



# BELLINGHAM PLANNING BOARD

10 MECHANIC STREET BELLINGHAM, MASSACHUSETTS 02019

## MEETING MINUTES Thursday, February 9, 2023, at 7:00 pm Bellingham Municipal Center Arcand Meeting Room and Via Zoom

### **MEMBERS PRESENT:**

William F. O'Connell, Jr.	Chairman
Brian T. Salisbury	Vice Chairman
Dennis J. Trebino	Member
Philip M. Devine	Member
Nick Mobilia	Member
Robert Lussier	Alternate Member

### **ADDITIONAL OFFICIALS PRESENT:**

James S. Kupfer, Town Planner – via Zoom  
Amy Sutherland, Assistant Town Planner  
Tina M. Griffin, Recording Secretary – via Zoom

The Chairman called the meeting to order at 7:00 pm

### **CONTINUATION OF PUBLIC HEARING FOR WS DEVELOPMENT:**

The applicant, WS Bellingham IV Associates LLC, and owner, Bellingham N. Main Street II LLC, Hartford Ave. Associates LTD, WS Bellingham IV Associates LLC, & Varney Bros Sand & Gravel propose to construct a 700,000 sf industrial building for warehouse and distribution use with associated improvements on approximately 175.6 +/- acres of land in Bellingham, shown on Assessor's Map 24 Lot 12 and 10, Map 30 Lot 73-1, and Map 31 Lot 3, zoned Industrial. This application falls under the Zoning By-Laws §240-16, Development Plan Approval, §240-54, Stormwater Management, §240-138, Water Resource District Special Permit, §240-60, Flexible Parking Options Special Permit and §240-119, Major Business Complex Special Permit. The plans were prepared by Bohler Engineering.

The Town Planner told Board Members that WS Development has asked for a continuation until the first meeting in March, in order to fully understand the traffic impacts as well as furthering their discussions with the Conservation Commission.

**A motion was made a motion to continue this Hearing until Thursday, March 9, 2023, and a Roll Call Vote was made, as follows:**

### **Roll Call Vote:**

William F. O'Connell, Jr.	aye
Dennis J. Trebino	aye
Philip M. Devine	aye
Nick Mobilia	aye
Brian T. Salisbury	aye

**Motion passes unanimously.**

**PUBLIC HEARING FOR NORTH STREET & BLACKSTONE STREET**

The applicant, Ravens Homes, Inc, and owner, Raven Homes, propose to construct (12) 3-unit townhouses with associated improvements at North/Blackstone Street in Bellingham, approximately 20.8+/- acres of land, shown on Assessor's Map 59-Lot 60A, zoned Agriculture. This application falls under the Town of Bellingham's Zoning By-Laws §240-101, Special Residential Use – Townhouse Dwellings, §240-16, Development Plan Approval, § 240-54 and Stormwater Management, and §240-60.

The Town Planner gave a brief summary of this proposed 12 building – 3 unit townhouse project that is planned to take place at the corner of North Street and Blackstone Street, with associated improvements over a 20.8 acre site. This area is zoned agricultural and has a 2 acre minimum lot area for buildable lots. The Section being applied for is §240-101, for Special Residential Use Townhouse Dwellings.

Going back to some history on the Town Meeting that took place on May 26, 2021, this Section was repealed. The Planning Board is very familiar with this, as the Board was the sponsor of that Article. As permits were coming before the Board, there was many suggestions and statements that housing options were being reviewed and considered. There have been a number of proposed large-scale housing developments, being townhouse and mixed housing options. At the time, the Planning Board and Town Meeting agreed that the Town has seen a significant amount of additional housing units and voted to repeal this specific Section.

The site that is before you this evening did file, just before Town Meeting on May 18· 2021, an “Approval Not Required Plan” with Massachusetts General Law 81P, that allows for this site to be considered through MA General Law 40a(6), to consider this Zoning By-law for the next three years. Since May of 2021, this is still within the three years and the applicant at this time, along with the Town Attorney, is continuing to review what the applicant has proceeded with in accordance with MA General Law. That is why the Planning Board is required to open a Hearing and consider the application.

Mr. Kupfer also explained that this is a “special permit” request and is not by right. This would be granted only if the Planning Board determines that the proposed area would serve the Town's interests better than a single-family development of the same area, considering the following:

- Municipal cost and revenue
- Effect on the range of available housing choice
- Service to identified housing needs
- Service to current Bellingham residents
- Support for local business activity and jobs
- Impact on the natural environment (especially on ground surface water and quality level)
- Impacts on traffic safety and congestion
- Impacts on the visual environment through preservation or displacement of visual assets and consistency with existing development areas

The application before you tonight is for those determinate factors for a special permit in accordance with the ordinance that has been repealed, but in accordance with MA General Law, which is still an option for this site.

The Chairman said that for tonight's meeting they will be requesting a presentation from the applicant. The Board will review the proposal and ask questions. It will then be opened up to the public to ask questions.

Amanda Cavalieri from Guerriere & Halnon, Inc., was present on behalf of the applicant, Raven Homes. As stated by the Town Planner, this site has been in front of the Board before and was originally proposed as a 4-lot subdivision. The applicant has decided to now pursue a Townhouse Development. When this lot was originally looked at with the 4-lot subdivision, it also had to go through the Conservation Commission. This was due to wetlands and the size of the land, which meets the requirement to allow the applicant to do a Conservation Restriction. These Restrictions have to do with the wetland buffers and has been going through the Conservation

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Commission, which was met with last night. That Hearing has been continued until March, in order to allow time for the peer review and questions related to the Conservation Commission. Ms. Cavalieri shared a plan to provide more detail and an overview to the Board and public that was present. The plan outlined the area being proposed for development, as well as the Conservation Restriction and area that would be turned over to the Town at a later date and would remain undeveloped.

Ms. Cavalieri also shared some history of the project, stating that prior to the filing, they sat with the preliminary development team for the town and had multiple conversations with different department heads. Based on these meetings, some changes needed to be made to the original layout, which had included more units and more impervious area. Since then, the overall number of buildings has been reduced to 12 Townhouses with 3 units in each. This would be a total of 36 units with 2 bedrooms in each. The proposed cul-de-sac has been removed from the plan and a second means of access and egress off North Street has been added at the request of the Deputy Fire Chief.

For stormwater management, a retention pond is being proposed. The septic system would be a private system and the water supply would be provided by the town. The provided packet shows lighting plans, truck turning radius, bituminous concrete curbing throughout the site and other details that are still being discussed, such as minimizing of tree clearing in order to maintain a natural buffer between the abutting residents. A traffic study has been submitted that can be discussed at the next Hearing when the traffic consultants will also be in attendance. The stormwater designer for this proposed project will also be in attendance at the next meeting to address questions that Board Members may have.

DPW Director, Don DiMartino expressed concern about water services to the area and these will further be discussed with the DPW as the applicant's consultants meet with additional departments.

This property was originally proposed as 4 single family homes and now going to a total of 36 units with two bedrooms each is concerning on many levels. The Board will need to look at the density again, with more specificity to the large change in the number of units.

The meeting has now been opened to the public that was present to discuss their concerns for the proposed project:

Resident, Katie Cameron-Mason resides at 205 Blackstone Street and is a third generation land/homeowner on Blackstone Street, along with additional family members that were also present this evening. Ms. Mason shared a map that shows an area of the land that may have some endangered species, and the solar field which has taken up close to 20 acres in that area. With this land being zoned agricultural, we are concerned with having this much density with the proposed townhouses. If driving by the property, it might just look like a large open field. However, it should be considered as part of the town's history and is very important to the residents in that area. We are asking that you not allow the special permit for the proposed project. Based on the criteria, the range of available housing choices does not increase, as there are currently 108 Townhouses being constructed in the Locust Street area. We feel that single-family homes would have been able to identify with the housing needs in town. Ms. Mason thanked the Board for taking the time to listen to her concerns and asked what she and the residents of that area do to help with this special permit not being allowed.

After this presentation, multiple residents, neighbors, and abutters took a moment to address the Board with their questions and comments. One of the biggest concerns seemed to be the amount of traffic that these proposed townhouses would bring to this area, that already has many safety concerns. There have been a number of accidents on this road, with a majority already being right in the area of this intersection. Vehicles travel down North Street at a high rate of speed and it is very dangerous to not only pedestrians, but also the residents trying to drive in or out of their own driveways.

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In addition, people spoke of the current water supply issue they are already facing in this area and with their wells running low. This may add further concern once there is that many units constructed in that specific area.

Question were also raised about the 40b, low income housing and if any units would be included in this proposed project. Town Planner replied that there is a 40b provision that is not part of this project. There is however, inclusionary housing, which is a town requirement that 10% of the project would be required to have some aspect of deed restrictions to 80% of the area median income. This is not 40b, but instead is inclusionary housing to provide the opportunity for people who live in the town they work, such as firemen, policeman, teachers, etc.,

The Chairman told members present that this was going to be a long process and there will be many meetings, in which safety officers, traffic studies, stormwater studies and many Departments will be attending to answer any questions and comments by members present. Tonight's meeting should be considered as an introductory meeting until the applicant has addressed any peer review comments, as well as additional questions from the Board and the public. The Chairman suggested that the applicant should consider these concerns and take a look at the neighborhood, in regard to its character and how the project fits into this neighborhood. Board Members also agreed that it would be beneficial to often make site visits with the layout of the land.

**Mr. Devine made a motion to ask for engineering peer review with the proposed scope of work, including traffic, well water, stormwater, utilities, and the peer review from the Conservation Commission. Mr. Trebino seconded and a Roll Call Vote was made, as follows:**

**Roll Call Vote:**

William F. O'Connell, Jr.	aye
Dennis J. Trebino	aye
Philip M. Devine	aye
Nick Mobilia	aye
Brian T. Salisbury	aye

**Motion passes unanimously.**

**Mr. Devine made a motion to continue this hearing until the April 27, 2023 Planning Board Meeting. Motion was seconded by Mr. Mobilia and a Roll Call Vote was made, as follows:**

**Roll Call Vote:**

William F. O'Connell, Jr.	aye
Dennis J. Trebino	aye
Philip M. Devine	aye
Nick Mobilia	aye
Brian T. Salisbury	aye

**Motion passes unanimously.**

**152 Depot Street Modification Discussion**

152 Depot Street (North) – Development Plan - §240-16, Development Plan Approval, §240-54, Stormwater Management, §240-60, Flexible Parking Options Special Permit, and §240-119, Major Business Complex Special Permit. The applicant, 2020 Acquisitions and owner, Depot Street, LLC, propose to construct a 211,600 square foot industrial building with associated improvements at 152 Depot Street in Bellingham, approximately 20.7+/- acres of land, shown on Assessor's Map 38-23, zoned Industrial.

The Town Planner gave a brief summary of this project. This is an approved project from a previous submission. The request is to review a modification of the plan to determine if this would be considered a minor or major modification of the plan. If the Board considers this to be a minor modification, then it would just require a letter to the Clerk identifying such and a letter to file, which would allow them to proceed. However, if the Board determines this to be a major modification, the applicant and developer would need to refile for a Public Hearing, in order to seek approvals by the Board.

John Cusack with Bohler Engineering as well as Attorney Antonellis came before the Board tonight to bring forward some modifications of the site.

The first modification request is in reference to an underground detention pond basin under a section of the parking lot. We also had a septic system to the side of the site that we switched so that we would have an above ground detention basin instead of a below ground. This would be easier to maintain and more efficient. This will also have a row of trees at the back end of the basin, which we have added to the plan in order to have better screening so that people were not just seeing where trees were cut down for the initial development.

The second proposed change was because there was a lot of debate during previous hearings about the sound wall on the left side of the property that needs to be 17' tall. We thought it would be better to keep the same height, but to construct a berm with a similar fence on top so there is less maintenance and more aesthetically pleasing.

Board Members also discussed additional greenery that would be recommended to be put in additional areas of the plan. Mr. Cusack said there is a dense landscape there, and the greenery is just being used for visual aspects. If the Board feels that it would be better suited on the down slope side, that could be done as well.

Board Members had concerns regarding the sound barrier and if it would be the adequate shape and size that is needed. Consultant Rinaldi from BSC Group was present and said that they were not asked to do a sound attenuation of this area. However, he does agree with Mr. Cusack that with his experience, a dense berm with reflect and absorb more sound than a wall would. Mr. Kupfer said the reason this was not required to be looked into was because it was the same square footage, footprint, and height, so it didn't seem necessary. However, if the Board would like this to be done it can be requested. Mr. Cusack said this is all calculated by computers and machinery that is specific to this concern and he would not have an issue of entertaining the option of placing more greenery in order to make it look more natural and add additional screening.

Consultant Rinaldi told the Board that this was all a good summary and a peer review was done. A few relatively minor comments were addressed and a letter was distributed to the Board last week to verify that it's Mr. Kupfer's opinion that these are considered to be minor changes.

Mr. Kupfer said he does believe they are relatively minor requests which just rose slightly above field change, that the Building Commissioner could issue. However, if the Board is in agreement that this would be considered minor modifications, as well as agreement with Mr. Rinaldi, then it's not believed to have either of these requests be considered as major modifications.

**Mr. Trebino made a motion to have these modification requests to be considered minor requests and includes the additional landscaping that was discussed this evening. Motion was seconded by Mr. Salisbury and a Roll Call Vote was made, as follows:**

**Roll Call Vote:**

William F. O'Connell, Jr.	aye
Dennis J. Trebino	aye
Philip M. Devine	aye
Nick Mobilia	aye
Brian T. Salisbury	aye

**Motion passes unanimously.**

Attorney Antonellis provided the Board with an update on the land that was initially supposed to be donated to the town, but the Board chose not to include it within the scope of this decision, so then it became a private matter with the residents. Attorney Antonellis stayed in contact with the spokesperson for the resident's group and kept them up to date throughout the process. There was a significant delay because the applicant didn't purchase the property until the later part of November. There were some issues with cleaning up some of the easements in that area so the closing was delayed. The parcel that will be donated was segregated out of the financing process so that this could be done. Attorney Antonellis said that as he was beginning the process of getting the Restriction done, there was a possibility that this might need to become a major modification, so this was held off in hopes to not have his client have to file for another appeal, pending everyone's vote tonight. Now that this has all passed, Attorney Antonellis will be back in touch with the resident's group in which they may need to hire Council to review the deed and set up an entity to take the donation. They have been provided with as much assistance that Attorney Antonellis could provide, without crossing the line of representing both sides of the transaction. The May Town Meeting might be too soon to have this added to the Warrant that closes in 2 weeks but shouldn't be a problem to have placed on the November Town Meeting. It was our original intent that the town would take the land and add it to its open space and it would be transferred with a restriction on development. Mr. Antonellis also told Board Members that he could speak with the Town Administrator to see if the Article could be at least added as a placeholder for the May Town Meeting, in case there's a chance it could be cleared up by then.

**GENERAL BUSINESS:**

**MINUTES:**

**Mr. Devine made a motion to approve the minutes from the January 26, 2023 meeting, as submitted. Motion was seconded by Mr. Trebino and a Roll Call Vote was made, as follows:**

**Roll Call Vote:**

William F. O'Connell, Jr.	aye
Dennis J. Trebino	aye
Philip M. Devine	aye
Nick Mobilia	aye
Brian T. Salisbury	aye
Robert Lussier	aye

**Motion passes unanimously.**

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### **NEXT MEETING:**

The next Planning Board Meeting will be held on Thursday, February 23, 2023 at 7:00 pm. This meeting will take place both in-person and via Zoom.

**Mr. Trebino made a motion to adjourn the meeting at 9:12 pm. Motion was seconded by Mr. Lussier  
And a Roll Call Vote was made, as follows:**

### **Roll Call Vote:**

William F. O'Connell, Jr.	aye
Dennis J. Trebino	aye
Philip M. Devine	aye
Nick Mobilia	aye
Brian T. Salisbury	aye
Robert Lussier	aye

**Motion passes unanimously and the meeting was adjourned.**

Respectfully Submitted,

*Tina M. Griffin*

Recording Secretary

Approved – 02-23-2023