



BELLINGHAM PLANNING BOARD

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

Meeting Minutes **Thursday, July 8, 2021** **7:00 pm**

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

The meeting was held in person and via zoom for those who wanted to take part remotely.

Chairman O'Connell opened the meeting at 7:00 pm.

ANR – Application Prospect/Lake Street:

The Board is in receipt of an ANR application for Prospect/Lake Street along with a letter from Wall Street Development Corp. dated June 29, 2021.

The applicant is Wall Street Development Corp. The surveyor was GLM Engineering Consulting. The plan was dated June 29, 2021. The property is located at Lake Street in Bellingham and Prospect Street in Franklin.

The plan is for a six-lot subdivision. The frontage is in the Town of Franklin. This was reviewed by Town Counsel and the Building Inspector will not be granting permits for these lots since they do not meet the Town of Bellingham requirements.

On a motion made by Dennis Trebino, seconded by Phil Devine, the Board voted unanimously to sign and endorse the ANR plan for Prospect/Lake Street.

Continuation Hearing 30 Locust Street:

The Chairman opened the continued hearing for 30 Locust Street.

On a motion made by Brian Salisbury, second by Phil Devine, the Board voted unanimously to continue the hearing to August 12, 2021 at 7:00 pm.

Continuation Hearing Asphalt Engineering:

The Chairman opened the continued hearing for Asphalt Engineering.

The Town Planner provided a recap from the last meeting which included giving the applicant more time to provide information on sound and traffic. The Board is in receipt of the sound analysis. The applicant has also reached out to the Board to view the crushing operation. The Board is also in receipt of an email from the applicant Erin Landry.

Attorney Eli Leino was present representing Asphalt Engineering. The applicant would like to discuss the permit request for an increase to 100 days. The Attorney communicated that an updated sound study was provided and showed there was no issue, and this business is in compliance with the sound regulations. The Attorney informed all that the Board was also invited to the site to see how the operations work. Member Devine did go to site while operation was at full speed. It was communicated that the area is well screened from the front. The Attorney communicated that there have not been any complaints from the neighbors. The crusher is run about 8 hours a day which is about 1,000 tons a day. If there were more days, it may not need to run the full 8 hours. If the applicant can produce more gravel during those 100 days, the product can be reused which is why they have the recycling permit and would not need to have the need for more product dumped on site. This alleviates more truck trips. All the vendors have been vetted and have licenses. There could be conditions and enforcement options if the vendors are not in compliance. The applicant wants to be a good corporate citizen. It was also explained that the max width/height of piles cannot change due to those piles being the max allowable on lot for the stormwater management plan would cap the company at production 100,000 ton of processed asphalt per year.

The Chairman referenced a document dated November 5, 2015, where the applicant was cited for having a Cease-and-Desist order regarding violation. There was also a request on May 25, 2017, regarding the development plan and stormwater scenic road decision. The Board has worked with the applicant and has been in business for over 15 years. The website of the applicant is promoted by the better business bureau. The applicants are very good neighbors. The zoning in this area was held as industrial and everything around the business has changed. The permits in front of the Board are for bulk storage and not for sales. The initial permit did not note reclaimed asphalt. The request of the applicant goes beyond the bylaw. The applicant explained the piles on site. One is raw material, and the other is a recycled asphalt pile. The meeting was turned over to questions. There is a need for their jobs to have subbase gravel material which will brought off site to customers. One of the members expressed that when this business was initially permitted, he did not think this business would become one where there would be crushing and selling of product; if he had known this he would not have agreed and does not believe this permit was for the selling of product. There is a concern about product coming in from a contaminated site. The applicant explained that the DEP became involved based on the town regulations based on the maximum crushing days which if increased needs to be further regulated by DEP with what is coming in and out of site. 20 days equates to 20,000 tons a year. The applicant communicated that there is no mixing of the products and no contamination of product. The documentation of this was approved in the original plan. The intent now is to sell material. The Attorney for the applicant will research the nature of the permit regarding the selling of product. There was a suggestion by one of the Board members to give a 100% increase which would be 40 days instead of the 20 days. The Attorney communicated that when the permit increases there is a cost associated with the permit application which is \$11,00.00 and there would need to be another engineered site plan required. The Attorney explained that although this is a generous proposal, it does not meet the future growing needs of the company. A question was asked if the documents regarding the chemicals on site could be sent to the members. It was explained that this application did have to go in front of the Conservation Commission when initially permitted. There was a concern noted about sale of the product with vendor trucks coming and going from site which cannot be controlled. The Attorney communicated that there is enforcement which could be in place if there are any issues. Another question was asked

The Chairman opened the continued public hearing for Red Mill.

The applicant representative Mark Allen and Mark Dryden were present along with the town consultant Frank DiPietro was present. There continues to a need to discuss the phasing plan. This has been revised from three phases to two phases. The revised phasing plan was shown by share screen. The Board has copies of the revised phasing plan. The applicant explained that the phasing plan was revised to address the stream crossing and the significant ledge on Rt. 140. The goal is to build Road A in its entirety. Phase 1 would include the Common Street extension to the signalized intersection to Mill Street. This will also include the sewer extension and Mill Street improvements. There will be upgrades completed to the sidewalk. This phase will provide 92 units instead of 86 units. The change in phasing will allow the applicant to stockpile material. The majority of the cutting will be in Phase 1. The applicant and board are in receipt of comments received from the DPW Director.

Member Salisbury expressed concern about the phasing going from three to two. This makes the two phases large. The Board was also made aware that there was a permit issued from the ZBA which referenced the amount of material leaving site and there is a question about if the change in phasing would affect the permit. The applicant responded that they propose keeping the existing wetland crossing while taking material from phase one and build phase 2 without taking material off site. This would be a net zero increase in traffic and number of trucks coming in and out of site. A suggestion was made to include language in a decision about construction management for the phasing.

The Board was informed that the applicant met with the Conservation Commission and will be responding to peer review. There was a change to the drainage.

Consultant DiPietro will follow-up with the DPW Director.

The Town Planner will draft the decision for the next meeting.

It was recommended to continue the hearing to the August 12, 2021 meeting.

On a motion made by Phil Devine, seconded by Elizabeth Berthelette, the Board voted unanimously to continue the hearing to August 12, 2021.

GENERAL BUSINESS:

- All general business will be held over until the August 12, 2021 meeting.

MINUTES:

- The minutes will be tabled until the next meeting.

FUTURE MEETING:

- August 12, 2021

ADJOURN:

On a motion made by Brian Salisbury, and seconded by Phil Devine, the Board voted to adjourn the meeting at 10:30 pm.

Meeting Adjourned at 10:30 pm.

Minutes Accepted on: August 12, 2021

(Date)

Amy Sutherland

Prepared by Amy Sutherland

William F. O'Connell Jr.

William F. O'Connell Jr.

Dennis J. Trebino

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Brian T. Salisbury

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Phil Devine

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Elizabeth Berthelette

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