



# 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)

## **Meeting Minutes April 25, 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), Associate

### **Other Officials:**

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

PMM opened the meeting at 7:09 p.m.

### **Silver Lake Rd 81P, Bellingham Residential Realty #2**

John Nenart of Guerrier and Halnon Engineering on behalf of the applicant. Title insurance problem for new owners due to a paper street. They would like to move the lot line to center of street to eliminate further problems. Conforms to frontage area and has adequate access.

**ASG: Motion to sign Silver Lake Rd 81P for Lot 15A, Bellingham Residential Realty #2, on plan dated 4/8/13 by Guerrier and Halnon.**

PCP: Second.

Vote: 3-0 Carried. (PMM, ASG, PCP)

### **Cedar Hill Estates Bond Request – Roger Gagnon.**

Mr. Gagnon is not present so PMM tabled the informal discussion.

### **May 22, 2013 Annual Town Meeting Zoning Public Hearing: Reformatting of Bylaws and Regulations**

#### **PCP: Motion to waive the public reading**

ASG: Second

Vote: Carried 3-0. (PMM, ASG, PCP)

Present: Ann Odabashian, Town Clerk for the Town of Bellingham

Ms. Odabashian explained the reformatting and renumbering of the zoning bylaws, town charter and subdivision rules and regulations. This project will place all documentation in one place and to provide clarity and consistency for the public. Ms. Odabashian is using a company called General Code to handle this project and to maintain going forward. SJW explained that the Planning Board will still retain their ability to make updates to the Subdivision Rules and Regulations without having to go to town meeting for approval.

**PCP: Motion to recommend the reformatting of the bylaws and regulations at Town Meeting on May 22, 2013 as described by the Town Clerk.**

ASG: Second.

Vote: Carried 3-0. (PMM, ASG, PCP)

Board Member Glenn Wojcik arrived at 7:15 p.m.

**Gibbs Oil Gas Station, 320 Pulaski Boulevard Development Plan Review, Continued Public Hearing; Decision Deadline: 6/1/13**

Present: Attorney Michael Peirce for the applicant.

Tony Fruchtl, Engineer from Ayoub Engineering for the applicant.

Attorney Peirce provided a synopsis of the project which is to develop a gas station on Pulaski Boulevard and the key points are:

- Driveway Sizes: The current plan shows a slight modification to the curb cuts to avoid needing a variance for the size of the driveway openings. The openings are now fully compliant.
- Drainage and Lighting: All have been reviewed and approved by the town's peer reviewer, BETA.
- Fire Safety: The project has been approved by the Fire Chief and the state's fire marshal office for fire safety. Also, there are no issues at this time about the canopy by the fire department.
- Landscaping is compliant with town's regulations.
- Traffic analysis: Has been completed and has met all of Mr. Gillian's analysis (Mr. Gillon is from Gillon Associates, traffic and parking specialists) and BETA's analysis. Attorney Peirce explained that they are very aware of how this intersection works as they have operated current Gibbs gas station next door for 18 years. There is plenty of area for traffic to move around the property. The majority of cars using the station are driving by and not using as a destination.
- Parking: They meet parking bylaw requirements and have provided 4 additional spaces.
- Cueing at the gas pumps: Tony Fruchtl stated that the plan details the a queuing situation that in reality would never happen as there would never be 8 + 16 cars waiting in line for gas.
- Board of Selectmen (BOS): They will be presenting before the BOS on May 6, 2013 as they are the decision-making authority for gas stations in the town. But the BOS wanted the Planning Board's decision before making their decision.

PCP asked for an example of another gas station in town that has a similar configuration for queuing and traffic. SJW explained that Cumberland Farms on Hartford Ave is similar. SJW further explained that the 2-car queuing is part of the BOS permit and they can determine if it is adequate. The Planning Board is reviewing the queuing so that there are no zoning violations. PCP and GCW are fine with the queuing and do not see an issue.

ASG asked where the snow removal will go. Mr. Fruchtl explained that it will be put in the back of the lot behind the building and it is noted on the plan. Additionally, if there is excess snow it will be hauled off the site. PCP questioned if there is sufficient drainage for the snow and Mr. Fruchtl said yes and it will not take up the whole drainage basin.

PMM asked the public if they have questions.

Mr. Nicholas Goodier, attorney on behalf of Pulbell Corporation, who is an abutter, would like to make a presentation to the Board. PMM explained that Attorney Goodier can ask questions of the Board but he cannot do a full presentation.

Attorney Goodier asked the following questions:

1. Attorney Goodier asked what the date was on the plans presented to the Board today. Mr. Fruchtl stated that the plans are dated April 25, 2013. Attorney Goodier's question concerned Bylaw 4800 concerning the entrance and frontage specifics and if Beta had reviewed the plans since they are dated today. PMM reiterated that Attorney Goodier must ask a question and cannot make a presentation. PMM further reminded Attorney Goodier that the town's peer reviewer has reviewed the plans. PMM confirmed with SJW that BETA did review the plans today and that she did send them to the Board today around mid-day so they could review them before the meeting. Attorney Goodier stated that he would have liked to have had a chance to review the new plan and feels ambushed. PMM explained that since there were minor modifications, the Board had time to review the plans and that the abutter's engineer is not part of this project. Attorney Goodier was concerned that the entrances did not previously meet the zoning requirements. He sees that the current plan now is corrected and meets the zoning requirements.
2. Attorney Goodier questioned if the truck turning radius and access have been changed because they are concerned with safety and would like to see this on the plan. Tony Fruchtl explained that nothing has changed with regards to the truck turning radius when the driveway modifications were made. Additionally, Mr. Fruchtl stated that the underground storage is more than double so there will be fewer deliveries and the deliveries in general will be made during off-peak hours.
3. Attorney Goodier had a question concerning Bylaw 2530 that the allowed use would also need a special permit and refers the Board to Exhibit 4 in abutter's comment package. He asked if the Board is interpreting allowed use to be a use by special permit and if yes, then it would be exacerbating the use of a non-conforming lot. PCP refers to Exhibit 4 and stated that nowhere in Exhibit 4 is it stated how the use of a gas station would exacerbate the non-conforming use. SJW explained that our bylaws state that a gas station is allowed by special permit granted by BOS in conjunction with the Development Plan that being reviewed by the Planning Board for construction of a building over 1000 square feet. The Planning Board is reviewing their Development Plan which allows the construction of the gas station on that site and the BOS reviews the use as a gas station and grants the special permit for that use. SJW stated that Town Counsel stated that the use is allowed as uses are allowed by special permit. Attorney Goodier stated that in zoning district B1 a gas station is allowed only by special permit. If you have a non-conforming lot in that district it exacerbates the non-conforming nature of that lot. PMM responded that this is an issue for the BOS as it deals with use on a non-conforming lot.
4. Attorney Goodier referred to Figure 13 in Gibbs' traffic report which shows the existing traffic counts and the counts for the proposed gas station and convenience store. Attorney Goodier questioned how the counts could go down. Mr. Jack Gillon, traffic engineer, explained that they measured all traffic counts and also measured for Saturday as well and his report. Mr. Fruchtl explained that they use the industry standard to determine the traffic counts and did not compare the abutter's gas station traffic counts with the new proposed project. Attorney Goodier asked who made the statement that is presented in Mr. Gillon's traffic report on page 1: "the project includes abandonment of the existing gas station and rebuilding a newer one." PMM asked Mr. Fruchtl who made the statement. Mr. Fruchtl stated that his firm understands that they can't speak about what will happen on the abutter's site. The lessee will not be operating on that site and that is what is reflected in the traffic report. Attorney Goodier continued to express concern about the traffic. PCP continually asked Attorney Goodier what his specific concern is about the traffic. Attorney Goodier did not provide any specifics for the Board; he only reiterated his general concerns. GCW stated that Gibbs is abandoning the current location of their gas station and are moving to the new lot. PCP concurs and reiterates that Gibbs is abandoning their current gas station, but they are not saying that the lot will not be a gas station in the future. Attorney Peirce stated that the statement is in the report and that there is a difference of opinion but it is not an error. PMM and PCP acknowledge that the statement is in the report and have noted Attorney Goodier's concerns.

5. Parking: Attorney Goodier asked if the parking was deficient according to Section 3320 F. SJW explained that the Planning Board revised the parking regulations in 2012 but the regulation Attorney Goodier was using was an old version. Attorney Goodier apologized for the error.
6. Queuing: PMM again asked for a question from Attorney Goodier. Attorney Goodier asked if there is a plan that shows the two queuing spots for each filling station. PMM asked Mr. Fruchtl to show the queuing plan to Attorney Goodier and to the Board. Mr. Fruchtl explains that there are two spots for each pump, cars can all get on site, and that cars will not be queuing on the street. PMM explains that the date of queuing plan is April 24, 2013 and was reviewed by BETA and the Board.
7. Lighting Plan: Attorney Goodier questioned the spillover on the adjacent property and the type of light identified. Mr. Fruchtl stated that the type of light was submitted to the Board as a cut sheet with the initial package. PCP explained that spillover was addressed by the Board previously and the applicant has proven that it has addressed and corrected.
8. Conflict with existing sign and new sign: PMM stated, and SJW confirmed that they have reviewed the sign plan and have approved it. Attorney Goodier stated that the signs are back-to-back and could create a problem with sight lines and electronic signs. PMM and GCW explained that this sign is not a problem as the bylaw concerning electronic sign usage is concerning blinking signs and this is not a blinking sign.
9. Attorney Goodier hopes the Board will consider Section 1100 of the bylaw which purpose is to lessen congestion, secure safety, and facilitate adequate transportation both on and off site. It is his position that the queuing plan is a problem. Also Section 1420 concerning Development Plan is to layout the parking and building in a safe manner. Attorney Goodier also has concerns that the fire department has not seen the modified plans presented today.
10. PCP reiterates that the Planning Board is reviewing the construction of the gas station and that it meets the bylaws. Attorney Goodier stated that he thought the Board was deferring the queuing issue to the BOS. PMM clarified that, pursuant to the Planning Board jurisdiction, the Planning Board is determining if the queuing is acceptable for this project.

Attorney Peirce reiterates that with the regards to the queuing, that they have operated the gas station next door for 18 years with no queuing issues and that gas station has about one-quarter to one-half of the queuing that has been designed for the new project. Queuing has never been an issue on the site next door.

Attorney Goodier stated that subsection F under Development Plan approval that "no other zoning violations are observed when this board (Planning Board) grants development plan approval." PMM stated that she does not know of any zoning violations. Attorney Goodier stated that he had pointed out some violations but PMM stated that the Board does not know of any violations.

**GCW: Motion to close public hearing for Gibbs Oil, Co. Gas Station at 320 Pulaski Boulevard Development Plan Review.**

PCP: Second.

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

**Board Discussion**

All Board members agree that queuing will not be an issue.

**GCW: Motion to write a favorable decision for the Gibbs Oil Gas Station, 320 Pulaski Boulevard Development Plan Review with the condition of approval of the Board of Selectmen for the Board of Selectmen Special Permit.**

ASG: Second.

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

**CVS, 370 and 400 Pulaski Boulevard, Development Plan Review, Drive Thru Special Permit and Stormwater management Permit, Continued Public Hearing; Decision Deadlines: 4/30/13**

Present was Joe Antonellis, attorney for the applicant and Phil Fusco, engineer with Garafolo Associates. Attorney Antonellis believes all information and documentation has been submitted and is commensurate with the Boards requirements. Mr. Fusco and Attorney Antonellis clarified the following information:

1. Parcel donation – no longer is an issue. CVS will keep the land and maintain it as part of their open space.
2. Landscape plan – has been updated due to elimination of 5<sup>th</sup> leg and the plan and information have been submitted to the Board.
3. Fencing – Mr. Fusco explained that the fencing has been reviewed with abutters and will be varying heights around the property.
4. Lighting – Mr. Fusco stated that the specifications for the lighting have been submitted but they do not have the cut for the light itself. They will be in compliance with our regulations and there will be no spillover.
5. Pavement markers – Mr. Fusco stated that all have been duly noted on the plan and show all traffic patterns on the site.
6. Sign – Attorney Antonellis stated that they have submitted a sign that conforms to the bylaw relative to the size and location. CVS would like to not put the height on the plan but have this determined later. SJW explained that the Planning Board has jurisdiction over signage as it is part of the Development Plan. She further stated that she does not want to see the applicant come back for a modification or have the sign permit issued that is bigger than the building. SJW is of the opinion that the sign height should be part of the Development Plan. Attorney Antonellis agreed with SJW explanation and would ask that the sign be no higher than the height of the building. PMM and PCP want consistency to help improve Pulaski Boulevard. SJW suggests that the sign be the same height as Walgreen's sign. All Board members agree that the sign will be the same height as Walgreen's sign measured from the base of the sign up.
7. Handicap Access - Attorney Antonellis explained that it is still unclear if the sidewalk in front of the site is on their property or the town's property. If it is on CVS's property, they have to grant and easement to the town for use of the sidewalk. This is still being negotiated and he has submitted a draft easement to Town Counsel for review. SJW stated that she is not sure this is necessary and they are working it out. Attorney Antonellis explained that the crosswalks and handicap access have all been properly identified on the plans. Mr. Fusco stated that the crosswalk is completely ADA compliant.
8. Environmental Controls – Attorney Antonellis explained that the actual HVAC equipment has not been decided yet but the equipment will meet all decibel levels standards and will be provided by certified contractor. It was further clarified by Attorney Antonellis that the applicant will also be the builder and will maintain ownership of the site and will be responsible for the project.
9. Historically significant property – Attorney Antonellis stated that there are no issues to address as there is nothing historically significant on the site.
10. Number of employees and hours of property – Attorney Antonellis stated that this information is on the plan and hours will be 7:30 a.m. – 10:30 p.m. He also requested that Board allow this pharmacy to seek a modification of the special permit should they want to change the hours to a 24 hour site in the future. This is not the intent for this project but wanted to have the ability to do so in the future.
11. Screening of abutters – Mr. Fusco explained that the landscape plantings will supplement the fencing.
12. Traffic Calming on Pickering Street – Attorney Antonellis suggested that there is an assumption that the building of the new CVS will create more cut-through traffic. The new traffic light and traffic configuration for the site all reduce the wait times at the intersection which should actually reduce the cut-through traffic. The traffic studies and findings show that the overall level of service for the intersection will improve, therefore there should be less cut-through. The belief is that the impact CVS will have on the cut-through traffic will be minimal. Attorney Antonellis suggested that CVS will do a study before CVS is built and then 6 months after occupancy. They will submit this data and submit to BETA for review. SJW understood that this would be handled like a peer review but forcing implementation may be difficult. GCW asked what the price difference would be to have CVS do the studies versus having BETA perform the studies.

Attorney Antonellis stated that it would cost them approximately \$30,000 to have BETA perform the studies. GCW suggested that CVS put the \$30,000 in escrow with the town to ensure that traffic calming measures are implemented should it be determined that they are needed six months after occupancy.

Jason Plourde, traffic engineer of GPI – Greenman-Pedersen, Inc. speaking on behalf of CVS, explained the type of studies that have been performed and what can be done to study the cut-through issues. He further explained the possible calming measures if needed. However, it is his opinion that the CVS may not have a significant impact on the traffic delays at the intersection. Two most effective measures for traffic calming for low-volume roads (fewer than 500 cars per day) is enforcement for speed and signs.

All Board members agreed that they would accept having CVS perform the studies before construction and six months after and then having BETA review. They also agreed to have CVS putting \$30,000 into escrow to pay for traffic calming measures at that time.

SJW explained that BETA wants to review the final contract documents for construction prior to the construction of light and the signal once installed. Beta feels very strongly about this issue because they want the intersection to work properly. Attorney Antonellis agrees with BETA's review and they understand that they will have to pay for that review.

**GCW: Motion to close public hearing for CVS, 370 and 400 Pulaski Boulevard, Development Plan Review**

ASG: Second.

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

SJW provided a summary of the conditions that must be included in the decision:

1. Need the lighting cut sheet
2. Sidewalk easement with town counsel or town meeting – will deliver easement signed & notarized
3. Environmental Controls - HVAC compliance for noise and vibration for roof elements
4. Sign – no taller than Walgreens's sign as measured from the base
5. Cut-through Traffic Study – CVS will do a traffic study before construction and six months after and CVS will pay for BETA to review. CVS will pay \$30,000 to the town prior to occupancy that will be held in escrow the peer review.
6. Signal Review – CVS will pay for BETA's review of the signal both before and after construction.
7. CVS must submit construction documents to both the DPW and Planning Board prior to construction. The Planning Board will then forward to BETA for their scope for the peer review and the cost will be determined at that time.
8. Hours of Operation – the Board will allow the applicant to come back for a Modification should they want to change the hours of operation in the future.

**GCW: Motion to draft favorable decision for CVS, 370 and 400 Pulaski Boulevard, Development Plan Review and Stormwater Management Permit with conditions as discussed.**

PCP: Second.

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

**GCW: Motion for the CVS, 370 and 400 Pulaski Boulevard Drive Thru Special Permit**

PCP: Second.

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

**General Business:****Old Business:****PCP: Motion to sign the April 11, 2013 Meeting Minutes.**

ASG: Second.

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

**New Business (81-P)**

SJW explained National Trails Day event for Friends of the SNETT

SJW gave an update on Northwoods: SJW met with their wetlands specialist and Dan Drake – town inspector - to discuss the process. The applicant's plans to restore open space are not acceptable. Engineer Mark Anderson will meet with Conservation Commission (Con Com) on Saturday, April 27, 2013 at 9:30 a.m. at Northwoods on Linda Way to discuss. Con Com will present suggestions to Planning Board. The applicant has to install all the bounds for the open space. The residents were given the plans and a form to sign but they are still putting stuff in the open space and are blatantly disregarding the plans. The Town will not accept the road if the residents do not remove their stuff. PCP reiterated that the town owns this land and residents cannot put personal stuff on it. SJW the town can tear the stuff down if they don't move it. People are removing the stakes that show the bounds for open space.

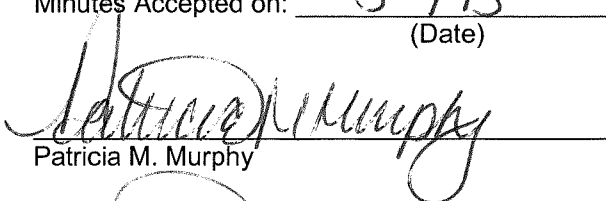

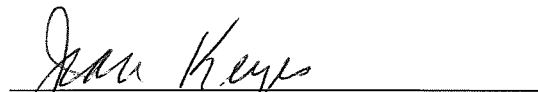
Con Com will also head over to Blackstone Street where Marinella is building up the land and the wetlands and told them to stop the work.

**GCW: Motion to adjourn.**

ASG: Second.

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

Meeting Adjourned at 9:31 p.m.

Minutes Accepted on: 5-9-13  
(Date)  
Patricia M. Murphy  
Peter C. Pappas  
Brian T. Salisbury  
(Prepared by: Jean Keyes)  
Glenn C. Wojcik  
Andrew T. Greene