



BELLINGHAM PLANNING BOARD

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July 14, 2011 Meeting Minutes

- **Present at the Meeting**

Patricia M. Buckley (PMB), Chairman (absent)
Glenn C. Wojcik (GCW), Vice Chairman
Dave Brown (DB)
Peter M. Morelli (PMM)
Peter Pappas (PP) (Secretary)
Roger Oakley (RO), Associate Member

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

PMB opened the meeting at 7:00pm.

Pine Hollows Estates, off of Countryside Road (between Bellwood and Brooks Estates) Special Permit for Multi Family Development and Development Plan Review, Continued Public Hearing; Special Permit

Rob Poxon, engineer from Guerriere and Halnon, advised that he is before the Board to request a continuance so they are able to finalize the Con Com proceedings. They are still working on getting a peer review from them and they are still trying to resolve the secondary access. Mr. Poxon advised they are trying to address the concerns of the Brooks Estates residents by trying to construct an access for them out onto Brook Street. Mr. Poxon advised it has been difficult to work with them because they no longer have a lawyer representing their interests.

PMB asked when they are scheduled before the Con Com, Mr. Poxon advised August 17th. PMB advised that they have been before the Board several times; the abutters have also been here several times. PMB advised that they have asked for several continuances, she advised that it is very clear what the Board is asking for which is the secondary access. PMB further explained that if the Board agrees to grant this continuance, it will be the last one. She suggested that they pick a date out far enough so that they are not asking for another continuance, because it is a waste of the Boards time and the abutters as well. PMB advised that every time they are before the Board,

they are not prepared and blame the Con Com or claim to not understanding what the Board is asking for. PMB advised if they are not ready then they need to pull the plans and resubmit when they are because it is a waste of time.

Mr. Poxon advised that his client has a deadline of September 9th; he asked to continue to the second meeting in August which is the 25th. (PMB excused herself to take a phone call, she returned minutes later). PMM advised that a couple of emails were received this week from various people including from Jacinta Lavallee, stating that she is very frustrated about how things have been going between the PB and the Con Com and that there is a lot delay tactics going on. PMM stated that this not allowed and he sees her point and asked if his clients date is a drop dead date for financing. Mr. Poxon advised he believes it is.

PMM advised that it is unfair to the Board for his client to request that date when everyone has been so accommodating to them when they have not been in return. Mr. Poxon advised that he is not trying to put pressure on anyone; he understands that the delays have been because of them not the Board. He claims that some of the delays have been of a financial reason because of his client's inability to come up with fees for certain things which have caused most of their delays. PMM does not see why the request for a second egress would be costing his client a lot of money, simply by finding out who the Board of Trustees are. Mr. Poxon agrees, PMM further explained that this information can simply be found out by the Secretary of Commerce or the Secretary of State, PMM advised they are very easily found.

PMM can't believe that part of the delay is not finding someone to speak. Looking at it from a business perspective, he finds this embarrassing because it does not take a lot of money, maybe a phone call or postage. Mr. Poxon advised that his client did not decide to go this route until about six weeks ago; originally he was going to try to go through Bellwood's property. PMM advised that the Con Com process itself is going to take a long time.

PMB suggested they put them on the agenda for September 9th because GCW will not be present at the August 25th meeting and if they are not ready for this meeting then file a motion to withdraw without prejudice.

GCW: Motion to accept an extension of the decision deadline for Pine Hollows Estates, off of Countryside Road (between Bellwood and Brooks Estates) Special Permit for Multi Family Development and Development Plan Review until September 23, 2011.

DB: Second.

Vote: 4-1 Approved (PMB, GCW, DB and PMM) Nay (PP)

GCW: Motion to continue the hearing for Pine Hollows Estates, off of Countryside Road (between Bellwood and Brooks Estates) Special Permit for Multi Family Development and Development Plan Review until September 8, 2011 at 7:00pm.

DB: Second.

RO asked if this meeting takes place, he wants the information at least a week in advance which would be on September 1st.

Vote: 4-1 Approved (PMB, GCW, DB and PMM) Nay (PP)

Bellingham Commons II, 191 Mechanic Street, Pad Site Discussion

George Levine, owner of 191 Mechanic St. LLC and Mark Beaudry of Meridian Associates representing this project. PMB asked what is going to be put in at this pad site. Mr. Levine advised they would like to put in a 2,500 sf restaurant, no drive through window, a 1,250 sf take out restaurant with no seating and the remainder has not been determined yet. Mr. Levine advised that the 2,500 sf restaurant would be called Bison's and owned by the same person of Zio Paulo's, Paul Winchen.

SJW asked for the square footage could be repeated again. Mr. Levine advised 2,500 and 1,250 so far for the leases that have been signed. SJW confirmed that it is 5,000 sf total. PMB and PP clarified that the retail spot has not been rented yet but that the burger place would be 2,500 sf and the Chinese take out place would be 1,250. Mr. Beaudry advise that the Chinese food is purely take out with no seating and four employees and Bison's would have 68 seats for sit down service with 6 employees. Mr. Beaudry clarified that one page of the plan shows 72 seats but another shows the 68, he advised that the 68 is correct. RO asked how many parking spots would the Chinese place have, Mr. Beaudry advised that with the waiting area included it would be a total of nine spaces just for this restaurant. Mr. Beaudry advised there would be 39 spaces for Bison's. PP asked if these spaces would be designated, Mr. Beaudry advised they would not be. PP advised it does not matter what the other restaurants utilizes if they are using less than 39. RO advised that it does not work like that and can't be figured out that way.

Mr. Beaudry advised that the 1,250 sf retail would need an additional nine spaces. The parking calcs end up being 57 spaces total, where the original approved plan called for 50 spaces total for the pad site, which is seven more than originally approved. He advised that there are 200 spaces in total for the plaza (Bellingham Commons II), Mr. Beaudry claims that they have not seen more than 50% of it being used due to the timing of the stores.

PMB advised that parking is not the issue; it is that this pad site is completely different than what they brought before the Board. PMB advised that the question is whether or not to request a development plan modification. SJW advised that the site was originally permitted for a 3,000 sf restaurant or a 5,000 sf retail, either use could have a drive-thru, it was never a 5,000 sf combination multi-use. SJW advised that what they are presenting now was never discussed or brought up during their original approval process. SJW advised that the question now is do they need to do a full modification to the development plan. The Board held discussion on what they believe should be done regarding further permitting. PMB believes it is all different than what they are allowed to be doing. Mr. Levine understood he could do a 3,000 sf restaurant or 5,000 sf retail, he understood that a restaurant was considered retail, PMB advised it is not. Mr. Levine asked if take-out was considered retail, the Board concurred that it considered fast food.

Mr. Beaudry advised that looking at the Town By-laws it is not clear. PMB advised that another project in Town was denied for this very same reason and the precedent has been set. Mr. Beaudry advised that the trip generation was provided but PMB advised that this is a whole new project. GCW advised that the numbers are not adding up from the original decision. GCW asked what Bison's Restaurant is, Mr. Winchen gave his

background. He is the owner of Zio Paulo's, which opened about 1.5 years ago. He explained that Bison's would be a home-style-type of burger menu and advised that the Town voted favorably for a liquor license.

Mr. Winchen asked for the Board to take into consideration his good reputation and advised that he has never used ½ of the parking available on the site. Mr. Winchen would like to provide a service; it will be burgers, comfort foods, etc. He advised that everyone in the Town thus far has been approving of the plan and he would like to go forward with it. PMB advised that the Board is not saying no to the plan just that they need to come back before the Board for a modification. GCW clarified the history of this project to PP and the traffic concerns.

PP does not see that there is a different usage being constructed here, he sees the same usage but that the difference is with the parking and the traffic. PMM further explained to PP the difference. The Board had some discussion on the 1,250 sf retail, Mr. Levine advised he does not know what the retail space usage would be and would certainly come before the Board to let them know what the space is proposed for.

Mr. Levine addressed GCW's earlier comment regarding the usage bylaws, GCW advised it is not a bylaw issue, it was a decision issue and what was stated as allowed usage and parking. Mr. Levine advised that the parking would decrease with the new proposed usage. GCW advised that the new usage is a fast food restaurant not a drive-thru which changes things.

SJW advised that this discussion needs to happen in a public forum as a modification. She advised it is a change from the original permit, it needs to be modified. The Board had continued discussion. PMB advised she would like to poll the Board to see how which direction they would like to take this in. Mr. Levine advised that he has not signed the Chinese food restaurant lease yet, PMB advised that if they want to stay within the parameters of the original decision then they need to stick with one restaurant. SJW added they could do the 3,000 sf Bison's restaurant, or a modification is needed.

Mr. Beaudry advised that the 5,000 sf retail plan does not represent that it was going to be one tenant, GCW agrees with this. SJW advised that the restaurant retail combo is different because restaurant and retail do not fall under the same category. RO asked if we owe the public the right to know what is going on in their Town via a public hearing and he believes we have an obligation to give it to the Town if it is not what was already approved. Mr. Beaudry advised that the Town already approved that it can be a burger joint because they approved the liquor license and he questioned if this is really all about traffic. He advised that there is a significant reduction in the amount of traffic with these changes. GCW advised that they have no back up with their numbers for this. Mr. Beaudry advised that all the information they have been presented has been from previous traffic studies from Bellingham Commons II and the TMC services site. GCW disagreed, Mr. Beaudry advised that these projects have been approved by this Board and they have seen the traffic numbers.

SJW advised that Bellingham is all about traffic but the Planning Board wants the plan modified to accommodate this type of change since it was not what was approved which should be heard in a public hearing. SJW advised that the Board is not looking for a full set of plans, just a letter, public notice and a hearing so the public can be aware as to what is going into their Town.

PMB: Need a permit modification review
GCW: Need a permit modification review
DB: Need a permit modification review
PP: No PB modification review, changes are not significant enough
PMM: Need a permit modification review
RO: Need a permit modification review

PMM stated that Bellingham Business Center just came before the Board for a modification too. He advised that it only took one meeting and the Board needs to hold everyone to the same standards.

RO questioned if the 2006 traffic study needs some updating because of all the changes that have taken place to date. He asked that they come back with current traffic numbers. PMM agreed everything needs to be current and how it will affect the site today. GCW agreed that it is trip generation that needs to be studied. The Board had more discussion on traffic / trip generation and whether or not a public hearing is needed.

PP clarified that if they stick to the original plan then they would not need to come back before the Board for a modification. Mr. Winchen also asked for clarification, the Board explained. Mr. Levine advised that it was his mistake to pour the foundation, he apologized. PMB advised that he can do the changes he wants; he just needs to come back before the Board for a modification. Mr. Beaudry advised that SJW had instructed that Building Dept to not issue any permits. The Board explained to Mr. Levine that he can put the 5,000 sf up; if he wants to do the discussed changes then he needs the modification.

Mr. Beaudry asked if the prohibition of building permits be lifted to allow a building permit but not occupancy. Mr. Levine said he wants to build because the foundation has been poured; he just wants to put the shell up. RO does not see a problem with him putting up the building; he just sees a problem with a plumbing permit. Mr. Levine advised he will not go any further than putting the shell up. Mr. Levine advised that he will come back for the modification and go from there. Mr. Levine apologized again for pouring the foundation and advised he believes this will be good for the Town. SJW advised if he is going to make this change to do it right the first time so they don't need to come back before the Board. Mr. Beaudry advised that Mr. Levine has done all that he was supposed to so far and will continue this way. PMB advised to do all the consideration of tenants up front so they don't need to come back before the Board.

General Business

SJW advised that AS just finished up the minutes and submitted them late, the Board will sign the June 26th meeting minutes at the next meeting.

DB: Motion to sign the vouchers.

PMM: Second.

Vote: 5-0 Approved. (PMB, GCW, DB, PMM and PP)

Planners Report / Planner's Report: MAPC Parking Grant; Planning Initiatives

SJW advised that Denis Fraine has signed the MAPC Parking Grant. She advised that the information from MAPC should be received shortly. SJW advised the MAPC that this Board would like to see things incrementally as it gets done instead of as a whole. SJW spoke with Cynthia Wall and decided that for their next meeting they would meet with the other communities involved to discuss what they have done with the parking so far.

The Board had discussion regarding the request for a public hearing on the previous project. SJW gave an example of a building on Maple St., the owners are looking to expand their office but the permit allowed for this space so it ends up being well within the approved permit. The usage is not changing so a modification would not be needed.

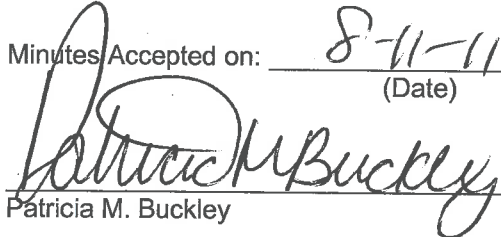
DB: Motion to adjourn.

PMM: Second.


Vote: 5-0 Approved (PMB, GCW, DB, PMM and PP).

Minutes Accepted on: _____

8-11-11
(Date)


Patricia M. Buckley


(Prepared by: Amy Sault) (absent)


Glenn C. Wojcik

Peter Pappas


Dave Brown


Peter M. Morelli