



# BELLINGHAM PLANNING BOARD

10 MECHANIC STREET  
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June 27, 2019

## MECHANIC STREET WAREHOUSE DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT DECISION

### A. BACKGROUND

**Applicant:** LPC Northeast, LLC  
53 State Street, 8<sup>th</sup> floor  
Boston, MA 02109

**Owner:** Varney Brothers Sand & Gravel  
79 Hartford Avenue  
Bellingham, MA 02019

**Public Hearing:** The Public Hearing opened December 13, 2018 at 7:00 PM. Notice for the public meeting was published in *The Milford Daily News* on November 29, 2018 and December 6, 2018. The Public Hearing was continued to January 10, 2019, February 14, 2019, March 28, 2019, April 25, 2019, May 9, 2019, June 13, 2019 and June 27, 2019, when the Public Hearing was closed.

**Date of Vote:** June 27, 2019

**The Premises:** The project, also referred to herein as the "Site", is proposed to be accessed by a newly constructed public way to the west of 164 Mechanic Street. The project is located at Assessors Map 51-13, approximately 68 acres, in an Industrial Zoning District.

**The By-law** §240-16 Development Plan Review, and §240-54 Stormwater Management

**The Proposal:** To construct a 345,000 square foot warehouse with associated improvements accessed by a newly created public way intersection with Mechanic Street, west of 164 Mechanic Street.

The Proposal was documented with the following materials:

1. Application for Development Plan Review, received November 26, 2018, including a narrative and project description.
2. Stormwater Management Permit Application, received November 26, 2018.
3. Major Business Complex Special Permit Application, received November 26, 2018.
4. Flexible Parking Options Special Permit Application, received November 26, 2018.
5. Water Resource District Special Permit Application, received November 26, 2018.
6. Certificate of Ownership, received November 26, 2018.
7. Certified Abutter's List, Town of Bellingham, dated November 26, 2018.
8. MEPA Certificate, dated September 21, 2018.
9. Site Plans for Proposed Warehouse, by VHB, last revised June 20, 2019. (also known as the Approved Plan)
10. Stormwater Report, by VHB, last revised March 21, 2019.
11. Approval Not Required Plan of Land, by Allen Engineering and Associates, dated December 7, 2018.
12. Photometric Plan, by Omni-Lite, Inc, dated November 20, 2018.
13. Parking Reduction Request Memo, by Eli Leino, dated December 3, 2018.
14. Staff Checklist, James Kupfer, Town Planner, dated December 3, 2018.
15. Email Comments, Mike Catalano, Board of Health Agent, dated January 13, 2019.
16. Email Comments, Don DiMartino, DPW Director, dated December 7, 2018
17. Email Comments, Don DiMartino, DPW Director, dated February 13, 2019
18. Email Comments, Don DiMartino, DPW Director, dated February 19, 2019
19. Email Comments, Don DiMartino, DPW Director, dated April 11, 2019
20. MEPA Review Notice of Project Change, by VHB, dated April 16, 2019.
21. Traffic Impact and Access Study, by VHB, last revised March 2019.

22. Police Department Accident Reports, by Bellingham Police Department, received April 11, 2019.
23. Traffic Mitigation Proposal, by VHB, last revised March 27, 2019
24. Traffic Mitigation Plan, by VHB, last revised March 26, 2019
25. Conservation Commission Mitigation Narrative, by VHB, dated May 21, 2019.
26. Peer Review of Stormwater, by BSC Group, dated February 1, 2019.
27. Response to Peer Review, by VHB, dated March 21, 2019.
28. Peer Review of Stormwater, by BSC Group, dated April 15, 2019.
29. Response to Peer Review, by VHB, dated April 17, 2019.
30. Peer Review of Stormwater, by BSC Group, dated June 7, 2019.
31. Response to Peer Review, by VHB, dated June 12, 2019.
32. Draft Stormwater Pollution Prevention Plan Manual, by VHB, received May 23, 2019.
33. Deed Restriction Plan, by VHB, dated June 18, 2019.
34. 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 has made the following determinations:

1. The Applicant originally filed applications for a proposed development on 146 +/- acres of land known as Assessors Map 51-13. Subsequent to the application, the land owner filed an Approval Not Required plan entitled Plan of Land, by Allen Engineering and Associates, dated December 7, 2018, subdividing the lot and reducing the application acreage to 68 acres.
2. That the use proposed is limited to warehouse and distribution.
3. That the Site is partially located within the Water Resource District and due to the increase in impervious surface a Special Permit is required.
4. That the Site, as proposed, shall require a public way to be constructed from Route 140 to the proposed private driveway to the development to improve traffic circulation and volume. The intersection of the newly constructed public

road and Route 140 shall be reviewed and approved by Massachusetts Department of Transportation with guidance by the Board.

5. That the newly constructed intersection shall have a traffic signal. The approval of a traffic signal is at the discretion of Massachusetts Department of Transportation. Therefore, the required warrants for a traffic signal shall be reviewed annually.
6. In accordance with the Flexible Parking Special Permit, the Board has granted a reduction in parking from 690 spaces to 215 spaces.
7. The performance requirements of this By-Law (e.g. Article IX Environmental Controls, Article X Parking and Loading Requirements, Article XI Landscaping Requirements) have been met or a waiver has been requested and granted.
  - a) §240.49 Light and Glare: A photometric plan has been prepared by Omni-Lite, Inc, dated November 20, 2018. The plan demonstrates that the illumination of the proposed lighting for the development shall not trespass on to abutting properties. Any 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 By-law.
  - b) § 240.50 Air Quality: There will be no manufacturing within the proposed facility. The proposed uses do not involve emission of odorous gases in such quantities to be offensive and shall continue to adhere to the Zoning By-law. The only point source emissions identified to the air will be from the proposed heating systems and vehicles entering and exiting the Site. However, future tenants have not been identified. It shall be a condition of the permit that any uses involving impacts to air quality pursuant to § 240.50.B shall first seek relief from the Special Permit Granting Authority.
  - c) §240.51 Hazardous Materials: No hazardous materials, as defined in this section, are proposed to be used or stored on Site. However, future tenants have not been identified. It shall be a condition of the permit that any uses involving hazardous materials shall first seek relief from the Special Permit Granting Authority.
  - d) §240.52 Vibration: The Applicant does not propose any use that produces vibration which is discernible to the human sense of feeling (except 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.

However, future tenants have not been identified. It shall be a condition of the permit that any uses involving discernable vibrations shall first seek relief from the Special Permit Granting Authority.

- e) §240.53 Electrical Disturbance: No electrical disturbance is proposed or will be permitted which adversely effects the operation of any equipment other than that of the creator of such disturbance.
  - f) §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 the Massachusetts Department of Environmental Protection and Bellingham Zoning By-laws. The standards include removing solids from the stormwater, reducing rates of runoff from the site, and recharging the groundwater.
  - g) §240.58 Noise: The use proposed was determined to not add noise concerns as all activities are conducted indoors and are sited within an industrial district.
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;
  - b) reduce the visual intrusion of parking areas viewed from public ways or abutting premises, by preserving vegetative buffers as well as landscaping added to priority areas;
  - c) reduce the volume of cut or fill and 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) reduce the number of removed trees 8" trunk diameter and larger, as a Deed Restriction Plan shall be completed preserving several acres of land on the Site in perpetuity;
  - e) reduce soil erosion; and reduce hazard or inconvenience to pedestrians from storm water flow and ponding by engineering the Site to be designed to comply with the DEP Stormwater Handbook and the Town of Bellingham Stormwater Regulations as well as the inclusion of a

Stormwater Pollution Prevention Plan and Operation and Maintenance Plan consistent with the Town of Bellingham requirements.

- f) provide alternate access as emergency services has reviewed and approved the plan as proposed and deemed access to be adequate;
  - g) provide alternate utility service and drainage as the DPW Director has reviewed and approved the plan as proposed and demonstrated in the Stormwater Management Report;
  - h) Projected peak hour traffic will increase in the study area along Route 140. However, the Planning Board has determined that the traffic mitigation measures proposed by the Applicant and required under this approval, including a newly designed public way, intersection and traffic signal, sidewalks, and a corridor study among other items, adequately provide for capacity and safety improvements. The Board and the Applicant have also agreed upon restrictions to truck routes, as described in the conditions below.
9. No other zoning violations were observed.
10. The Board finds that compliance with the below conditions are necessary to mitigate impacts related to the construction and occupancy of the project.

### **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 5 to 0 in favor, accordingly, grants the Applicant and its successors and assigns as owner of the premises, a Development Plan Approval and Stormwater Management Permit subject to the following conditions:

1. This Approval is limited to the improvements as noted on the Approved Plan, warehouse and distribution use, and as may be conditioned herein. Any changes to such Plan must be reviewed and approved in accordance with the Bellingham Zoning By-laws. All such changes shall be reviewed by the Board for determination as to whether or not the changes are considered minor or major. 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. A minor change shall be reviewed and approved at a regularly scheduled meeting.

2. Prior to a Building Permit, three (3) test pits shall be performed in each of the proposed infiltration basins and witnessed by the Town's soil evaluator. If the soil conditions and ground water separation is substantially different than that of what is considered in the Stormwater Management Report, revisions to the plan shall be completed and resubmitted to the Planning Board as a major alteration to the Approved Plan.
3. Prior to the issuance of a Building Permit, a Geotechnical /Structural Engineer peer review shall be procured by the Town. The peer review shall be paid for by the Applicant after review and approval of scope and fee. The review will include but not limited to review of the blast rock proposed to be used on the Site for stability. The review shall be provided to the Town Planner and Building Inspector to confirm suitability of the material for its intended use. The Geotechnical /Structural Engineer shall also review the design and installation of all Site retaining walls and provide the review to the Town Planner and Building Inspector.
4. Prior to the issuance of a Building Permit for the proposed use on the Site, the Applicant has agreed to and shall provide \$100,000.00 to the Town of Bellingham to fund a corridor study and/or design of Mechanic Street (Route 140) from Blackstone Street to Maple Street.
5. Prior to the pre-blast survey and the act of blasting on Site, the Applicant shall notify all direct abutters at minimum one week in advance by hand delivered mail by a representative of the Applicant.
6. Prior to the issuance of a Certificate of Occupancy for the proposed use on the Site, the Applicant has agreed to and shall:
  - a) Provide \$200,000.00 to the Town of Bellingham for the design and/or construction of improvements to the Route 140 and Route 126 Intersection.
  - b) Provide \$150,000.00 to the Town of Bellingham for the implementation of adaptive control equipment for the improvements to the Route 140 and Route 126 Intersection or to be used for general improvements to the Route 140 and Route 126 Intersection if the adaptive control equipment is deemed unnecessary, by the Town of Bellingham, upon final design.
  - c) Conduct a Roadway Safety Audit at Route 126 and Mill Street.
  - d) Conduct a traffic-monitoring program for five years following a Certificate of Occupancy Permit. This post-opening data collection will consist of, but not limited to, automatic traffic recorder counts to be conducted for a

continuous 24-hour weekday period at the Mechanic Street (Route 140) access drive. Turning movement counts also will be conducted at the proposed Mechanic Street (Route 140) driveway. This monitoring will be conducted in five (5) annual intervals, with summary reports being provided to Massachusetts Department of Transportation and the Town of Bellingham to document the Site trip generation. This information will be used by Massachusetts Department of Transportation for general review purposes, and also to determine if signalization is warranted.

- e) Construct sidewalk along Route 140 substantially in conformance with the plan entitled Traffic Mitigation, by VHB, last revised March 26, 2019.
7. Prior to Certificate of Occupancy, the Applicant has agreed to and shall install a traffic signal at the newly created roadway intersection at Route 140. The Board recognizes that a traffic signal is at the discretion of the Massachusetts Department of Transportation. Therefore, if a signal is not warranted at the time of the request for Certificate of Occupancy, a cash bond, shall be provided by the Applicant, sufficient to complete the full intersection signal improvements, as presented in the Conceptual Site Access Plan, by VHB, included in the Route 140 Development Traffic Impact and Access Study, by VHB, last revised March 2019. The bond amount and agreement shall be reviewed and approved by Town Counsel prior to Certificate of Occupancy. The required warrants for a traffic signal shall be reviewed annually by the Applicant and provided to the Board for their review. The Applicant shall make all reasonable efforts and take all reasonable actions to petition the appropriate agencies for the installation of the traffic signal. Upon a traffic signal becoming warranted, the Applicant shall install and incur all cost to install such signal. The intersection and signal design and improvements shall be substantially in conformance with the Conceptual Site Access Plan, by VHB, included in the Route 140 Development Traffic Impact and Access Study, by VHB, last revised March 2019.

The Applicant shall continue efforts annually to seek approval of the traffic signal. Until such time as a traffic signal is warranted, a police detail shall direct traffic at the newly constructed intersection of Route 140. The Applicant has agreed and shall provide a detail, at the Applicant's expense, at a minimum during the hours of 6:00 a.m. and 10:00 a.m. and 4:00 p.m. and 7:00 p.m. and at all other necessary times determined by the Bellingham Public Safety Officer and Town Planner. The form and timing of payment, of which will include but not limited to, an ongoing payment of detail, a security agreement, and security bond, shall be reviewed and approved by the Police Department and memorialized into a written agreement approved by Town Counsel prior to the issuance of a Building Permit.



The Board may review the required detail and times and the Applicant may request an amendment to this requirement, as deemed appropriate, during a regularly scheduled Board meeting.

8. A comprehensive signage plan shall be presented to the Board for approval prior to Building Permit for the Site signage.
9. Highway signage along Interstate 495 shall be investigated further by the Applicant with appropriate State and/or Federal permitting bodies. The Applicant shall make all reasonable efforts and take all reasonable actions to petition the appropriate agencies for the installation of the signage. The Applicant shall provide to the Board a decision from the applicable permitting body for signage indicating "Warehouse Traffic Utilize Exit 17", or language substantially in conformance to, at a regularly scheduled Board meeting prior to a Certificate of Occupancy. An extension to this requirement shall be reviewed and approved by the Board with just cause. The Applicant shall solely responsible to construct and all cost related to this condition.
10. Prior to the start of construction, sediment and erosion controls shall be installed and be subject to the inspection and approval by the Town Planner and Conservation Agent.
11. Construction hours will adhere to §240-48 of the Zoning By-law.
12. All fencing to be installed on Site shall be constructed to allow for a six (6) inch gap from the ground surface to the bottom of the fence to allow for wildlife.
13. The Stormwater Management Operation and Maintenance Plan (O&M), dated March 21, 2019, included as part of the Drainage Report, is hereby referenced and made part of this decision. The Applicant shall permit the Board or its agent to inspect the premises on reasonable notice to determine compliance with said O&M plan.
14. Snow and ice removal shall be the responsibility of the Applicant or a successor and in accordance with the approved O&M.
15. Phosphorous-based fertilizer shall not be used on the Site.
16. Prior to issuance of a Certificate of Occupancy, the Applicant or Tenant shall deliver to the Town Planner a complete list of hazardous materials proposed to be used or stored at the building to the extent required under §240.51 of the Bellingham Zoning Bylaws or other applicable law.

17. The Applicant shall provide a copy of the final Deed Restriction for conservation and open space substantially in conformance with the Deed Restriction Plan, by VHB, dated June 18, 2019, to both the Board and Conservation Commission prior to an occupancy permit.
18. 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 inspector shall be permitted to conduct routine inspections, as may be reasonably be determined by said inspector, while construction is ongoing relative to this permit and all corresponding Decisions for this Site. The Applicant shall deposit with the Town, sums necessary to fund the inspections contemplated hereunder. Such inspectional fund shall be governed under M.G.L. c. 44 §53G or such other applicable statutory method as may be appropriate.
19. In accordance with the Bellingham Department of Public Works, any and all access and utility easements that may be necessary shall be in a form approved by Town Counsel prior to the issuance of the Certificate of Completion, such approval shall not be unreasonably withheld.
20. This Decision is binding on the Applicant's successors, assigns, agents, and employees. This approval shall insure to the benefit of and binding upon LPC Northeast, LLC provided there is no change in use for the Premises. The Planning Board shall be notified in writing of any changes in affiliates and successors in title and additional users of the Premises.
21. Any change of use shall require a public hearing to either modify the existing Development Plan or to issue a new Development Plan permit.
22. All determination, Decisions, and conditions set forth within the Flexible Parking Special Permit, Major Business Complex Special Permit, and Water Resource District Special Permit, dated June 27, 2019, are hereby incorporated herein. Any violation of such conditions shall constitute a violation of this Permit.
23. The Applicant shall comply with §240-16B(5) and (6) regarding As-Built Plans and follow the policies of the As-Built handbook.
24. This Decision shall not be effective until it is recorded by the Applicant at the Registry of Deeds, with proof of such recording to be supplied to the Board and the Building Inspector.

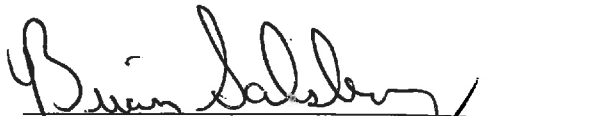
**D. RECORD OF VOTE**

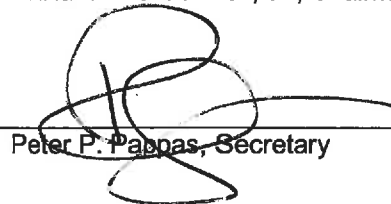
I vote to **APPROVE** the **MECHANIC STREET WAREHOUSE DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT**.

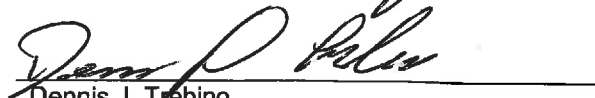
**Bellingham Planning Board**

**June 27, 2019**

  
William F. O'Connell, Jr., Chairman

  
Brian T. Salisbury, Vice Chairman


  
Peter P. Pappas, Secretary

  
Dennis J. Trebino

  
Russell E. Lafond

Appeals of this Decision may be made within thirty days, in accordance with the provisions of G.L. c 40A, §17

This Decision, together with all plans referred to in it, was filed with the Town Clerk on June 28, 2019.

  
Lawrence J. Sposato, Jr.  
Bellingham Town Clerk