



BELLINGHAM PLANNING BOARD

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

Meeting Minutes July 12, 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 - Absent
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.

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 and the documents received.

Present: Travis Brown of Andrews Survey & Engineering, Ross Smith for the Applicant JMRD2, LLC

WFO: Motion to close the Public Hearing for 300 Hartford Ave Development Plan Modification and Development Plan, Stormwater Management Plan Permit, and Flexible Parking Special Permit.

DJT: Second.

Discussion: None.

Vote: 3-0 Carried. (BTS, WFO, DJT)

BTS: Motion to accept and sign the favorable Decision for the 300 Hartford Ave Development Plan Permit Modification for the Car Wash.

DJT: Second.

Discussion: None.

Vote: 3-0 Carried. (BTS, WFO, DJT)

BTS: Motion to accept and sign the favorable Decision for the 300 Hartford Ave Development Plan Modification and Stormwater Management Plan Permit for the Self-Storage facility and the Irving Gas Station (Hunter Development) Development Plan Modification.

DJT: Second.

Discussion: None.

Vote: 3-0 Carried. (BTS, WFO, DJT)

BTS: Motion to accept and sign the favorable Decision for 300 Hartford Ave Flexible Parking Options Special Permit.

DJT: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, WFO, 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 explained the project to date and the documents received.

WFO designated PD to vote on the Special Permit Decisions.

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

DJT: Second.

Discussion: None.

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

BTS: Motion to accept and sign the favorable Decision for the 125 Depot Street Development Plan and Stormwater Management Permit.

REL: Second.

Discussion: None.

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

BTS: Motion to accept and sign the favorable Decision for the 125 Depot Street Flexible Parking Options Special Permit.

PD: Second.

Discussion: None.

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

BTS: Motion to accept and sign the favorable Decision for the 125 Depot Street Bulk Storage Special Permit.

PD: Second.

Discussion: None.

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

Discussion:

- **Strawberry Estates Definitive Subdivision – request for a Determination of a Major or Minor Modification and request for a permit extension.**

JSK explained the request to waive the requirement for at 6' fence around the detention basin.

Present: Brad Wright, Countryside Homes, Applicant, Chris Domey, resident of 3 Welker Way

Both Mr. Wright and Mr. Domey explained that the detention basin does not hold water. Even after a very sizeable rainstorm, the water depth is at the maximum of 1" and infiltrates within several hours. Mr. Domey does not want a fence because the basin is very shallow and in fact he can mow it with his riding lawnmower. He would prefer no fence or shrubs around it. Mr. Wright stated that this basin is very close to the Mr. Domey's house and it would be unattractive to have a 6' chain link fence around the basin. Mr. Wright is very willing to plant more shrubs around the basin to screen it.

The Board discussed it at length and agreed that planting of 4' shrubs around the basin would be sufficient and they agreed to waive the fence requirement.

DJT: Motion to accept the Minor Modification to waive the requirement of a 6' fence with the provision that 4' shrubs be planted around the basin.

BTS: Second.

Discussion: None.

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

BTS: Motion to Extend the Definitive Subdivision Permit for one (1) year.

REL: Second.

Discussion: None.

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

Decision Signing:

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

JSK explained the Decision.

BTS: Motion to sign the Denial Decision for the Hartford Village II Inclusionary Housing Special Permit Off-site Unit at 41 Crystal Way.

DJT: Second.

Discussion: None.

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

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

JSK explained the Decision.

BTS: Motion to sign the Approval Decision for the Hartford Village II Inclusionary Housing Special Permit Off-site Unit at 30 Elbow Street.

PD: Second.

Discussion: None.

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

Zoning Bylaw Amendment for Zoning Map for Farm Street, 1st Public Hearing

JSK read the public hearing notice.

BTS: Motion to open the Public Hearing for the proposed Zoning Bylaw Amendment for Zoning Map for Farm Street.

DJT: Second.

Discussion: None.

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

JSK explained that Planning Board has two assignments:

1. Current development review and daily planning
2. Long-range planning for the town in accordance with the Town Charter, Planning Board Procedural Rules & Regulations, and Mass General Law.

The Zoning Bylaws were adopted in the 1960's and real significant modifications have not been made since that time. There are problem areas that need to be addressed and the town has to start looking at how future growth will affect the town. The town must be proactive and not reactive. Farm Street is a

scenic road that is undersized for an industrial zone. There is not the proper infrastructure to support industrial uses. The Board is holding this hearing to discuss this amendment, hear from the public, and then make a recommendation to the Board of Selectmen (BOS) and then it would go to Town Meeting for a vote by the residents.

WFO asked JSK about the 187 and 190 Farm Street projects that were recently permitted by the Planning Board for industrial uses and how this change would affect them. JSK explained that those properties that have received approvals for industrial developments to date would be classified as preexisting nonconforming. JSK further explained that the list of properties before the Board are recommendations and the Board may remove parcels from the recommended list that the Board does not agree should be rezoned. DJT stated that he would like to exempt these two parcels.

WFO clarified that this zoning change amendment was put forward by the Board and not by a developer, the BOS, the land owners, or anyone else. The Board is trying to be proactive after they have witnessed issues with previous large-scale industrial development on Maple Street.

Public Questions and Comments:

Lee Ambler of 6 Mendon Street is the attorney for Erin and Nate Moreland of 187 Farm Street. Attorney Ambler stated that his client has spent a large amount of time before the Board and a great deal of money to obtain the permits for this property. The Department of Environmental Protection (DEP) has stated that the permit they granted for this site would be invalid if the zoning were not industrial. Attorney Ambler asked the Board to exempt this parcel from the rezoning to protect his client's permit, business, and investment.

Erin Moreland, Applicant for 190 Farm Street and owner of Asphalt Engineering, was very upset at the possibility that this land could be rezoned and place her permit and the business in jeopardy.

BTS asked if a letter from DEP could be obtained for the Board. Ms. Moreland stated that she does not think this is necessary. She was told that this was industrial property and consequently pursued the permits to allow the business to operate on this site. BTS responded that this is not a personal issue against Ms. Moreland or the business. JSK and the Board have worked very hard to try to solve a problem that is difficult and they are trying to be fair to everyone. DJT stated that the Board is not trying to harm any business.

Jennifer Gerrish of 5 Granite Street stated that Farm Street is dangerous and there has been nothing done to maintain it. The Road has been destroyed by truck traffic and that traffic is excessive. She asked the Board to fix the road and to help reduce the cut-through traffic. Ms. Gerrish stated that the zoning change is good but the road and traffic have to be fixed.

JSK responded that if the land is rezoned, no more industrial would be allowed by-right. Those businesses already permitted would be allowed to remain as currently constituted but they would become pre-existing, non-conforming uses and would require a Special Permit if any expansion or additional uses are added in the future. WFO suggested that Ms. Gerrish reach out to the BOS and Denis Fraine concerning her road condition issues.

Angus Bruce of 167 Farm Street disagrees with the proposal. His property is better suited for an industrial use and if rezoned, he would have to put houses right next to Route 495. He suggested that the Board could control the industrial businesses allowed on his property. Mr. Bruce was very upset that this rezoning would have a negative effect on his property. A low-impact industrial use would have less of an impact on the roads and neighborhood than a housing development.

Marie Stockton of 176 Farm Street and co-owner of Stockton and Sons Service Center stated that this rezoning would isolate her property from the industrial zone. Her business has been there for four generations and has very little impact on the roads.

Ernest Stockton of 176 Farm Street stated that he feels like his property is being picked on. Residential housing will bring more traffic.

Jay Sivits of 208 Farm Street agrees with the change from industrial to residential zoning and would like more residential and less traffic.

Phil Garrish of 5 Granite Street asked what the reason is to rezone anything industrial. JSK explained that the town needs to balance revenue and must seek industrial zones to keep the taxes rates relatively low. 30% of the town's budget comes from commercial and industrial properties. The Board is trying to maintain lower tax rates and trying to find ways to fund a growing budget. But the town is attempting to place industrial zone in an area that can handle it. The Board cannot prevent a business that meets all the town's bylaws and regulations from being permitted if it is a by-right use.

BTS would still like something from DEP that this land must be industrially zoned. Additionally, BTS was concerned about exempting certain parcels may be undermining the thought that all residents must bear the burden for these types of change to improve the town as a whole. WFO disagreed and stated that exempting two parcels would not be giving favored status but would be protecting the permits that were just issued. BTS further stated that changing the status to pre-existing, non-conforming will not impact the business in the short-term but only when they want to sell. Attorney Ambler disagreed and stated that there is a significant difference if the land is rezoned and becomes non-conforming.

WFO asked JSK to research the DEP issue and provide clarification to the Board.

BTS: Motion to continue the public hearing for the proposed Zoning Bylaw Amendment for Zoning Map for Farm Street to August 23, 2018 at 7:00 p.m.

REL: Second.

Discussion: None.

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

General Business:

- ☐ **ANR**
- ☐ **As-Built Certifications**
- ☐ **6/28/18 Minutes Signing**

DJT: Motion to sign the June 28, 2018 Meeting Minutes.

BTS: Second.

Discussion: None.

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

- ☐ **Voucher Reports** - JSK explained the voucher report.

JSK explained the DHCD policy for affordable units in an over 55+ age-restricted housing development and that they are not allowed. Consequently, affordable units could not be placed in Hartford Village II due to the age restriction.

WFO: Motion to adjourn.

BTS: Second.

Discussion: None.

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

Meeting Adjourned at 9:00 p.m.

7/12/2018 Public Hearing Documents List

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

1. Self-Storage - Operation & Maintenance Plan - Revised 6.29.18
2. Car Wash - Operation & Maintenance Plan - Revised 7.5.18
3. Car Wash - Plans – 5th Submission 6.21.18

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

1. BOH Comments RE Test Pits 6.21.18

Strawberry Estates Definitive Subdivision request for a determination of a major or minor modification and request for a permit extension

1. Domey Email RE Detention Pond Fencing for Strawberry Estates 7.4.18
2. Plan Page C-5.0

Zoning Bylaw Amendment for Zoning Map for Farm Street, 1st Public Hearing

1. Abutters List – Bellingham - Certified 6.15.18
2. Abutters List – Medway - Certified 6.1.18
3. Public Hearing Notice 7.12.18
4. Stanhope Letter of Support 7.3.18

Minutes Accepted on: _____

8/9/18


(Date)



(Prepared by: Jean Keyes)



William F. O'Connell Jr.



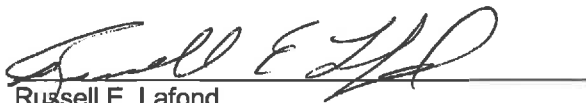
Brian T. Salisbury



Peter C. Pappas



Dennis J. Trebino



Russell E. Lafond