



# BELLINGHAM PLANNING BOARD

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

## Meeting Minutes March 8, 2018

**MEETING LOCATION:** ARCAND MEETING ROOM – MUNICIPAL CENTER

### **Present at the Meeting**

Brian T. Salisbury (BTS), Chairman  
William F. O'Connell Jr. (WFO), Vice Chairman  
Peter C. Pappas (PCP), Secretary  
Dennis J. Trebino (DJT), Member  
Bruce W. Lord (BWL), Member  
Philip Devine (PD), Associate

### **Other Officials:**

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

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

BWL not present at the opening of the meeting.

### **Stall Brook Business Park Development Plan, Stormwater Management Plan Permit, Scenic Road Permit, and Bulk Storage Special Permit, Continued Public Hearing. Development Plan Decision Date: 3/23/18**

Present: Bill Halsing of Land Planning Inc.

JSK explained the reason for the continuance. Updated plans and documents have been submitted and have been sent to PSC for peer review. JSK recommends that the Applicant look to soften the façade facing the street. Mr. Halsing stated that he will address that.

### **BTS: Motion to continue the Stall Brook Business Park Development Plan, Stormwater Management Plan Permit, Scenic Road Permit, and Bulk Storage Special Permit to April 12, 2018 at 7:00 p.m.**

WFO: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, WFO, PCP, DJT)

### **Macy Estates Definitive Subdivision and Stormwater Management Plan Permit, 60 Monique Drive, Continued Public Hearing. Decision Date: 6/2/18**

JSK explained the status of the project.

Present: Kevin Lobisser, Applicant, Mark Allen, Allen Engineering

BWL arrived at 7:16 p.m.

BTS asked Mr. Allen to explain the plan again because of the re-notice to the abutters' requirement. Mr. Allen presented and explained the plan and informed the Board that all peer review comments have been

addressed. He has reduced the impervious surface, captured all stormwater, is replacing the fencing at the playground and ball field, and will be constructing dugouts for the ball field. The lot sizes are in keeping with the neighborhood. The Applicant will be constructing houses in the following styles: Cape Cod, ranch, raised ranch, and small craftsman style colonial. Every lot will have two trees replanted and there will be street trees lining each cul-de-sac. Each house will have public water and on-site septic.

WFO asked Mr. Allen to explain the underground stormwater system. Mr. Allen explained the system and the reason for the underground system as it will be in close proximity to the playground.

JSK explained that the Applicant must provide a Stormwater Prevention Plan and this has been incorporated into the Decision as a condition.

**Public Comments & Questions:**

John Slaney of 256 Theresa Road stated that he has been on Theresa Road for 30 years and has had uninterrupted access to the fields but now the plans show a fence will block his access. Now he and his grandchildren will have to walk all the way around. He would like access from Theresa Road to the playground. Mr. Allen explained that the Town's RFP stated that the roads should not connect.

JSK explained the RFP process including the neighborhood workshops that were held. Neighbors stressed that there would be no connection by road from Macy Estates to Maureen Road and Theresa Road and that the developer must keep the park and ball field. The RFP tried to capture the neighbors' requests. Mr. Lobisser explained that a walking path from Maureen Road to Monique Drive will be very easy to create, will not need much maintenance, and will lead to the parking lot of the playground. Making a connection from Theresa Road to the playground is more problematic because there is no direct access and he cannot create a path over two private lots. PCP agreed that the Monique Drive connection continues the one that exists now. WFO responded that the connection from Theresa Road cannot be done because it would cut through people's yards and the Board does not want that to happen. Mr. Lobisser added that he is upgrading the parking lot and fencing to direct people to use the Monique Drive entrance to the playground.

**BTS: Motion to close the Macy Estates Definitive Subdivision and Stormwater Management Plan Permit, 60 Monique Drive Public Hearing.**

PCP: Second.

Discussion: None.

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

The Board reviewed the draft decision. JSK explained that the plan shows the changes to the playground. BTS asked about the stormwater annuity of \$15,000.00. JSK responded that this is conditioned in the Decision and the Applicant has been made aware that additional funds could be required in the future.

**BTS: Motion to approve the Macy Estates Definitive Subdivision and Stormwater Management Plan Permit, 60 Monique Drive.**

WFO: Second.

Discussion: None.

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

**Bellingham Shores Preliminary Subdivision and Stormwater Management Plan Permit, Cross Street/Silver Lake Road/South Main Street, 1st Public Meeting. Decision Date: 3/19/18**

JSK read the public meeting notice, explained that the updated meeting notice was mailed, and provided a status update of the project.

Present: Paul Beattie, Attorney for the Applicant, Sean Malone of Oak Consulting Group, Amanda Cavaliere and Elizabeth Mainini of Guerriere and Halnon, engineer for the Applicant.

WFO explained that he has known Mr. Beatty for many years and was a neighbor and BTS worked with him 30 years ago.

Ms. Cavaliere presented the Preliminary Plan and explained that the yield plan shows 94 lots and the conceptual plan shows 103 lots. They will be submitting an application for a Major Residential Development (MRD) of 103 lots on 145 acres. The last approved Preliminary Plan in 2016 showed 85 lots.

Mr. Malone explained that there is no difference in the stormwater plan or the roads from the 2016 plan. The only changes made were to reconfigure lots to gain more lots. There is a drainage basin constructed on the triangular lot already where the Applicant will want to put three additional lots. Mr. Malone also stated that Candlelight Lane is now completed and JSK strongly emphasized that the road is not complete, there is only a binder course, and there are barriers on the road. Additionally the triangular lot is clearly shown as part of the 40b project and the drainage basin is also part of that comprehensive permit. The three lots shown on that piece of land cannot be included in either this Preliminary Subdivision Plan or a future Definitive Subdivision Plan.

Attorney Beattie stated the triangular lot is utilized as a separate, distinct ownership. They got the approval of Town Counsel to allow the residents who may live in that triangular section to contribute to the upkeep of the roadway by a homeowners trust until such time as the road was accepted by the Town along with the roads in the 40b project.

PCP asked if the Applicant will, in the future, be connecting this property with other property owned by the Applicant to create additional lots and housing. Attorney Beattie stated that there is not much land left if any.

PCP questioned how the sewer would be connected. Ms. Mainini responded that this will be addressed in Definitive Subdivision phase. BWL explained that the sewer was partially installed on Center Street and then stopped. Attorney Beattie stated that the pump station is on order and will be installed on Cross Street and Dupre Road.

BWL stated his concerns:

- The ANR lots cannot be included in the subdivision.
- The conventional plan should have greater detail and should show the wetlands and if there is enough upland to construct houses on those lots.
- There are many lots that do not have frontage on the subdivision roads and cannot be included or a waiver is needed.
- The roadways in the subdivision should be developed as major roads and sidewalks should be required
- Traffic calming measure should be designed to mitigate the traffic as this will become a cut-through road.
- The plan must show the distance to the wetlands for each lot to determine if the affected lots are actually buildable lots.
- Believes that part of Silver Lake is still owned by Fafard and wants that piece of land deeded to the Town.
- The triangular piece of property does not front any of the subdivision roads and would be subject to a waiver.

Ms. Mainini responded that the traffic is applicable to the concept plan and not the yield plan. The yield plan is only to show that a conventional plan would fit and then the concept plan will have the actual lots. This is the same yield plan that was approved in 2016 with the addition of nine lots. If it was an approvable yield plan at that time then it should still stand. BWL responded that it is not the same yield plan because it has changed.

JSK listed the items that remain outstanding or that are of concern:

- The Board needs a spreadsheet showing that not more than 40% of the lot is impervious to confirm that all lots would be buildable. Mr. Malone gave the Board a Lot Area and Shape Calculations spread sheet dated July 31, 2017.
- According to the Zoning Bylaws, Section 240-85 MRD a lot cannot have frontage on any street other than on the street created by the MRD. The Applicant could request a waiver for these lots but they are not by-right.
- Suggested that the Board use a peer reviewer to review the Lot Area and Shape Calculations to determine if they comply with the Zoning Bylaws as was done in 2016. Mr. Malone questioned the need for a peer review as this is largely unchanged from two years ago with the exception of 9 additional lots. BWL added that this is a new preliminary plan and is not an amendment or modification.
- The Board disagrees in theory with the number of lots on the yield plan and will continue working with Applicant to get to the final number.

#### Public Comments & Questions:

Bryan Laren of 85 Silver Lake Road was very angry and questioned how long the Town is going to let them (the Applicant) promise things and never fix things. They do nothing. Mr. Laren stated that they have ruined his community and they should not be before the Board until they fix the 40b. Silver Lake Road is terrible. BTS explained that the Town has discussed the issues with Fafard and they agreed to make improvements. Mr. Laren responded that nothing has been done and runoff goes from the property into Silver Lake. BTS agreed that what Fafard has done to that area is sloppy and horrible but any development that comes through the Planning Board will be done properly.

JSK explained that that 40b project is a comprehensive permit obtained through the Zoning Board of Appeals (ZBA) and it circumvents the Planning Board. ZBA has a construction schedule from Fafard and they will be starting sewer construction and pumping station construction. The Town will not issue any more building permits until sewer is complete. PCP added that this may be a separate project but the conduct of the developer and builder has to be considered.

John Constantino of 83 Silver Lake Road stated that the triangular lot is part of the 40b and was supposed to be open space. The land is a mess and all swales are a mess. The water overflows and goes into garages. If more trees are cut then there will be more runoff. There are giant piles and dust and the dirt from them is horrendous. There is silt going into Silver Lake. The comprehensive permit gave Fafard two years to finish the 40b and it still isn't finished. The pot holes are horrendous and the residents have to drive on lawns to get around. BTS responded that the Town does not have many legal options available regarding the 40b but the ZBA has tried to get them to commit them to a schedule. If this project is to go forward, all of these items will be considered along with the drainage from 40b. Mr. Constantino asked if this could this be a 40b project instead and BTS responded that the Applicant does have that option.

Debra Casper at 30 Cross Street asked if there will be sidewalks on Cross Street. BTS responded that this Preliminary plan is only conceptual. Ms. Casper stated that residents would like to walk on Cross Street to get to the park and the lake with their children. Since the traffic will increase with this new development, she hopes the Applicant will consider adding sidewalks to Cross Street. Ms. Casper asked if the new development will access Cross Street. BWL responded that there will be a road from Cross Street to South Main Street. WFO stated that this will be reviewed during the MRD process. Ms. Casper added that she has watched the construction on Candlelight Lane where the builder tore everything down. Cross Street and Silver Lake are beautiful and she hopes that the Applicant will preserve the natural habitat. Ms. Mainini explained that the houses will be clustered as shown on the bottom of the plan and the top half of the property will be open space and stay natural. In addition, a MRD requires a 100' buffer between the new subdivision and the abutters.

Paul Brunetti of 65 Douglas listed a number of lots and asked how those lots are buildable and how they will be accessed. Ms. Mainini explained that houses can be built into certain levels of a buffer zone. BTS responded that these questions are appropriate for the concept plan in the Definitive and MRD process. Mr. Brunetti also stated that the triangular area was designated as open space and is in the counts of the 40b.

Cynthia Robert of 43 Center Street stated that the biggest question is the impact this development will have. Ms. Robert is concerned about the vegetation in the buffer zones between the development and the abutters and the impact of water runoff due to the removal of trees. Ms. Robert also questioned how the Town can protect them when it has not enforced the other 40b project. PCP explained that the 40b allows the developer to circumvent planning and ZBA has very limited authority to enforce. This Planning Board thoroughly vets subdivisions and buffer zones.

Melissa Vaillancourt of 99 Silver Lake Road asked how the open space would be defined and how it is made permanent and not reused. JSK responded that the bylaw provides the Board with a few options to either permanently restrict the property or to deed it to the Town or the Conservation Commission. This is different from what happened in the 40b.

**BTS: Motion to continue the Bellingham Shores Preliminary Subdivision and Stormwater Management Plan Permit, Cross Street/Silver Lake Road/South Main Street Public Meeting to April 26, 2018 at 7:00 p.m.**

DJT: Second.

Discussion: None.

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

**General Business:**

- ☐ **ANR**
- ☐ **As-Built Certifications**
- ☐ **2/22/18 Minutes Signing**

**PCP: Motion to sign the February 22, 2018 Meeting Minutes.**

WFO: Second.

Discussion: None.

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

- ☐ **Voucher Reports** - JSK explained the voucher report.
- ☐ **Board Payroll**

**BTS: Motion to sign the Board Payroll for January – March 2018.**

PCP: Second.

Discussion: None.

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

**BWL: Motion to adjourn.**

WFO: Second.

Discussion: None.

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

**Meeting Adjourned at 8:45 p.m.**

**March 8, 2018 Public Hearing Document List****Stall Brook Business Park Development Plan, Stormwater Management Plan Permit, Scenic Road Permit, and Bulk Storage Special Permit**

1. PSC – 2nd Comments 2.27.18
2. Allen Engineering Response to BETA 2.7.18 Comments 3.2.18
3. BETA -
4. Plans – 2<sup>nd</sup> Submission 12.21.17
5. Stormwater Report – Revised 12.21.17
6. Kupfer Staff Checklist 1.3.18
7. Abutters List – Certified 1.3.18 for Abutter Re-Notice
8. Sound Study by Tech Environmental 1.15.18
9. Sign Rendering 1.16.18
10. Catalano – BOH – Comments 1.25.18

**Macy Estates Definitive Subdivision and Stormwater Management Permit**

1. Abutter Notice Confirmation from G&H for 3.8.18 – 2.27.18
2. Board of Health – Catalano – Comments 2.27.18
3. Conservation Commission Email RE Response to Wetlands Question 2.27.18
4. Sage Environmental Wetlands Review 2.26.18
5. Allen Engineering Response to BETA 2.7.18 Comments 3.2.18
6. BETA – 2<sup>nd</sup> Comments 3.5.18
7. Allen Engineering Response to BETA 3.5.18 Comments 3.5.18
8. DiMartino – 2<sup>nd</sup> Comments 3.6.18
9. Plans – 2<sup>nd</sup> and Final Submission 3.2.18

**Bellingham Shores Preliminary Subdivision Public Meeting**

1. Abutter List – Certified 1.29.18
2. Application – Preliminary Subdivision 2.2.18
3. Certificate of Ownership 2.2.18
4. Guerriere & Halnon Letter & Waiver Requests 1.25.15
5. Plan – 1<sup>st</sup> Submission 1.15.18
6. Public Meeting Notice 2.22.18
7. Conservation Commission – 1<sup>st</sup> Comments 2.16.18
8. Kupfer Email RE Continuance Needed Due to Abutter Notice Problems 2.16.18
9. Abutter Notice Confirmation from G&H for 3.8.18 – 2.27.18
10. Lot Area and Shape Calculations 2.11.16
11. Certificate of Approval of a Preliminary Subdivision Plan called Bellingham Shores 6.9.16
12. Lot Area and Shape Calculations 7.31.17

MINUTES OF THE PLANNING BOARD MEETING

March 8, 2018

Minutes Accepted on: 3/20/18  
(Date)

Brian Salisbury  
Brian T. Salisbury

Peter C. Kappas  
Peter C. Kappas

Bruce W. Lord  
Bruce W. Lord

Jean Keyes  
(Prepared by: Jean Keyes)

William F. O'Connell Jr.  
William F. O'Connell Jr.

Dennis J. Trebino  
Dennis J. Trebino