



# BELLINGHAM PLANNING BOARD

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2 MECHANIC STREET  
BELLINGHAM, MASSACHUSETTS 02019  
(508) 657-2892 FAX (508) 966-2317  
[PlanningBoard@bellinghamma.org](mailto:PlanningBoard@bellinghamma.org)

## May 14, 2009 Meeting Minutes

- **Present at the meeting:**

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

**Other officials:** Stacey J. Wetstein (SJW), Town Planner  
Amy Sault (AS), Coordinator

PMB opens the meeting at 7:00pm.

### **Organization of Planning Board**

AS: Polled the Board for nominations of Chairman.  
SB: Nominated PMB for Chairman of Board.  
DB: Second.  
Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

PMB asked for nominations for Vice Chairman  
BJS: Nominated GCW for Vice Chairman of Board  
DB: Second.  
Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

PMB asked for nominations for Vice Chairman  
SB: Nominated BJS for Secretary of Board.  
DB: Second.  
Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

### **New Business**

**57B Mendon Street (Hiawatha Properties), Development Plan Review, Continued Public Hearing**

Steve O'Connell, Andrews Survey and Engineering, representing Hiawatha Properties. Mr. O'Connell advised that the request for a withdrawal without prejudice is appropriate and they are strategizing on how to proceed with this property. The applicant has hired an attorney because he inherited this situation and needs the advice of an attorney to help the applicant understand his options.

BJS: Motion to accept the withdrawal without prejudice for the Development Plan Review application for 57B Mendon Street Hiawatha Properties

SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

Gail Wiebers, 64 Rose Ave Ext, questioned it they would go before the Zoning Board. PMB advised that they might but it will be determined after the applicant has had time to discuss with his attorney and notice will be given.

**Roland Laprade, Town Hall Landscaping Project**

SJW advised that the Town has \$7,000 in mitigation money, from the Advanced Auto Project, for landscaping throughout the Town which was never designated. Mr. Laprade advised that he completed the renovations to the interior of the Old Town Hall over the winter and now it is time to do the outside. He advised that money is running out of the Town Hall fund. Mr. Laprade showed a proposal of a walkway done of pavers and several plantings of shrubs and perennials. Mr. Laprade advised that the proposed amount is about \$7,015 to finish the outside landscaping project including irrigation. Mr. Laprade advised that the items not included in the proposal will be funded by the remainder of the Town Hall restoration budget and a donation from Best Buy, such as loom and other landscaping materials as well as getting some materials from the DPW. Mr. Laprade asked the Board if he could use this mitigated money towards the landscaping of the old Town Hall and in front of the new Municipal Center.

PMB advised that the baseball fields were hoping to use some of that money towards the planting of new trees around the baseball fields. BJS advised that he thought those plantings came from a grant, Mr. Fraine, Town Administrator, was unsure as to whether there was a grant. SB advised that it is getting late in the season to plant trees as they may die and if the Baseball commission comes before the Board with a proposal then they can plan to plant them in the fall. Mr. Laprade asked the Board if funds from other local projects could be used to plant trees at the baseball fields.

BJS: Motion to designate the \$7,000 that was held out for the Landscape Mitigation fund to be used towards the Old Town Hall landscaping.

SB: Second.

Vote: 5-0 Approved. (PMB, BJS, GCW, DB and SB)

**300 Hartford Avenue, Irving Gas Station, Drive Thru Special Permit, 1<sup>st</sup> Public Hearing**

Mike Frisbee, Hunter Development property owner, John Christopher, Developer for the property and Neil Faulkner, owner and operator for Dunkin Donuts and Ron Muller, Greenman and Peterson, traffic consultant.

Mr. Frisbee advised the Board that they think they have done all they were supposed to do prior to this meeting as requested by the Board at their last hearing. Mr. Frisbee advised they got a stamped plan to SJW, they also submitted a letter for the modification and they did some traffic counts at the site.

Mr. Muller, advised that the letter prepared for the Board includes traffic counts at the existing site and they compared that to previously submitted reports and also did some counts at the Maple/Hartford Ave intersection and did a comparison of the volumes. He explained that what their counts show is that the existing site is generating substantially less traffic than originally determined by the first traffic review in March of 2005.

Mr. Muller explained the estimate of what they expect for the additional traffic from adding a Drive Thru window, the first section showed the actual counts during the AM, PM and the Saturday peak which are the three most critical time periods that were also evaluated during the original study. The second is the percent increase in traffic when there is a Drive Thru window added, compared to the approved trip generation they are still substantially below the approved numbers. SJW questioned if the chart is from the 2004 or the 2005 study because the 2005 study excluded the Drive Thru traffic because it was removed. It was the 2004 study that included the Drive Thru not the 2005 study. Mr. Frisbee explained that it was a misrepresentation on his part, his understanding was that it included the Drive Thru.

SJW advised that after speaking with Dan Mills, MDM, he only reviewed the 2004 study not the 2005 study because the Drive Thru was removed during the last study. SJW advised that Mr. Mills stated that it can be a large increase as much as 50% increased traffic in the morning if there is a convenient store with a Drive Thru. GCW questioned why there is a 20% increase not the full amount that Mr. Mills stated. Mr. Muller explained that this represents a percent increase of traffic overall on the site which includes the gas pumps, the convenient store and the donut shop so there are three uses on the site right now that each generate traffic. He further explained that the donut shop portion of this may see a 50% increase in traffic overall three uses combined will only see a 20% increase in traffic in the AM.

GCW questioned how much money generated is from the donut shop. SJW questioned how the 20% was calculated, Mr. Muller advised that these percentages come from the originally proposed Drive Thru and carwash and they developed traffic generation based on data collected at a number of gas station sites that had exactly those uses. He reiterate that they are still lower than the initial traffic study. GCW stated that there are many more people that are going to the donut shop then pumping gas which is why the 20% seems low. Mr. Muller stated that these findings are not an exact science and they could be off a little bit.

SJW advised that the difference to approved trip generation numbers from 2004 to 2005 dropped by 15% over the last few years on Hartford Ave, Mr. Mills said it could be

because there is less traffic due to the down economy. PMB stated that in 5 plus years there is a good potential that the Shoppes could be coming in which makes their numbers well below what most likely will be. BJS' concerns are with the Drive Thru and that if the counts/turns today and the level of service on the turns associated with Maple St and Rt. 126. His concern is with the numbers from the counts on the turns at the intersection, that they were going to be monitoring and how do they compare to the 2004 study, compared to what the Board saw in the report today. BJS would like an apples to apples comparison of the traffic and he is not seeing that. He cares about the intersection and having SB's input on the traffic flow related to the 2004 study that included the Drive Thru and the numbers that they are talking about today and how they reflect that.

SB questions the numbers they went over last meeting and this store vs. the other stores Mr. Faulkner owns in Town. Mr. Faulkner advised that this store is very low volume and they are down from their projected numbers because the traffic numbers have gone down on Hartford Ave. He compared his surrounding six stores and his capture rate about 5% and claims that he is losing money on this store the way it is right now. Mr. Faulkner claims that he captures 5% of all the traffic that goes by. Mr. Faulkner's advised the Board that people are not buying food as much as coffee when they stop to get gas, he only owns this store and one other as part of a gas station, the rest of his stores are freestanding. The rating on this road has not been decreased because they are not doing the projected amount of cars as expected and they are below their projected numbers.

Mr. Muller advised that SJW is correct that MDM only reviewed the 2004 which was the study that included a car wash and the Drive Thru window and also advised that these numbers from this study are a lot higher than what they ultimately got approvals for. He advised that the 2004 numbers are the basis for which they developed their offsite improvements on, they did improve the surrounding area with sidewalks and an updated lighted signal. Mr. Muller advised that the level of service change that the Board is referring to also came out of the 2004 study which includes the level of service change where they dropped from a level of service from a D to an E on one movement through the intersection. Although the overall operations of the intersection stayed the same which he believes was one of the reasons the carwash and the drive thru window were eliminated from the proposal at that time which is how they got this project approved.

Mr. Muller advised that back in 2004 they counted 1,684 total vehicles entering that intersection and they projected and based their improvements and mitigation on 1,977 vehicles but they are currently actually receiving a total of 1,467 entering vehicles. Every single instance the current volumes are lower than what they projected in the 2005 study. Therefore it stands to reason that operationally the intersection works better than what they projected back then. Mr. Muller stated that they are at 15-29% lower volumes than what they had projected in the 2005 study. BJS advised his comfort level would go up if the Board was looking at the same volume with the same type of economy because there are less trips towards stores and put it back to an apples to apples comparison. BJS questioned that if they add the percentages does that leave this at the level of service that would allow those turns at the modified intersection to be within an acceptable range.

BJS also questioned if the percentage of volume changed where would the numbers leave them. Mr. Muller advised that all of the uses on the site, the gas station, convenient store and the donut shop all draw their traffic from the adjacent street and as Mr. Faulkner pointed out, he would like to see about 5% of that traffic as his volume of customers. Mr. Muller stated that these types of uses don't generate new traffic. BJS was concerned not just with this location, his concern was with stores like Walmart and the three other shopping centers that draw traffic and he is sure that one of the reasons is less volume on the road because people right now are just not going there, there is pass by traffic in the area because people live in the area and are travel on the surrounding roads.

SB advised that Rt.126 is operational at 74% of the proposed condition and the site is operating at 87% which means the site is operating closer to it's capacity than the street is. SB stated that when traffic rebounds to the level that is proposed in the study then the site will be operating at numbers higher than what are in the study. GCW is concerned that they cannot answer the Board's questions regarding the traffic.

Mr. Faulkner advised he is loosing money and is below break even because the site is not full and there is room for stacking there for well over 20 cars in a Drive Thru. SB commented that he does not think anyone can argue with the level of service in and off of their site, it is a question of what does this addition do to the intersection. BJS commented that the level of service will go down and wants to relook at the numbers from the 2004 numbers and increase them by the amount to what they could have been, where does that leave us with the whole what is acceptable / what isn't acceptable for the level of service. BJS further stated that if you increase the current turn counts by 15% and it's below the number that was used in that study, he agrees with that because the level of service will not change.

Mr. Faulkner advised that right now they are at 1,400 cars and the projected amount in 2004 was for 1,900 cars and because they are below projection he is not going to increase the number of cars on the road with a Drive Thru. SB advised that a donut shop with a Drive Thru generates 20% more traffic overall and a certain percentage of your trips that pull into the site are generated and are not passbys. GCW agrees that adding a Drive Thru will generate more use at that intersection. BJS reiterated that he is just looking to see a comparison of no build vs. as built.

SB advised that with the Drive Thru they took 73% passby which means they are generating 27% or new traffic, in the 2005 study that passby percentage went down, which means that a higher percentage in 2005 were new trips. Mr. Muller advised that they presented information to MDM suggesting that the passby rate is a lot higher than that particularly for donut shops and Drive Thru windows. He advised that they ended up agreeing on was that the original study was a 73% passby rate, when they went to the 2005 study and eliminated the carwash and the Drive Thru window they went down to 56%. Mr. Muller further explained that when they put the Drive Thru window back in they obviously can expect to get a higher passby traffic again.

Mr. Muller does not expect that even though they will see an increase of traffic entering and exiting the site that it is not all new traffic to the intersection. BJS disagrees in that there will be some increased generated traffic. SB advised that after running the

numbers, he believes that the 2005 study has a higher number of passby trips so you can say that the 2005 study was more conservative as a trip generator than the 2004 study.

BJS advised that the level of service in 2005 was a D with no change whereas the 2004 study said that it was a level E and that it did change for the worse. SB advised comparing that the two studies including the 2009 build and the 2010 build was a D. He also advised BJS that the turn he was referring to (126 North Bound) in 2009 no build was a C and the 2009 no build was a D and the difference is that in the 2005 no build was already a D. SB reiterated that in the 2004 study it went from a C to a D and in the 2005 study it stayed at a D to a D and the delay in 2005 is higher than in 2009 which goes with the higher volume. SB explained to BJS that the delay in 2005 is higher than the delay in 2009 and the D to an E he is referring to (126 North Bound on a weekday PM) is a D to a D (2005).

SB advised they are pulling more cars off the street than their proposed numbers. The site will be higher if the site reaches its full potential from the 2004 numbers. BJS advised that they are capitalizing on the down economy in their traffic numbers. Mr. Muller explained that the level of service change that the Board is concerned about from the projected 2010 volume projections they do not have a level of service change compared to 2004. BJS advised that he wants to see it compared to the 2005 traffic study with the Drive Thru. SB advised that without the software it is hard to come up with the numbers that the Board is looking for.

Mr. Frisbee is looking for the same clarification from Mr. Muller that the Board is looking for. GCW advised that the mitigation work they did is working in their favor and it is more than enough to keep the level of service up and should remain this way for a while due to the way the economy is. SB advised that in the grand scheme of things he believes that this will work with the projected traffic counts as they are lower than what was proposed. PMB explained that Mr. Muller still cannot answer BJS's questions so she would like for him to work on it for the next meeting. Mr. Muller tried explaining to BJS that the answers he is looking for are there. BJS is concerned that those are overall total volumes and they are not broken out by the turns.

BJS wants to specifically see if you took all those volumes into account than would it look exactly the same but this is not the case the truth is that the turns were the ones that caused the original proposal for the Board to have a problem with. SB advised that in 2005 the PM peak hours were at was 1,926 and 2004 it was 1,948. SB questioned if it is the 20 car difference causing the 6 seconds of additional delay. GCW wants to know what the number is once the carwash is removed from the equation. SB advised that if they ask for the table that BJS wants and they do it at today's volumes than it will be a waste of the applicants time because today's volumes will be uncommonly low. GCW advised that level of service is one of the main factors from the bylaws that they base their approvals on. SB was able to calculate, to the best of his ability without the software, that the evening turn numbers that were a concern to BJS went down, giving BJS his "apples to apples" comparison. BJS was satisfied that the impacts would not go up, and thanked SB for his best effort at the data interpretation.

SJW advised that a Special Permit is for going above and beyond and is not a by right use and the Board would like to see accurate traffic counts in a year from now to make sure that they are maintaining their level of service. SJW also stated that she would like to see the Dunkin Donuts use some environmentally friendly practices in their local stores and read off a few requests, such as recycling, the use of all paper cups, etc. Mr. Faulkner advised that they do a lot in town to help out and he would like to pay for the trees needed at the Baseball field. Mr. Christopher advised that the store itself does recycle and that it is a franchise and he needs to get approval for any type of changes.

SB questions whether or not the customers have the option to recycle as well, Mr. Christopher advised that they currently do not. GCW advised that some of the items on the proposal are reasonable and would not require corporate approval, such as making the reusable mug program more well known to customers, use of a tray for those customers who eat there rather than putting the items in a bag that just gets thrown away and also the use of recycling bins for customers. PMB advised that she feels that the Board would be micromanaging their business, requiring not recommending. JS added that such companies as BFI will do which ever option costs them less which in most cases is throwing the recycling away instead of properly recycling it.

BJS: Motion to close the public hearing for 300 Hartford Ave, Irving Gas Station, Drive Thru Special Permit.

SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

BJS: Motion to draft a favorable decision for Drive Thru Special Permit for 300 Hartford Ave, Irving Gas Station with certain conditions including trees for Baseball Field and other green concerns as described in the Board's discussion.

SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

BJS: Motion to draft an approval for the Development Plan Modification of 300 Hartford Ave, Irving Gas Station.

SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

### **Old Business**

SB: Motion to sign the vouchers.

BJS: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

SB: Motion to sign the April 23, 2009 meeting minutes.

BJS: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

**Planner's Report****Expired Permit Policy**

SJW, advised that Best Buy is proceeding along with their project and they donated \$65,000 in mitigation and there is an additional \$40,000 from the Dunkin Donuts distribution center. SJW and Don DiMartino thought that it would be a good idea to combine the money to allow MDM to come up with a intersection suggestions for Depot St. and Hartford Ave. The money would bring the Town up to a 25% design level. SJW advised the Board that Ms. Clancy, National Development, reminded her that there is another lot available.

SJW advised she wants to make sure that the Board is on the same page in dealing with expired permits. SJW advised that Pine Acres has expired with 18-20 lots not developed out of the 30+ parcels. SJW spoke with Jay Talerman, Town Council, to draft a letter stating they will get their building permits taken away if they do not come back before the Board to get the decision up to date. SJW advised that it is not the Planning Boards responsibility to advise applicants when their permits have expired. SJW advised that the applicant needs to write a letter to reapply for their Subdivision and Development Plan Review. SJW advised that they will still need to notify abutters.

SJW advised the Board that she wants to change the Development Handbook to state that they only need two newspaper ads in each the Milford Daily News and the Woonsocket call rather than the applicant having to pay for four which include 2 ads for two weeks each. SJW would like to put an expired permits policy in our handbook so it is clear to all applicants. She also explained that if the applicant gets to the Board before the four years expire then they can ask for an extension, if they come to the Board after the permit expires then they will have go through the process of notifying the abutters, newspaper ads and go before the Board again. BJS stated that it should not be the Boards responsibility to notify the applicant when their permit expires. BJS would like to see that the legal ads remain as they do now by permitting the applicant to have the run four ads as it will give the public more of a chance to see the legal notice.

**Electronic Filing**

AS questioned the Board to see if they would prefer to receive their packages for meetings via hardcopy or via email. The Board came to a unanimous decision that they would like to continue receiving a hardcopy as it makes the review process easier for them.

AS advised that she is in the beginning stages of researching electronic filing of incoming projects. The Board had several questions on how this would work and believe that some developers may not agree. AS will update the Board any progress she makes with this.



DB: Motion to adjourn.

SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

Minutes Accepted on: \_\_\_\_\_

5/28/2009  
(Date)

\_\_\_\_\_  
(prepared by: Amy Sault)



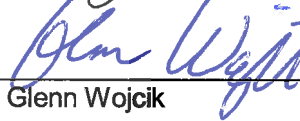
Stephen Bartha



Brian J. Sutherland



David Brown



Glenn Wojcik

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Patricia M. Buckley