



BELLINGHAM PLANNING BOARD

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

Meeting Minutes **Thursday, February 11, 2021** **7:00 pm**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place. **This meeting will be via the Zoom online option; see information and instructions at the end of the agenda.**

Present at the Meeting:

William F. O'Connell Jr. (WFO), Chairman
Brian T. Salisbury (BTS), Vice Chairman
Dennis J. Trebino (DJT), Member
Philip M. Devine (PD), Member
Elizabeth Berthelette (EB), Member

Other Officials:

James S. Kupfer (JSK), Town Planner and Zoning Compliance Officer
Amy Sutherland (AS), Planning Board Coordinator

Chairman O'Connell opened the zoom meeting at 7:00 pm.

Continuation Hearing 0 South Maple Street:

Development Plan Approval, § 240-54, Stormwater Management, and §240-60, Flexible Parking Options Special Permit.

The Chairman opened the hearing for 0 South Maple Street.

The Chairman acknowledged that there is no relation between him and the Engineer Steven O'Connell.

The Town Planner provided an overview of the current status of the project. The Board was provided with the revised plan, along with updated responses to peer review and a letter from Maple Brook Condo dated February 4, 2021.

Turning Point Engineer, Steve O'Connell was present. There was a screen share shown to the Board. At the last meeting, the Board wanted the Engineer to consider flipping the building. After review, the Engineer determined that the building was not able to be flipped since the truck turning movements would be too sharp. There was

clarification on the snow storage area along with the dumpsters. This was shown on a screen share. There have been revisions to the landscape plans. The applicant noted that all the comments have been addressed. There was also a letter dated February 5, 2021 responding to the letter of opposition from the Maple Brook Condominium dated February 4, 2021. The maneuver was manageable but very difficult near the platform area. This would have detrimental impacts on the other areas of site. The Engineer communicated that in their opinion that moving of the building would have more of an impact on the abutters. The next items discussed was the letter dated January 13, 2021 from the Maple Brook Condominium Association. There was a subsequent letter sent January 27, 2021. The letter was read and referenced. The applicant indicated that the subject property is not held in common ownership with any abutting property and therefore is not subject to merger provisions within MGL Ch. 40A, Section 6. The property is a buildable lot. There is an existing right-of-way across the abutting property to the north that appears to benefit the subject property. New easements have been granted by the owner of 47 South Maple Street that will allow trucks to enter and exit the properties via the existing driveway to 47 South Maple Street. If the relationship ever "sours" or should this change ownership, the easement will remain in place. The majority of the deliveries made to the site will be in parcel delivery trucks. The site will use the existing paved surfaces to provide site access and parking. The proposed dumpster has been slightly relocated in an effort to get more of it out of the easement granted by the owner. The lighting plan illustrated the proposed building lighting with full cut-off shields that will restrict lighting from spilling onto adjacent properties. The locations of the proposed catch basins and walkways are in compliance with all zoning bylaws and regulations. The Town Planner would like a detail of the landscaping plan with material used. The retaining wall is to allow the paved surface to ramp down and the wall will not be visible but is used to hold back the earth. The Board is permitting a use and not a particular business. The hours of operation would be 6:00 am to 9:00 pm. The Board considered limit the hours of delivery to a specific time to not disrupt the neighbors. Deliveries could be during normal business hours from 8:00 am to 4:00 pm. Deputy Melo was present during the zoom meeting. It was indicated that the hydrant would be at entrance near the water line. The letter from abutter also touches on a 100-foot buffer required for the property directly behind them. In the opinion of the Town Planner this does not apply as it is a separate lot. In addition, a 100-foot setback is required for an industrial use abutting a residential use. This lot is actually surrounded by Industrial uses and a road. It is recommended that discuss with the applicant include how they can minimize any impacts with in the 100 feet.

Abutter Robert Inguanti thanked the applicant for responses and will be researching the information regarding the grandfathering clause. He also wanted to address a few items in particular Footnote F and in particular the residential uses across the street and an increase to the sideline requirement. He would like to make sure the Board knows that the property is downhill is concerned that there will be flooding in this area. The abutter would like the Board to take a further look at the loading dock which might exceeds the sideline.

Engineer O'Connell explained that the stormwater has been peer reviewed. The system will retain more runoff now than in the existing conditions. All run off will be captured on site which will be privately maintained.

The Board next discussed the Footnote F which refers to 30 feet and there is case law and that this cannot include footage from across the street. There needs to be put on the plan the dimension of the loading dock. The Engineer communicated that the dimension is 8 ft from side property line. This is a loading area open to the sky and is no different than a concrete pad on grade. In that location, the loading dock is not elevated, and the applicant has added a wall to limit noise. This wall does not go around the loading dock facing South Maple. A recommendation would be to make it slightly higher with additional plantings to screen. The Board would like there to be a condition that there be no outside activities and keep exterior delivery door closed.

On a motion made by Brian Salisbury, seconded by Elizabeth Berthelette, the Board voted by Roll Call to have the Town Planner draft a favorable decision based on the conditions discussed at the meeting.

Roll Call Vote:

William F. O'Connell Jr. aye

Brian T. Salisbury	aye
Dennis J. Trebino	aye
Philip M. Devine	aye
Elizabeth Berthelette	aye

Continuation:

On a motion made by Brian Salisbury, seconded by Philip Devine, the Board voted by Roll Call to continue the hearing to February 25, 2021.

Roll Call Vote:

William F. O'Connell Jr.	aye
Brian T. Salisbury	aye
Dennis J. Trebino	aye
Philip M. Devine	aye
Elizabeth Berthelette	aye

Continuation Hearing 161 & 169 Maple Street:

The Chairman opened the continued hearing for 161 & 169 Maple Street.

Town Planner Kupfer provided a status of the project. The applicant has provided a plan. The plan now includes a sound barrier/fence along Maple Street. There was a staff checklist completed and the applicant was missing several environmental controls. The applicant did provide a noise study, but it needs to be reviewed to make sure it complies with the local bylaw. The applicant did ask a waiver from the landscape plan, but it is recommended that there be some type of landscaping. There should also be some form of lighting on the site. There has been no lighting proposed. There also needs to be clarity in regard to Chapter 31 of the National Fire Protection Code with the Mass Amendments. This is different from the International Fire Code. The piles cannot exceed 60' in height. There is also language that something needs to be built permanently on site to demonstrate the height compliance. The code also references that if more than one pile exists a 30 ft. access road is required between the piles. There also needs to be low barrier walls around the piles which will define the perimeter, prevent creep, and facilitate clean-up of fire department access road.

Attorney Kroha was present along with Engineer Steve Dambrosio. Attorney Kroha did provide an explanation of the applicant responses to the various items.

Environmental Controls:

Attorney Kroha does not believe the client needs to comply with bylaw based on the application for what was submitted. The applicant believes that they comply with the environmental controls. There was a noise report completed back in 2017 by Kavanaugh and Tachi. She has reached out to them to get an updated report and the sound engineer has since retired. There has not been anything which has changed on the site since the last report. It is quieter today due to the new equipment on the site. The applicant indicated that the noise level complies with this zoning area. There will be no increase in the ambient noise levels. The report noted that the mulch facility does not generate noise above the allowable levels prescribed under Section 240-48 since this is under the levels of maximum allowable exterior noise levels. The report has indicated that the noise generated by passing cars and trucks on Maple Street has more noise than on site. The noise report confirms we comply with the state limits. There is proposed a new fence over the retaining wall. This will be a solid wood fence that acts as a sound fence and will reduce sound levels by 10 decibels. It is within 10 ft of structure and does not think needs a variance for the 8-foot fence.

Lighting:

The applicant indicated that there is no lighting on site and therefore they comply with the lighting standards.

Air Quality:

The mulch facility has an operation plan that requires that no processing be performed on dry and breezy days when particular matter could be released to the ambient air. There is also a requirement that no emission of odorous gases or matter be offensive as permitted. The Attorney noted that this is a mulch company and they will try to make it less offensive.

Fire Prevention:

The Attorney communicated that the site would meet all sections of Chapter 31 of the National Fire Protection Association and Massachusetts Comprehensive Fire Safety Code.

DPW's Catch Basin Request:

The stormwater basin was designed and approved by the Conservation Commission to accommodate the stormwater basin on the site and to ensure treatment. The Attorney for the applicant has expressed that accepting additional stormwater from Maple Street for treatment in the basin would be impractical since the design was already approved.

The screen share was shown by applicant.

There was a question about the planting which will be on site. There was a planting list noted at the upper corner portion of the plan. This is what was proposed by the Conservation Commission due to the replication from the disturbance to the wetland area. There will be an easement granted to the town on the southern boundary within the proposed access road. The plan shows the timber sound wall along Maple Street. The detail is noted with the description of this.

The Chairman opened up the discussion to the Board. There was a comment that at night from a far distance you can hear the machines. Another sound study was recommended with the study being done when the operations on site are occurring. Regarding the air quality, at the entrance of Maplegate you can smell the odor from the mulch. The members questioned the statements that the odor and sound is not a concern. Another concern is the traffic site line leaving the trucks are existing the site. These trucks frequently cross the yellow lines. The Board also communicated that on very cold days you can see steam coming from the piles of mulch. The concern is about what kind of monitoring is taking place in relation to the mulch piles and making sure they do not combust. The Board next discussed the renderings provided and informed the applicant that the renderings in particular Figures 3 and 4 do not represent what is actually on site. This is a gross misrepresentation. The Attorney did apologize for the misrepresentation of the renderings and did indicate that the mulch piles will be higher than the fence. The fence will be vertical. The Board is also concerned about the operations taking when it is dark which in the winter is at 5:00 pm. There needs to be a plan about the hours of operation and the lighting on site. The Board wants a copy of the risk management manual program as referenced by JD Raymond, Inc. It is the opinion of the Chairman that this document is lacking important information. The Board discussed that there needs to be a 30 ft. access road along with low barrier walls to define each area. There is a concern about trucks going back and forth on the street. The gates on Maple Street need to be set back to not impact the traffic on Maple Street.

The Chairman opened up for comments from the public and there were no comments.

Building Enforcement Officer Tim Arcardi was present. He would like to see a photo of piles reflected on a plan and how it will look with the 30 ft. access road. There also needs to be a measurement pole to make sure we can keep track of this in case of enforcement.

Deputy Fire Chief Melo was present during the meeting. It was explained that Sections of Chapter 31 which should be reflected on the plan on how the regulations will fit onto the parcel with operation. The plan needs to reflect the clearly defined pile perimeters to avoid the creeping. The fire code requires this. The code talks about having the

piles being wet over time so they do not dry out. There also needs to be a hydrant location on site. This will allow for the filling of a water truck for fire prevention. The Deputy Chief would also like a knox box with a sliding gate. There needs to be a key with 24-hour access.

The Town Planner will follow-up with getting peer review in place. The hope is that this will be completed by the March 25, 2021 meeting.

On a motion made by Brian Salisbury and seconded by Philip Devine, the Board voted by Roll Call to unanimously to continue the hearing to March 25, 2021.

Roll Call Vote:

William F. O'Connell Jr.	aye
Brian T. Salisbury	aye
Dennis J. Trebino	aye
Philip M. Devine	aye
Elizabeth Berthelette	aye

General Business:

Agreement from Developer for Signalization:

The Board is in receipt of the amended security agreement for the Mechanic Street signalization by Lincoln Properties. This document was revised to include language about who is responsible to construct this once DOT provides approvals. Town Counsel has reviewed and approved.

On a motion made by Brian Salisbury and seconded by Dennis Trebino, the Board voted by Roll Call to unanimously support the amended agreement as written.

Roll Call Vote:

William F. O'Connell Jr.	aye
Brian T. Salisbury	aye
Dennis J. Trebino	aye
Philip M. Devine	aye
Elizabeth Berthelette	aye

Approval of Minutes:

January 14, 2021 Meeting Minutes:

On a motion made by Brian Salisbury and seconded by Dennis Trebino, the Board voted by Roll Call to unanimously accept the minutes from January 14, 2021 as amended.

Roll Call Vote:

William F. O'Connell Jr.	aye
Brian T. Salisbury	aye
Dennis J. Trebino	aye
Philip M. Devine	aye
Elizabeth Berthelette	aye

FUTURE MEETING:

- February 11, 2021

ADJOURN:

On a motion made by Brian Salisbury, and seconded by Dennis Trebino, the Board voted by Roll Call vote to adjourn the meeting at 9:00 pm.

Roll Call Vote:

William F. O'Connell Jr.	aye
Brian T. Salisbury	aye
Dennis J. Trebino	aye
Philip M. Devine	aye
Elizabeth Berthelette	aye

Meeting Adjourned at 9:00 pm.

Respectfully Submitted,

Amy Sutherland

Recording Secretary

Minutes Accepted on: February 25, 2021 Amy Sutherland
(Date) (Prepared by Amy Sutherland)