



BELLINGHAM PLANNING BOARD

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4/22/04 Meeting Minutes

- **Present at the meeting:**

Richard V. Dill (RVD), Chair (Arrived late at 8:10pm)
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 Disability
Tom Guerin, TG, Deputy Fire Chief

- **General Business:**

Motion to accept the 3/11/04, 3/25/04, 4/8/04 minutes.

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

BJS: Motion to sign the vouchers.

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

BJS discussed the Garden Center at Home Depot. He said they have plants where there shouldn't be and things are still not as they have promised.

T. Guerin confirmed this. He was there over the weekend and went in and spoke to the manager. She was not aware of the problem and stated she would work to correct it.

EWG asked when their temporary permit was up.

BJS stated May 1st.

EWG discussed having SJW send them a letter to discuss the problems that have not been dealt with.

TG discussed that he would like to be on the list to receive all updates and revisions of plans.

Original 4/22/04
signed minutes
missing

-S. Wetstein 4/21/05

EWG discussed the gate being put up in Maplebrook Estates and asked what was going on with that.

TG stated he spoke with the person who wrote the letter and told her that it was illegal to do that for fire and safety vehicles. The residents are frustrated with people using the roads as a cut-through.

RRL stated he also has issues with making the road a dead-end. First of all, the by-laws do not allow for more than 12 residences on a dead-end street. If there were students that needed to go to school, they would have to go out onto Maple Street and all the way around to get to Blackstone Street. That's ludicrous.

BJS stated he thought they could take some measures such as the longer speed bumps to slow down the traffic, not the ones that ruin your car, but the thicker longer ones that make you slow down, such as the ones they have in Europe and some industrial parks.

RRL stated that he thought that SJW could write a letter to Denis Fraine so that he could give the directive to town employees not to use those roads unless for official business.

- **Highridge Estates Lot Releases, Definitive Subdivision:**

Tim Jones explained that 10 lots are being held as security for completion of the off-site work.

RRL asked the status on the sidewalks. One resident approached him, stating that they didn't want the sidewalks.

TJ stated that the general consensus of the neighbors was that they didn't want the sidewalks. Don DiMartino wanted a 5' grass strip with 5' sidewalks and with the landscaping in some areas; it could reach up to 12' in some people's yards. In the case of Mr. Tuttle, that would take most of his front lawn.

TJ stated he did a lot of work on Park Street under the direction of DD at the DPW. He did the labor to install all the drains and manholes. The whole road from Park to Railroad was dug out. The unsuitable materials were hauled away, the road was grated and rolled and he paved it two feet wider than was on the plan, from 16' – 18', so he could put the 1' berm on either side.

RRL: So Don was looking to offset the cost of the sidewalks?

TJ: Correct.

EWG: My opinion is, if that's not what the residents want, then I don't have a problem with it.

RRL: My only concern is that if it were listed as part of the conditions in the original decision, would it have to be modified?

TJ stated that was his concern as well. He would like a letter in the files indicating that this was part of the negotiations.

EWG: I think the major concern was the drainage down there anyway. It's an older neighborhood and a lot of those houses are close to the street.

TG had concerns that lots were being released without the base coat of the road being in place.

TJ stated the paving would be done next week or the week after. We just have to re-grade it and go.

RRL: Will the pavement cover the lots not released as well?

TJ: Two of them.

RRL: Except for two lots, the entire subdivision will have a base coat?

TJ: No, sorry, the whole subdivision will have base coat. There's not going to be one lot that you hold that will not have a base coat.

RRL: Motion to release lots 18, 19, 20, 21, 75, 76, 77, 79, 80, 81, 82, 83, 84 and 85.

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

RRL: Motion to sign the tripartite agreement, Form K.

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

- **Connor's Crossing:**

Plans from Connor's Crossing had not been signed yet.

SJW looked into it and it only needs three signatures that were originally on the vote, so EWG, RRL and BJS can sign it.

- **Highridge Construction Update:**

The construction schedule was discussed. All Center Street needs is paving and should be done by May. Motorists should avoid Lake Street from possibly May, June and July.

EWG asked when the project would be wrapped up.

TJ stated it should be complete by the fall. The only thing, which did not winter over were Lake and Railroad. Those roads have to winter over, then they can get the final coat of pavement next year.

- **Hidden Pines Definitive Subdivision, 3-lot subdivision off David Rd.**

Paul, DeSimone, engineer for the project: Since our last meeting, Con Com has made several suggestions. One: moving the pavement in the cul-de-sac back to maintain a bummer for the wetlands. The only problem is there won't be able to be a sidewalk all the way around. They've met with Mr. DiMartino and they're having problems in the negotiations. At the first meeting, DD suggested we run the water line to the edge of the pavement. At the second meeting he suggested creating an easement in lot three. At the third meeting, he suggested running the pipe. So he didn't know if the approval of the plan was contingent upon negotiations with DD.

Henry Wickett stated it was quite the hardship to run the pipe that Mr. DiMartino is requesting. We're extending the road only 200' and yet they're requesting that the water pipe be laid over 200'-300'. We've already given the easement. We don't have any present plans for that parcel. Even if we did, it's well in the future. It's still going to be dead-ended. My argument would be to ideally not go much beyond the pavement. Last year when he asked to put the easement in, there weren't any pipes offered beyond construction. The very thing he's asking for is the thing he's working against. We're already building 60' of road that was never built in the first place. We're putting in water line because it might be used and we're the best judges of whether or not that will be used in the first place.

RRL:" I was under the impression that this would be connected. If it's just continuing the dead end piping, then I don't see the benefit of it as well.

BJS: A lot of times he'll ask for the water to be looped. I was under the impression that he was requesting it be looped, but if that's not what he's asking.

EWG: How about an easement?

HW: We gave that as well as widening of the road.

BJS requested that the wheelchair ramp be indicated on the plans.

PD stated that state law requires it.

RRL: Motion to approve Hidden Pines Definitive Subdivision, making sure the wording is added to the plan, with the condition of the lights being provided and maintained by the homeowner.

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

APM: Motion to draft the decision.

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

RRL: Motion to close the public hearing on Hidden Pines Subdivision.

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

EWG opened the public hearing for Dunkin Donuts Distribution Center. He told the audience that RRL just got off the phone with RVD. He is 15 minutes away. Addressing the applicant, he stated: "It is my understanding is that you want him to be in on the public hearing and are willing to wait for him to continue with the public hearing."

Ted Tye: Yes, that is correct.

BJS: (Speaking to the audience) Just so you know, the reason that we're doing this is that the applicant has the right to request the entire board be present at the hearing. One of the board members is on his way here directly from the airport. If the applicant didn't care, then they could move forward. But this applicant and the next applicant would like to wait for the entire board. He's called twice to let us know he's on route.

One of the audience members stated it was not fair to make them wait.

BJS stated that legally, it was the choice of the applicant to wait on the public hearing for the entire board.

EWG: Mr. Dill is here now; we can continue it.

RVD arrived at 8:10pm.

SJW stated our noise consultant is here to speak if we wanted him to.

EWG stated he wanted it limited to 5 minutes.

Eric Thalheimer stated the noise study was done well and drew proper and fair conclusions. The study itself was already presented to you. There have been some revisions, which were to correct minor errors and omissions, but in no way did they change the essential conclusions of the study. The study properly references the two most applicable regulations for noise criteria, the Town of Bellingham and State of Mass. Regulations on noise limits. Truck noise is a different thing. While it's useful to see these guidelines. The study did a good job at collecting noise data and went to another Dunkin Donuts facility in Franklin to predict the noise levels for these. They made use of a very sophisticated method of predicting the level of noise that will be propagated by this facility. Mitigation for truck noise: Truck noise is going to be audible on Depot Street. The study predicts the noise to be increased to 10-11 audible dba's. Smoothing of the potholes, especially if it's a nice open tar, will certainly alleviate additional noise.

I was asked to look into several areas of concerns the board had and possible solutions that people have thought might be viable.

Time restrictions: It's a commercial business in an industrial zone. Obviously at night, noise will be more of a nuisance.

Quieter or crumb pavement can reduce tire noise, not engine noise, but it's quite expensive and the longevity of it is questionable.

Reducing speed limits. Currently the speed limit is 40 and just to reduce the decibels by 5, you need to reduce the speed limits by 25 mph and I don't think that 25mph on that road is practical.

Window treatments have been used on big projects such as the big dig. There are some liability issues when going to private homes. Not very expensive, \$500 a window.

Noise barriers, cost \$25 a s.f., approximately \$1million a mile. They would have to be quite long and lengthy and tall enough to break the line of sight. On a street such as Depot St. I don't think it would create the scenic look the town or residents are looking for.

The facility itself will be quiet. The trucking noise will be an issue.

He gave his disclaimer. He is an independent Acoustical Consultant, not representing in any way the Central Artery/tunnel Project, Mass Turnpike Authority Joint Venture or individual firms of Bechtel Parsons Brinckerhoff.

BJS explained to the audience that we had our own noise consultant check into the information that was submitted. He stated the consultant said the criteria were correct, and that it was comforting to know the information given to us was correct.

APM: Mr. Chairman, I found two of the remarks significant. One being that he thought the truck noise was going to be an issue and that he indicated that Depot Street was residential.

GCW asked the loudest a truck would be.

ET: stated that a truck would give off 85 dba at 50 '. As long as the roads and trucks are maintained well, it would not jar someone out of a sleep. The problem comes when a truck hits bad pavement or potholes, which can be perceptually twice as loud as a truck running on a smooth roadway.

GCW: So with a well maintained road and a smooth road, we're looking at 85 and if it hits a pothole, possibly 95. Our regs say 60 decibels of a ten-minute allowance. So how is that meeting our regulations?

ET stated that the regulations in Bellingham they looked at were the 45 decibels. Distance

Ted Tye stated that then you would say you can't drive a truck through the town of Bellingham.

GCW: I agree, but that's what our regs say. In a warehouse that will be dispersing trucks every three minutes for three hours in the middle of the night, very loud trucks coming out in the middle of the night. We have no sound and then we have 85 decibels. How are we meeting that?

ET: I'm not sure the reference you're reading from. I think there is some confusion in the interpretation of the regs.

Briand Koning: That reference refers to sound on private property. When you're talking a truck, it's on a public road. The problem is that most of the regulations are too stringent. The entire city of Boston is violating it's own regulations.

GCW: On your property, if you pull a truck out, what is it going to be as you drive by a resident?

BK: You're talking about a momentary level of sound. It's not 85 decibels for over 10 minutes.

EWG opened the public hearing for Volta Oil and continued it until the discussions on Dunkin Donuts were through.

BK: Explained a picture he brought that the peak sound would not be 10 minutes per hour. He explained it was a bell curve that the moments before the pass by and the moments after the pass by were lower than.

GCW: Stated he is concerned that the peak sound is loud and that it will be at night when people are trying to sleep. You're taking the a-weighted and look at the average rather than looking at the entire tone and it's much different.

BK: I tried to explain this in the report that clearly lays this out.

RRL: At 35 miles an hour, what's the time frame to stay within our by-laws as far as the sound?

BK: We're talking a few seconds

RRL: So five seconds it will be above our regulations. So how many trucks will that be?

BK: 60.

RRL: How many trucks will be driving by at your peak hour? What's the maximum.

BJS read from the noise report findings.

BK: The sound level for the truck will not change by more than a decibel or two, the duration will not be more than five seconds. Even if we stretch it and say ten seconds, it would not amount to ten minutes per hour.

RRL So if the traffic goes 50/50 then it is well within our rags.

RVD I just don't understand why we hired a consultant if we were going to grill the sound people for an hour.

APM: Second.

Mark Reese, 4 Centerville Lane, One person talking at a decibel level of about 60, interrupted your meeting and you threatened to have me arrested. We're here because we sleep at night. What if 40 people stood up at 60 decibels? This all looks great and dandy, but once this is approved, it's a free for all. They don't want to go in the daytime because it would disrupt their business. You're willing to vote to disrupt our sleep as citizens and taxpayers. You're a very cocky gentleman.

EWG: Which one?

MR: The guy in the white. That's real nice they're going to pay to pave Depot Street. There are other places in Bellingham they could put this right near 495. Now I have to shut my windows, turn on my air conditioner. These trucks are going in front of our houses. Have Dunkin Donuts arrested for violating our sleep time.

Jeff Scias, 44 Box Pond, Have you taken into consideration the noise of the reefers? You can shut the engines down, but the reefers and the air brakes create even more noise. This scenario looks good on paper but you have a fleet of trucks in full force at 2am.

Martin Jake, 27 Hartford Ave. Had concerns the trucks were going on Hartford Ave from Depot. He didn't see the scenario that it was a bigger turn at Hartford Ave and Depot rather than Hartford Ave and 126.

RVD stated it was a better turning radius because it was built for industrial use.

MJ asked why we didn't do it on 126?

RVD: It's not our road; it's a state road.

MJ: You can't petition to have it widened?

RVD: I'm sure you could, but in Franklin, the 140 improvements permit took over 10 years.

Eileen Spear, Depot Street, second house from the corner. Those trucks are 16-18 gears; it's not a small question of noise, but a large question of noise. I just don't feel my sleep, my 8-year-old grandson's sleep his mother's sleep should be interrupted.

TG asked what the decibels would be at the entrance to the nearest home. His second question is a legal one,

ET: At a slow speed we're at 75 decibels. The noise level at the residents would be roughly 50 db, possibly lower.

GCW: What about the nearest building?

TG: We're talking about residents, not businesses. If they're loud to Lantor, nobody cares. The town regs. only talks about private property to private property. I don't think we can judge how many dba's a truck can make on a public road. I think the department of transportation can regulate the noise going across the road. I don't think our regs. can ever do that. There are laws to enforce noise, for example a police can pull over a car with a broken muffler.

Can we regulate how much noise a truck can make going across a public street?

GCW: Yes, as long as you're not doing it for 10 minutes.

TG: I live in the south end of town. I can hear every piece of traffic on Pulaski, Wrentham and Paine Street. I can even hear traffic in Woonsocket. Can the town regulate the noise a truck can make on a public road?

GCW: My concern is they're doing it over a long curve. I'm in a house, and it's 39 trucks coming through, you're going to come close to this reg. If that truck's right in front of my house, then I would hope it could be regulated.

TG: then why don't we regulate the trucks coming out of Home Depot and the power plant?

GCW: Because they aren't doing the volume that Dunkin Donuts is doing.

Bill Schumaker, 2 Centerville Lane that 10 minutes you're looking at in the regs. refers to dynamite.

Jim Valley, attorney on the project, felt that according to the experts they meet the regs.

Debra Ferula: If a truck is shifting through 10 gears, what is the period of time and the calculation for decibels while it's shifting. Just one truck, but if the trucks are leaving every minute and a half, it's going to be many pieces of noise stretched out over time. It's going to look like that graph with many peaks.

ET: each truck will be recognizable as a separate event; it will be discreet pass-by events. Any one of them might be generating noise levels from 70-85 dba's depending on if it's full, what speed it's traveling. From the Bellingham code, it's from the listener's perspective. Many trucks will be going by. The noise limit of 70 decibels over a ten-minute period is not going to be exceeded.

DF: IF they're hauling a very heavy load or if it's a tandem, that wouldn't be a quick, but several minutes for them to drive by. It would seem like it would be a long substantial amount of noise. It would be spread out and the next wave of trucks coming and the next wave coming, prolonged, almost constant noise.

ET: You're description sounds perfectly fine, it could very well turn out to be that number of occurrences, but it still meets the town's code.

DF: But is it appropriate in the middle of the night to be doing that?

Paul Van Helden: In talking about traffic at night, at 60 dba's, we're looking at almost twice the amount of sound levels. The by-laws state 50 dba's were an accepted level. Do either one of you (the consultants) know of another business that has a level of 60 doing business at that time of night.

ET: There are many businesses in Boston that do business at that level at that hour of night.

Fred Cormier, Hartford Ave, stated that with the level of traffic and infrastructure of the trucks going over that road at that rate is a huge concern of mine. The posted speed limit of 35 is a pipe dream; most of them travel at over 40-50 mph.

MaryLee McKenzie asked if the consultant took into consideration that the new D & D was going to be three times as large as the one in Franklin. Right now at 124 Depot Street, we have a lot of trucks. I've had 3 trucks waiting in line in front of my house. My bedroom curtains are filthy from diesel fuel from the trucks from Lantor. There have been trucks in my driveway if I'm not home. I really feel it's abusive to have any more trucks on that road. When you're going near conservation land, it's disrupting the water tables in the area. Other places get flooded and other places lose water. Box Pond does not need to be disrupted. The concrete that we're going to be putting down is three times as much. We still haven't talked about sidewalks. Is this town going to see betterment fees if say 100 trucks drive by?

BJS asked about one of the conclusions found on page 9, and page 7.

ET: It isn't specific to trucks but all traffic.

BJS: In one of your conclusions you had stated that when you talked about noise buffers and barriers, they could feel walled in. What about vegetated buffers? You had mentioned that sound could be diminished by vegetation. I'm not talking a 2' arborvitae, but if mature vegetation were planted, would it help?

ET stated that there have been studies done and that 200' of thick forest are the only thing that can diminish sound. But there is a psychoacoustics benefit to reduce the noise. Sometimes if you can't see the noise, it doesn't bother you as much. Sometimes people build earthen berms, which are very effective, but they require a large blueprint and are costly.

EWG: We spent an hour on noise; does anyone have anything else?

APM: stated he felt the cumulative effect of the trucks on Depot Street in that area just doesn't fit.

EWG stated the board received a letter from a resident making several suggestions.

EWG also read a letter from SJW: He asked Mr. Schumaker his feelings on the mitigation being offered.

Mr. Schumaker didn't feel the mitigation was enough.

EWG: What would you suggest for the neighbors?

BS: I think it should be like at the airports, 25K per resident.

Ted Tye discussed the proposed 500K mitigation and roadway improvements, and the substantial income the town would receive in taxes. When you look at a facility of this size and the cost involved. Let me remind the board again this is an industrial zoned project and the mitigation being offered is quite generous.

APM: I'm not willing to sell out our neighborhood for \$60K. It destroys the residential neighborhood; it just doesn't fit.

TT: As a planning board member you have to look at the by-law. This complies with the zoning by-law and that's why the by-law is there. I know you're an abutter, but this is an allowable use in an industrial zoned area..

APM: I'm not a direct abutter.

TT: With all due respect.

RVD: Where do you live Art?

APM: On Box Pond Road.

RRL: Motion to close the public hearing on Dunkin Donuts.

Mr. Reese: \$60 sounds like a big figure if you were giving it to an individual, that's nothing when talking about how the state will spend money.

GCW: What is the current peak hour traffic on Depot Street.?

Fred Cormier, Hartford Ave: When your coming at the corner of Hartford Ave, has a study been done on the noise levels when they're revving up their engines and shifting gears to get going? Do we know what the decibel is at their highest peak revved up?

ET: The curve answers this question, shows noise level of heavy trucks as a function of speed. The sources of noise on a truck aren't the gearboxes. It's the engine, the tire noise and the exhaust stack. The trade off is going on all the time. When I used a figure of 85, that was a worst-case loudest scenario, anything else, any condition would be lower.

Art Scenario: 139.

GCW: Our traffic regs. state that if you increase the traffic by 25%, then that is reason for denial.

AS: No, that's not how the plant works.

GCW: Do we have more than 30-40 people leaving at peak hour?

AS: Yes.

GCW wanted to know how if they put more than 30 cars at the peak hour then how it wasn't increased by 25%.

TT read from a letter he wrote to the board.

RVD: Seconded the motion to close the public hearing.

GCW: Our job is to determine if the applicant meets the by-laws. If they don't, then they can offer mitigation and it is the board's job to determine whether that mitigation is acceptable. I don't think it meets either one of the by-laws. Considering we already have money from JPI to work on the center of town, I just think your putting way too much noise on this road in the middle of the night.

RRL: Motion to direct the town planner to prepare a decision of approval for D & D with the conditions (read by SJW) on the major business complex.

RVD asked if the verbiage should be changed for private local residents instead of being specific to Depot Street.

EWG: I'm getting ready for a vote. Does anyone have any more mitigation they want to ask for?

APM: I do, I don't want to sell anyone out. I don't think there's enough there for mitigation in the long run.

BJS: One of the reasons of this mitigation package was to improve the area of the project. I feel the mitigation should go to the project itself, not necessarily the town. My concern, when I was looking at the mitigation package. I was under the impression that sound buffers would be appropriate. My concern was to offer some type of protection to those residents. If all it's going to do is effect the aesthetic psychological effects in the day time, then I don't think the \$20K is enough to offer. My concern was that if there was a buffer that would help the situation, then that was a palatable offer.

RVD: Mitigation money should not be for the town as a whole. This has to be paid for the areas being effected by the project.

BJS: My concern is the improvements being made to the town center, is that really beneficial to this project? Should some of the money be going to effective sound buffers?

GCW was your thought that a tree buffer would help the sound?

BJS: Yes it was. I was just wondering if the money being offered is enough for the people being affected.

EWG: Let me ask the proponent. Would you be willing to make the \$20 - \$40?

TT: Yes.

EWG stated four out of five votes on the board are required.

BJS: Is it possible if there isn't enough money, to take it out of some other area?

EWG: There's the money designated for the traffic study. Personally, I don't think we need another traffic study.

BJS: I want to make sure that there is enough money in there for mitigation. If there isn't, then it's a conceivable question. Does \$60K sound like a reasonable figure?

RRL: Or the board could decide to spend the entire \$80 on the neighborhood. If there's a problem, then we would need to spend our money on the traffic study to see what to do. How can we foresee how much it's going to cost for these neighbors.

BJS: Well at \$500 per window, that's a lot of windows.

SJW stated that we could set up a committee with a liaison between the town, the residents and Dunkin Donuts as one of the residents had suggested.

RVD asked what BJS thought was adequate. They've just doubled the number.

GCW: It's a number we don't know. But we've got to come up with a number. We don't know how many residents are going to come in and how many windows it's going to be.

RVD: Right, then how can we come up with a number?

BJS: Can we say that anything left over after the town center improvements can go to the residents?

RVD suggested drafting it in the decision.

Vote: 4-1 (APM voted nay), approved.

RRL: Motion to draft the decision to approve the D & D Development Plan.

RVD: Second. Vote: 4-1 (APM voted nay), approved.

EWG stated that we would meet next Thursday at 7pm

- **Volta Oil, Development Plan Approval, Special Permit for a drive-thru, Mechanic Street, public hearing:**

Joseph Antonellis, presented the project. The plan has changes in the entrances and exits according to conversations with Mass Highway. With all that said, he has another plan. On Tuesday we had a meeting with the traffic consultant, RRL and DD and SJW. They all had comments on what they thought would make this plan work better. If this intersection is going to become over burdened at some point, the closer we are to the road, the less chance the town would have of improving that intersection. We were able to devise a plan that we think will work even better.

The plan calls for a decrease in the diesel pumping area. We've pushed the business back 12' additionally – the pumps, the building, everything. The assumption is that people don't go into these types of businesses if they deem they are busy and congested. We are setting this up so that if the town wanted to take part of this parcel, they could. DD went back and looked at the schematic that was proposed by EMC. The areas over which we do have control, Mechanic Street, the north and south route, we pushed the business back. This development was non-impacting enough that it falls well within their threshold. It also sets up one of the concerns the board has of getting too much diesel truck traffic. We believe the site itself works. Mass Highway was okay with what we've shown here. My clients would be willing to provide some form of mitigation relative to that entire strip. Any mitigation other than to this intersection, as it is contingent upon approval from Mass Highway, would be up to you and the town. We would be willing to contribute \$20K to the center of town intersection.

SJW: These are the first time we've seen these plans. Our traffic consultant is here to discuss this.

Martha Healed, Beta Group, the traffic consultant for the town, stated they still have some issues. They believe the proposed development of this site will have an adverse affect on the signal at the intersection at 140; particularly the two exits that are right turn only out of the parcel. They also think there will be internal circulation problems. The car wash will be exiting right in front of the right turn out. They're going to tell you that a lot of this is drive-by traffic. It's going to affect the existing traffic. We recommend this be a phased project. It has the capacity to be a very successful business. We'd like to see phasing. We think there's going to be too much traffic and it will have a lot of impact on the site and the cars on the road. If trucks can't get into the facility, they're going to park on 140 and cause a lot of traffic problems. The queues stack beyond 500' and they come up with better levels of service beyond what you have in their report. There is a conflict of the number of trips that would be generated by the Dunkin Donuts, the # of customers. When you talk trip generation, you have to look at the cars both entering and exiting at peak hour. We think based on other Dunkin Donuts as well as the Franklin. Our peak volume is 444 vs. 247.

RVD: You talk about the cars pulling out of the right hand turn on Mechanic. There's a bottleneck you mentioned.

MH: Traffic would have to be stopped for them to get in the center lane.

RVD: In your opinion, how many times will someone try to do that before they realize it's going to be a problem and wrap around the building?

MH: It's difficult to maneuver that. It's an unnecessary conflict that people won't make.

RVD: And you don't think people will make that calculation? I must be a really smart driver because even at the King St. Dunkin donuts and Tedeski, I'll drive all the way around and beat the people at the light every time. Phasing, what are you talking about?

MH: We think this site is maxed out. We feel if it were phased it would be better.

RVD: What do you think of putting money aside in escrow in case it were a problem later? Because once it's done then if it has to be ripped up again, it's a big hassle for every one.

RRL: Cutting it back as indicated in the meeting was a good thing. If we had a right turn lane coming out of Maple Street, it would prevent that bottleneck. If you can explain how they're going to add 200 vehicles and not create a problem. The light is very slow.

Bill Scully, Transportation Systems, transportation consultant for the applicant: We looked at left turn lanes to get into the project. We looked at the entrances closest to the light. The car wash is complementary. The donut shop is going to peak in the morning; the sub shop is going to peak at lunch. Someone comes in, gets their coffee and they go out.

RRL: That's my point; they're not going to be able to get out.

BS: The analysis shows they will be able to get out.

RLR: Your analysis is wrong.

BS: Your not going to get a right turn lane without taking the restaurant. Yes EMC had a plan, the major plan, the big solution, as you head toward 140 in Franklin it becomes a four lane. EMC showed 4 lanes on 140. One of the things you can do is split phase the signal but you end up with the intersection not running as well as it does now. You're going to have growth out here regardless of this project, but what we've tried to do is set the design up to facilitate some concerns. It looks like there could be a lot of activity on this site, but when you sit down and look at a facility, there really isn't that much of an area for difficulties. The car wash is complementary, so it's not going to be a high traffic generator.

RRL: You can't fix it, so how are you going to get the traffic through it.

Ed Moore: You wait your turn, like they do now.

AS: You're not adding 200 trips to this intersection.

RRL: You're adding more delays.

MH: We think the analysis that he's referring to is incorrect. We think there will be more vehicles turning onto the site as well as

EWG: How do you fix it?

MH: I don't know.

RRL: That 's the problem.

TG: We had this problem down in South Bellingham at the Fleet Bank. There were 2-3 accidents per week. One diesel truck, how does he leave? Against traffic? Now a tractor-trailer is going to cross 140.

APM: I don't think anyone in the world is going to that car wash as a destination. How married is that applicant to the diesel fuel pump, if it's not that much business. I see tractor-trailers making that a destination; I don't see the car wash as a destination.

RRL: Our by-laws state that they have to provide the potential of excess parking if needed in the future.

Ed Moore: The diesel islands are there, because I insisted on a diesel island. It'll take trucks out of the center of town. Blue Magic's trucks take their trucks to the center across from Dairy queen and clog up the center. Everyone talks about accidents; there have been only two accidents in the past couple years that required towing. You asked

for traffic study, they've done it. They have engineers. Beta disagrees because they want to drag it out and use up the whole 5,000 for the study. Conroy was going to have more traffic and it didn't take this long.

RVD: Diesel Island, I've never really seen a fully loaded tractor-trailer truck come in. I think it will be for rental trucks that have to be filled up.

TG: I agree with Mr. Moore that we need more diesel pumps in the town. But I have problems with this site.

Neil Faulkner: You can't get to this store without passing another Dunkin Donuts. I expect the capacity at the other two sites to drop by 20%.

RVD: In this day and age, the idea is for convenience and ease and express. If I can't get out, then I'm going to go around. He feels there needs to be some serious re-calibration of the lights.

RRL: That's also part of the problem. If you change that, then you're going to have a back up on 140.

MH: One of our recommendations was that they look at the re-timing of the lights.

BJS: Has several comments and concerns. He doesn't appreciate anyone saying that the consultant for the town is doing anything to take up the consultant's fees.

APM: Second.

BJS: One of the things you had mentioned about better right hand turns and waiting on the recommendation from Mass Highway. We are only just getting these plans tonight, in all fairness; you can hardly expect that to be a delay on the consultant's or our part. One of the things that has been raised: on the diesel pumps, there is a problem with truck traffic parking, as many as 3-7 trucks are parked on 140. The truck parking area directly adjacent to residential is a problem area. The flow on the site has a problem.

EM: Mr. DiMartino was talking about land in Franklin I don't own. How is that my problem? This is not a truck parking lot, but a place you can buy diesel fuel or clear out.

RRL: They will be coming in for coffee and food and parking their trucks there.

BJS: But there is a resident right next door.

EM: There's a resident in an industrial zone. I don't care. I'm not responsible for truck traffic parking on 140.

JA: My client is not going to encourage truck parking. That's a police matter. Relative to the plans tonight is a plan that we thought could be approved. The modifications made were in relative to a meeting on Tuesday morning.

BJS: I understand why they were submitted tonight. But when people say that people are wasting people's time, I take offense to that.

RVD: In talking about the consultant thing, the last time we talked about review of the study, Paul Bannon promised us a list of questions and concerns. We told him don't do a full. We asked him if he could do it by Tuesday. He said he could, so the traffic consultant did help to create the delay as well. We try to go over a big bundle of stuff as well.

RRL: This plan is an improvement over the original one. It's not the plan I have a problem with; it's that intersection. I can't see that intersection being passed through with any ease at all. I feel in a certain amount of time, it's going to affect your business and it also could create some accidents.

Bruce Garrett: The traffic on 140 is a concern and the intensity on the site is a concern as well. This business is a convenience business. If you're driving to the site and it looks busy, you're not going to come in. We don't see a problem with the movement because there is adequate space to stack. There's one fueling position for the diesel. We know from experience, that this site will work. I've been in the business 25 years, we're a small family business, and my father was in the business an additional 30 years prior to that.. A lot of transients will not be getting their gas here. He discussed a site in Randolph, MA. The sites were very similar and on very busy roads and they have not had one accident at the one in Randolph.

Add in Stacy's notes:

BG: You can't just sell gasoline and make a profit any more. That's why we have so many outlets for sales on the parcel. You need to provide all the different services that customers will want. We don't want trucks on our site. We're going to have personnel here that will be able to encourage the trucks to leave the site.

EWG asked, "DiMartino wanted you to give 20K to the center of town?"

BG: One of the options he listed was the center project. Another option was sidewalks from our project to the condominiums. We heard he has concerns. Joe said to me, Bruce, suck it up, help out, and contribute.

EWG: How bout 20K to adjust the intersection right here?

BG: They're doing that right now.

JA: I've been following the push to get the center of town done, so I just said perhaps we could contribute to that. But when I looked at the numbers, I came up with a number that was feasible.

EWG: I think that's a good idea.

RRL: But the signalization, you're already prepared to do that?

EWG: I guess it would be expensive to build a lane there.

TG: The only comment I have is "That is an accident waiting to happen."

EWG: What if you have no left turn onto 140 from 7-9 and 3-6?

RRL: That will mess up So. Maple Street even more.

BG: Most of my turning movements are going to be right hand turns going toward the highway.

JA stated if they have a parking problem on the site, they can remove the diesel and the car wash, so there is a potential for car parking if need be.

TG: On the queuing. It doesn't make sense that people are going to park in the back.

Ed Moore: They're moving the island back 12 feet, that should help with the queuing.

JA: We're not looking to get out of plantings, but to reduce the height of them.

RVD: Is fencing shown on these plans for the neighbor?

BG: Yes.

TG: Is this going to be open 24 hours a day?

BG: Yes:

TG: Then I would request that the fuel refills be done at off hours.

RVD: Have the lighting issues been addressed? Have they taken into account that the arborvitaes are there?

BG: Since they moved the canopy back, he hasn't had a chance to get it on the plans. The numbers will move back 12' as well and still fall under the guidelines of the by-laws.

BJS: Is it a fair assumption that the first two pumps, the two lights remain the same?

Motion to close the public hearing.

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

RVD: Motion to request the planner to draft a decision of approval on the special permit for a drive-thru for Volta Oil with the waivers granted as requested by the applicant and

with the condition of fueling in off hours, \$20K to be determined by the DPW, the traffic signalization to be done by the applicant.

RVD stated he would like to see two reviews of it.

EWG: How about a condition no left turns 7-9 and 3-6pm On the western entrance and exit?

APM: Second.

BJS: We should see the amended plan before the final vote.

Vote: 5-0, approved.

RRL: Motion to approve the development plan for Volta Oil.

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

RVD: Motion to adjourn.

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

Minutes Accepted on: _____
(date) (prepared by: Beth E. Partington)

Edward W. Guzowski Brian J. Sutherland

Arthur P. MacNeil Roland R. Laprade