

11-15-2018 @ 02:21p



# BELLINGHAM PLANNING BOARD

10 MECHANIC STREET  
BELLINGHAM, MASSACHUSETTS 02019

(508) 657-2892

PlanningBoard@bellinghamma.org

2018 OCT 12 AM 10:04

TOWN CLERK

October 11, 2018

## 189 MECHANIC STREET DEVELOPMENT PLAN AND STORMWATER MANAGEMENT PERMIT MODIFICATION DECISION

### A. BACKGROUND

Applicant: TMC Holdings and Development, LLC  
24 William Way  
Bellingham, MA 02019

Owner: NRM Commercial, LLC  
23 National Drive  
Franklin, MA 02038

Public Hearing: The Public Hearing opened Thursday, September 13, 2018 at 7:00 PM. Notice for the public meeting was published in the Milford Daily News on Thursday, August 30, 2018 and September 6, 2018.

The Public Hearing was continued to September 27, 2018 and October 11, 2018, when the Public Hearing was closed.

Date of Vote: October 11, 2018.

The Premises: The 6.35  $\frac{1}{2}$  acre site is located at 189 Mechanic Street, Assessors Map/Lot Number 52-2-1A in an Industrial zone, also referred to herein as the "Site." \*

*For title see Book 35806 PG 186*

The By-Law: Section 240-16 Development Review Approval and Section 240-54 Stormwater Management

The Proposal: The proposal requests a modification to a previously issued Development Plan and Stormwater Management permit at 189 Mechanic Street in order to construct a 10,000 square foot structure for office and warehouse purposes as well as associated site improvements at the southern portion of the Site (also known as the "Project"), as shown on the plan entitled Site Development Plans for TMC Holdings and Development, LLC, Commercial Building, by Bohler

*\* LOT 2 on  
Plan PAGE 43  
of 2007 in  
Plan Book  
565*

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Engineering, last revised October 3, 2018, also referred to herein as the "Plan".

The Proposal was documented with the following materials:

1. Application for Development Plan Modification, received August 21, 2018
2. Application for Stormwater Management Permit Modification, August 21, 2018
3. Site Development Plans for TMC Holdings and Development, LLC, Commercial Building, by Bohler Engineering, last revised October 3, 2018
4. Certified Abutters List, Town of Bellingham, dated July 23, 2018
5. Certified Abutters List, Town of Franklin, dated August 10, 2018
6. Project Narrative and Project Description, Bohler Engineering, dated August 21, 2018
7. Traffic Report, by Ron Müller and Associates, dated August 14, 2018
8. Planning Board Staff Memo, by James Kupfer, Town Planner, dated August 27, 2018
9. Email Comments, by Sgt. Lee Rolls, Safety Officer, dated September 27, 2018
10. Peer Review of Stormwater and Traffic Impacts, by BETA, dated August 24, 2018
11. Response to Peer Review Comments, by Bohler Engineering dated September 26, 2018
12. Peer Review of Stormwater and Traffic Impacts, by BETA, dated September 27, 2018
13. Drainage Report for TMC Holdings and Development, LLC, by Bohler Engineering, last revised September 25, 2018
14. Other miscellaneous documents on file at the Planning Board Offices

## **B. DETERMINATIONS**

Following its public hearing on the Applicant's proposal and requested relief, the Planning Board made the following determinations:

1. The Owner currently has a 35,000 square foot indoor recreational facility at 189 Mechanic Street that was permitted on May 25, 2017. The indoor recreational facility will continue to operate at that location; however, the Owner seeks to reconfigure and to expand the Site to include the proposed Project.
2. That the Planning Board reviewed traffic impacts to the neighborhood. It was determined that approximately 60 vehicle trips would occur daily during the week and minimal to no vehicles during the weekend. Of those trips all are employee or small trucks trips.
3. The Applicant stated that the Project will have a single shift with a typical staff of 10 to 15 employees per shift.

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4. The Bellingham Zoning Bylaw requires 22 parking spaces. The Applicant is proposing 82 parking spaces. The additional parking is intended to supplement the parking for the indoor recreational facility on the Site.
5. Typical hours of operation are 9:00 a.m. to 6:00 p.m., five days a week and most vehicular traffic is anticipated during those hours.
6. That the Site is not located within the Water Resource District.
7. The Plan meets the performance requirements of this By-Law (e.g. Article IX Environmental Controls, Article X Parking and Loading Requirements, Article XI Landscaping Requirements) either by-right or by relief granted under this Permit. The relief granted herein is based upon evidence provided to the Board during the hearing. Any future changes to the Plan are subject to and must comply with the requirements of this Decision or must receive approval of the Board under a request for amendment to this Decision.
  - a. Section 240.49 Light and Glare: Security and Parking Lot lighting is proposed. Light spill to abutting property is illustrated on the photometric plan provided. This decision shall be further conditioned to confirm dark sky standards are enforced and any minimal light spill to any neighboring use is not negatively impacted. Any additional exterior lighting added shall be submitted to the Town Planner for review to confirm compliance with the Zoning Bylaws.
  - b. Section 240.50 Air Quality: There will be no manufacturing within the Site. The proposal does not involve emission of odorous gases in such quantities to be offensive.
  - c. Section 240.51 Hazardous Materials: No hazardous materials, as defined in this section, are proposed to be used or stored on Site, except as customarily used or stored as part of the proposed use in compliance with law.
  - d. Section 240.52 Vibration: The Applicant does not propose any use that produces vibration which is discernible to the human sense of feeling (except as sound) at or beyond the boundaries of the premises for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for 30 seconds or more in any one hour between 9:00 p.m. and 7:00 a.m.
  - e. Section 240.53 Electrical Disturbance: No electrical disturbance is proposed or will be permitted which adversely affects the operation of any equipment other than that of the creator of such disturbance.
  - f. Section 240.54 Stormwater Management: The stormwater management shown on the Plan and drainage analysis has been designed to meet the Stormwater Management Standards set by Massachusetts Department of Environmental

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Protection and the Bellingham Zoning Bylaws. The standards include removing solids from the stormwater, reducing the rates of runoff from the site, and recharging the groundwater.

- i. Waiver Request for 245-13.C(3) – Curb inlets shall be provided at every catch basin. Curb inlets shall be granite.
- g. Section 240.58 Noise: The use proposed on the Site was determined to not add noise concerns as all activities are conducted indoors and are sited with in an industrial zone.
8. For the given location and type and extent of land use, the design of building form, building location, egress points, grading, and other elements of the development could not reasonably be altered to:
  - a. Improve pedestrian or vehicular safety within the site and egressing from it as circulation has been reviewed by the Planning Board and Emergency Services and was deemed adequate and improved from the existing conditions;
  - b. Reduce the visual intrusion of parking areas viewed from public ways or abutting premises by preserving vegetative buffers and the proposed access driveway has been kept to the minimum practicable width and landscaping has been added;
  - c. The Site has been graded to match the cuts and fills as much as possible and it is not anticipated that an Earth Removal Special Permit will be required;
  - d. Existing vegetation along the frontage of the Site is to be preserved as shown on the Plan;
  - e. The project has been designed to comply with the DEP Stormwater Handbook and the Bellingham Zoning Bylaws. A Stormwater Report has been prepared including an Operation and Maintenance Plan consistent with the Town of Bellingham requirements.
  - f. The stormwater system has been designed to manage any increase in stormwater runoff and is contained entirely on site and is subject to further review, as conditioned herein.
9. Adequate access is provided around the facility for fire and service equipment and has been reviewed and approved by emergency services.
10. Adequate utility service and drainage is provided. The Board of Health Agent witnessed the test pits and deemed the soils uniform throughout the Site.
11. Projected peak hour traffic will not increase in the study area by 25% or more above levels otherwise anticipated at the time of occupancy.
12. No zoning violations are observed.

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### C. DECISION

Based on the above determinations, the Planning Board finds that the Proposal meets the requirements of the Zoning By-Law, and by a vote of 4 in favor and 0 opposed, accordingly, grants the Applicant and its successors and assigns as owner of the premises, Development Plan and Stormwater Management Permit Approval in accordance with the approved plan subject to the following conditions:

1. This Approval is limited to the improvements as noted on the Approved Plan, and as may be conditioned herein. Any changes to such Plan must be reviewed and approved in accordance with the Bellingham Zoning Bylaws and presented to the Planning Board. If the Planning Board determines that any change to the plan is a major alteration to the Approved Plan, a public hearing shall be required for a modification to this permit.
2. The uses proposed on Site are limited to office, warehouse, and distribution. The Board reviewed the impacts and design in accordance with these uses. Any changes to such use must be reviewed and approved in accordance with the Bellingham Zoning Bylaws and presented to the Planning Board. If the Planning Board determines that any change in use is a major alteration to the Approved Plan, a public hearing shall be required for a modification to this permit.
3. Sediment and Erosion controls shall be installed and be subject to the inspection and approval by the Town Planner prior to commencement of construction.
4. Prior to the commencement of construction, the Applicant shall schedule a preconstruction meeting with the Town Planner and the Board's designated inspector. The Board's designated inspector shall be permitted to conduct routine inspections, as may reasonably be determined by said inspector while construction is ongoing relative to this permit and all corresponding Decisions for this Site. The Applicant is required to provide said inspector with any and all requested logs, as-built plans, surveys, and other related items and abide by any reasonable directives or requirements of said inspector with respect to construction of this Project. Failure to comply with the requirements of this paragraph may result in a stop-work order, as may be directed by the Town's Zoning Enforcement Officer, the Board, or its duly authorized designee.
5. Prior to the issuance of a Building Permit, the Applicant shall verify soil conditions at the location of the proposed infiltration system. Verification shall be witnessed by the Town of Bellingham's certified soil evaluator.
6. A comprehensive signage plan shall be presented to the Board for approval prior to installment of signage. No additional freestanding sign shall be permitted along the Site frontage of Route 140.

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7. Snow and ice removal shall be the responsibility of the Applicant or a successor. Snow and ice removal shall be undertaken as soon as is practicable after a snowfall and shall not impede or obstruct the roadway or the sight lines thereon and so as not to impeded or obstruct the hydrants.
8. In accordance with the Bellingham Department of Public Works, any and all access and utility easements that may be necessary to complete and occupy the Project shall be in a form approved by the Town Counsel prior to the issuance of the Certificate of Occupancy, such approval not to be unreasonably withheld.
9. Exterior building and parking lot lighting shall be consistent with "dark sky" standards – shielded and directed downward to maintain lighting on to the Site and shall comply with the Zoning Bylaw. Shielding shall be installed and be subject to the approval of the Building Inspector prior to the issuance of the Certificate of Occupancy.
10. The Planning Board, DPW's representative, and Town Counsel may require reasonable fees for any services contemplated hereunder which shall be paid by the Applicant in the manner prescribed by M.G.L. c. 44 §53G. The Applicant shall also pay for all third party inspections of project infrastructure, as may be reasonably required by the DPW or the Planning Board or DPW's representative.
11. As used herein, "commencement of construction" is hereby defined as any clearing or preparation of the Site for development of the project approved herein.
12. This Decision shall be binding upon TMC Holdings and Development, LLC and its successors, transferees and assigns, as well as any other tenant, purchaser or user of the Site or any portion thereof. This permit may not be assigned or conveyed to any other entity without the prior approval of the Planning Board, such approval not to be unreasonably withheld.
13. All determinations, Decisions, and conditions set forth within the Indoor Commercial Recreational Facility, 189 Mechanic Street, Development Plan and Stormwater Management Permit Decision, dated May 25, 2017 are hereby incorporated herein. Any violation of such conditions shall constitute a violation of this Permit.
14. This Decision shall not be effective until it is recorded by the Applicant in the Registry of Deeds, with proof of such recording to be supplied to the Board and the Building Commissioner.

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**D. RECORD OF VOTE**

I vote to **APPROVE** the **189 MECHANIC STREET DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT MODIFICATION.**

**Bellingham Planning Board**

**October 11, 2018**

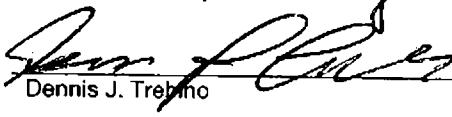


William F. O'Connell Jr., Chairman

Peter C. Pappas, Secretary



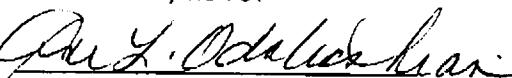
Brian T. Salisbury, Vice Chairman



Dennis J. Trehino

Appeals of this Decision may be made within thirty days, in accordance with the provisions of G.L. c 40A, §15

This Decision, together with all plans referred to in it, was filed with the Town Clerk on October 12, 2018.



Ann Odabashian

Bellingham Town Clerk



**TOWN OF BELLINGHAM**  
OFFICE OF  
TOWN CLERK

Bellingham Municipal Center  
10 Mechanic Street  
Bellingham, MA 02019

Town Clerk  
Ann L. Odabashian

Tel: 508-657-2830  
Fax: 508-657-2832

DATE November 13, 2018

TO: Planning Board

RE: TMC Holdings and Development LLC

189 Mechanic Street (Urban Air)

This is to inform you that 30 days have elapsed since October 12, 2018, the date the above was filed with the Town Clerk, and that no notice of appeal has been filed with this office during that period.

A certified copy attesting this is available and on file in this office.

Sincerely,

Ann L. Odabashian  
Bellingham Town Clerk