



# BELLINGHAM PLANNING BOARD

10 MECHANIC STREET BELLINGHAM, MASSACHUSETTS 02019

## MEETING MINUTES

**Thursday, April 13, 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 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 PROSPECT HILL ESTATES:**

The applicant and owner, Wall Street Development Corp. propose a 19-lot residential subdivision on approximately 72.16+/- acres of land at the corner of Lake Street and Prospect Street (Franklin) in Bellingham, shown on Assessor's Map 65-20, 65-22, and 69-87 zoned Agriculture. The plans were prepared by GLM Engineering Consultants, 19 Exchange Street, Holliston, MA 01746, entitled Definitive Subdivision Plan Prospect Hill Estates Bellingham, Massachusetts, dated December 17, 2021.

Applicant, Lou Petrozzi was present at tonight's meeting and let the Board know that notifications have been sent to the property abutters, to let them know this public hearing is continuing, for the intent and purpose to discuss the requested waivers.

The Town Planner let everyone know that the plans have been revised in accordance with what was requested from the last meeting. This included putting basins on individual lots, placing fences around them, and the placement within the inner-riparian zone. Those plans are in front of the Board tonight with those changes reflected. One condition that needs to be stressed, is that before any building permit can be issued, a peer review would need to be completed so that if anything needs to be adjusted with the stormwater, it would have been reviewed by an engineering team that represents the Town.

Also, as a result from the Town of Franklin's decision, their condition was that this be a private way, which would continue this to be a private way in Bellingham as well.

If a favorable decision was rendered, the Board has some items that are still of concern and would need to be placed in the decision to protect the Town. At one point there was a concern about adequate water supply for fire protection. Former DPW Director, Don DiMartino recommends that the Board make a

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condition of fire hydrant placement, as he didn't have jurisdiction to do that. The applicant has not received any reports from the Fire Department, but they would put fire hydrants in the property, at the discretion of the Fire Chief.

Another concern of the Board was having fencing placed in front of the detention ponds, which the applicant is in agreement with.

Traffic and intersections were concerns of multiple residents. Mr. DiMartino has provided some plans of the intersection, which are in the right-of-way of the Town owned land to allow for an expansion. The applicant said that if the project moves forward, there would be additional traffic studies conducted. There is also an opportunity to create another path or modify that intersection to make it safer.

Residents and abutters were present with questions and concerns of the project. The timeframe for construction easement was addressed by the applicant. If any cutting of trees or greenery were to take place, there would first be a mutual agreement with all parties. At this point, there are no intentions to take down any trees at the rear of the property. The Board would place Conditions for this, in the event that a favorable decision was rendered.

As far as Zoning questions, the Town Planner noted that 2-acre, single family homes were proposed. There is a way for the applicant to pursue this and be able to freeze the book of Zoning that is currently before the Town at the time of his submission. That was quite some time ago and if he were to get an approval for this plan, for the 2-acre single family homes as designed, that is what he could construct. However, if he chooses to move forward with a different type of project, with a different Zoning, he will have to reapply for a different type of Zoning, under a Public Hearing.

Additional questions from residents were addressed, in order to provide explanation of the private way recommendation, proposed house location and lots, drainage structures, Subdivision Regulations, traffic analysis, and additional resident concerns.

The Town Planner also discussed a number of waivers that are being requested, as listed below:

Waiver request Section 245-10A(1)(e) is for the test pits and soil borings. The request is to waive this standard at this time. It could be conditioned further that the proper test pits are done prior to a building permit being issued. This was previously waived so that the applicant doesn't pursue this development plan. Then the forest would not be disturbed by many soil pits because the Regulations require every 100 linear feet to the road and every lot have multiples, as well as every basin having three. This would create a large disturbance that may not be necessary. The Board was seeking to condition that prior to the building permits.

Waiver request Section 245-10A(1)(j) is the environmental analysis that was referred to by the Conservation Commission, as they are doing a concurrent review. It is currently in litigation and will need to be an approved plan between the applicant, Conservation Commission and DEP. A waiver for an environmental analysis was historically done and the Board seeks guidance from the Conservation Commission, in which a decision was rendered and currently under the appeal period.

Waiver for the full study traffic analysis was requested to be waived as these are 2-acre single family lots, many of which are in the ANR sections, that could be done by Right.

Waiver request Section 245-15C requires that trees be planted before a certificate of occupancy is granted through each lot. This could be conditioned that the Landscaping Plan would be provided prior to the roadway being finished for each lot.

The applicant has addressed some of the previously requested waivers, such as landscaping being provided on the plans. The scale plans were notarized and provided. Detention basins are now on independent lots, which will be maintained in a Homeowner's Association. Chain link fencing and tree plantings have also now been provided on the plan, in which these items would not require waivers going forward.

The next step would be to continue this hearing until a final decision can be reviewed and conditioned before it is voted on. The Town Planner will work on drafting a waiver with favorable conditions, per the findings, determinations, and conditions that have been stated to date.

**Mr. Salisbury made a motion to continue this hearing until the Planning Board meeting scheduled for Thursday, May 11, 2023. Mr. Devine seconded and the Board voted unanimously.**

**Snett Trail Estates Public Hearing Continuation**

The applicant and owner, Michael Burr, propose a 6-lot residential subdivision on approximately 26.4+/- acres of land on the west side of Lake Street in Bellingham, shown on Assessor's Map 80-09-01 zoned Agriculture. The plans were prepared by Legacy Engineering, 730 Main Street, Millis, MA 02054, entitled Definitive Subdivision Plan Snett Trail Estates, dated November 7, 2022.

The applicant has requested a continuation of this hearing.

**Mr. Salisbury made a motion to continue this hearing until the Planning Board meeting scheduled for Thursday, May 25, 2023. Mr. Devine seconded and the Board voted unanimously.**

**GENERAL BUSINESS:**

**866 South Main Street**

Engineer, Jenna Shea from DiPrete Engineering was present on behalf of the applicant for the Hindu Temple project located at 866 South Main Street. This project was previously approved on October 26, 2018. Phase I of the project was permitted to be completed on November 27, 2022. Due to Covid, the Temple had shut down their facility and were not receiving the necessary funding originally anticipated.

An extension of their permit is being requested so that they can recommence construction now that funding has been coming back in. Due to the Covid protocol in the State of Massachusetts, there was an extension added to the permit, for an equivalent of approximately 462 days, which was the number of days left in the State of Emergency. Therefore, the permit would not expire until March 3, 2024.

The applicant is now requesting a 5-year extension date, to start after the current permit expiration of March 3, 2024. This would allow the applicant more time to collect donations and funding for this project.

As of this time, there has not been much done with the land besides figuring out the project layout as well as the clearing of some trees and bushes at the entrance. Since Covid, the land has not been visited regularly and has fencing placed at the access point with signs of “No Trespassing” posted.

Board Members discussed commencement of the project, timeframe of permit extension being requested, and making the entrance way to the property more appeasable for people that drive by the area daily, especially with the amount of time that the permit extension is being requested for. The Engineer agreed that the possibility of slats in the fence instead of the screening that is currently in place, and landscaping near the entrance way is a realistic request and can easily be done.

The original decision was for Phase I of the project to be substantially completed within a period of 48 months from the date of decision. Phase II shall be substantially completed within 36 months from the date of occupancy for Phase I.

**Mr. Salisbury made a motion to extend Phase I of the project for 4 years, to be effective as of March 2023, making Phase I extended until March of 2027. Then Phase II will be extended one year, expiring in March of 2028. Mr. Trebino seconded and the motion passes unanimously.**

**Meeting Minutes:**

**Mr. Salisbury made a motion to approve the minutes from the March 23, 2023 Planning Board meeting, as submitted. Mr. Trebino seconded and the motion passes unanimously.**

**Next Meeting:**

The next Planning Board Meeting will be held on Thursday, April 27, 2023 at 7:00 pm. This meeting will take place both in-person and via Zoom.

**Mr. Salisbury made a motion to adjourn the meeting at 8:36 pm. Mr. Mobilia seconded and the motion passes unanimously.**

**Meeting was adjourned.**

Respectfully Submitted,

*Tina M. Griffin*

Recording Secretary

Approved – 04-27-2023