



BELLINGHAM PLANNING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 657-2892 PlanningBoard@bellinghamma.org

Meeting Minutes January 24, 2019

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

Present at the Meeting

William F. O'Connell Jr. (WFO), Chairman
Brian T. Salisbury (BTS), Vice Chairman
Peter C. Pappas (PCP), Secretary
Dennis J. Trebino (DJT), Member
Russell E. Lafond (REL), Member
Philip Devine (PD), Associate

Other Officials:

James S. Kupfer (JSK), Town Planner and Zoning Compliance Officer
Jean Keyes (JK), Planning Board Coordinator

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

Bellingham Shores Major Residential Development Special Permit, Definitive Subdivision, and Stormwater Management Plan, 1st Public Hearing.

JSK read the public hearing notice.

Present: Sean Malone, Oak Consulting Group

BTS: Motion to open the public hearing for Bellingham Shores Major Residential Development Special Permit, Definitive Subdivision, and Stormwater Management Plan.

BTS: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

WFO explained the ground rules to the public for the public hearing. JSK explained the history of this project from the most recent preliminary subdivision plan and prior submissions for this property.

Mr. Malone gave an overview of the site and explained the proposal. Several waivers have been requested and Mr. Malone explained all of them. He will be attending the town's department head review and will be meeting with DPW.

WFO explained that the public may be concerned with the other Fafard 40B development. PCP asked if the prior approval pertains here and JSK responded that this is not related to that other plan, this is completely new.

Public Questions:

Bryan Laren of 85 Silver Lake Road presented pictures of current Silver Lake Road which is currently under water. Mr. Laren stated that he has zero faith in this developer. Everything is draining into Silver Lake. This land where Bellingham Shores is proposed is higher than Silver Lake Road and if this continues to happen the water will continue to drain into the road. Mr. Laren asked if the developer is walking away from the 40B to do this project. Mr. Laren is concerned that everyone is forgetting about the

current project. JSK responded that this project will be vetted through the Town's peer review engineer who will provide the Board with guidance and expertise. This is a separate Board from the 40B project and this Board will condition the infrastructure and drainage.

Whitney Lavigne of 2 Northern Lights Way asked why this project is being considered when the same developer hasn't finished with the 40B. Why are they allowed to submit this plan and make more money? WFO explained that the Board is going to disregard the profit issue. These are two separate and distinct projects and the Applicant is allowed to present this application. The Board will try to put measures in place to address all concerns.

John Constantino of 83 Silver Lake Road asked how the triangle parcel can be taken out and put with this development. PCP responded that this is a separate discussion and this has been addressed with the applicant that it shouldn't be included. Mr. Constantino explained that there is debris buried in that area and asked if the open space will be given to the Town to develop for hiking. JSK responded that the Applicant can give to Town or the Conservation Commission. Mr. Constantino asked what the size is of a regular house lot in town. JSK explained that it is 40 square feet in a residential zone and 2 acres for an agricultural zone. Mr. Constantino asked if the lots smaller because the Applicant is giving land to the town. JSK responded yes that is exactly right. Mr. Constantino stated that trying to enter Route 126 from Center Street will be even more difficult because this project will generate even more traffic. He thought there were supposed to be lights at Easy Street. Finally Mr. Constantino added that the detention basin on his street today is filled to the top and is concerned about silt going into the lake. Is there any contingency for the water if the basin fills up? JSK responded that this would have a similar filtration system but this system has no outlet to across the street or the lake.

Janice Narowski of 2 Canale Drive stated that she is concerned with the density of the housing proposed. She does not like that there is no playground area and will be playing in the street. Ms. Narowski is also concerned that there is sidewalk on only one side of the street and this is not good for kids who will walk to a bus stop.

Bonnie and Ray Wheeler of 289 Lake Street are concerned about the relocation of the wetlands on one side of the property. Ms. Wheeler stated that her daughter who lives on Cross Street has seen water in her basement because the wetland was disrupted. She also asked if this project will impact FEMA flood zones for the existing residents. Ms. Wheeler is concerned that there are no sidewalks proposed on Cross Street. Kids from this new development will want to walk to Silver Lake Beach and there is no sidewalk on which they can walk to get there. Cross Street is a major cut-through. JSK responded that this project has to apply to the Conservation Commission (Con Com) to review the relocation of wetland and the impact on flood zones.

Kristen Mohr at 93 Silver Lake Road stated that this Developer is responsible for water and mud leaving his property goes onto her property including. This is about the trend of the developer not taking responsibility for what he is supposed to do. This is about the impact on the residents. The people who are here and paying taxes and they can't keep living with the impacts. The developer didn't think about the impacts when they tore down every tree on Silver Lake Road. Ms. Mohr asked the Board to look at history of this developer and to not permit this project. The Town will not be going in the right direction if this developer gets this approval. WFO responded that the Board shares her concerns and has expressed the same concerns to the Applicant. The Board is not looking at the tax revenue but is concerned with the developer and impacts on the neighbors. This project and the 40B are separate and distinct developments, but the Board is not ignorant about this developer. JSK added that the 40B is separate from this project. This application is a local permit from the Town and the 40B was a state permit. There are many things that the Board can do with the local permit. JSK explained that on February 7, 2019 this Applicant will be meeting with the Zoning Board to discuss the infrastructure of the 40B project. He urged the residents to attend to voice their concerns at that meeting.

Bob Erchinger of 35 Cross Street is concerned about the traffic report and the additional traffic that will be generated. He has spoken to JSK previously. The Traffic Study submitted by the Applicant seems to be a standard study and believes that the traffic data is underrepresented. Mr. Malone responded that the traffic study is being updated.

Joe Lyons of 3 Edgewood Road asked about the speed limit on Center Street which is 45 mph and believes it is too high. JSK explained that the state handles that process. This street was looked at last year and it seems like the speed limit would not go down. The Town is looking at traffic calming measures such as speed signs, speed bumps etc. The Board of Selectman is reviewing it. Mr. Lyons asked if trucks can be limited or their weight be limited. JSK suggested that the Police Safety Officer could review this.

Melissa Vaillancourt of 99 Silver Lake road asked if ongoing monitoring can be instituted if this project goes forward for wetlands, etc. The way this developer takes care of his land is disgusting and he leaves a lot of gear and stuff on the lake. Ms. Vaillancourt asked if the town able to increase enforcement or upsize the retention pond. JSK responded that the Board and Con Com will do construction monitoring and wetlands monitoring. The Board can definitely condition this is the decision.

Paul McGrath 5 Canale Drive stated that he is concerned with Cross Street because it has bad water problem and the storm drain project did not help. There is a sheet of ice on Cross Street down to Silver Lake Road. The ice is 6-8" thick on the road. The road is too dangerous to walk on in those conditions. His big concern is adding more water on a street that has a huge problem and then adding more traffic. The water flows down Cross Street and ends up in the stream at the Arcand Bridge. One house was built on Cross Street and it cause one tiny change that destroyed the street. The Applicant wants to add 140 houses and he is afraid of what will happen. JSK explained the Applicant's waiver request for test pits. JSK would like a good number of test pits in this area to be completed and certified by the Town's soil agent so that the Board understands what is going on.

PCP voiced concerns about:

- The grade from South Main to Cross Street and to the new road. All drainage must remain within the property.
- Traffic mitigation on the new roads so that these roads will not become a cut-through.
- The triangular piece of land is not contiguous to the property and owner.
- This open space is mostly wetlands and doesn't see what value the Town will get out of it.
- Single sidewalks will not work.
- The intersection of South Main and Cross Street has to have mitigation for traffic.
- Traffic study better not show the standard formula – it should show what really occurs in town. Has to be real study in am and pm during peak hours. We have asked for this in the past so this isn't new information.
- In the past developers who change the nature of the land, change the way the water runs off the property. This Board will not accept conditions that have occurred in the 40B. The Board will want assurances that this project will not change the current runoff. The runoff cannot reach Silver Lake.

DJT was concerned about the lack of street lights. Mr. Malone responded that they have proposed minimal lights just at the intersections. He stated that he understand that the Board and Town would like more street lights and so the Applicant will plan to do so. DJT responded that the subdivision cannot depend on the lights from residents' houses to light the street. In addition, DJT is concerned that there are many lots where 2/3 of the lot is actually within the 100' buffer. Mr. Malone responded that he understands that and that it will be up to the preference if they like this or not.

BTS asked if Mr. Malone can address problems with the 40B. Mr. Malone responded that he is in no way connected with that project and can't address the issues. This project is different from the 40B because the land is more contained and better controlled. The Special Permit has a lot more permitting options and controls during the permitting and construction process. Mr. Malone understands the concerns of the Board and residents has the Applicant has opportunity to do things better. BTS asked if Mr. Malone can you provide a list of problems in the other development and how those specific problems will be mitigated in this proposal and also asked about a phasing plan. Mr. Malone responded that they do not have a phasing plan at this point and will try to provide the other information requested. BTS questioned if the Applicant plans to add trees and landscaping on certain areas of the project. Also, he does not like to see straight rows of houses and asked to Mr. Malone if something can be done about these issues. Mr. Malone responded that he will look at this closer at both issues. Finally BTS asked if Mr. Fafard can attend a meeting to discuss the issues and Mr. Malone responded that he will ask him to attend.

REL stated that he echoes the concerns of the public and Board members and is very concerned.

PD acknowledged the pictures that were submitted showing the water and silt issues at Silver Lake Road. He asked if the yield plan include the opens space and can that triangular piece of land be taken out and calculated. Letters from other town boards indicate that this land shouldn't be included. Finally, PD would like wetlands calculations on a spreadsheet.

WFO thinks the density bonus is off the table as of right now and the final number of lots is 94. He is not pleased with so many lots being within the 100' buffer zone. WFO requested that a construction manager or public relations person from Fafard attend a meeting so they can hear directly from the residents about the ongoing issues. WFO read the following statement that he prepared:

"This Board is aware of the failures of the developer to uphold the basic principles of construction management. This Board is also aware of the lack of regard for the neighbors of the Town on a continuing basis. As a Board we will certainly be taking all of this into consideration as we move forward with this project."

Mr. Malone responded that he understands the request for personnel to attend meetings and will relay all comments that were spoken tonight. WFO responded that we are all Bellingham residents and consequently, this is a town-wide concern.

JSK explained Special Permit Decision Deadline request to Mr. Malone for all permits under review including the Definitive Subdivision. If Mr. Malone agrees on behalf of the Applicant, then the Decision Deadline for all permits will follow the Special Permit deadline which is that the Board must render a decision 90 days from the close of the public hearing. Mr. Malone agreed to this request.

BTS: Motion to continue public hearing Bellingham Shores Major Residential Development Special Permit, Definitive Subdivision, and Stormwater Management Plan to February 28, 2019 at 7:00 p.m.

DJT: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

Citgo, 18 North Main Street, Site Plan Modification Review

JSK explained the project and in his opinion will greatly improve the site. He also asked for the applicant to add a pitched roof.

Present: Ron Lezott, Maser Consulting, Gary Kilfeather construction manager representing the owner

Mr. Lezott explained the current proposal and the previous proposal.

PCP asked if landscaping could be added at the base of the sign. Mr. Lezott responded that they can add a planter and shrubs under the sign. He also agreed to change the roof type to that shown in Elevation Photo Sample 3 which is an "A" style roof. The Board stated that they liked the brick building with a stone material on the lower portion of the building but would like to see the roof as shown in Sample 3. BTS would like to see a false window on the street side of the building.

The Board continued discussion and made the following recommendations:

- The lighting should be shielded and should not shine on the Town Common
- Landscaping around the base of the monument sign along with a stone planter
- A brick building with a stone material on the lower portion of the building and an "A" framed roof line

BTS: Motion to approve the Site Plan Modification for Citgo at 18 North Main Street with recommendations stated.

REL: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

General Business:

- ☐ **ANR
As-Built Certifications**

- ☐ **1/10/19 Minutes Signing**

PCP: Motion to sign the January 10, 2019 Meeting Minutes.

REL: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

- ☐ **Voucher Reports – JSK explained the vouchers**

- ☐ **Form K – Discussion**

JSK explained the changes to the Form K and the purpose for the revision is to reduce the number of paper copies. The Board agreed with the changes.

DJT: Motion to adjourn.

BTS: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

Meeting Adjourned at 8:45 p.m.

1/24/19 Public Hearing Documents List**Bellingham Shores Major Residential Development Special Permit, Definitive Subdivision, and Stormwater Management Plan**

1. Abutters List - Certified 12.20.18
2. Application for Definitive Subdivision 1.3.19
3. Application for Major Residential Special Permit 1.3.19
4. Application for Stormwater Management Plan Permit 1.3.19
5. Certificate of Ownership 1.3.19
6. Environmental Analysis 12.6.18
7. Narrative 12.6.18
8. Parcel Summary 1.3.19
9. Plan - 1st Submission 12.6.18
10. Plan - 81X Plan 11.16.18
11. Plan - Yield Plan 7.31.17
12. Public Hearing Notice 1.24.19
13. Stormwater Management Report 12.2018
14. Traffic Assessment from TEPP 12.27.18
15. Waiver Request for Road Design with Underdrain 1.3.19
16. Waiver Request for Sidewalk on one Side of Collector Street 1.3.19
17. Waiver Request for Tree Placement 1.3.19
18. Plan - Overall Layout Site Plan 12.6.18
19. Kupfer – Staff Checklist 1.14.19

Citgo, 18 North Main Street Site Plan Modification

1. Application for Site Plan Modification 1.18.19
2. Certificate of Ownership 1.18.19
3. Certification of Municipal Taxes & Charges Paid 1.18.19
4. Elevation Photo 1.18.19
5. Master Consulting Letter to Planning Board 1.17.19
6. Master Consulting Letter to Town Clerk 1.17.19
7. Narrative 1.16.19
8. Plans – Layout and Lighting 1.17.19
9. DiMartino DPW Comments 1.18.19

Minutes Accepted on: _____

(Date)

2/14/19

(Prepared by: Jean Keyes)

Jean Keyes

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