



# BELLINGHAM PLANNING BOARD

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## Meeting Minutes April 12, 2012

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

### **Present at the Meeting**

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

### **Other Officials:**

Stacey J. Wetstein (SJW), Town Planner  
Jean Keyes (JK), Planning Board Coordinator

**PMB opened the meeting at 7:00 p.m.**

**Medway Mulch and Loam, 289 Hartford Avenue, Bulk Storage Special Permit, 1st Public Hearing;  
Decision Deadline: 5/25/12**

Present:

Paul Kenny, Attorney from Kenny and Kenny Attorneys at Law, Medway, MA representing the Applicant  
Matt Fasolino - Applicant

PMB explained to Mr. Fasolino that two board members aren't present at this time: PMM will definitely not be here and she stated that GCW should be arriving but may not and explains the voting ramifications. Mr. Fasolino stated that he understands the voting situation and would like to proceed

PP: Motion made to waive the reading of the public notice.

DB: Second.

Vote: Carried 4-0 (PMB, DB, PP, RO).

Mr. Kenny restated the history of the property and that on May 2011 the Bellingham Zoning Board granted a variance for contracting yard. In the interim, the Bellingham Bulk Storage Zoning Bylaw went into effect. Mr. Kenny believes that this application meets all the requirements of Section 1530.

PMB asked for an overview of the project. Mr. Kenny explained that there will be 12 15x 18 bins located on property that will store mulch and loam for small retail sales. Customers will bring a pickup truck to obtain the mulch/loam. There will not be large mulch piles on the property as all mulch will be in the bins. A 10-wheeler truck will fill bins between 6-7 a.m. This operation is more for the individual property owner not a large wholesale operation. Believes it fits in the property and under bylaw it is applicable.

PMB explained rules of public hearing to public.

GCW arrives at 7:04 p.m.

RO asked if the Applicant be storing mulch and loam and how the dust will be controlled. He is also concerned with the mulch turning to mud when it rains or when water is added. RO is concerned about tracking mud/dirt/mulch onto Route 126.

Mr. Fasolino replied that both mulch and loam will be stored and sold. To control the dust, Mr. Fasolino will install a sprinkler system and have water on site. To control the tracking of materials, there will trap rock set up by the street. RO is concerned that there is not enough trap rock as only 5' of rock is there now and usually is installed for 50'. RO asked about restroom facilities and Mr. Fasolino stated that portable potty will be installed.

RO asked if the Applicant has a curb cut from the state as it is a state road. Mr. Kenny believes it is a town road. Fasolino stated that there was no curb there. RO is of the belief that the Applicant has to get permission from state to use as entrance even without a curb.

RO had many concerns about the fact that it has yet to be determined if the bins are considered a structure. If Planning Board makes a determination that the bins are considered a structure, then there are setback requirements and according to SJW the Applicant would have to submit an application for a Development Plan review. Additionally, Mr. Fasolino would have to go to the Zoning Board to be granted a variance from the setback requirements for a structure. Mr. Kenny believed that the Zoning Board granted a variance. PP asked if the bins will be covered and RO asked how high the bins will be. Mr. Fasolino responded that the bins will be 8' tall and will be covered with tarps.

RO also expressed his concerns about the traffic on Route 126 especially on Saturdays which is an extremely busy day on a very busy street. His concerns were specifically targeted to trucks exiting onto this very busy street especially taking a left onto Route 126 and stated that Saturday operation may not be a good idea. RO also expressed his concerns about the traffic on Route 126 especially on Saturdays which is an extremely busy day on a very busy street. His concerns were about trucks exiting onto this very busy street especially taking a left onto Route 126 and stated that Saturday operation may not be a good idea. RO questioned the fact that the Applicant combined suburban zoned land with industrial zoned land to make it work for this use. Mr. Kenny stated that he believed the zoning variance allowed the Applicant to cross the suburban land to access the industrial land. RO is unsure of this information but will accept the answer now. GCW agreed with RO and PP in their concern about the setbacks, the dust, and the traffic. PMB stated her concerns about the traffic especially on Saturday and is very concerned about this issue. She stated that the deliveries will have to be set to a definite time in the early morning. PMB also informed Mr. Fasolino that Bellingham Police Chief Daigle has stated that he has safety concerns and, since he was not able to be at this meeting, he would like to attend the next one to do so. Mr. Kenny assured the Board that this is a seasonal business and would be limited mainly to the spring, would not be selling Christmas trees in the winter, and would limit the delivery time to 6:00 a.m. – 7:00 a.m. PMB also requested that the Applicant should complete a traffic study especially on Saturday. GCW does not see that there will be a large amount of traffic – people in pickup trucks – but the traffic study is worthwhile.

SJW explained that the variance the Applicant received from the Zoning Board was for lot area relief. It was not a variance for setback, bulk storage, or industrial zoning. Since the land is industrially zoned and it does not meet the 60,000 square footage requirement, Mr. Fasolino was granted relief from the Zoning Board to have an industrial use on the lot which is only 30,000 square feet. The Zoning Board did not give the Applicant permission to go into the suburban area. SJW stated that the Town Counsel must be asked to determine if the bins are structures and if yes, a Development Plan review is required. If the bins are covered, then they definitely need a development plan review. She also stressed that these issues are not the Applicant's fault – it was an issue at the town level. The use of the land does meet the definition of bulk storage and this was confirmed by Town Counsel. The Zoning Board's decision does not have much bearing on the Planning Board's discussion. SJW will try to have Town Counsel at the next meeting or obtain an opinion letter from them about the structure issue. PP would like an opinion letter from the Zoning Board as well as he agrees that the 8' bins could now be considered a structure.

PP requested that Mr. Kenny explain how the Applicant meets the criteria in Section 1530 of the Zoning Bylaws for being granted a special permit. Mr. Kenny explained that the property was dumping area and it will now be turned into commercial business which will improve the appearance of the property. He and the Applicant do not believe there will be serious impact to traffic as they have set the operating hours at 7:00 a.m. to 3:00 p.m. to avoid traffic issues. Since the land is surrounded by industrial property, it won't adversely impact neighborhood. He stated that the business would be improving the qualities of the natural environment. The business would have a positive physical impact and would be revenue

generating. This meets all the requirements of Section 1530. Mr. Kenny does not believe that a special permit is required because a variance was granted by the Zoning Board prior to the bulk storage bylaw. The plan that was submitted to the Zoning Board had the bins on it and they approved it.

GCW: Motion to continue the Medway Mulch and Loam, 289 Hartford Avenue, Special Permit Public Hearing until April 26, 2012 at 7:00 p.m.

PP: Second.

Vote: Carried 4-0 (PMB, DB, PP, RO).

**CVS, 370 and 400 Pulaski Boulevard, Development Plan Review, Drive Thru Special Permit and Stormwater Management Permit, Continued Public Hearing; Decision Deadlines: 4/30/12 and 4/30/12**

Present: Phil Fusco, Lead Engineer & Designer, Garafalo & Associates, Joseph M. Antonellis, Attorney for the Applicant, John Racine, Architect from RGB Architects, John Pesce, Applicant, Coast Realty Associates, Steve McLaughlin, Applicant, Coast Realty Associates, Diane Soule, Diane C. Soule and Associates landscape architects.

Mr. Antonellis provided an update to the Board of the status of the project and that the following will be presented at this meeting:

1. Review of architectural design and changes;
2. Landscape architect will explain the plans;
3. Traffic;
4. The Historical Commission was not contacted. He apologized and stated that he forgot to contact the commission. He will be contacting them in the near future.

Architectural Design Changes:

Mr. Racine presented color renderings of the exterior design. The building is 13,300 square feet total. It has a steel roof, exposed masonry with both smooth and rustic architectural block and has major differences from standard CVS building prototype. By lowering the entrance to 20' and simplifying the cornice he has tried to maintain a standard New England downtown commercial look. To add interest, he raised areas to highlight the entrance and added canopies to bring scale to smaller pedestrian level and give it a less corporate look and a smaller downtown town look. The materials and colors will fit well in that area and will complete the commercial corner. The small detail changes that were made such as adding window mullions, changing the color of the window will make them warmer, and added lighting fixtures to give it a more traditional look. Presents photographic renderings of what the building will look from the neighborhood and show a more pedestrian friendly building.

PMB and PP like the design and complements the design.

RO asked if this is controlled construction for a structure over 30,000 square feet. Mr. Racine Was unsure of how to respond but stated that yes it would be supervised. RO questioned why the landscaping was not included in the renderings and why not the Bank of America building was not included. PP responded by saying that this is not the architect's responsibility as he was just showing building.

PMB asked the public in attendance if they had any questions about the architecture. There were no questions from the public.

Landscape Design:

Ms. Soule gave an overview of the landscape design. Around the perimeter of the property, buffer shrubs will be under planted beneath large deciduous trees. The store entrance will be accented with shrubs and perennial plants. There is a stone wall over which shrubs will cascade. In the back of the building, they are meeting the town's requirements by infilling with evergreen and deciduous shrubs. The dumpster will be screened with shrubs.

PMB questioned whether this fulfills the landscape requirements. SJW said that the peer review, Beta, has concerns about the landscaping. PMB asked the public in attendance if they had any questions about the landscape design. There were no questions from the public.

Jacqueline Centracchio came forward to speak on behalf of the peer reviewer Phil Paradis of Beta. Beta has the following concerns:

1. Zoning Z5 – per section 3522 - the minimum plantings should be provided. The plans require 10 trees and 95 shrubs and the landscape plans don't meet this requirement. Ms. Soule agreed and she will add trees/plantings to meet the requirements.
2. Additional plantings should be within 15'. Ms. Soule has changed this already.

PMB asked the public in attendance if they had any questions about the landscaping:

Dan Ranieri, 5 Reservoir drive, explained that he is filing an adverse possession suit against the owners. This property has been owned by him for 10 years and by previous owners. This will have an impact on the border of the property. He stated that several members of the Board have looked at this 10-15 feet along the length of his property. Mr. McLaughlin stated that a fence will be placed along the border. Mitch LaPlant, owner of the property. The diocese did a complete title search that says that he owns the property in question. PMB asked Mr. LaPlante and Mr. Ranieri to discuss this outside of this meeting as it has nothing to do with landscaping.

Ed Fraine, 20 Pickering Ave, asked about the dumpster which seems to be right up against people's yards. Is there a way to place this on a different spot on the lot? PMB stated that it should be moved so that it will not be affecting the abutters or next to someone's back yard and PP agrees.

#### Traffic

Mr. Fusco explained he has received comments from peer reviewer Beta. Repeated a traffic analysis and determined level of service as C-D morning and afternoon with Saturday being the worst. Slowest moving was South Main. Capacity analysis was performed at unsignaled intersection. Moody was a B morning, D in the afternoon and on Saturday peak. Pickering was a C all times. Westminster was a C in the morning and F in the afternoon and on Saturday. Paine was a C in the morning and F in afternoon and C on Saturday. Then did a 5-year analysis based on these numbers and applied a 2% growth factor and reestablished the levels of service and basically everything stayed the same. Then performed a trip generation and went with more conservative approach with 134 on peak hour on Saturday afternoon. Then they performed a trip distribution – where it exits and entrances the intersection. Results found that 38% of the traffic is going south and the rest is pretty uniform. Applied this data with trips associated with CVS which showed a slight increase in delay but not enough to impact levels of service. They developed a mitigation plan which would cut down cycle time and run the signal more efficiently and cut the cycle down to 100 seconds and got improved level of service at most but slightly more delay only in one area. This would be better than it is now with the most benefit south bound on South Main. Overall improved the level of service – 30% reduced queue - functioning better after the changes.

Kien Ho from peer reviewer Beta, Inc. spoke and stated in his memo dated March 7, 2012, their concerns about the traffic study that was performed by Garafalo & Associates. Mr. Ho indicated that the traffic study was deficient and there were a lot of requirements not met. Garafalo & Associates's study did not meet the town's requirements or industry standards. They have received Garafalo & Associates' updated traffic study, but they have the following remaining concerns:

1. Data collection info: Lacks pedestrian information and accident data. According to the Applicant, there is no pedestrian activity at the site. Beta disagreed as they did observe pedestrian activity on two different occasions. This is an important component and it must be resolved.
2. Quality of traffic analysis: The printout of the traffic analysis was generated from a generic traffic software analysis tool. In Massachusetts, per DOT, the printout has to be in conformance with highway capacity manual. We have requested that this be in compliance. Beta does agree with the trip generation and trip distribution information.
3. Biggest concern is with the site itself:
  - A. The layout of parking area, turning radius, and not knowing where loading docks is, may hinder large delivery trucks and emergency vehicles. Beta wants the Applicant to demonstrate that the turning radius will allow for these vehicles.

- B. Access and Egress on South Main Street. By creating a major egress/access at this point, it will add additional burdens to the overall capacity of this intersection. Two major concerns: 1) capacity of intersection; 2) geometry shown on plans – short storage area is very confusing and awkward. Safety concerns and logistics of entering/exiting this area. Beta would like the Applicant to consider closing the second egress near the light to Pulaski Boulevard and shifting the main entrance to be opposite Moody Street. It would have to have a traffic signal that is tied into the main signal for the intersection. This is a better alternative for overall safety. PMB agrees and stated that the Board mentioned this at the last meeting. PP concerned about the traffic backing up on South Main and the consideration of a right turn only lane. PP was also concerned about moving the entrance opposite Moody Street.
- C. Concerned with Pickering Street being used as a cut-through. Mr. Ho suggested that the proponent contribute funds to fund the traffic calming study for this street. RO again reiterates that he wants to see the Bank of America site on the overall traffic plans as the traffic does affect Pickering Street traffic and PMB agreed.

GCW: Motion to continue the public hearing for the CVS Development Plan Review, Drive Thru Special Permit and Stormwater Management Permit to May 10, 2012 at 7:05 p.m.

PP: Second.

Vote: Carried 5-0 (PMB, GCW, DB, PP, RO).

GCW: Motion to extend Decision Deadlines for the CVS Development Plan Review, Drive Thru Special Permit and Stormwater Management Permit to October 31, 2012.

PP: Second.

Vote: Carried 5-0 (PMB, GCW, DB, PP, RO).

**Cranberry Meadows Repeat Petition (Section 16 M.G.L. 40A) and Development Plan Modification Request, 1st Public Hearing; Decision Deadline: 4/16/2012**

Present

Lee Ambler, Attorney on behalf of the Applicant.

PMB explained that the Applicant has submitted a Repetitive Petition. For the Board to act on this, the Board has to determine if there have been material changes. The Board has received a traffic study from the Applicant as requested previously and she believes that there have been material changes and the Board can act. PMB further explains that a decision on this matter requires four (4) board members to vote unanimously and RO cannot vote. Attorney Ambler was notified this afternoon that PMM would not be at this meeting and was given the opportunity to continue the matter. Attorney Ambler understood and told SJW that he would like to proceed at this meeting.

PMB believes there are material changes and there is no reason to hold it up at this time.

GCW: Motion that the Applicant had submitted a petition that has specific and material changes.

PP: Second.

Vote: Carried 4-0 (PMB, GCW, DB, PP,).

Attorney Lee Ambler is present on behalf of the Applicant and presented supplementary documentation supporting that site has the necessary number of parking spaces to meet the parking requirements and there is no need for a waiver. There are also 15 available spaces in an adjacent lot that is owed by the same trustees if necessary in the future. PMB questioned if there is access for pedestrians and Attorney Ambler stated yes. Attorney Ambler then mentioned that the Board previously received the Traffic assessment. Because the Applicant now has met the parking and traffic requirements Attorney Ambler

requests that the Board vote to approve the Cranberry Meadow Development Plan Modification and remove condition 3 for the prohibition of fast food.

PMB stated that the problem that she sees for the future that there is no waiting room. If the business changes, there is no room for more parking. The Board would probably restrict to the parking that was previously stated by Attorney Ambler and if there is an overflow, then Attorney Ambler has to come back.

Attorney Ambler requested that the Applicant's business not be called a pizza place as it is a food service business not necessary pizza. GCW disagreed with the fact that there is no function space and no bathroom for the space. Ambler disagreed with use of the term function as he defined it. GCW and PP disagreed and stated that function space is any area that is not the kitchen but is space that is being use for the business.

GCW stated that it is a tight area and it can't be built out to allow for flexibility. He does not like it because it doesn't give flexibility. But GCW will let the function area issue go. PP agreed and stated that this site does not allow for flexibility. If the Applicant is aware of the limitations, and understands that if anything changes they will have to come back before the Board. RO stated that if the Applicant does not change the number of tables and chairs, he does not have to come back before the Board.

GCW: Motion to accept the Cranberry Development Plan Modification to remove condition 3 for fast food prohibition.

DB: Second.

Vote: Carried 4-0 (PMB, GCW, DB, PP).

#### **Zoning Articles Public Hearing for May 2012 Annual Town Meeting and informal discussion on Professional Machine, William Way**

SJW explained that Professional Machine has submitted a petition to rezone a parcel from agricultural to industrial. They are here to provide a preliminary overview of project.

Present:

Steve O'Connell, Andrews Survey and Engineering

Sherry Copter and Ben Forde from Professional Machine

Mr. O'Connell described the site as a landlocked parcel that is zoned agricultural. The owners will be purchasing this land and add an addition to the existing building on the adjacent site to extend their use. They are requesting that this be rezoned industrial. He stated that the Zoning Board voted unanimously to rezone.

PP questioned the proposed use of addition and Ms. Copter explained that it will also be industrial. GCW and RO were concerned about access and that it could be opened up it up for future industrial usage and divided. Ms. Copter assured the Board that this would not happen as there is no frontage.

SJW stated that this is a good situation for rezoning agricultural to industrial and PMB agreed and stated that there is no issue here. SJW also stated that they don't have the frontage to add multiple buildings on this lot or functional equivalent and that they don't meet all setback requirements. SJW asked of the owners can carve off what they need for the lot. Ms. Copter stated that they have thought about donating excess land back to the town as open space but all the plans are preliminary now.

GCW: Motion to recommend the rezoning of this property from agricultural to industrial to the Board of Selectmen and the finance committee at the Town Meeting.

DB: Second.

Vote: Carried 4-0 (PMB, GCW, DB, PP).

**SJW explained that the Board needs to vote on the Flood Plain.**

GCW: Motion to recommend Flood Plain.

DB: Second.

Vote: Carried 4-0 (PMB, GCW, DB, PP).

**SJW explained that the Board has to discuss and vote on the new Parking Bylaws:**

SJW explained that Mike Sotor from the Board of Selectmen is present for this discussion as he has heard complaints about several items in the proposed revision to the parking bylaws.

SJW stated that complaints have been received about the following:

Golf Course parking: The complainants stated that they believe 12 spaces per hole is too much. SJW explained that the Board's thought process was to factor in the multiple uses – function, pro shop, tournament, etc., to calculate the number of spaces. For example, Bungay Brook (9-hole course) was required, according to the current bylaw, to have 98 spaces or 10.8 spaces per hole. They actually constructed 142 spaces because the 98 spaces were not enough. This is 15.7 spaces per hole. According to the Board's proposed bylaw, the golf course would need 108 spaces and, according to their calculations, they would still not have enough. Maple Gate (18-hole course) has 290 spaces which is 16.11 parking spaces per hole. According to our proposed bylaw, they would need 216 spaces and again it would be less than they actually have.

Mike Sotor stated that 5-6 residents complained about golf courses parking and other parking changes. Mr. Sotor knows that the Board has worked very hard on these updates and he wants to see the bylaws changed. Mr. Sotor thinks that the Board has to include examples of certain scenarios so that the changes are clear and precise. He did not think the parking was excessive for golf courses. He suggested that the Board include examples to help convince the public that these changes are correct and appropriate.

PMB and PP stated that the Board can't address every single issue for every person. The Board went through every single bylaw and took examples from current businesses in town. The analysis started with industry standards and then decreased and increased as appropriate after the analysis.

SJW provided the following examples for retail parking:

Cranberry Meadows (as retail space): Under the existing bylaw 26 spaces are required. Under the proposed bylaw, 16 spaces would be required.

Walgreens: Under the existing bylaw, 98 spaces are required. They received a waiver and built approximately 68 spaces. Under the proposed bylaw, 59 spaces would be required.

Outback Steakhouse: Under the existing bylaw, approximately 171 spaces would be required. Under the proposed bylaw, 154 spaces would be required.

Zia Paolos (freestanding fine dining): Under the existing bylaw, 153 spaces would be required. Under the proposed bylaw, 130 spaces would be required. If it was part of a shopping center, the parking could easily be reduced by shared parking special permit as they could show multi-use.

GCW: Motion to recommend the Planning Board changes to Parking Bylaws at town meeting.

DB: Second.

Vote: Carried 4-0 (PMB, GCW, DB, PP).

**General Business:**

SJW explained that the Finance Committee changed the hearing to May 7, 2012 – need people to talk about the new copier that has been requested. PMB and PP will attend.

Mike Soter questioned if a Board Alternate has been proposed if RO elected and, if so, to inform the Board of Selectmen.

**New Business (81-P's)**

**Old Business**

- 3/22/12 Minutes
- Sign Vouchers

PP: Motion to sign the March 22, 2012 Meeting Minutes.

DB: Second.

Vote: Carried 4-0 (PMB, GCW, DB, PP).

GCW: Motion to sign the vouchers.

DB: Second.

Discussion: SJW explained the vouchers.

Vote: Carried 4-0 (PMB, GCW, DB, PP).

DB: Motion to adjourn.

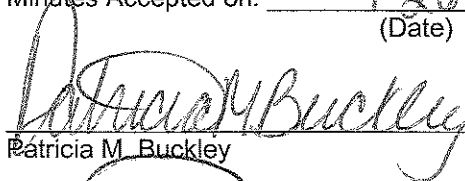
GCW: Second.


Vote: Carried 4-0 (PMB, GCW, DB, PP).


Meeting Adjourned at 9:15 p.m.

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

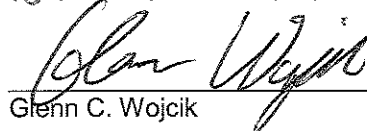
4-26-12  
(Date)

  
Patricia M. Buckley

  
Peter Pappas

  
Peter M. Morelli

  
(Prepared by: Jean Keyes)

  
Glenn C. Wojcik

  
Dave Brown