



BELLINGHAM PLANNING BOARD

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

Meeting Minutes April 25, 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.

Mechanic Street Warehouse Development Plan, Stormwater Management Plan, Major Business Complex Special Permit, Flexible Parking Options Special Permit, and Water Resource District Special Permit, Mechanic Street, Continued Public Hearing.

JSK explained the project to date and the checklist of outstanding items. He has had ongoing discussion revolving around the new proposed signal and has met with MassDOT District 3, Lincoln Properties, Bellingham's State Representative and State Senator to explain the need for the signal. He has conveyed the Board's concerns about safety at that entrance and the need for the signal. Progress has been made but the focus tonight will be on drainage and stormwater.

Present: Attorney Joe Antonellis of Mayer, Antonellis, Jachowicz, Haranas LLP, Jeff Black, Conor Nagle, of VHB, and the Board's peer reviewer, Frank DiPietro of BSC

Mr. Nagle explained changes to the stormwater system.

Mr. DiPietro explained that BSC just received the comments from the Applicant and he has not had a chance to put his peer review comments in writing or do a thorough review of every item in the comments. Mr. DiPietro explained some of his responses and concerns and will be sending a memo to the Board in the near future.

JSK explained that the blasting of ledge will be necessary but the Applicant will be utilizing the blasted material to fill and level the site under the building. Compaction and construction management is going to be necessary.

DJT asked about the retention pond having a bottom of solid rock. WFO expressed his concern about this as well. Mr. DiPietro responded that he has to review the drainage calculations but believes it would be better if the retention pond is in some type of permeable soil. If not, the water will sit there for a while.

BTS asked if there was anything the Board should incorporate into this project in anticipation of the potential future residential road and residential subdivision. Mr. DiPietro responded that the biggest concern is that retention pond may not be sized to accommodate future runoff from the residential development. It is sized for this industrial use and does anticipate the residential needs. Mr. DiPietro stated that the residential project is not part of the application currently before the Board and does not

know if the Board has the authority to make this request. JSK responded that the Board could ask Mr. Nagle to size the basin appropriately in anticipation of the residential development. BTS responded that he would like to see some design consideration for the build out of the roadway in the future.

WFO would like to see the infrastructure in place for both the future installation of a traffic light and the future residential roadway development. WFO expressed his concerns with the blasting and would like the Applicant to try to minimize the impact and try to take into consideration the abutters. Mr. Nagle responded that this is a very controlled activity and there are a lot of state and local regulations that must be followed.

JSK suggested that the test pits for the front detention basin could be conditioned in the Decision and that additional peer review will be needed for that. JSK informed that Board that the Conservation Commission (Con Com) asked the Applicant to add a guardrail in front of the basin as it is a fairly steep slope. WFO stated that he would like the use of sand reduced during the winter. JSK added that he will work with Con Com about this issue. JSK added that a final Stormwater Pollution Prevention Plan (SWPPP) could be submitted when the construction has been completed. Mr. Nagle stated that the contractor on the site runs the SWPPP and the Plan. As the contractor proceeds, they have to hand draft reports stating where everything is located. These reports have to be kept on site on a daily basis and could be provided to the Board.

Mr. DiPietro will be including all of his comments in a memo but there are a number of things that should be conditioned in the Decision. One condition should be the detailing of exactly how the design components, such as wall on the slope, will be anchored into the ground. These details should be evaluated and certified by a structural engineer. Mr. Nagle stated that all of these structural components will be reviewed by the Building Inspector. JSK responded that this could be done, but the Building Inspector could review these items prior to the Board closing this public hearing. Finally, both Mr. DiPietro and JSK would like to see one set of plans submitted with all final changes incorporated before the public hearing is closed.

Public Questions and Concerns:

Jane Connor of 18 Roger Belanger Drive asked how the center of town is going to handle the added traffic. JSK responded that the Board has had robust discussion about traffic and is working with the state to mitigate the impacts. This is an impact that Board is reviewing now and discussing.

Lucia Caccavelli who is representing Virginia Rubrigi of 164 Mechanic Street stated that Ms. Rubrigi is very concerned about the type of road that will be constructed which is being referred to as a shared driveway. Mr. Caccavelli also stated that Ms. Rubrigi said that she did not receive notice of this project. Mr. Nagle responded that all abutting land owners were notified and explained that the shared roadway is intended to be a public street. This will be the entrance to the warehouse and to the potential future residential roadway. Ms. Caccavelli asked about the blasting so near to Ms. Rubrigi's house and will water be flowing onto her property. Mr. Nagle pointed out where the blasting will be and that it is needed to get the property to the correct grade. The full stormwater design has been created to show that all stormwater is taken into the site and away from the Ms. Rubrigi's house. Ms. Rubrigi will not see the site from her home. JSK added that the Applicant will have to get blasting permits from Fire Department and will have to notify abutters of the blasting. Before anything happens, JSK will discuss everything with Ms. Rubrigi to be sure she understands the process.

Mr. Antonellis agreed that the Applicant can respond to the Board and peer reviewer's concerns by May 9, 2019.

DJT: Motion to continue the public hearing for the Mechanic Street Warehouse Development Plan, Stormwater Management Plan, Major Business Complex Special Permit, Flexible Parking Options Special Permit, and Water Resource District Special Permit, Mechanic Street to May 9, 2019 at 7:00 p.m.

BTS: Second.

Discussion: None.

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

Town of Bellingham – William Way Solar Development Plan and Stormwater Management Plan Permit, William Way, Continued Public Hearing. Decision Date: 5/17/19

JSK explained the project.

Present: Jesse Johnson, Bohler Engineering, Andrew Bernstein, Applicant, Town peer reviewer, Frank DiPietro of BSC

Mr. Johnson explained the changes to the plan regarding way finding signs and screening. Bohler Engineering has addressed all other peer review concerns and has moved the project away from the Natural Heritage area. Mr. Johnson stated that they did have to move one of the basins away from the Natural Heritage area, but it did not change the overall drainage design. They will be installing an erosion control barrier under the drip edge of each solar panel which will be a wild grass mix that is not prone to erosion. In addition, solar panels will be installed in the detention basins and they will not interfere with the performance of the basin.

Mr. DiPietro stated that Bohler Engineering has addressed all of BSC's comments and they are in agreement with the use of temporary erosion pads at drip line of panels. Concerning the panels on detention basin, Mr. DiPietro wants to be sure that sedimentation does not build up and interfere with solar panel operation. The basins will need regular ongoing maintenance and he suggests that this be a condition of the decision. JSK added that Bohler will have to submit a more robust Operation and Maintenance Plan.

JSK had several checklist items that need to be addressed:

- Each basin must have a test pit that is witnessed by the Town. The Town has a soil evaluator on staff that can witness the tests and confirm and report back to the Board.
- Easements are needed from both utilities. Mr. Lotti stated that they are working on it but utilities are very slow in responding.
- An ANRAD has been submitted to the Con Com and this must be issued prior to the Planning Board closing the public hearing. It is critical for the Con Com to confirm the wetlands.
- The Fire and Police Departments will need a walk-through of site and be shown where the emergency shutoff is located.

Public Questions and Concerns:

Jerry Fredette of 26 Joyce Lane asked if the 100-year storm calculations include snow depth and does snow impact the solar panels. Mr. Lotti explained that if the basin is filled and overflows, the solar panels will still be above it and the electrical system will be above water. If snow covers the panels, then they will produce no energy. The panels are designed to withstand hurricane force winds and snow loads of a roof.

BTS: Motion to DRAFT a favorable Decision for the Town of Bellingham – William Way Solar Development Plan and Stormwater Management Plan Permit, William Way.

DJT: Second.

Discussion: None.

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

BTS: Motion to continue the public hearing for the Town of Bellingham – William Way Solar Development Plan and Stormwater Management Plan Permit, William Way to May 23, 2019 at 7:00 p.m.

DJT: Second.

Discussion: None.

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

Zoning Bylaws Amendment to Article XXVIII, 55+ Active Adult Overlay District for Town Meeting Warrant Article 16, 1st Public Hearing.

JSK read the public hearing notice.

Present: Joseph Antonellis, Attorney for the Proponent, Brad Wright, Proponent

BTS: Motion to open the public hearing for the Zoning Bylaws Amendment to Article XXVIII, 55+ Active Adult Overlay District.

DJT: Second.

Discussion: None.

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

Mr. Antonellis explained the purpose of rezoning the property into the overlay district and that it will provide the opportunity to develop this property under this bylaw which allows for a development with age-restricted homes. All units will be set-aside for over 55 owners. This parcel is situated so that they could provide two access points to a potential development with the roadways remaining private. This bylaw does not require 100' buffer but the Applicant has included a 100' buffer around the perimeter of the property. The potential project could contain up to 64 units which would be under the density requirements. The project could have both single family homes and duplexes. From the financial perspective of the town, the tax bill for the new units could be as much as \$6,000.00 per unit which would be a net positive benefit of approximately \$384,000 annually. This overlay would allow the Applicant to increase density. Mr. Antonellis stated that over aged 55 developments tend to be cash producers for communities because they have no school age children and there is no burden to the town to maintain the street. If this change is approved at Town Meeting, then any development would come before the Planning Board for a special permit. The proponent is seeking a positive recommendation from the Planning Board. The bylaw is already in effect and this is an inclusion of this parcel into the zoning bylaw that has already been approved at previous town meeting.

JSK explained the proposed zoning change to the public and that the Board is not approving any particular project. The Board is just voting whether to recommend the zoning change at Town Meeting.

PCP questioned where the currently overlay is in relation to this property. JSK responded that the overlay exists over the New England Country Club (NECC) property. PCP asked why they want to construct an over aged 55 development and Mr. Antonellis responded that the proponent believes there is a market for this type of development. PCP asked if the proponent would develop this property if the zoning change is not approved and Mr. Antonellis stated no. PCP added that the town is facing a shortage of homes priced in the \$400,000.00 range which is a second-level home. If this is age-restricted, then families who own starter homes and want to move to the next level will not be able to do so because of the age-restriction. PCP is concerned that if the Board recommends this article for approval, then rezoning a parcel of land by using an overlay will start a trend to do so elsewhere. He also stated that the proponent shouldn't confuse over 55 with over 70. The traffic pattern is different for the over 55 age group.

BTS stated that he agrees with Mr. Antonellis that there are a lot of benefits to an over aged 55 community, but he is concerned that this stretch of road is currently not hospitable, is overburdened with traffic currently, and adding 63 units in that area will worsen the traffic issues. The Board recently tried to rezone the other side at Hartford Ave and Depot Street to prevent a large residential development from being constructed on that property because of the adverse effects of the increased traffic. Traffic is the main concern.

PD added that location of NECC overlay is beneficial in that area of town because residents will stay mostly within the development due to the number of amenities provided. This is a different type of development that will not have the amenities to keep residents on site.

Public Comments & Questions

Jerry Fredette of 26 Joyce Lane asked what the 100' buffer zone is and does the Board have the ability to guarantee that amount of buffer. Mr. Fredette also stated that the concept plan does not have a lot of amenities such as walking paths and could they be added. Mr. Wright explained the buffer zone and that it is not a requirement, but his choice to add it. In addition, he has not proposed any walking paths because it seems that residents of communities such as Hartford Village would rather have lower condo fees and lower maintenance costs.

PCP reminded Mr. Wright that there is a right of way that has to be considered.

Eddie Knief of 22 Joyce Lane asked if the buffer includes planting trees. Mr. Wright explained that the buffer would be natural with no changes from the property line to 100' out.

Jane Connor of 18 Roger Belanger Drive asked how much buffer would there be at the pond level. Mr. Wright responded that they would have to be 100' from the waterway and the 100' remains the same.

JSK reminded the Board and the public that this plan is not actionable and is only here for demonstration purposes. The Board is not voting on the plan.

Gary Connor of 18 Roger Belanger Drive asked if there is a traffic plan. Mr. Antonellis responded that the mitigation and all conditions of approval would flow from the Special Permit process. The bylaw requires the development be done in according to a specific procedure and with an engineer who would create the plans submitted. There will most likely be traffic mitigation.

Lee Detori of 100 Hartford Ave stated that the town can't tell people they can't use their cars. She can't get out of her home to get to work. She has to leave earlier and earlier every day to get to work. This project will make it even worse.

Kyle Murphy of 98 Hartford Ave stated that she has a right-of-way between this lot of land and her land. She asked if the 100' buffer is on the other side of the right-of-way and goes all the way to the pond. PCP explained that the right-of-way is a separate issue from the buffer. If you have rights to the right-of-way, it doesn't mean you own it, but it gives you access to use it. An Applicant can't block the right-of-way through usage. Ms. Murphy also stated that she thought this was zoned wetlands and can't be developed. She is concerned about the traffic as well. PCP explained that the property is still zoned agricultural but the proponent is asking the town, through an overlay, to allow him to build here.

JSK explained that anyone developing this land would have to submit to Con Com to delineate the wetlands and the setbacks associated with it.

Ron Golan of 27 Joyce Lane is concerned about the location of the septic system and the impact on the wetlands. Mr. Antonellis responded that the regulations regarding on-site septic are detailed by Environmental Protection Agency (EPA) and the Board of Health. Any future septic designs must show that the leach field is capable of handling the septic for this project. If the science proves it can't be done, the project will be abandoned or shrunk. The EPA regulations are very strict. WFO stated that if this zoning bylaw change is approved at the Town Meeting, this development may go forward. If the bylaw change is not approved, this will go away.

WFO stated that he is very confused. The Board tried to rezone Hartford Ave at Depot Street and the neighbors didn't want it at Town Meeting. An industrial zone would have less impact on the road. Now we have a development come up for residents that the neighbors wanted at the last town meeting and now the residents don't want residential development because of traffic. Because the rezoning failed at the last town meeting, the residents may be opening up the Hartford/Depot land to a very large 40B development that could be up to 300-400 houses. Now this developer listened to the resident's demands and is interested developing this property. Over aged 55 houses are a great need in Bellingham and this Board cannot stop the traffic on Hartford Ave.

Susan Golan of 27 Joyce Lane stated that if she was thinking of buying an over 55 home and saw this development and to her left I saw a junk yard and then saw a concrete factory, she doesn't think she would want to live there.

BTS: Motion to close the public hearing for the Zoning Bylaws Amendment to Article XXVIII, 55+ Active Adult Overlay District.

DJT: Second.

Discussion: None.

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

BTS: Motion to not recommend the Zoning Bylaws Amendment to Article XXVIII, 55+ Active Adult Overlay District at the Annual Town Meeting on May 22, 2019.

PCP: Second.

Discussion: None.

Vote: 4-1 Carried. (WFO, BTS, PCP, DJT) (No - REL)

Zoning Bylaws and Zoning Map Amendment for Maple Street for Town Meeting Warrant Article 17, 1st Public Hearing.

JSK read the public hearing notice.

Present: Art Paturzo, Proponent

BTS: Motion to open the public hearing for Zoning Bylaws and Zoning Map Amendment for Maple Street.

REL: Second.

Discussion: None.

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

Mr. Paturzo explained the proposed amendment and the reason is similar to what happened at the last town meeting which was to rezone a portion of Maple Street from industrial to residential. A developer cannot build any industrial project on most of the proposed land, but the town of Franklin could build industrial and they would bear the brunt of the traffic. The westerly side of Maple Street would remain industrial. Maple Street is a scenic road and would maintain the character of the road. Traffic is busy already but would be good to not add more industrial traffic.

JSK explained that the rezoning of part of Maple Street at the last town meeting stopped just north of Route 495. This change would continue that rezoning. He is concerned about taking away industrial land without replenishing the coffers for the town, but strategically the town found more appropriate locations last year. This change would have a minimal impact, but looking beyond this the town needs to think about balancing the industrial with residential. WFO agreed that the town cannot keep losing industrial land.

Public Comments & Questions

Tom Donnelly of 159 Blackstone Street asked if Franklin could access Maple Street through the residential development already on Maple Street. JSK responded that there could be development but it would be residential in nature.

BTS: Motion to close the public hearing for the Zoning Bylaws and Zoning Map Amendment for Maple Street.

PCP: Second.

Discussion: None.

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

PCP: Motion to recommend the change of Zoning from Industrial to Suburban for the Zoning Bylaws and Zoning Map Amendment for Maple Street at the Annual Town Meeting on May 22, 2019.

BTS: Second.

Discussion: None.

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

General Business:

- ☐ **ANR – 15, 17, & 19 North Main Street, Bellingham Plaza LLC**
JSK explained the plan.

BTS: Motion to sign the ANR Plan for 15, 17. & 19 North Main Street

DJT: Second.

Discussion: None.

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

- ☐ **As-Built Certifications**
- ☐ **Discussions:**

- **160 High Street Parcel A Land Acceptance – Article 26 on the Town Meeting Warrant**

JSK explained the proposed Article.

BTS: Motion to recommend the acceptance of land at 160 High Street Parcel A at the Annual Town Meeting on May 22, 2019.

REL: Second.

Discussion: None.

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

- **Welker Way Street Acceptance – Article 27 on the Annual Town Meeting Warrant**

JSK explained the proposed Article.

BTS: Motion to not recommend the acceptance of land Welker Way at the Annual Town Meeting on May 22, 2019.

PCP: Second.

Discussion: None.

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

- **Box Pond Street Acceptance – Article 20 on the Annual Town Meeting Warrant**

JSK explained the proposed Article.

BTS: Motion to recommend the acceptance of land Box Pond at the Annual Town Meeting on May 22, 2019.

PCP: Second.

Discussion: None.

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

- **Burton Woods Comprehensive Permit**

JSK explained that the application was submitted to the Zoning Board and the Planning Board can offer comments if they wish. This is located in Bellingham, but access is through Franklin. The Board would like to discuss this at a later meeting.

- ☐ **4/11/19 Minutes Signing**

PCP: Motion to sign the April 11, 2019 Meeting Minutes.

BTS: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, PCP, DJT, REL) (WFO abstained because he was absent from the meeting.)

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

BTS: Motion to adjourn.

DJT: Second.

Discussion: None.

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

Meeting Adjourned at 9:45 p.m.

4/25/19 Public Hearing Documents List

Mechanic Street Warehouse Development Plan, Stormwater Management Plan, Major Business Complex Special Permit, Flexible Parking Options Special Permit, and Water Resource District Special Permit, Mechanic Street

1. DiMartino DPW – 4th Comments 4.11.19
2. BSC – 2nd Comments 4.15.19
3. Traffic Signal Exhibit 4.12.19
4. VHB - Response to BSC 2nd Comments 4.17.19
5. Notice of Project Change EEA #15898 Route 140 Development 4.16.19

Town of Bellingham – William Way Solar Development Plan and Stormwater Management Plan Permit

1. Bohler Response to BSC 1st Comments 4.11.19
2. Bohler - Waiver Requests 4.11.19
3. Drainage Report - Revised 4.10.19
4. Plan - Existing Drainage Tributary Map 4.10.19
5. Plan - Proposed Drainage Tributary Map 4.10.19
6. Plan - 2nd Submission 4.10.19
7. BSC – 2nd Comments 4.19.19
8. Plan – 3rd Submission 4.25.19
9. Bohler Response to BSC 2nd Comments 4.23.19

Zoning Bylaw Amendment Proposal to Article XXVII, 55+ Active Adult Overlay District, Hartford Ave Map 22, Parcel 3 - 1st Public Hearing

1. Abutter List – Certified 3.26.19
2. Article 16 – Town Meeting Warrant 5.22.19
3. Public Hearing Notice 4.25.19

Zoning Bylaw and Zoning Map Amendment – Maple Street - 1st Public Hearing

1. Abutter to Abutter within 300 Feet - Bellingham Certified 3.26.19
2. Abutters List within 300 Feet of Contiguous Parcels - Bellingham Certified 3.26.19
3. Abutters List - Franklin Certified 4.2.19
4. Article 17 – Town Meeting Warrant 5.22.19
5. Public Hearing Notice 4.25.19
6. Zoning Map Proposed Amendments 2019

Minutes Accepted on: 5/9/19
(Date)

Jean Keyes
(Prepared by: Jean Keyes)

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

Brian T. Salisbury
Brian T. Salisbury

Peter C. Pappas
Peter C. Pappas

Dennis J. Trebino
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Russell E. Lafond
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