



BELLINGHAM PLANNING BOARD

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

Meeting Minutes **Monday, April 27, 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
Robert Lussier (RL), Associate 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.

CONTINUED PUBLIC HEARING

161 & 169 MAPLE STREET:

The applicant, Will Boyle, LMP Properties LLC and owner John D. Raymond, Jr., LMP Properties, LLC propose site improvements to the existing bulk storage and mulch processing operation at 161 and 169 Maple Street in Bellingham, shown on Assessor's Map 26 Lot 01 and 26-01A.

The applicant Attorney Kim Kroha was present during the zoom call along with applicant Will Boyle and Engineer Steve D'Ambrosio.

The Chairman opened the continued hearing.

The Town Planner explained that the previous meeting, the Board asked him to draft two decisions for consideration: one being a favorable decision and a deniable decision. The hearing was left open for the applicant to provide additional information. The applicant has provided an updated turning radius plan sheet, along with a series of emails from the applicants Attorney. Those were forwarded to the Board.

Attorney Kroha wanted to add further information about the standard of review of an existing business and Development Plan application. It was communicated that the purpose of the Development Plan is to ensure adequate review which may have significant impacts on traffic, drainage and town services, environmental quality and community character. The mulch business has been here for 10 years. The mulch itself does not create any impacts. The Development Plan does incorporate the stormwater system that is being proposed and additional improvements to the site that are designed to reasonably enhance the impact of the business. This is an allowed use by right. The Attorney explained that there is an exception for Special Permits under Article 9, Section 240-55. She explained that the proposed use does not have to meet the environmental controls. It is the applicant's stance that they do comply with the environmental standards. The Board is concerned with the site traffic on Maple Street. The Attorney communicated to address this concern, the truck drivers at the business will have a cell phone app that allows them to open the gate. The gate will be open when the business is operating. There are also signs proposed 500 ft. from each side of the site that the applicant can install to show trucks coming ahead. In regard to the Fire Access, it was proposed that there be on-site review with the Fire Chief after the 30-foot roadway down the middle is painted assuming the Development Plan is approved. There was an email forwarded from Mr. French who is an abutter in support of approval of plan. The next item discussed was the post approval and post wall installation noise study that is based on sound measurements. Attorney Kroha communicates that this requirement goes beyond what the bylaw requires for noise measurement.

Engineer D'Ambrosio provided a share screen on the turning radius. This showed the truck entering from the north and is able to turn into the 30 ft. painted drive. The truck is also able to exit going to the south onto Maple Street.

The applicant and public had no further comments.

On a motion made by Brian Salisbury, seconded by Philip Devine, the Board voted by Roll Call to close the hearing for 161 and 169 Maple Street.

Roll Call Vote:

William F. O'Connell Jr.	aye
Brian T. Salisbury	aye
Dennis J. Trebino	aye

Philip M. Devine
Elizabeth Berthelette

aye
aye

The Board next discussed the decisions. The first decision discussed was the favorable decision. The decision does have a number of determinations. There was reference to what the Fire Chief is requiring. The applicant is seeking a waiver from this. There is also language in the decision about the odor and noise concerns. There was a condition added for signage at the truck crossings. The hours of operation have also been included as referenced in the bylaw.

There was discussion about Item 18 which include the hours of operations which will be 7:00 am -9:00 pm. From a safety standpoint, there is a concern that there is no on-site lighting. The Board agrees that the applicant should not be able to operate without adequate lighting. A suggestion was made to have the evening hours be only until 6:00 pm or dusk. The applicant communicated that he operates several yards in New England without lighting since the equipment has adequate lighting. The applicant informed the Board that the nightly operation may include the dropping off of a vehicle and not necessarily grinding wood. He noted that this is standard in the construction industry. The Board does not think the grinding should occur after a certain time and it is not safe to operate heavy equipment where there are large piles of mulch that can collapse on someone. The Board thinks working in the dark is dangerous and that there should have lighting. The applicant communicated that they could have portable lighting which is put on a timer. The final recommendation is from 7:00 am to 6:00 pm or dusk whichever occurs pending the approval of a lighting plan submitted by the applicant.

The Board would like to add that the hours for grinding to be 7:00 am to 6:00 pm. The goal is to look at the noise impact moving forward. The Attorney indicated that she has not been notified of any recent noise complaints but was aware of some a few years prior. Member Salisbury communicated that he lives about a mile from the site, and he can hear the grinders over other sounds. It was suggested to amend the language in the decision to state 6:00pm or dusk for the business activities excluding all trucks coming and going and loading.

The Board asked to go over the denial decision. This was shown on the screen share.

The big difference in the denial decision is that there are not conditions but determination. The denial articulates where the Board was not able to verify compliance under the Development standards and performance requirements as well as emergency response and vehicular safety.

A motion was made by Brian Salisbury, seconded by Dennis Trebino to act on the favorable decision with amendments on condition Item Number 14 and 18 for a lighting plan and amendment to the hours of operation including limitations. Before the vote, there was more discussion

Member Salisbury was questioning Paragraph B(6)(b) . He recommended the word “offensive” be added before the word odor. Another recommendation was to also add “which can be smelled significantly.”

The next item discussed was on Page 4 paragraph C 240-51. Add wording relating to the chemicals “however despite numerous requests, the board is not in receipt of specific dyes and other chemicals.

The Board next discussed Page 12, Paragraph 19 C. regarding the establishment of the safety committee. Member Salisbury agrees with this condition but wonders if the Board can put this into a decision. The Chairman believes that this type of safety can be conditioned. The drivers do need to keep logs and there are OSHA requirements. The Chairman communicated that companies have safety committees which have to meet quarterly. This committee would be for two residents not living in property owned by the applicant or employees. Member Salisbury is in agreement but does not believe the Planning Board can mandate this. The Chairman also would like applicant to provide a copy of the driver selection criteria for hiring and training. The applicant communicated that they need to follow OSHA regulations and he does not want to be held to higher standard than other businesses. The applicant questions why pull in neighbors for safety advice when they have no knowledge of safety. The Chairman wants the applicant to work with neighbors if there are safety concerns. Member Salisbury suggests we strike paragraph 19. Member Devine is in agreement to strike this paragraph. Member Trebino would like to leave it for the Attorneys. Member Berthelette sees where Member Salisbury is coming from and thinks this should be removed. Associate Member Lussier noted this is not his expertise and agrees with member Trebino to leave it to the Attorneys.

The Chairman has no objection to having this removed.

On a motion made by Brian Salisbury, and seconded by Dennis Trebino, the Board voted by Roll Call vote to approve the amended decision for 161 & 169 Maple Street 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

FUTURE MEETING:

- May 13, 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 8:05 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 8:05 pm.

Respectfully Submitted,

Amy Sutherland
Recording Secretary

Minutes Accepted on: May 27, 2021 Amy Sutherland
(Date) (Prepared by Amy Sutherland)