



BELLINGHAM PLANNING BOARD

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September 25, 2008 Meeting Minutes

- **Present at the meeting:**

Patricia Buckley (PMB), Chairman
Glenn C. Wojcik (GCW), Vice Chairman (absent)
Stephen Bartha (SB), Secretary
David Brown (DB)
Brian J. Sutherland (BJS)
John Sexton (JS), Associate Member

Other officials: Stacey J. Wetstein (SJW), Town Planner
Amy Cook (AC), Commission on Disabilities
Amy Sault (AS), Coordinator (absent)

Woodbury Ridge Definitive Subdivision and Major Residential Development Special Permit Extension Request

Representatives for the Applicant: Kerry Harkins and Teri Nardini requested a one year extension for the Special Permit (the Subdivision permit was extended in 2007 until 2009).

PMB asked if any construction has taken place. Mr. Nardini stated that no construction has started, but that developers are looking at buying the parcel with the approved project.

BJS: Motion to grant a one year extension for the Woodbury Ridge Major Residential Development Special Permit.

DB: Second.

Vote: 4-0, Approved.

Walgreen's Crooks Corner 81P and Development Plan Review Modification

Joseph Antonellis, Attorney; Scott Weymouth, Developer; Matt Smith, Engineer representing the project.

SB: Motion to sign the 81P for the "Plan of Land in the Town of Bellingham, Massachusetts for parcels 94-203, 94-206 and 94-207, dated 9.18.08."

BJS: Second.

Vote: 4-0, Approved.

Matt Smith explained the changes to the building and the site. The Walgreen's headquarters requested that the southeast corner of the building be chamfered which resulted in some other changes being made. These changes are documented in a letter to the Planning Board dated September 3, 2008 from Bohler Engineering. None of the changes appear to be substantial in nature.

BJS: Motion to draft an approval of the modification letter to incorporate the changes as suggested in the letter dated September 3, 2008 and the plans dated August 22, 2008.

SB: Second.

Vote: 4,0, Approved.

Dwyer Business Park, 316 Hartford Avenue, Development Plan Review

Rick Goodreau, Engineer; Scott Dwyer, Developer/Applicant

Mr. Goodreau stated that they made revisions to the plans that the DPW requested and received response from Mr. DiMartino that he is satisfied with the water issues. Mr. LeClaire has not responded to the issue of the bylaw regarding multiple building on one parcel.

PMB stated that the Board has received Mr. Dwyer's proposal for \$15,000 mitigation for traffic. The proposal suggests three payments of \$5,000 each at points unknown. She asked why the \$15,000 not the \$20,000 as recommended.

Mr. Dwyer stated that he went with cost he thought he could afford and that he would be occupying the first two units immediately.

SJW felt that basing distribution of payments on occupancy might be difficult as units might never get occupied and the Planning Board generally isn't notified of unit occupancy. She felt that payments should be based on permits.

The Board discussed what the triggers for payment distribution and came to no firm conclusions. PMB suggest that if Mr. Dwyer wanted to pay \$15,000 he should pay up front and if he wants to distribute payments over time, then he should pay \$20,000. Mr. Dwyer agreed to pay full \$15,000 at first occupancy permit.

SJW stated that they are still waiting for the letter from the Zoning Inspector and the stamped building plans and vote on the waiver requests.

PMB told Mr. Dwyer that there is one member missing and it is their option to postpone the decision until there is a full Board. Mr. Dwyer agreed to take a vote that night.

BJS: Motion to draft a favorable decision for Dwyer Business Par, 316 Hartford Avenue Development Plan, including the waiver requests for Section 3532 for sideline plantings to be located further from the street and Section 3280 for the increase of 0.01 CFS from subcatchment are 2S in a two-year storm event contingent upon receipt of the letter from the Building Inspector and the stamped building plans.

SB: Second.

Vote: 4-0, Approved.

Best Buy Warehouse Development Plan Review

Richard Schwartz, Attorney; Jason Plourde, GPI traffic representing the Applicant.

Attorney Schwartz stated that they have submitted their plans for the Hartford Avenue / Depot Street intersection and they are now here to answer any questions.

PMB stated that her understanding that they are giving \$65,000 mitigation money and improvements to Hartford Avenue / Depot Street and that there was an outstanding issue regarding hours.

SJW stated that her understanding that the hours were put in the decision as both finding and condition. Lisa Mead, Town Counsel, stated that it was put in as a finding and the condition was that these were the general hours to be adhered to then everything is fine and understanding that there is some flexibility allowed. However, if the Board, the Building Inspector or the DPW Director finds that there is a substantial change in the hours then the Applicant needs to come in for a modification. Attorney Schwartz agreed to defer to the Board as to whether the hours should be as a condition in addition to the findings.

BJS wanted to know if the line of sight issues at the site drives had been resolved. Dan Mills, MDM stated that he wanted to see clearing on the backside of the utility poles on the site drive because there was a lot of overgrowth from the property line to the street and the graphic shown [on the site plan] didn't indicate that it was cleared enough. Dan also wanted to clear the site distance at Box Pond Road. SJW and BJS added as long as the clearing didn't affect the No Disturb buffer.

Jeff Sias , Box Pond Road, asked about putting restrictions on the hours of operation. PMB stated that the hours are set in the conditions of the decision as : Weekday shipments received between 6 am and 1 pm; Retail store merchandise delivery trucks loaded at the facility between 5 am and 7 am, Sunday to Saturday; Trucks departing for deliveries at approximately 7 am, returning between 1 pm and 4 pm Sunday to Saturday; Home delivery trucks loaded at the facility between 5:30 am and 6:30 am; Trucks departing for deliveries at approximately 6 am and 6:30 am, and returning between 3 pm and 7 pm daily.

Steve Russell, Depot Street, also questioned about the hours of operation.

Diane Choquette, Box Pond Road, asked what the actual berm/wall was going to be. PMB stated that it was an 8' berm and 6' wall. It was discovered that the 6' wall was not shown on the plans or detail of the berm. The Applicant will correct the plans and indicate the wall to be concrete. Ms. Choquette also had concerns that the Best Buy recycle center would end up having appliances dropped off on the side of the road or on the lot. The Board stated that it is not a recycling center and there is a guard on site to

prevent random drop offs. The appliances being taken back to the warehouse are repaired on site and sent back out.

BJS: Motion to close the public hearing.

SB: Second.

Vote: 4-0, Approved.

PMB informed the Applicant that one board member was missing and asked if the Applicant would like to continue with the vote. The Applicant agreed to allow the Board to vote that night.

[SJW and Lisa Mead left the meeting to revise the draft decision based on the meeting's discussion. The Shoppes at Bellingham was called forward to begin discussion, see below].

BJS: Motion to sign the Best Buy Delivery Distribution Center and Service Center Depot Street, Bellingham, Development Plan Approval as amended dated September 25, 2008.

SB: Second.

Vote: 4-0, Approved.

The Shoppes at Bellingham

Marc Lavoie, W/S Development; Rick Bryant, Tetra Tech Rizzo for Applicants

PMB asked the Applicant if they understand that one member was absent and if they still wanted to move forward with the discussion. Mr. Lavoie stated that they were fine with continuing discussion, as they understood the absent member could read the minutes as allowed in the zoning bylaw.

Mr. Lavoie stated that they've met with Town staff going through draft findings and conditions regarding traffic to narrow down the focus on outstanding issues. The Applicant has also spoken with Hartford Village condos and will be putting forward suggestions to the Board in the future.

Mr. Bryant stated that they've prepared draft findings and conditions, as sent to the Planning Board in a memo from Tetra Tech Rizzo dated September 11, 2008, in order to address the Board's concerns to this point. The draft letter deals with the bypass road, Wethersfield neighborhood, I-495 interchange, Town Center, seasonal traffic variations and Hartford Avenue. The conditions are being presented as things that the Applicant must do prior to get an occupancy permit (summarized from the memo):

- Bypass road - will be constructed according to the plan that has been presented with limited straightaway sections to minimize speeding and a berm / other buffering for the campground and any requirements received from the Conservation Commission and MA DEP.
- Wethersfield - they are committing to funds in escrow to be used for traffic calming and any future problems with cut-through traffic associated with this

project. They don't anticipate cut-through traffic with this project, but will put money forward so that the money doesn't get spent until a monitoring program shows that there is an issues and there is coordination with the DPW on where to the spend the money and it sets some thresholds and a commitment to make similar promises for Phase II (office).

- I-495 Interchange – They obligated to have that built before they can open (State responsibility). They will provide the connection between Deerfield and Rawson Road in place and the northbound ramps.
- Town Center – The Applicant is guaranteeing implementation of long term improvements subject to the acquisition of the right-of-way by the Town. The improvements will be in place before they open.
- Seasonal Traffic – They have made commitments to provide police details.
- Hartford Avenue – Intersections north of Stallbrook Plaza and they did a "Fair Share" analysis to assign a percentage of responsibility and put a dollar amount to those improvements.

SB questioned whether the Don DiMartino's suggestion continuing to pursue the alternative alignment connection to North Main Street could still be done as a condition for the bypass road. Mr. Bryant stated that they feel it is a better route and worth pursuing and they've included revisiting traffic calming measures for Phase II and there may be a way to come back at that issue rather than leave it out there indefinitely.

BJS stated that the realignment of 126 off a private road [JPI] is not feasible and that the current configuration of the road at that location is not the correct angle for cars and trucks making turns. He wants to plan for it now, not in the future. Mr. Lavoie stated that the intersection has a 90 degree turn and those trucks and cars can make the turn safely and that it is at a signalized intersection. BJS disagreed that the intersection as proposed will have a big impact on the residences in the area. He stated that if they are going to talk about mitigation for the roadway it needs to include an 8' berm and 6' wall (just like the Best Buy project) and should be part of the project now. Marc Lavoie stated that the impacts to the campground are separate than the alignment of the bypass road at the campground would not change regardless of how the intersection is configured. The applicant has tried to buy the property and the landowner does not want to sell and the land is not available. BJS stated that if the land is not available to improve the alignment then the mitigation as presented is not adequate to offset the disruption and quality life of the neighbors. The mitigation for the campground is also not adequate. It should have an appropriate sound barrier equivalent similar to those seen on the MassPike. PMB told the applicant that the campground owners are an important and valuable contributor to the community and more needs to be done for mitigation—that a wood fence is not enough for sound and safety for the campground. BJS concurred. Mr. Bryant stated that they would look at it further.

SB stated that before they get their occupancy permit, the State's work on the 495 interchange needs to be complete. SB asked for a firm commitment from the State and an actual timeline earlier in the process, rather than having everything done (buildings and bypass road built), but the State project is lingering. Marc Lavoie stated that they wouldn't get funding from a bank without commitment from the State. They want to

and bypass road built), but the State project is lingering. Marc Lavoie stated that they wouldn't get funding from a bank without commitment from the State. They want to have construction concurrent and they would agree not to start their construction until the State has started construction and not open until the State has finished. Rick Bryant suggested that there be two conditions: (1) Don't start construction until MassHighway starts construction so that there aren't any empty buildings and (2) Can't open until they are done. The same situation would apply to the bypass road.

DB questioned that if the State won't accept a road unless it meets all their requirements, including sidewalks on both sides, which they can't do without infringing on the wetlands. Marc Lavoie stated that the State can grant waivers for things and he doesn't feel that is a project killer. They are promising it will be a public road either State or Town, but there are other issues including the Con Com and low impact design guidelines that like narrower roadways. BJS suggested cantilevering a sidewalk over the wetlands.

BJS wants the Town Center plan to be updated to show the existing conditions. Marc Lavoie stated that the plan was a conceptual plan to show the intent of the lanes they were adding and their commitment. BJS stressed that the conceptual plan should at least be based on the real situation, not an outdated plan. Marc Lavoie stated that they will update the concept plan. Rick Bryant stated that their commitment is to guarantee its implementation, i.e. new survey, new construction drawings that is what they are promising to do.

BJS also requested that they call the intersection of Farm Street and Hartford Avenue as the Caryville end of Farm Street. He also stated that he felt that Wethersfield would become a cut through for the office park and he wants more done to prevent it—that traffic calming measures don't work to prevent cut through traffic. Marc Lavoie stated that the Police Safety officer and Town's consultant agreed that the first phase (retail) would not be a traffic cut through generator. SJW stated that in discussions she and Don DiMartino requested that they put more detail into that condition. Marc Lavoie stated that when Phase II comes in, it can be reevaluated at that time. PMB stated that it was unrealistic not to think about Phase II because the neighborhood is filled with kids and these are family neighborhoods and it is important to recognize that it is important to discuss now. Rick Bryant stated that they are obligated for the EIR to provide a traffic calming plan. BJS does not want speed bumps and emphasized the family aspect of the neighborhood. SB asked for a rendering of what it would look like in the neighborhood.

BJS stated that the traffic flow in the Wal Mart plaza would need to be redesigned. Rick Bryant stated that they recognize that issue and it would follow the same timeline as for the construction of the new development. BJS also wanted to know the status of Deerfield, Rawson and 216 Hartford Ave. Marc Lavoie stated that they have reached out to that owner and have submitted a draft offer and are hopeful they will have something worked out before the final vote on the project. BJS asked the owner if that statement was accurate and she stated that discussion has started. PMB asked if the had P&S and Marc Lavoie stated that they have option agreements.

PMB emphasized that the applicant needs to come up with a better solution and mitigation for the campground. PMB asked Dan Mills if the proposed traffic signal at North Main Street would be a problem. Dan Mills stated that he would prefer to see that road as the main road for the traffic to really work the best. The Board suggested that they look at a northbound right turn lane to help with the through movements. There was discussion the point of the bypass road as the primary access for the development or as a redirected Route 126. SB asked if there was mitigation for future monitoring of Hartford Ave and North Main Street.

Rob Daly, 129 North Main Street stated that he wants the bypass road to come out at JPI and he likes living where he has been for 35 years. He asked who would build the road. PMB stated that W/S will build it, but either the Town or State will maintain. If it is a State road it should be built to State specs. He wants the barrier at the edge of their property not his property.

There was discussion on the timeline and knowing when it will be a State or Town road and what the Town can require the developers to do if the State takes the road. They are hoping to get a letter from the State with their commitment to take on the road. There was further discussion on the barrier for the campground, especially how to buffer the sound away from the campground.

Dan Mills questioned that the applicant is proposing to fund 17% of the work on Hartford Avenue. PMB stated that that amount was not acceptable. The Board suggested that Dan Mills to verify the numbers and percentage proposed. SJW asked how they calculated the 17% and Rick Bryant stated that they took a weighted average of the number of cars at the intersections. SB stated that he wanted to see their offer to make Hartford Avenue better, not just bringing it back to where it is today. Rick Bryant stated that 3 of the 4 intersections will be better than today and they are offering their fair share number. SB clarified that the 17% brings things back to today without the Shoppes and he wants to know what percentage would bring it better than today. Rick Bryant stated that it would be anything over 17%. SJW asked what mitigation they were offering to offset the impacts of their traffic on the entire stretch of Hartford Avenue, not just the intersections. BJS stated that it would be more accurate to use percentage of impact on the entire roadway. Lisa Mead, Town Counsel, clarified by stating that the applicant was considering the environmental impacts identified in the EIR at the intersections, but that SJW and the Board were identifying other impacts to the roadway such as wear and tear. Rick Bryant stated that project will be paying taxes to maintain roadway. PMB stressed again that the 17% is not good enough, that the applicant needs to go above and beyond. Rick Bryant suggested that a possible way to get above 17% is for them to take control of one intersection completely and do all the work themselves, but they would need to work that out with Don DiMartino.

Rick Bryant requested that the Planning Board direct the peer review consultant to review the applicant's findings and conditions in order to come to a mutual agreement of these issues.

The Planning Board determined that the next discussion will involve the revised Supplemental DEIR and Parking.

BJS: Motion to continue the public hearing for the Shoppes at Bellingham Development Plan Review until November 13, 2008 at 7:30 PM.

SB: Second.

Vote: 4-0, Approved.

BJS: Motion to continue the public hearing for the Shoppes at Bellingham Water Resource Districts Special Permit until November 13, 2008 at 7:30 PM.

SB: Second.

Vote: 4-0, Approved.

BJS: Motion to continue the public hearing for the Shoppes at Bellingham Major Business Complex Special Permit until November 13, 2008 at 7:30 PM.

SB: Second.

Vote: 4-0, Approved.

BJS: Motion to sign the vouchers.

DB: Second.

Vote: 4-0, Approved.

There was discussion on the backlog of minutes. SJW explained that the minutes take a long time to prepare and are not a high priority when only one person is managing the office. The Board also took some time to explain to SJW, who was not at the September 11, 2008 meeting, the action taken on the High Ridge Estates project.

DB: Motion to adjourn.

SB: Second.

Vote: 4-0, Approved.

Minutes Accepted on: 11/13/2008
(date)

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Stephen Bartha

David Brown
David Brown

Patricia M. Buckley
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