



# BELLINGHAM PLANNING BOARD

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## Meeting Minutes February 28, 2013

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

### **Present at the Meeting**

Patricia M. Murphy (PMM), Chairman  
Glenn C. Wojcik (GCW), Vice Chairman  
Amber S. Griffiths (ASG)  
Peter C. Pappas (PCP), Secretary  
Andrew T. Greene (ATG), Alternate

### **Other Officials:**

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

PMM opened the meeting at 7:00 p.m.

### **Gibbs Oil Gas Station, 320 Pulaski Boulevard Development Plan Review, 1<sup>st</sup> Public Hearing; Decision Deadlines: 3/24/13**

### **PCP: Motion to waive the reading of the Public Hearing.**

GCW: Second.

Vote: Carried 4-0. (PMM, GCW, ASG, PCP)

Present: G. Michael Peirce, Attorney for the Applicant, Tony Fruchtl, Ayoub Engineering

Mr. Peirce provided an overview of the project and site. The lot is now a vacant site that was acquired by Gibbs. It is mainly flat and composed of gravel. The applicant proposes to clean the site, install four fuel pumps with 2 filling stations at each and a small 2,500 square foot convenience store. Parking is compliant with the Town's regulations and 14 spaces will be created with employee parking at the back. A standard flat deck canopy with modern fire suppression will be erected. The site plan is before the state fire marshal for approval now and they will be presenting to the Board of Selectmen (BOS) later for licensing. The Town's Fire Department has reviewed the plan as well.

Tony Fruchtl from Ayoub Engineering presented the following information:

- **Drainage:** There is no on-site drainage now. The soil testing revealed very good rates for infiltration and they expect to infiltrate all stormwater that is captured. All stormwater on the canopy will be captured. The entire lot will be graded so that no stormwater or liquids drain off the site. There will be an ongoing maintenance program to clean out the catch basins to be sure the drainage is working properly. The Town's peer reviewer, BETA, suggested that a shutoff valve be added to the drainage system so in the event of a catastrophic fuel spill, the valve can be closed and no fuel can enter the stormwater system. They will also be installing a bioretention area to manage stormwater. Mr. Peirce further explained that all runoff will be captured and not allowed to enter abutters' land. The plan will be in accordance with OEM plan that is satisfactory to BETA.
- **Monitoring of tanks and site:** The fuel tanks are monitored 24 hours a day and they are double walled tanks. Additionally all personnel will be trained in monitoring and in emergency response.

- Traffic: The counts and analysis show that the level of service on Pulaski Boulevard did not deteriorate when projected out to 20 years. They expect the majority of the traffic entering the site to be southbound. They are proposing 2 driveways to promote good circulation traffic circulation on the site and to allow for tank delivery trucks to enter and park without impeding cars on the site. A determination was made that a traffic study of the intersection at Crooks Corner was not necessary as the majority of traffic that will enter the site will be local and not from North Bellingham. Mr. Fruchtl stated that Beta agreed with this conclusion.
- Lighting plan: The proposed plan is in accordance with the Town's requirements and there will be no trespassing light to abutters.
- Landscape Plan: The plan fulfills the Town's requirements for landscaping. The plan shows the plantings and mulch areas.
- Snow Removal: PMM asked where snow will be stored. Mr. Fruchtl explained that it would be pushed to the back edge of the property and could be pushed into the bioretention area. SJW stated that the applicant should add snow removal to the plan along with a note that excess snow will be removed from the site as all parking spaces must remain clear.
- Non-conforming lot: Mr. Peirce explained that he is working with Town Counsel Jay Talerman to resolve this issue.
- Self-Service Special Permit: They have filed with the Board of Selectmen as they are the granting authority for this permit and they prefer to be the last to act on this project.
- Set-back for driveways: They have filed for relief of the 20' set-back for the driveways with the Zoning Board.
- Notice to Abutters: Mr. Peirce explained that Gibbs Oil, the lessee was given notice of the public hearing and not the land owner. The land owner would like to have an opportunity to review all materials and requested that the public hearing remain open to give the land owner time to review.
- Signage: PMM asked for an explanation of the signs and Mr. Peirce stated that there is a full description in the package supplied to the Board.

PCP asked what the hours of operation for the gas station would be and Mr. Peirce responded that it would be a 24-hours service station as there is real value in late night operation. PCP stated that he would like to see a nice appearance of the actual building.

Phil Paradis and Jen Centracchio from BETA engineering, the Town's peer reviewer.

Mr. Paradis stated that they are pleased with the design however there is one outstanding issue. There are spot grades along the north property line that must be changed to make sure the stormwater drains away and not toward the abutter. Ms. Centracchio explained that there are three outstanding traffic items and the applicant has agreed to comply with Beta's recommendations.

PMM explained how public hearing works to the public present.

Barbara Murphy, town resident, asked whether the entrance and exit on Westminster will remain. Mr. Peirce explained that once Gibbs moves to the adjacent property, they will no longer have control of the existing site and entrances and exits.

Joe Colamati, town resident stated that there could be 2 gas stations next to each other.

Attorney Nicholas J. Goodier, represents the land owner of the present site on which the Gibbs station is currently located. Mr. Goodier explained that once Gibbs moves, his client has no intention of abandoning his site and the use as a gas station. So there would be two gas stations next to each other.

Patrick Williamson, town resident, questioned if there would be a new gas station in the vacant lot next to the existing Gibbs and asked if the valve for the stormwater shutoff automated or manual. Mr. Fruchtl explained that it is manual.

Ron Lussier, town resident asked for an explanation of the plantings. Mr. Fruchtl explained that the number of proposed plantings is what is required by bylaw and town prefers to be grouped. Mr. Lussier stated that he is thrilled about landscape plan.

Rob Oliver, town resident questioned if the valve would be difficult to close if manually operated. Mr. Fruchtl explained that it has to be manual as they cannot have an automated valve in because it is dangerous to introduce electricity into a situation where there may be flammable liquid or fumes. Mr. Peirce explained that if there was a spill that was large enough to get off the site to the catch basin and overwhelm the storage capacity, it would have to be a staggeringly catastrophic spill. PCP questioned if a fuel truck spill will be captured by the site. Mr. Fruchtl explained that all will be captured and the valve will be installed so that anyone can operate the valve. This valve will be brand new and properly lubricated so it can be accessed.

ATG questioned if the stormwater system is inspected. Mr. Fruchtl stated that they can add inspections to the maintenance plan.

John Sexton, resident of 340 Pulaski Blvd stated that the applicant would have to be sure the valve is open so the rainwater and stormwater is handled correctly. Mr. Fruchtl reassured Mr. Sexton and the Board that the valve would be left open at all times.

**GCW: Motion to Continue Gibbs Oil Gas Station, 320 Pulaski Boulevard Development Plan Review until 3/14/13 at 7:00 P.M.**

ASG: Second.

Vote: Carried 4-0. (PMM, GCW, PCP, ASG)

**CVS, 370 & 400 Pulaski Boulevard, Development Plan Review and Stormwater Management Permit; Decision Deadline: 4/1/13.**

Present: Joe Antonellis, attorney for the Applicant.

Mr. Antonellis explained that they have received Beta reports this afternoon and appreciates the Board's consideration. He provided a brief overview and will request a continuance on behalf of his client.

Mr. Antonellis further explained that his client believes they have met all requests with the exception of Moody Street. He is disappointed with Beta's response to traffic issue as they could not get the Moody Street issue resolved. Mr. Antonellis stated that he talked to corporate at CVS at 5:30 p.m. today and learned that there is a new Development person. This person suggested that they obtain another continuance so they can review the Moody Street light. CVS does not want the Moody Street light.

Even though there is one less Board member, Mr. Antonellis stated that his client has chosen not to withdraw because he thinks, if given enough time, he can work with CVS and BETA to address the Moody Street light issue. He understands that this is a good project but it has to fit with what the town wants.

PMM stated that this is CVS's 10<sup>th</sup> continuance and that BETA out of funds to complete further reviews. Mr. Antonellis stated that they can provide additional funds for BETA's work. PMM reiterated that the Moody Street light is a safety issue.

Joe Antonellis explained to the Board that the process of resolving the dispute with the neighbor took up six weeks of their time. This was resolved so that it would not interfere with the Planning Board's work.

Present from BETA, peer reviewer for the Town is Jacqueline Centracchio. She stated that the without a Moody Street light there will be driver confusion. She recommends signaling to manage capacity and to allow for a safe left turn for drivers exiting site. Drivers have to cross 4 lanes of traffic and it is unsafe without the signal. The "5<sup>th</sup> leg's" original purpose was expected to handle minimal traffic but now it is on a larger site with inadequate frontage to signalize. PMM recommended that the 5<sup>th</sup> leg be removed and a light be installed at Moody Street. PMM also pointed out that capacity analysis presented by GPI in the applicant's traffic analysis stated that having a light at Moody Street allows for safer operation of traffic at the site and intersection.

Mr. Antonellis explained that the Moody Street light doesn't work for the applicant and he is confident the project would work out. ATG asked why CVS is now okay with the 5<sup>th</sup> leg and why they waited until this meeting to inform the Board. Mr. Antonellis had hoped to work it out with BETA but could not.

PCP explained that at the December 13, 2012 Planning Board meeting - 2 months ago – the applicant was instructed that they were to have all plans completed and submitted to the Board by Feb 28, 2013. Now all of a sudden corporate CVS is involved. PCP strongly stated that the Board had also instructed the applicant to not come back before the Board unless they were completely ready. The Board was assured by the applicant that they would be ready for this meeting. PCP was also skeptical of the fact that CVS corporate is only hearing about these issues today.

GCW stated that the applicant's client, CVS, has to be consulted and that will happen now. CVS wanted to get the 5<sup>th</sup> leg and spent time doing it but it doesn't work. SJW stated that she totally understands the frustration of PCP. As the Town Planner, SJW is okay with giving continuance; however, she stated that the last time the Board was presented with new information was May 2012 and that it is beyond comprehension as to why the applicant has not presented anything new since then. PCP reiterated that this is the same discussion every time and questioned how much time should be allowed when the applicant knows what needs to be done. SJW stated that the final plan is in and either CVS will take out 5<sup>th</sup> leg or not and CVS needs 45 days to clear it through corporate.

Mr. Antonellis summarized that the applicant thought the 5<sup>th</sup> leg would work but now they believe the 5<sup>th</sup> leg can't work and he has to convince CVS of this.

**GCW: Motion to continue CVS, 370 & 400 Pulaski Boulevard, Development Plan Review and Stormwater Management Permit to April 11, 2013 at 7:15 p.m.**

ASG: Second.

Vote: Carried 3-1. (PMM, GCW, ASG - Yes) (PCP – No)

**GCW: Motion to continue CVS, 370 & 400 Pulaski Boulevard, Drive Thru Special Permit to April 11, 2013 at 7:15 p.m.**

ASG: Second.

Vote: Carried 4-1. (PMM, GCW, ASG, ATG - Yes) (PCP – No)

**GCW: Motion to accept the extension of the Decision Deadline for CVS, 370 & 400 Pulaski Boulevard, Development Plan Review and Stormwater Management Permit and Drive Thru Special Permit to April 30, 2013**

ASG: Second.

Vote: Carried 4-0. (PMM, GCW, PCP, ASG)

PMM explained the process to the public that are present.

Mitch LaPlante, property owner: Stated that they have been waiting forever for this decision and asked if there will there be any more extensions. PMM replied that there will be no more extensions.

David Arnold, town resident would like to see something put there in place of rectory. He is disappointed that one person on the Board voted against everything. The Board and the applicant should work together to resolve provided the end result benefits the town.

PMM explained that PCP has been here for every meeting and was up front about his wishes. This has taken an extraordinarily long time. The Board would like the property developed too but only if it is safe for the town. The developer can take the time to develop the project but has to stop wasting the Boards' time. The applicant should get the project straight and come back before the Board.

GCW in all fairness, Mr. LaPlante is the property owner and deserves to have this proceed in a timely manner and it is not fair to him if the Board lets this go on forever.

John Sexton, town resident stated that the Board has always been concerned about the intersection. It has been improved but there can be even more improvement. The intersection works great now and can still handle more. The lights work now and can work in the future.

**General Business:**

**Old Business:**

**PCP: Motion to sign the February 14, 2013 Meeting Minutes.**

GCW: Second.

Vote: Carried 4-0. (PMM, GCW, PCP, ASG)

**PCP: Motion to sign the vouchers and payroll.**

GCW: Second.

Discussion: SJW explained the vouchers and payroll.

Vote: Carried 4-0. (PMM, GCW, PCP, ASG)

**Bellingham Commons II Modification Decision Signing**

SJW explained that there are no substantial changes and JT had no substantial changes.

**GCW: Motion to sign the Decision for the Bellingham Commons II, 191 Mechanic Street, Development Plan Modification.**

PCP: Second.

Vote: Carried 4-0. (PMM, GCW, PCP, ASG)

**GCW: Motion to sign the Decision for the Bellingham Commons II, 191 Mechanic Street, Modification Shared Parking Special Permit.**

PCP: Second.

Vote: Carried 5-0. (PMM, GCW, PCP, ASG, ATG)

**SJW spoke about:**

- 1) Hartford Ave Overlay: This update will be presented at the next meeting.
- 2) Rescheduled Friends Summit to March 8, 2013.
- 3) Tried several times to put in overlay on Pulaski but it has not worked. Haven't wanted to change the zoning to correct what is happening.

**New Business (81-P)**

**ASG: Motion to adjourn.**

PCP: Second.

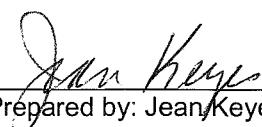
Vote: Carried 4-0. (PMM, GCW, PCP, ASG)

Meeting Adjourned at 8:35 p.m.


Minutes Accepted on: 3/14/13  
(Date)

Patricia M. Murphy

  
Peter C. Pappas

  
(Prepared by: Jean Keyes)

  
Glenn C. Wojcik

  
Amber S. Griffiths