



BELLINGHAM PLANNING BOARD

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

Meeting Minutes June 28, 2018

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 - absent
Philip Devine (PD), Associate

Other Officials:

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

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

Hartford Village II Inclusionary Housing Special Permit, Off-site Unit at 41 Crystal Way, 1st Public Hearing.

JSK read the public hearing notice.

WFO: Motion to open the public hearing for Hartford Village II Inclusionary Housing Special Permit, Off-site Unit at 41 Crystal Way.

BTS: Second.

Discussion: None.

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

JSK explained the proposal and the documents received for the Inclusionary Housing Special Permit (IHSP).

Present: Joe Antonellis, Attorney and Brad Wright, Applicant

Attorney Antonellis explained the application and that this off-site unit will fill one of the IHSP requirements. This is the first of two applications submitted. The Applicant will renovate the unit to meet standards of IHSP. Attorney Antonellis explained that he preliminarily reviewed the condo documents and found no prohibitions to restricting the price on the sale of the unit in the future. This is a condo, which is comparable to the Hartford Village II condos. This unit is 600 sq. ft. smaller and contains no garage, which is a significant difference and it will not be comparable in size. The Applicant's obligation is to identify properties in Bellingham that can be affordable and suitable. The unit will be comparable to the other units in Crystal Springs Condos. The selling price for an affordable unit at Hartford Village II will sell for the same price as an affordable unit at Crystal Springs.

JSK explained that the off-site units need to be fairly comparable. The state will review this unit as well.

Public Questions and Comments:

Matt Gaines of the Law Firm of Marcus, Errico, Emmer, and Brooks represents the Crystal Springs Condo Association stated that this application violates the Town's Zoning Bylaw Section 240-29 b. This unit must

be comparable to the unit at Hartford Village II and not at Crystal Springs. Attorney Gaines explained several issues that were stated in his letter titled "Crystal Springs HOA Letter to Planning Board 6.25.18" that was previously submitted. Attorney Gains requested that the Board deny the application. PCP stated that he did not see in the letter the reason that Crystal Springs does not want this affordable unit. This is not low-income housing. Attorney Gains stated that he could ask the Applicant the same question about Hartford Village II and he cannot answer the question on behalf of the condo owners. The presence of an affordable unit will devalue other units.

Martin Roche of 31 Crystal Way stated that he is a board member at Crystal Springs Condos. We sought attorney representation because someone is telling us to alter our association without due process. We were held to a very high standard during permitting and asking that the Applicant be held to the same standards. The Planning Board is not holding the Applicant to a condition of the Hartford Village II permits that and IHSP application be submitted and approved prior to any land clearing or work on the site. There is land clearing being done now. WFO explained that the Board did not know that Crystal Springs would be involved. The Board recently granted the Applicant the ability to cut trees down but no foundation permits will be issued. JSK explained the minor modification that granted site clearing only. Attorney Antonellis explained that Hartford Village needed to make repairs of the existing septic system and permission was asked to begin that work.

Brian Norton 18 Crystal Way has concern about beneficial interest of a unit owner. Condo fees go up for everyone else in the complex except the affordable unit. The unit owners can vote no to the lowering of the condo fees. If this were permitted, this would cost the association money and the units are not comparable. The condo laws and master deed will ultimately rule this project no matter what his Board states.

Mike Belleville of 49 Crystal Way stated that the Board is asking the Condo owners to trust them that they are doing the right thing and then the state has to review this and set the sale price. JSK responded that the Board is tasked to review the IHSP application and then it will be forwarded to the state for review and then set the sale price. Mr. Belleville stated that the Board cannot guarantee sale price and whether it will devalue his unit. Mr. Belleville and his wife invested in Crystal Springs to provide a future for his wife. They would have never invested in this unit for this reason. He is not against affordable house but have to take into consideration the unit owners already there and not allow anything to devalue their property.

BTS stated that the affordable, deed-restricted units would not be included in market comparables when non-restricted units are put on the market.

WFO stated that the Board is concerned about the fact that their unit values will decrease with the addition of this affordable unit.

Dave Picard of 51 Wrentham Road asked if the deed restriction is for the life of the deed. PCP it passes forever with the deed of the property.

Louis Jacques of 201 Crystal Way asked if how the developer can say that this unit is comparable to Hartford Village II. How was this unit selected to be the affordable unit for a separate condo association? Brad Wright responded that availability was the reason for choosing this unit. It was on the market for the right price to be an affordable unit.

PD asked why affordable units in Bellingham have not sold. JSK explained that there is a housing stock of \$220-\$270K homes without deed restrictions. So an individual faced with purchasing a deed-restricted unit at \$220k for one non-deed restricted for a little more is more likely to purchase the unit without the restriction. Additionally, the income restrictions are difficult a buyer to qualify for a mortgage for an affordable housing unit.

BTS: Motion to close the Public Hearing for the Hartford Village II Inclusionary Housing Special Permit, Off-site Unit at 41 Crystal Way.

DJT: Second.

Discussion: WFO appointed PD would be a voting member for this permit.

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

The Board agreed that the proposed unit does not meet the IHSP bylaw because the units are not comparable in size, number of rooms, and does not have a garage.

WFO: Motion to Deny the Hartford Village II Inclusionary Housing Special Permit, Off-site Unit at 41 Crystal Way.

PCP: Second.

Discussion: None.

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

Hartford Village II Inclusionary Housing Special Permit, Off-site Unit at 30 Elbow Street, 1st Public Hearing.

JSK read the public hearing notice.

WFO: Motion to open the public hearing for Hartford Village II Inclusionary Housing Special Permit, Off-site Unit at 30 Elbow Street.

BTS: Second.

Discussion: None.

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

Present: Joe Antonellis, Attorney and Brad Wright, Applicant

Attorney Antonellis explained the application and that this property has been purchased. The size of the house is comparable and will be converted to a two-bedroom and two-bathroom home. Septic will be repaired and there is a one-car detached garage. The purpose of the bylaw is to provide equal living space to Hartford Village II for the occupants of the property in an affordable fashion. Attorney Antonellis suggested that the Board should not be comparing the cost of the condo versus the cost of the single-family home. The state will review this and determine if this unit is suitable and comparable in size and amenities.

Public Questions and Comments:

Dave Picard 51 Wrentham Road asked how the state sets the guidelines for the selling price. JSK explained that it is a median income and it is difficult for the Town.

Rene Picard 11 Elbow Street asked what the value of this house would be when it goes on the market. JSK explained that the home will be deed-restricted and won't be used in comparison when other homes are on the market. Attorney Antonellis explained that an appraiser cannot include a deed-restricted property when pulling comparisons.

BTS: Motion to close the Public Hearing for the Hartford Village II Inclusionary Housing Special Permit, Off-site Unit at 30 Elbow Street.

WFO: Second.

Discussion: None.

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

JSK read the conditions that would be included in an approval decision. Mr. Wright requested that this unit be built after nine (9) occupancy permits have been given for Hartford Village II. The Board agreed.

WFO appointed PD to vote on this permit.

WFO: Motion to Approve the Public Hearing for the Hartford Village II Inclusionary Housing Special Permit, Off-site Unit at 30 Elbow Street subject to the conditions stated previously and the handicap accessible bathroom on the first floor.

DJT: Second.

Discussion: None.

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

Bellingham Shores, Cross Street/Silver Lake Road/South Main Street Preliminary Subdivision meeting. Decision Deadline: 6/29/18

JSK explained that Town Counsel recommend that the Board accept the Withdrawal or make a decision on the project.

BTS: Motion to accept the Withdrawal request.

DJT: Second.

Discussion: None.

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

300 Hartford Ave Development Plan Modification and Development Plan, Stormwater Management Plan Permit, and Flexible Parking Special Permit, Continued Public Hearing. Development Plan Decision Deadline: 7/19/18

JSK explained the project to date, the documents received, and the outstanding items concerning drainage. The Applicant has satisfied all concerns regarding drainage.

Present: Travis Brown of Andrews Survey & Engineering, Tom Pozerski of Merrill Engineering, Ross Smith for the Applicant JMRD2, LLC, Paul Vercollone of Hartford Enterprises LLC, Michael Frisbee of HDC Five, LLC, Frank DiPetro of BSC.

Mr. Pozerski explained the changes to the Car Wash plans. Mr. Brown explained that all items have been addressed from both peer review and the Conservation Commission (Con Com). The Con Com is prepared to issue an Order of Conditions at the next public hearing. Safe de-icing materials will be used and Con Com is in agreement.

Mr. DiPetro stated that all outstanding items have been resolved. The car wash should provide their own O&M Plan and WFO stated that both should be submitted. Mr. DiPetro asked that additional lighting be added around buildings B and C for safety reasons. The Board agreed. BTS asked for low-lying shrubs between the businesses. The Applicant agreed and asked it to be conditioned and JSK can oversee the process.

WFO asked JSK to explain the conditions that should be included in the Decision should the project be approved.

Mr. Pozerski explained that approval has to be obtained from the gas company and will be obtained once the permit has been issued. Prior to site disturbance, approval from the gas company must be received.

WFO designated PD to vote on the Flexible Parking Special

BTS: Motion to draft favorable decisions for 300 Hartford Ave Development Plan Modification and Development Plan, Stormwater Management Plan Permit.

DJT: Second.

Discussion: None.

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

BTS: Motion to draft a favorable decision for 300 Hartford Ave Flexible Parking Special Permit.

DJT: Second.

Discussion: None.

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

BTS: Motion to continue the Public Hearing for 300 Hartford Ave Development Plan Modification and Development Plan, Stormwater Management Plan Permit, and Flexible Parking Special Permit to July 12, 2018 at 7:00 p.m.

DJT: Second.

Discussion: None.

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

125 Depot Street Development Plan, Stormwater Management Plan Permit, Bulk Storage Special Permit, and Flexible Parking Special Permit, 1st Public Hearing. Development Plan Decision Deadline: 7/28/2018

JSK read the public hearing notice.

WFO: Motion to open the public hearing for 125 Depot Street Development Plan, Stormwater Management Plan Permit, Bulk Storage Special Permit, and Flexible Parking Special Permit.

PCP: Second.

Discussion: None.

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

Present: Bill Halsing, Land Planning, Gordon Stewart, Director of Business Development

Mr. Halsing explained the proposal and that it is not a retail business. Contractors pick up fence products. BTS requested fencing to be continued to screen the yard on the Depot Street side.

JSK explained that the peer review for drainage has been returned and is fine. This is a minor expansion of this site.

Public Questions and Comments:

Resident (name undecipherable) - Asked what types of trucks will be delivering or picking up? Mr. Stewart responded that the majority will be smaller trucks will be most common but some trailer trucks will be delivering periodically.

Resident (name undecipherable) asked how many vehicles per day. Mr. Stewart responded that about 10 1-ton trucks per day, and a couple of larger trucks depending upon the season.

JSK read the conditions and hours of operation that would be included in the Decision.

BTS: Motion to draft favorable Decisions for the 125 Depot Street Development Plan, Stormwater Management Plan Permit, Bulk Storage Special Permit, and Flexible Parking Special Permit with all conditions discussed.

DJT: Second.

Discussion: PD asked for clarification of voting on the Special Permits.

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

BTS: Motion to continue the Public Hearing for 125 Depot Street Development Plan, Stormwater Management Plan Permit, Bulk Storage Special Permit, and Flexible Parking Special Permit July 12, 2018 at 7:00 p.m.

WFO: Second.

Discussion: None.

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

Zoning Bylaw Amendment for Zoning Map for 79 Hartford Ave, 1st Public Hearing

JSK provided hypothetical cost-benefit to the Town if the land is rezoned as Industrial and the information provided by the Betsy Cournoyer, Assessors. Hypothetical figure is approximately \$800,000.00 of annual revenue. Residential use on the same site will have greater impact on the community with much lower annual tax revenue and no improvements to the infrastructure or the intersection. The Board agreed that an industrial use is a better use for this parcel of land.

Public Questions and Comments:

Paul Croeber of 73 Wethersfield Road asked what the difference is if a 40B was placed on a Farm Street property. JSK responded that the underlying argument for rezoning is infrastructure that is in place. Hartford Ave is the safest route for trucks to be on. Farm Street could receive a 40b but the land use is better suited to cars and pickup trucks than trailer trucks. Mr. Croeber stated that the traffic is bad on Hartford Ave and it is rough getting out onto Hartford Ave. PCP if this is rezoned industrial, the Board can ask for mitigation to improve that intersection. Traffic would be worse if a large housing development is placed on the site. The Board must be proactive to help mitigate impacts of industrial development to the town.

Mark Laverdiere of 28 Wethersfield Road asked why the town doesn't consider the land behind Home Depot. JSK responded that WS owns the land but there is no project there right now. Mr. Laverdiere asked if this is rezoned industrial, does the Board have a say as to what kind of industrial goes in. PCP responded that within reason the Board can try but the Board has to abide by the towns bylaws and regulations.

WFO added that Farm Street is a Scenic Road and it will have constraints for industrial development. JSK added that a lot of the traffic is coming west from Mendon and Hopedale to Route 495. Those towns are doing the same thing that this Board is trying to accomplish with rezoning. Every town is looking to properly locate their industrial zones.

Don Cadorette of 35 Hartford Ave stated that there is a 2nd egress on Farm Street to Route 495. Agrees with the Board to put the residential on Farm Street and industrial zone on Hartford Ave.

Resident (name undecipherable) of 52-54 Taunton Street asked if the current owner of the property okay with this proposed change. JSK responded that the owner is Varney. WFO responded that they do not know if it is for sale and that the Planning Board, not the Board of Selectmen, not Google, not Varney, brought this action the Board is trying to be proactive. Part of this land may become passive recreation as well.

Resident (name undecipherable) stated that mitigation for industrial projects would never solve the traffic problem in the Wethersfield area. PCP responded that the Board cannot control what residents of other towns do, the Board can only be proactive to help our town.

WFO explained that this vote will be decided by the Town and not the Board. The Planning Board is only making a recommendation to the Board of Selectmen.

Ms. Alexis (last name undecipherable) stated that she personally feels that this is a good idea to rezone from industrial to residential however abutters bought this land assuming residential behind their house. Not all industry would be a problem but if a bad industrial use were to go in, the Board could not mitigate enough to offset the negative effects. Respectfully disagree that this is a good idea for the well-being of the town and don't think that the town could not get enough mitigation for the roads to offset the inconvenience to the residents. Would personally rather have residents there than industrial.

Resident (name undecipherable) stated that he respects this Board and its difficult job. The Board said residential input would be a good factor in keeping or changing the zoning. Believes the opinion is 85% against rezoning. He asked what the Board's recommendation will be.

BTS: Motion to close the Public Hearing for the Zoning Bylaw Amendment for Zoning Map for 79 Hartford Ave.

DJT: Second.

Discussion: None.

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

WFO: Motion to recommend the Zoning Bylaw Amendment for Zoning Map for 79 Hartford Ave from the existing zoning of Suburban B2 and Agricultural to Industrial.

PCP: Second.

Discussion: None.

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

General Business:

☐ **ANR**

☐ **As-Built Certifications**

☐ **6/14/18 Minutes Signing**

WFO: Motion to sign the June 14, 2018 Meeting Minutes.

DJT: Second.

Discussion: None.

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

☐ **Voucher Reports** - JSK explained the voucher report. – Report tabled to the next meeting

☐ **Planning Coordinator Contract – Discussion and Signing**

WFO: Motion to sign the Planning Coordinator's Contract for Jean Keyes for July 1, 2018 to June 30, 2019.

DJT: Second.

Discussion: None.

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

☐ **Nerina Estates Definitive Subdivision – Plan Signing**

WFO: Motion to sign the Definitive Subdivision Plans for Nerina Estates.

DJT: Second.

Discussion: None.

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

WFO: Motion to adjourn.

DJT: Second.

Discussion: None.

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

Meeting Adjourned at 11:30 p.m.

6/28/2018 Public Hearing Documents List**Hartford Village II Inclusionary Housing Special Permit 41 Crystal Way Off-site Unit**

1. Application for IHSP 6.5.18
2. Abutters List – Certified 6.5.18
3. Certificate of Ownership 6.5.18
4. Property Record Card 6.5.18
5. Public Hearing Notice 6.28.18
6. Unit Deed & Plan 5.15.1997
7. Quitclaim Deed 4.18.2002
8. Specifications Sheet 6.14.18
9. Crystal Springs HOA Letter to Planning Board 6.25.18

Hartford Village II Inclusionary Housing Special Permit 30 Elbow Street Off-site Unit

1. Application for IHSP 6.5.18
2. Abutters List – Certified 6.5.18
3. Certificate of Ownership 6.5.18
4. Deed 12.16.1960
5. Property Record Card 6.5.18
6. Public Hearing Notice 6.28.18
7. Specifications Sheet 6.14.18

Bellingham Shores Preliminary Subdivision

1. Withdrawal Request Letter from Applicant 6.14.18

300 Hartford Ave Development Plan Modification and Development Plan, Stormwater Management Plan Permit, and Flexible Parking Special Permit

1. DiMartino DPW Comments 6.18.18
2. Car Wash - Plans - 4th Submission 5.12.18
3. Self-Storage - Plans – 4th Submission 6.22.18
4. Operation & Maintenance Plan - Revised 6.22.18
5. Stormwater Management Report - Revised 6.22.18
6. BSC – Self-Storage – 2nd Comments 6.21.18
7. Andrews Response to BSC 6.21.18 Comments 6.25.18

Zoning Bylaw Amendment for Zoning Map for 79 Hartford Ave, 1st Public Hearing

1. Kupfer – 79 Hartford Ave Scenarios Memo 6.19.18

125 Depot Street Development Plan, Stormwater Management Permit, Bulk Storage Special Permit, and Flexible Parking Special Permit

1. Abutters' List – Certified 5.23.18
2. Application for Development Plan
3. Application for Special Permit for Bulk Storage and Flexible Parking Reduction
4. Application for Stormwater Management Plan Permit
5. Certificate of Ownership
6. Fee Calculations by Applicant 5.22.18
7. Narrative 5.22.18
8. Plans - 1st Submission 5.22.18
9. Stormwater Report 5.4.18
10. Public Hearing Notice 6.28.18
11. Kupfer Staff Checklist 5.30.18
12. Deputy Fire Chief Poirier - Comments 6.6.18
13. PSC – 1st Comments 6.12.18
14. Land Planning Response to Comments 6.20.18
15. Plans – 2nd submission 6.20.18

MINUTES OF THE PLANNING BOARD MEETING

June 28, 2018

Minutes Accepted on:

7/12/18

(Date)

(Prepared by: Jean Keyes)

William F. O'Connell Jr.

Brian T. Salisbury

Peter C. Pappas

Dennis J. Trebino

Russell E. Lafond