AM/PM so they wanted to deal with traffic at the peak hours on the roads. He also stated they wanted to over design the project, so that if there is an error, it is in an over conservative manor.

RVD wanted to clarify that this isn't the worst worst-case scenario. The worst case would be the peak traffic for the store at the time of the peak traffic on the roads. The study and simulation did not show that.

AS stated, "We didn't explore what would happen if we didn't allow right turn on red. Those are things we've done in the analysis, but didn't take it to the next step because Bonnie and I both agree that putting two signals together."

RVD stated the Board had some issues that need to be addressed. He turned it over to SJW.

SJW stated there were some issues to be dealt with.

Dave Baker jumped in. He apologized to the Board and building inspector. He explained that they were trying to get all the work done to the existing building before the work on the new building began. He wanted to guarantee each tenant a clean and operational facility. He had the jersey barriers moved at the Bellingham Pizza, preventing the cut through and people speeding through the parking lot.

RRL stated as soon as you left the building and moved to the parking, you were in violation.

DB stated they had new sidewalks installed, fixed the drainage that was running into the front door of CVS, we were not in compliance with the ADA for handicapped spaces or grades. We now have raised sidewalks with people exiting to parked cars instead of travel lanes. I am guilty of going too far and re-striping it without having planning Board's approval. To that extent, I apologize. These are all striped out; we think it's a safer condition.

RVD asked if they took away any parking spaces.

DB stated he thought they increased them.

R. Holworth stated they increased from 20-24. He stated they wanted to stay in compliance with ADA and that they should have identified that. He stated it was the optimal way to go with keeping with the ADA regulations. "If you had a child walking into a fire lane or striped parking, which would be a safer situation?"

RVD stated the striped parking would be a safer situation.

RRL asked "Why isn't the Stop and Shop building designed that way if that's the optimal way to go?"

RH stated the access and sidewalk is a little different with larger stores. We were able to eliminate the steps and improve the situation substantially.

RRL asked if the thinking has changed, because all the plazas he's seen have fire lanes.

BJS stated the Bellingham Plaza has parking at the doors.

RH stated that in this instance we're fortunate because we have 360° access.

T. Guerin: "The chief and I were dead against having parking in front of the building. Any parking in front of the building is PB issue. As long as we have access to the ends of the buildings, we have to get in between, they came up with the plan to give us a couple spaces in the middle; whether it's better or safer is up to the experts. Down in the plaza, half the plaza is striped, half isn't. But down in the plaza it's a problem. He has given us access to the front of the building but I still have concerns as to the safety.

DB went to see the chief and told them he screwed up. He jumped the gun, looking out for his tenants in keeping with the ADA. Just as with the electric company, in hopes that we would get approval, we moved the electric poles in keeping with an invoice. The issue of the poles was tabled because the Selectmen stated

RRL asked when they do projects in other towns do they go ahead before they get approvals.

DB stated yes.

RRL asked if those towns got upset.

DB stated that in another town, they were just required to get building permits.

RRL asked if Bellingham Palace was part of the development plan.

RH stated yes, they were filing with the ZBA for relief of the parking spaces.

DB stated that by the zoning regs, you can only count spaces within 300' of the front door. I moved those barriers because I wanted to give them more parking and I wanted to cut off that jumping over the parking lot.

RVD asked the plan they submitted to the building dept.

DB: The roof, the edifice, verbally mentioning of the sidewalk. I'll take the heat.

RVD stated he can see where some of the Board members were upset. I don't think you tried to slip anything by. Improvements were needed. I go there all the time and improvements were definitely needed.

EWG asked if they widened his road.

AS stated yes.

DB stated that the one issue, the acceleration lane could not be addressed because of left hand turns.

EWG asked about the entrances and exits. One of the complaints down on Hartford Ave is that there is only one exit.

DB stated that there were several entrances and exits.

EWG asked if the traffic light would have a remote control, one of those clickers, so that if they had to hire a detail as in the day before Thanksgiving or Easter Sunday.

AS asked if the other signals in town had Opticom on them now.

TG stated they all did.

EWG discussed drainage.

DB stated that right now the drainage is so bad, that Blackstone now considers the back area of the building as wetlands. We're pulling the pavement back and creating green and a retention pond. There is a need of drainage on Carrier Street. One of the projects suggested by the DPW that I haven't seen yet is that the drainage on Carrier Street be improved. He saw that in an email and it was news to him. He would be willing to look at it, but he does not want to inherit the drainage problems. He's not saying no to it, he's saying it's brand new to him.

EWG stated "Seeing you're going to run all that traffic down there, it seems reasonable to ask that you take care of drainage for the residents. Other than that he has no problems with RK plaza thought it's hard to believe."

SJW asked about the lighting overspill onto Carrier Street. There is some lighting that is excess and spills over onto Carrier Street.

DB stated that no more than 3 lumens or more can overflow.

RH stated that the maximum is 3 and it is 3.0. He spoke with the engineer and he said by adjusting the pole it could be decreased a little, but that since it's at an intersection, the Town might want the lighting for safety reasons.

APM stated if it was in someone's bedroom window, they'd fix it.

SJW asked if they had addressed the final comments from Meridian and Don Dimartino.

RH: The commission asked us about the ability to use recharge. A true recharge groundwater system was not doable, but the commission asked us if we could depress this area, so that yeah, it might not work in March and April, but it might work in August and September. Meridian had asked what happens when the ground is frozen. Almost no drainage works if the ground is frozen. As best I understand it, it's almost to optimization based on field conditions.

RRL asked if the submittal with Blackstone is complete.

DB stated that Blackstone was deferring to Bellingham in this case.

RRL stated SJW should talk to Phil.

DB stated we are somewhere near the end with Blackstone. They were considering closing the hearings, but they wanted to defer to Bellingham.

TG: One of the problems with Wal Mart is the lack of turning access around the building. On Carrier St, the access is about 15 wide, from an emergency point of view, if we have an emergency at that site and the intersection is blocked, we won't be able to get down it.

Ron Picard stated he has an issue with parking currently being allowed in the fire lane, especially young children exiting stores. Being a grandparent himself, who visits CVS, he didn't think it was safe. A fire lane affords visibility for both people parking and visiting the store. Another issue both the plaza owners and the town should be looking at, since the fire lane was converted to parking, should some unfortunate accident happen now, who would be liable. I witnessed myself, a pickup truck backed up into it, hanging over it. Many of the cars now have the Euro design, a higher design, makes it more difficult to see backing up. I just see it all as a potential area for disaster.

RVD asked, "What happens if you remove the parking up against the building?"

RVD, (to Mr. Picard) as you've described yourself an elderly person, don't you think it would be easier to park closer to the store?

RVD stated that when he sees traffic on both sides he slows down.

Steven Dupres off Bellingham St.: Everyone's concern seems to be if there were an emergency on the facility, what if there were an emergency beyond the main access, could an emergency vehicle get through? As a resident he objects to a 24-hour facility. There is enough noise coming out of that lot for now. He'd just like to know if an emergency vehicle could get through if the road were completely jammed up."

RRL asked if they had a snow removal plan. What are you going to do if the snow?

DB stated that one of the conditions in the ConCom agreement. If there is that much snow, it would need to be removed from the site if necessary in the special conditions of the Order of Conditions.

SJW discussed that the Palace Restaurant doesn't need to come in with it's own application regarding the shared drive. It's being wrapped into one application with the ZBA.

Harvey White, Carrier Street stated they were trying to make that a dead end. It's a raceway there now.

RRL stated they might go in, but I doubt they'll go out.

DB stated they're happy to do whatever. A breakaway gate would be possible, but not desirable.

TGuerin stated that dead ends are a problem for emergency vehicles and a problem for plowing.

SJW stated that Don DiMartino said he wouldn't have a problem with it as long as there was a cul-de-sac for turnarounds.

BJS stated that there could be a problem with people that get down the street and find out it is a dead end, adding double traffic as well as turning around.

RVD asked how the parking in front of the building prohibit access.

TG stated it's not just for a burning building. It could be for all emergency vehicles, paramedics as well.

RVD stated 90% of the time a fire lane is used by loading vehicles.

DB stated that people have their opinions on what's safer, but everyone is entitled to their opinions.

RVD stated there are a couple of things you need to provide to us, creating a landing on the island near CVS that Brian had suggest, probably a snow removal plan. Plans need to be provided to you by the DPW. He asked SJW how close they were to parking.

SJW stated that they were 40-50 short.

RH stated that this was much closer to parking than the existing site were it to be re-tenanted.

BJS suggested putting back the "No Thru Trucking" signs back up, going through the BOS to get it posted.

RVD stated I feel we need to get these things stated, however, I feel we can make a motion to draft a decision. Hopefully by that time we can get our conditions in place to wrap up the decision.

Harvey White wanted also to make sure the drainage was not increased on his lot.

DB stated we're not going to eliminate it, but it will be better in the area overall.

EWG stated the place is a swamp down there.

RP suggested hiring a hydrologist to study the effect of raising the plaza 3 ½ feet and relocating the building.

RH stated the engineering calculations have been accepted.

EWG made another point, not only is Blackstone getting all the traffic; we're getting the traffic and the sewerage.

DB stated he didn't say no, he just wanted to see it.

BJS Motion to draft a decision approving RK Plaza with the appropriate changes as discussed.

APM Second Vote: 5-0, approved.

RRL: Motion to continue the public hearing until December 11, 2003 at 8:15PM

APM: Second Vote: 5-0, approved.

APM: Motion to adjourn.

BJS: Second. Vote: 5-0 approved

Minutes Accepted on: December 11, 2003
(date)

(prepared by: Beth E. Partington)


Richard V. Dill


Brian J. Sutherland


Edward W. Guzowski


Arthur P. MacNeil


Roland R. Laprade