



BELLINGHAM PLANNING BOARD

5 COMMON STREET
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March 25, 2004 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)
Glenn C. Wocjik (GCW), Alternate

Other officials: Stacey J. Wetstein, (SJW) Town Planner
Beth E. Partington (BEP), Coordinator
Amy Cook, (AC), Commission on Disabilities

The 3/11/04 minutes were passed over.

BJS: Motion to sign the vouchers.

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

RVD discussed Bevilaqua Paving. When they were approved, they had stated their trucks would be travelling south on Maple St. on 140 to 495. He has two jobs, one at Ma Glockner's and one at the power plant, so he will be travelling that way on Maple Street.

SJW stated that Don DiMartino needed someone for the Water Resource Committee.

BJS stated he was going to represent the Planning Board on that committee.

SJW went to a conference this weekend on village overlay districts, which discussed parking and sewer management. The second one was a case study, which didn't really give any useful information for the work of the Planning Board. SJW stated she would put together a report to summarize the conference.

BJS asked how often they have these.

SJW stated one to two times a year through the Collaborative Training Planners Program. She also gets a lot of information from their website.

RVD asked if we have charts in the future, if they could be printed one-sided for comparative values.

- **81-P's**

SJW stated we have two that were signed a while ago but never submitted. Nothing has changed.

- **Joan Giard, South Main Street, toward Crook's Corner, changing a lot line to create parking.**

SJW had Bruce Lord, the attorney for the applicant put on there, not a buildable lot.

RVD asked if it was already signed why it had to be signed again.

BL stated that under Mass General Law, a plan has to be filed within six months at the State Registry.

The Board stated they would like the engineer to sign off on it that it is still the same since he signed it back in 1987.

BJS stated for clarification, that the plan would either have a new signature or it would be a new plan.

BL stated it would have a signature, as she can't afford new plans.

- **Gerry Daigle, Dividing one lot off of a larger lot.**

BJS stated he was looking for the original square footage to subtract the smaller lot amount. The lot size needs to be on the plan. He also stated it should be signed by the engineer to indicate.

RVD stated it was a good catch.

BJS asked if that made sense.

RVD stated that the only thing was it looked like half.

BL stated that one parcel was coming off another.

RRL stated that the square footage of the all the lots indicated needs to be shown.

BJS stated the original lot it was coming off and the new lot being created needs to be indicated.

RVD: An 81-P has to show frontage and lot shape.

RRL: also, if you're showing a lot coming off, you need to show the original existing lot is still conforming.

- **Home Depot Garden Center Permit Discussion:**

Tim Swift, new assistant manager for the Garden Center presented the proposed garden center for Home Depot.

BJS asked if the store manager was the same.

TS stated no.

BJS asked how long she had been there.

TS: Three weeks.

BJS: I love the continuity.

TS: I understand there have been problems in the past. I am the contact person. I live in Franklin and plan on being here for a while and will be the contact person.

BJS: You can understand the concerns we have. The store seems to change policies and personnel on a very regular basis. We're not trying to make things difficult for Home Depot, but they share parking with the rest of the shopping center and they continue to create a concern. We try to establish standards and if Home Depot doesn't stick to it, then we have to answer to other people in the area as to why we don't have them adhere to the rules.

TS stated he understands their concerns and is making a lot of changes to adhere to the town's policies. As far as ordering materials, he is bringing in smaller orders much more often. He has run the #1 garden center in the last 5 years in Natick.

RRL: Yesterday he went to Home Depot to pick up some supplies. They had this DeWalt set-up, which took up 34 parking spaces and probably a few more. How could you just take up all these spaces without even coming to the town?

TS: It shouldn't have been done. It should have had the permits to go with it.

RRL: I was on the Board when this was approved, and they were not supposed to have the sheds, as that was retail.

EWG: Have you talked to the Fire Department?

TS: I have met with the Fire Department making sure the sprinklers are in order.

EWG: Here is a list from the Fire Department. I would suggest this be cleaned up and that until this is cleaned up, that we don't issue a Garden Center Permit until these things are cleaned up.

RVD: I would reiterate what Mr. Guzowski stated. I did not want those big carts around the corner. People have to walk out of the cross walks to go around them. I would suggest re-painting the crosswalk striping for the safety of the customers.

TS stated the sheds that are there are taking up 34 spaces. We're selling off the current sheds and bringing in half sheds to be brought down to 12 spaces being used up.

APM asked when they planned on opening.

TS stated April 1st.

EWG suggested approving a permit for 30 days and if the work was done they could come back in and the permit could be continued.

BJS stated there's not a lot faith here. The new manager has been in town 3 weeks and if a couple of days ago the parking lot was full of a display that shouldn't have taken place. We need to ensure the work gets done.

RRL: It's a good idea to give them the permit for thirty days to make sure they get the work done and then keep it within the guidelines.

TS showed on the plans where he planned on putting the new sheds and employee parking.

BJS asked if he had seen the plans from when they put the tool center in?

RRL stated that was 6 managers ago.

TS stated that was a long time ago. So what about the sheds?

RRL stated that it wasn't a long time ago, but a lot of manager's have since come in. There were to be no sheds.

TS stated "OK".

RVD directed SJW to write a letter to Stuart LeClaire indicating the requirements and limits within the permit.

- **Larry's Package Store Site Plan Review, North Main Street:**

Paul Fournier, current parking spaces in front of the building are 15. The yellow area is existing; the brown area is what is proposed. We're adding four spaces at the edge of our property and in the setback area, 6 spaces exist in the setback area.

RVD asked, "That's the most you can get in there?"

PF stated within the property lines yes. That front part is owned by the town's right of way.

RVD: You can use that for parking, can't you? It's used by tractor-trailers, people selling Patriot's shirts, vegetables. I don't see why you can't stripe it? RVD asked SJW the parking requirements.

SJW stated 22.

RVD asked, "You have 15, you need 22 and you're proposing 13?"

PF: Correct.

RRL: It seems to me that you need the parking.

PF: So, you're saying we can use the parking spaces on the town's property?

BJS: Are you sure that's the most amount of parking you can fit in there?

RVD stated he just hates to give up the parking. We're always so short on parking. He stated it would be worthwhile to approach Mr. Fraine to use those spaces.

PF: We would like to do that if he would be willing to allow that.

BEP asked if the Outback still used the lot for overflow parking.

Sunny Patel stated he was not aware of that and that he would check into it.

EWG stated there is a sign up for a kangaroo crossing.

PF stated to SJW he would call at 9 and could be here at 10:30.

EWG asked where you're going to put the bazaar up there? Do we have a permit for the town?

PF asked what bazaar?

SP stated he tells them to go to the town and get the permit.

EWG: Do you rent the space to them?

SP: No, I just tell them to go to the Town Hall and get the permit.

EWG: I want to sell Patriot's shirts.

SP: I let the Boy Scouts use it.

RRL directed SJW to discuss the retail uses and permits with Denis Fraine as well.

BJS: Motion to continue the public discussion for Larry's Liquor's Site Plan Review to 4/8/04 at 7:15pm.

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

- **Dunkin Donuts Distribution Center Development Plan Approval, Major Business Center Special Permit, continued public hearing:**

Ted Tye: stated they've submitted their truck management plan. They've brought Brion Koning to discuss sound if the board would like to hear it.

EWG: Move to ask the experts be limited to ten minutes so the residents

Brion Koning, received a call today from SJW. Will be giving a brief description.

BK: Decibels are on a numerical scale. The moment a tone first becomes audible is 0 decibels. The simplest way to look at it is in powers of mathematics. 10 squared is 20 decibels, 10 cubed is 30 decibels. The range to the upper limit of human hearing before there is damage to the human ears is very large, from 0 – 140.

BK: Sound level meters are used to evaluate sound. Sound levels are a constantly moving target. The Dunkin Donuts we're discussing tonight, at any given moment it's a different answer. There are stationery sounds, loading sounds, moving truck sounds. The three regulations we've applied to this project are: local town regulations, the state regulations and the U.S. Environmental Protection Agency. Protection Agency Noise level for trucks.

BK: Received zones labeled A, B, and C. We have very conservatively used the most stringent levels that apply here. We've purposely made the determination that we've used the stringent requirement, which is more than is required by the letter of the law.

BK: Mass. Dep. of Env. Protection requires a project proponent must quantify the existing acoustical environment and identify the existing background noise level. If you took the existing project and stuck it out in the middle of a flat field in Kansas and heard a truck coming at you from far away. The government looks at the high and low of time and asks that you evaluate the 90th percentile. 90% of the time the sound level is higher than the L90, the base sound limit. THE MDEP requires that the proposed facility not exceed the L90 by 10 levels. The report contains different levels of sounds

recorded at all hours of the day on any given day for 7 days. THE MDEP code limits are more stringent than the Bellingham levels by a few decibels. For example at night the MDEP allows 42, where the town allows 45. These sound requirements apply to the facility. They do not apply to over the road trucking. The EPA has a law that applies to trucks, so too does every truck manufactured since 1972, must comply. The sound level has been going down. The fleet of trucks of Dunkin Donuts is in the most modern category and fall within the most stringent category.

Mark Reese, 4 Centerville Lane. My question, you've measured the sound around the parcel. From the moment you start your truck at Dunkin Donuts - I have to deal with that truck coming, passing and going. I have to listen to 418 trucks pass by. The residents that live on that street have to listen to those 208 trucks, how many of those trucks will be passing by between 2 and 5 am?

BK: There will be a truck every two to five minutes.

RVD: Make them a copy. (PB note: RVD indicated to BEP to copy the sound/traffic study.)

BK: The proposed facility will comply with every criteria identified.

Gene Goneau, Rose Ave, has a feeling the air breaks will create more decibels than what you have surrounding the

Steve Russell, 116 Depot Street, has a concern about the jake breaks, the compression of the engine to slow down the trucks. Do the trucks not have to comply with any regulations?

BK: They don't have to comply, but they do comply.

SR: Do any of the DD trucks have these breaks and can they be turned off? Can it be posted on Depot St. or in Bellingham?

Bryan Hartnett: Jake breaking is not something we allow on Dunkin Donuts trucks.

SR asked, "What about their vendors, could signs be posted?"

Paul Van Helden: 128 Depot Street, you mention how the trucks are without regulations, noise created by trucks, 88 bursts of trucks going through the night between of 2 and 5am, is going to create a town of insomniacs. Are you telling me the town doesn't have the right to regulate something that could be a potential health hazard to the general public?

RVD: asked what would a truck driving by create as an amount of noise.

BK stated that the truck sound levels are nowhere near the maximum levels allowed in the by-laws.

MR: One truck level may pass OSHA regulations, but if you multiply that by 88m, you're going to have that much sound. It's going to be multiplied by 88 times and therefore would go over the OSHA levels.

BK: You would have an increased frequency of occurrence.

Mary McKenzie, 124 Depot Street, if we're going to be increasing the amount of trucks passing by per minute, if you're speaking of 60 decibels. How many decibels are we speaking of if we're increasing the number of trucks. We need a more accurate reading.

BK: Everyone knows that Depot Street is in a current state of disrepair. Smoothing out the road would be a tremendous improvement. There's a phenomenon of truck displacement of metal hitting metal. Any time a truck drives by or a pick up truck, part of this proposal is going to eliminate that.

Debra Ferullo, 14 Paul Road, the 5 minute warm-up for the trucks, how would that be enforced?

BH: We've given you a delivery procedures manual. We have on-board truck computers. We've given instructions to back into the loading docks and turn the trucks off. We're a very disciplined organization and very focused on staying within all the local guidelines and being a good neighbor.

RVD: It's very interesting; it even tracks if the driver hit the breaks abruptly. If it happens too many times, it's stated as excessive use and they're pulled in and talked to. So it does seem like they can talk to them.

Bryan Hartnett: The report can also say which trucks have idled 6 minutes and those which have taken different routes. We can then meet with the drivers and discuss what's been happening.

Bill Schumaker, 2 Centerville Lane, my bed is 56 feet from the corner of 126. I can hear every truck that comes around the corner. Maybe the decibel is not that loud, but because of the frequency, it will accumulate. Is there any accommodation made for the accumulation of sound?

BK: Yes, there is and we still comply.

Jeff Scias, 44 Box Pond Drive. You've talked about the engine, but not the reefer attached to that. I think we should bring the 88 trucks down to Depot Street with the reefers on and have them drive down at night and we could see the actual sound it's going to create.

RVD asked who was the closest resident on Depot Street to the project.

JS stated he was probably the closest.

RVD asked wasn't there a 200' buffer?

BK: One of the issues is, if those trucks are routed to the south and all the trucks are routed to the south. When you rout all the trucks in one direction, their speed is reduced.

PVH: If you take those peaks, which were very disturbing, and average them out, it's going to create an environment that creates sleeplessness.

BK: There's a field called psychoacoustics and if you are in your living room and hear a sound, you psychologically become used to it.

PVH stated that the world health organization does not acknowledge that as a standard.

EWG: IF they preheat the oil pan, the trucks will start up within the five minutes. It's possible.

BH: Block warmers are used all night and plugged in on both nights.

JS: Are you measuring these trucks with a reefer or just the truck engines?

BK: Both.

Ernie Taft: Asked if the decibels levels were taken on a level plane. Doesn't the level go up if the truck is going up a hill as in the center of town?

BK: Yes and No. The reason trucks have so many gears is because they have such a narrow range of r.p.m.'s.

ET: So you're answer is yes and no.

BK: I won't say there isn't a variation of sound, but that variation is recorded into the study.

BJS: This variance in sound - on the graph here, there are going to be 39 trucks in the hour between 3 and 4am. If there's a truck every minute and a half, but the time one truck has gone by, there's going to be that constant gradation up to 60. It's going to be nearly constant every 2 minutes. You've stated that you've adhered to the most stringent of 45 and this seems that this is nearing 60 for three hours in the early morning hours.

RVD stated he rode up Depot Street in an 18-wheeler and turned onto Hartford Ave, the truck didn't cross over the road.

APM: Wasn't there some talk at one time about building an access road out to 140?

RVD: Mr. Fraine's giving me the deer in the headlights look, so I don't think so.

Denis Fraine stated he didn't recall that ever being a discussion.

RVD: He asked if they could hear any noise from Quality Excavators when they open up? When you're talking about trucks and reefers I just don't think you're going to hear them.

JS: No, we don't hear them, but they also don't start until after 6am and they only have a couple of trucks.

Debra Ferullo asked, "What is the decibel for one reefer and a beeper?"

BK: if you are behind the vehicle, it's about 80 d.b.a's. A lot of the activity is a wide-open area, both the location of the site and the area of the location.

Martin Jake, 29 Hartford Ave, on the corner of Hartford Ave and Depot: You talking about that railroad tracks as a speed bump, you're full of crap. Some of those cars slow down, but 18-wheelers hit it and bounce.

RVD stated we'd consider putting the morning traffic going down Hartford Ave in the morning.

MJ: I don't mean to insult you or the Board, but it feels like you don't care about the residents of this town.

RVD: I'll try our best to make the best decision, full of crap and all.

EWG: Let's say we deny this proposal, let me ask the town planner, could Mrs. Varney put in 40B housing?

SJW: Yes.

BJs: That's not necessarily true. We're close to that 10% and have a leeway.

JS: Housing is a big problem in Massachusetts. We'd take housing any day over that. These trucks don't affect you.

PVH stated he would rather have residents any day over industrial business.

JS: Seems like this has already been settled by a hand-shake.

RRL: You basically said we're on the take.

RVD: You can leave now. If you have one more outburst, I'll have you escorted out of here.

SJW, the Town Planner, assured the public that no decision has been made. We've given everyone equal opportunity to express their views. If any project meets all the zoning by-laws, there isn't much that the PB can deny the project on. Nothing has been decided.

RVD: There are a lot of phone calls made behind the scenes. A lot of work goes into these projects by everyone involved. The Board members spend a lot of time reviewing plans and studies, making sure the projects adhere to the guidelines set forth in the by-laws.

Raldo Scicerone stated he hoped the project does go through. He is in support of it and thinks it will bring a lot of jobs into Bellingham. He feels Dunkin Donuts will be a good neighbor. Originally that project was for a power plant. The Dunkin Donuts people are good builders. You're talking about at least 100 jobs that will be created in this plant. My parents have lived here for 70 years. The town needs revenues. You're talking light industry, not a power plant.

JS: First of all, I'd like to congratulate you on doing the tractor-trailer thing. The other comment on what's going to happen to our housing, that maybe because we brought property down there, was that a few people are going to be affected. Basically your telling us it's coming or not. As for Varney Brothers, they've dug such a big hole off of Depot Street, the land is ruined down there.

EWG: My point is the devil you know, or do you want to risk the devil that you don't know? I'm the only guy who didn't vote for the power plant; don't tell me how I'm going to vote.

RRL: Like Stacey said, the Planning Board is required to adhere to the rules and regulations, but as far as I can see this project falls within the guidelines of the Planning Board.

Mary Lee McKenzie, 124 Depot Street, has a residential, agricultural lot. Something was mentioned as far as houses with a lot of windows. My windows, 10,000 worth of windows were shaking. He had said something that if you have a lot of windows that decibels are louder, how does that work?

RVD stated again, that the entire street was going to be redone.

MK: Also, in the past week the curbs have been ripped up. She even digs out the fire hydrants. She asked if there have been any problems with diesel fuel.

RVD suggested checking with the BOH agent or the safety officer for the town.

MK stated that she had her windows cleaned last year and they are black again already. When a dumpster is so loud and it's thrown down at 6:30 in the morning it makes your house shake and causes sleeplessness.

Steve Russell: Biggest concern is sound and traffic; he is zoned agricultural, with Bellingham Metal Works across the street. I accept a certain amount of noise, but 416 truck trips a day bothers me. If we're off the subject of noise now, I'd like to know what the speed limit is going to be. I'd like to see it 30 mph. Sidewalks? That was mentioned at the last meeting.

RRL: Stated he would like to see sidewalks installed down one side of the road, along with fixing up the road itself and the berms.

SR: There is a sidewalk on the bridge. But what she mentioned earlier, the berms, those are the trucks backing up over the curbs. I don't know if one exists, but maybe a good neighbor committee that we can go talk to an officer at Dunkin Donuts. Roadways, always opened during construction. Is the actual work being done at D & D going to shut the road down at any time? I was told that there is a Dunkin Donuts center that has a Dunkin Donuts restaurant in it. If that is the case, will this one have it? And if so, I think that will create even more traffic problems.

BH: No, there is no facility with a Dunkin Donuts restaurant and this one will not have one in it as well. That was just a rumor.

RVD: I just want to thank you for your comments and for your voice of concerns.

Richard Leduc, 59 Emery Drive, is in support of this project and he is applauding Dunkin Donuts for being willing to work with us on this.

RVD asked Denis Fraine if the proceeds of the taxes go to the general fund or if part of it could be ear marked.

Gary Covill, on Mohawk Street, thinks it's a good idea as well, is in support of this project. I think it will create a lot of jobs in the community.

Mark Reese wants to know how taxes are going to be affected and who is going to maintain the roads for Dunkin Donuts or are they going to take responsibility?

RRL: It's a town owned street. The town is responsible to maintain the road. They've volunteered to fix the road.

MR: Is the responsibility going to fall on the residents?

Bill Schumaker: Where are they going to be fueling their vehicles?

BJS asked how the current study relates to the previous studies done?

There's been a lot of concern by the residents for the sound and he asked if we possibly shouldn't get a sound peer review done.

APM stated it sounded like it's going to be an alarm clock going off at 2am every night for these residents and I don't think that's right.

RVD: asked if a peer review was done when the Power Plant was being proposed.

SJW: Are you looking for a completely new study or a review of the existing information?

APM: Like the supreme court said about obscenity, they don't know what it is and they can't define it, but they know what it is when they see it. I can't define sound, but I can hear it.

RVD: We need to come up with something on a peer review.

BJS: Do we need to ask the applicant?

RRL: A lot of the audience is concerned about the sound levels.

BK stated that he is not an advocate for National Development or Dunkin Donuts.

EWG asked, "Who's paying you?"

BK: National Development.

RVD: I remember a lot of the reviews said that the bridges and roadways would not be affected from Wal Mart and Home Depot. I don't know whom to trust.

EWG: stated, " I think we still have a lot of work to do on traffic."

SJW stated that she thought it would take 3-4 weeks at least.

BJS: We'll obviously do things as quickly as possible, but in the normal time frame of how we do things.

TT: We'll run the trucks any way the Board directs.

RVD: There is a possibility of another traffic study being done a year down the road. In the interim, Brian wants chiclets, I don't see the need for it.

Jacqueline Killow, stated that she thought vibrations over the long term were important. We've talked about noise, but not vibrations.

BJS: The reason I'd like to see the study on the view, to see the actual volumes to address the peaks we've got here. I'd like to see one scenario versus the other. I think it might help.

RRL: I think maybe in a year we do another traffic study. The first year, you let the plant operate on a basis of convenience, distributing traffic and then in a year from now, see if we should change it. I was under the impression that making that turn was difficult, you disproved it.

RVD: I disproved it for myself; I don't seem too credible for this crowd.

Mr. Schumaker, you talk about mitigation, will you be taking a bond from the applicant for noise mitigation. For the people who are going to have general impacts from this project. Down at TF Greene, the airport compensated the residents for their inconvenience.

Martin Jake stated he was not against this project, but wondered if it could be limited to beginning at 5am?

RVD asked if they were ever awoken by ambulances, isn't that the main route they travel on?

MJ stated that the ambulances were not that frequent and late at night they drove by with the sirens off unless there was traffic.

RRL: Motion to continue Dunkin Donuts Distribution Center Development Plan Approval and Special Permit for Major Business Development to 4/8/04 at 8:30.

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

BJS: Motion to accept the extension for Dunkin Donuts Distribution Center Development Plan Approval and Special Permit for Major Business Development to 4/30/04.

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

APM: Motion to adjourn.

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

Minutes Accepted on: 4/27/2004
(date)

(prepared by: Beth E. Partington)

Richard V. Dill

Brian J. Sutherland
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