



BELLINGHAM PLANNING BOARD

10 MECHANIC STREET BELLINGHAM, MASSACHUSETTS 02019

MEETING MINUTES

Thursday, August 10, 2023, at 7:00 pm

Bellingham Municipal Center

Arcand Meeting Room and Via Zoom

MEMBERS PRESENT:

William F. O'Connell, Jr.	Chairman
Brian T. Salisbury	Vice Chairman
Dennis J. Trebino	Member
Philip M. Devine	Member
Nick Mobilia	Member
Robert Lussier	Alternate Member

ADDITIONAL OFFICIALS PRESENT:

Amy Sutherland, Assistant Town Planner
Tina Griffin, Recording Secretary – via Zoom

The Chairman called the meeting to order at 7:00 pm.

PUBLIC HEARING:

NextGrid Mescalbean, LLC:

The applicant, NextGrid Mescalbean, LLC, and owner, Maplegate Realty Trust, propose a solar array which consists of 74+- acres of land to be redeveloped for a proposed solar array of which only 9.8 acres is in Bellingham. The current access road is located through the Town of Bellingham at parcel 26-0009 and is proposed to remain and function as the primary access road for the Solar Array Project. The Solar Array project is in the Town of Franklin and will be for the construction of a new 15,000=- KW solar field along the new gravel access drives, associated utilities, and stormwater management components located in the northern portion of the existing Maplegate Country Club property at 160 Maple Street Bellingham, shown on Assessor's Map 26-0009, zoned suburban. The plans were prepared by Bohler Engineering.

The Chairman provided the following information on the MA General Laws, Subsection 240-18p proposal in two communities (where part of the proposal is located in Bellingham and part in the adjacent municipality). The provision of development plan review shall apply as follows:

- Applicability of the Development Plan review shall be determined by testing the entire proposal in both communities against all thresholds

Subsection 240-16a – item d:

- Submittals for the portion lying in the town of Bellingham shall be as specified, as according to Subsection 240-17

For the portions lying outside the town of Bellingham, only those items necessary for the determination of the subdivision c, of this session, need to be submitted

Subsection 240-16a – item c:

- The proposals shall be approved, provided that the portion lying outside the town of Bellingham complies with the requirements of the Zoning Bylaws and provided that outcome from the entire development for impacts limit by the terms of this bylaw, such as light over spill, subsection 240-49b, compliance measuring value.

Ms. Sutherland let Board Members know that for the record, there are two items in their packet for this agenda item. One was a letter that was addressed to the Board and the other was a memo dated August 1, 2023.

John Cusack from Bohler Engineering was present along with other representatives for the applicant, to provide an overview of the proposed solar array project. Mr. Cusack said that the application before the Board tonight is simple in terms that the entire project is in Franklin, except for the access drive, which exists to get into the site through Bellingham. The current access drive would remain in place and just be reutilized.

An aerial view of the golf course was shared with members present. It shows the Maplegate Golf Course, located off Maple Street in Bellingham, being broken into 3 parcels, in which tonight they were only looking to discuss Parcel 1. That was submitted as part of this application, but in full disclosure, they wanted to show the entire property, because it will be phased by a different applicant. Parcel 2 is an open space parcel that is being discussed with the town of Franklin, and Parcel 3 is the next phase of the project which would come before this Board but is not part of the current application. The property totals approximately 74 acres and the aerial view shows the access road that would come in from Maple Street. There are a number of trees that wouldn't be touched so that the area would still look scenic when driving by. The work that is being proposed is actually in back of the existing solar field that's in that area. More detail on the plan shows the rest of the proposed project, but it is in Franklin. The only thing that stays is the access road and the electric line that would be going to service the site.

The project is currently being permitted through Franklin and is going through the Planning Board and Conservation Commission there and has been fully peer reviewed on their behalf.

The Chairman asked what the response has been from the public in Franklin. Attorney Peter Brown was present and let the Board know that it has been a straightforward process in Franklin so far. It has been a positive collaboration process and in the permitting process everybody has been working cooperatively. The project has had a non-controversial process with the Town of Franklin so far.

Proper Title for the property in question has been received. It was signed by Mr. Brown on behalf of his client.

Discussion about which town would be responsible for vehicle access in an emergency situation was brought forward by the Board. With the gate and access being only through Bellingham, but the site being completely located in Franklin. Mr. Cusack said they will get more clarification on this as the proposed project moves forward.

As far as maintenance for the actual solar array is concerned, almost everything is done remotely, and would require minimal access to the location for monitoring or routine maintenance. There isn't any

noise generated by the controller, however, Franklin did ask for a barrier behind the transformer, just in case there was noise generated. The applicant has agreed to place a sound wall behind the transformer. As far as energy storage on site, the Massachusetts Smart Program requires storage for any project larger than 500 kilowatts. This proposed project would have a battery container near the equipment pad, which is in the same area as the inverters and the transformers.

The access road going to the actual solar area will remain as an asphalt drive. The operations and maintenance crew intend to keep the road clear from any brush and there will be maintenance around any new utility access. As far as the landscaping plan leading up to the site is concerned, one has not been created yet, but will be memorialized and noted as part of the plan moving forward.

There will be fencing around the entire array to deter people from being able to access the site. In addition, there shouldn't be much visibility of the solar array due to the fencing and trees that will be staying in place.

For the transmission lines, power will be coming off the site from the Bellingham side. There wouldn't be any additional poles needed on Maple Street because it would interconnect into the three-phase power that already exists on the street. There's currently a single-phase line that goes to where the clubhouse is, and that follows the access road. Those are smaller single-phase poles that will be replaced along the access road with more robust three-phase poles that are similar to what is currently seen on Maple Street. There would also be a pole mounted transformer on the access road that will lead up to the point of common coupling where it's no longer considered National Grid's property.

The Chairman asked if there is an up-to-date study on the runoff from the solar panels to the groundwater. Mr. Cusack replied that there was a drainage report that was prepared in accordance with state standards, that was submitted as part of the Franklin application. The way that DEP addresses that is the water hits the panels and then goes on the ground, which could potentially, not always, but it could change the groundcover underneath the panel. For example, if you have a fully wooded site and you put panels, it's no longer wooded, it's grass, which changes the runoff number. With this location, the site was grass, so the runoff changes were minimal. A full drainage analysis was done and changing the runoff numbers was fully reviewed by the Town of Franklin's peer review and the Town's Engineer. A basin was pointed out on the plan to show where some of the water would be captured and put back into the ground so that all the rates work out.

The meeting was opened to the public to address some of their questions and concerns. Mr. Connor from the Select Board was present and stated that in listening to the public's comments, there has been much concern about the sale of this property for anything besides a golf course. The warehouse complex that was previously proposed was rejected because you couldn't cross a town line for a warehouse project, and you couldn't cross the 17th and 18th hole to go across commercial property for a residential complex. Now that both commercial and residential subdivisions have both been proposed and not moved forward, the owner is trying for a solar array. The Maplegate Golf Course is a public asset and should be sold as a golf course. The public had additional concerns about recycling of the panels in 20 years from now and the amount of lead they contain. The Chairman stated that the Board is trying to protect the town as long-term as possible. Based on the input tonight, the Board doesn't feel comfortable with making any type of decision but will continue to go through the process. Additional information has been requested from the applicant's representatives and additional meetings will be held

to review the requested information and provide answers to the public as well as Board members. With the address of the land being in Franklin, we are limited in scope, but will complete this project like we do any other project that comes to Bellingham. As the meetings continue, Board members will be looking into construction management, such as utility poles, and underlying access.

Mr. Cusack let the Board know that he will be providing their office with the full impact study that the utility does and that will show the impacts associated with this project from the substation to the site. That can be reviewed and will provide unbiased and substantive information to answer some of the Boards questions.

Board members agree that the applicant pay for services of Town Council and peer review, as needed.

Mr. Salisbury made a motion to continue this Hearing until Thursday, September 28, 2023. Motion was seconded by Mr. Mobilia and the voice vote passes unanimously.

Mr. Salisbury made a motion to extend the decision deadline date to Friday, December 15, 2023. Motion was seconded by Mr. Devine and the voice vote passes unanimously.

CONTINUATION OF PUBLIC HEARING

North & Blackstone Street:

The applicant, Ravens Homes, Inc, and owner, Raven Homes, propose to construct (12) 3-unit townhouses with associated improvements at North/Blackstone Street in Bellingham, approximately 20.8+/- acres of land, shown on Assessor's Map 59-Lot 60A, zoned Agriculture.

This application falls under the Town of Bellingham's Zoning By-Laws §240-101, Special Residential Use – Townhouse Dwellings, §240-16, Development Plan Approval, § 240-54 and Stormwater Management, and §240-60.

The applicant's representatives were present to ask for a meeting continuance. Some plan changes are still being worked on and were not prepared in time for tonight's meeting.

They are expecting to have a revised set of conceptual plans by the next meeting. If the Board then consents that the applicant is moving in the right direction, a full revised set of plans would be submitted for peer review.

Mr. Salisbury made a motion to continue this Public Hearing until Thursday, September 14, 2023. Motion was seconded by Mr. Devine and a voice vote unanimously passes.

Mr. Salisbury made a motion to extend the decision deadline to December 24, 2023. Motion was seconded by Mr. Mobilia and the voice vote passes unanimously.

CONTINUATION OF PUBLIC HEARING

SNETT Trail:

The applicant and owner, Michael Burr, proposes a 6-lot residential subdivision on approximately 26.4+/- acres of land on the west side of Lake Street in Bellingham, shown on Assessor's Map 80-09-01 zoned Agriculture.

Dan Merriken from Legacy Engineering was present on behalf of the applicant. Mr. Merriken let the Board know that he has been working with the Conservation Commission on this project and just had another meeting with them last week. A review of the changes was provided to the Board and a set of plans was shared with members present. The initial plan submitted shows a road that went in and straight through, with the six lots around it. The new plan shows the road configuration changed and now swings in more to the right and is slightly longer than previously presented. The reason for this change is that there was the wetland area on the left side of the property, and a wetland area on the right side. After working with the Conservation Commission, a narrow wetland area was identified and showed that it connected the two. The wetland area on the right is much higher than the one on the left. Periodically, if there was lots of rain there would be some overflow from the upper wetland that would pass through a valley into the lower wetland. The plan shows relocation of the road to the point where it would impact the narrow strip of wetland with the least possible amount. Other than that, there wasn't much change to the project design.

In the area of a crossing, there are a pair of pipes that cross under the road and the Conservation Commission requested the size of the two 18" pipes be changed to a single 24" pipe. The stormwater report was revised to reflect the new road configuration and was provided to the peer review.

There were two additional waiver requests. One relates to the provision in the town's Regulations that calls for subdrains when the high side of the road has an average grade of more than 10%. An area was shown on the plan where it was initially flagged when approaching a small wetland strip. There are currently test holes in that area, and it's all gravel with no groundwater in the area where the subdrains would go. When discussed with the DPW, they indicated in an email that they would defer this to the Planning Board. Mr. Cusack said their view is that the subdrain is not necessary due to the soil in that area being highly porous and there wouldn't be the opportunity for groundwater to accumulate on the high side of the road due to the contour elevations.

The second waiver request is to not construct a sidewalk on this small property with only 6 homes. We don't believe that a sidewalk is necessary for it and are personally in favor of reducing impervious coverage to the extent that we reasonably can is the reasoning for this waiver request.

Dominic Rinaldi from BSC Group was present and let the Board know that they agree with the applicant on the statement about their subdrains. The sidewalks would be entirely the Board's decision. The surrounding neighborhood was looked at and is mixed with some streets having sidewalks and some not. It's not a firm consistency in that area due to it being a small neighborhood. Mr. Rinaldi recommended that the Board receives confirmation from the DPW Director that they are satisfied with the proposed project from their standpoint.

Board members had additional discussion regarding the waiver request for non-construction of a sidewalk in that subdivision. There are neighboring streets to that area which might not have sidewalks. However, with having the opportunity to construct a new neighborhood and not having a safe area for children to wait for the bus is a concern. The plan was further reviewed and discussed with Mr. Merriken about options to consider in order to construct a sidewalk on 1 side of the new road.

Mr. Salisbury made a motion to accept the waivers as noted, for the discussed subdrain not being installed and for the construction of a sidewalk on 1 side of the proposed road, as noted above. Motion was seconded by Mr. Devine and the voice vote passes unanimously.

Mr. Cusack let the Board know that there were 6 total waivers that have been discussed at previous meetings and 4 are in need of approval. The 6 waiver requests were as follows:

- 245-11d To allow the roadway, sidewalk, and utility layout shown on these plans
- 245-12a To allow the intersection separation shown between the proposed roadway and Highridge Road
- 245-13f(1)b To not require subdrains
- 245-14b(4) To allow a permanent dead-end water main
- 245-15a To not require sidewalks
- 245-15c(2) To not require a landscape plan

Mr. Salisbury made a motion to grant the following waivers, as listed below:

- 245-11d (subject to the conditions previously discussed and voted on)
- 245-12a
- 245-14b(4)
- 245-15c(2)

Motion was seconded by Mr. Trebino and the voice vote passes unanimously.

Mr. Devine made a motion for a Condition to be added to the plans, stating that Parcels C and D will be given to the neighbors, if they so choose to accept them. Motion was seconded by Mr. Mobilia and the voice vote passed unanimously.

Mr. Salisbury made a motion to have the Town Planner draft a favorable decision for the SNETT Trail Estates, to be available for review at the meeting scheduled for Thursday, September 14, 2023. Motion was seconded by Mr. Devine and a voice vote passes unanimously.

Mr. Devine made a motion to continue this Hearing until Thursday, September 14, 2023. Motion was seconded by Mr. Trebino and the voice vote passes unanimously.

CONTINUATION OF PUBLIC HEARING

455 Hartford Avenue:

The applicant and owner, Moshe Attais, Darn Properties, LLC, seeks a §240-16, Development Plan Approval and §240-54, Stormwater Management from Section propose to construct a 15,200 square foot, 9 bay, auto repair shop with associated improvements at 455 Hartford Avenue in Bellingham, approximately 4.4+/- acres of land, shown on Assessor's Map 04-72, zoned Business 1 and Suburban. The plans were prepared by Allen Engineering and Associates, Inc, 1 Charlesview Road, Suite 2, Hopedale, MA 01747.

Merrick & O'Connell, The applicant's attorney was present to discuss the proposed project design and to provide answers that Board members had requested additional information for at previous meetings.

The Chairman, Mr. O'Connell, made meeting attendees aware that there is no relation between himself and the applicant's attorney.

Allen Engineering has submitted a concept plan instead of a full set of plans at this time, just to outline some changes in mind for the site. This concept plan is to gather feedback from the Board to see if things are moving in the right direction before developing a final full set of plans.

The concept plan shows a reduction of the 2 commercial units, making the building go from 9 units to 7 units, and also creates a reduction of approximately 3,000 sf. to the size of the building. This will make it easier for a larger truck to get to the rear of the building. The reduction in building size also reduces the parking inside and was able to reduce the impervious surface by approximately 10,000 sf. This also comes from eliminating the retaining wall in the back of the site. With no retaining wall in place, the rear paved area moved closer to Hartford Avenue by approximately 25' and further reduces the overall impact of development area on the site. Board members stated that if the plan was approved, they would like to see some type of bushes or shrubs at the rear of the property, to help the view of neighbors behind the property.

Some changes the applicant would like to propose are a 6' stockade fence on the top of a retaining wall along the residential neighbor side. This would help provide screening of the building for those properties. The applicant would also like to offer as a Condition of Approval that there won't be any auto repair at the site. There would still be bays that would be available for a variety of uses at the property and in the zoning district. With the Condition of Approval, if anyone ever wanted to do auto repair there, they would need to come before the Board and seek an amendment to the decision; other than that, it would be prohibited.

At the last meeting there was much discussion regarding the stormwater basin designs. The basins shown on the prior plan did comply with all State stormwater standards but would require a waiver from the town. Allen Engineering is working on a design that would put the basin floor at the existing grade and possibly not need the waiver, but this is still being taken into consideration. Board members gave information of the details that should be shown on the full plan set for the basin designs. It is preferred to stay with the local stormwater standards, but this may have to be looked at again by peer review, and the Town Planner. Some Board members were not in agreement that the request for the stormwater waiver will not be needed. It is the decision of the Board to determine if the waiver will be required and if it would be approved after more information about the stormwater basins is provided to the Board.

The updated design would need to be seen by all Board members, peer review, Town Planner, and the possibility of Town Council after there is more clarification on the newly proposed stormwater design.

The Chairman discussed additional refinement for the location and to have it limited to just trade and storage for people that could store their business materials, in addition to the automotive repair restriction. This discussion will continue as the project progresses.

Board members agree that the proposed project is moving in the right direction and that there will be further discussion about building use and stormwater designs. However, the set of plans will need to be drafted and given to Board members for review before they can move further. The plans will also be reviewed by BSC Group, and the Town Planner. Further discussion about signage and building design will continue after the plans are submitted and viewed by the Board.

Mr. Salisbury made a motion to continue this Hearing until Thursday, September 28, 2023.

Motion was seconded by Mr. Devine and the voice vote passes unanimously.

Mr. Devine made a motion to extend the decision deadline to Friday, December 15, 2023. Motion was seconded by Mr. Mobilia and the voice vote passes unanimously.

CONTINUATION OF PUBLIC HEARING

WS Development:

The applicant, W/S Bellingham IV Associates LLC, and owner, Bellingham N Main Street II LLC, Hartford Av. Associates LTD, W/S Bellingham IV Associates LLC, & Varney Bros Sand & Gravel propose to construct a 700,000 sf industrial building for warehouse and distribution use with associated improvements on approximately 175.6 +/- acres of land in Bellingham, shown on Assessor's Map 24 Lot 12 and 10, Map 30 Lot 73-1, and Map 31 Lot 3, zoned Industrial. This application falls under the Zoning By- Laws §240-16, Development Plan Approval, §240-54, Stormwater Management, §240-138, Water Resource District Special Permit, §240-60, Flexible Parking Options Special Permit and §240-119, Major Business Complex Special Permit. The plans were prepared by Bohler Engineering.

Mr. Turner with Bohler Engineering was present at tonight's meeting on behalf of the applicant and gave the Board an update on progress that has been made since the last meeting. At the last meeting there was much discussion on the driveway associated with this the Crossroads Shopping Center. After feedback received from the Board, those concerns were incorporated into the plan and will be gone over tonight. These updates were also presented to the Conservation Commission at last night's meeting. The peer review team had previously pointed out that there was some test pit data that they were looking for, which has been recently completed and will be provided to them. That information also had some influence over the stormwater design and the basin that was going to be near one of the satellite parking areas. After meeting with the Conservation Commission, that area will be more suitable for wetland replication and the basin would be moved under the parking lot for stormwater. That design is being actively pursued and will also be sent to the peer review team. The updated plan was shared with members present to show the enhanced directional signage that will be given to that intersection. There was also some signage added for "Do Not Block" intersection and some relating to the intersection at Uno's. The updated plan also addresses comments that were previously made about the driveway

geometry modifications that will be done to further deter the ability of a Home Depot truck, or delivery vehicle being able to take a right. The updated plan shows that the angle was further articulated left in order to make this happen. There have also been pedestrian warning signs added to the crosswalk as well as rapid-flash indicators.

The applicant's representatives stated that this project would be a substantial corridor improvement to Route 126, which is very much needed in that area. The plan shows an impressive plan of improvements to that corridor and will help traffic flow better with those improvements in place. More details of signage for entering and exiting the shopping center was shown to members present as well as signage for deliveries for only the warehouse and Home Depot.

Board members had additional questions and concerns about traffic flow and delivery vehicles accessing the shopping center parking lot. The Board agreed that signage would be a key point for this location, and the applicant's representatives have done a good job with addressing the Board's concerns so far. There will need to be further discussion of the traffic concerns and it was asked if the applicant would consider doing a traffic peer review due to the mingling and merging of traffic.

The Chairman made a comment that there be some type of condition to this project where the traffic would be re-evaluated within the year after the building is up and operating, in order to monitor traffic and make changes at that point.

The Board will also need to see plans of what the building is going to look like, based on what has been heard from the Conservation Commission. The building has been talked about for the potential of a variety of uses, all allowed under the Zoning Board. Based on the building being for one big tenant, or multiple smaller tenants, the variety of uses might require different architecture associated with the entrances. It would be beneficial to have the building footprint and height in order to discuss other items, such as screening and building visibility.

Mr. Turner stated that after listening to the Board's questions tonight, he will submit a proposal from MDM traffic consultants, with specifics being given to the driveway in discussion. Also, the applicant's team has already started addressing comments that the peer review had supplied them with. Mr. Turner said that when they come back before the Board with the peer review comments addressed, he will refine the drawings to address the limited comments that remain from BSC Groups review. There will also be a traffic scope from MDM traffic consultants done in between and should be available for when the October meeting is scheduled.

Mr. Salisbury made a motion to continue this Hearing until Thursday, September 28, 2023, to review the overall project scope. Motion was seconded by Mr. Trebino and the voice vote passed unanimously.

Mr. Salisbury made a motion to extend the decision deadline until Friday, December 15, 2023. Motion was seconded by Mr. Trebino and the voice vote passed unanimously.

GENERAL BUSINESS:

ANR Plan – 10 & 20 Paine Street

The applicant was present at a previous Planning Board meeting to discuss the ANR Plan for 10 & 20 Paine Street. The applicant was seeking approval of a variance for a piece of land that he is acquiring from his neighbor in order to have additional parking and yard space. At the last meeting, Board Members recommended that the proper process be followed, and that the applicant seek a variance from the Zoning Board. The variance has been approved, has been recorded, and the recording shows on the ANR plan.

Mr. Salisbury made a motion to approve the ANR plan for 10 & 20 Paine Street and to sign it for recording purposes. The motion was seconded by Mr. Devine and the voice vote passed unanimously.

Bellingham Shores

Certificate of Lot Releases

Board Members reviewed a Lot Release request from Bellingham Shores which also has the estimate that was provided by the DPW. Those requirements have been met in order to act upon. For the signing, Mr. Kupfer recommends waiting to release the Lots for the page that has to be recorded until the Board gets the security agreement. The Bond is not currently secured, but an estimate has been established.

The Harmony Estates Lots to be released are: 20, 21, 22, 23, 24, 88, 89, 90, 91, 92, 93, and 94.

Mr. Salisbury made a motion to accept this certificate, based on a Bond being in place. This motion is for Lot Releases being approved, pending the obtaining of an official Bond in relation to the provided estimate. Mr. Devine seconded, and the voice vote passes unanimously.

Once the Board has the documentation that the Bond has been secured, the original will be released to the applicant and will not be released before then.

Mr. Salisbury made a motion to refer to the development as its actual name of Harmony Estates and not refer to it as Bellingham Shores going forward. Motion was seconded by Mr. Mobilia and the voice vote passes unanimously.

Covenant - Prospect Hill Estates

Three copies of a Mylar plan and Covenant for Prospect Hill Estates were prepared for signing tonight.

Mr. Salisbury made a motion to accept the signing of the Mylar and Covenant for Prospect Hill Estates. Motion was seconded by Mr. Trebino and the voice vote passed unanimously.

Meeting Minutes

Mr. Salisbury made a motion to approve the Planning Board minutes from the June 22, 2023, meeting, as submitted. Motion was seconded by Mr. Trebino and passed unanimously.

Mr. Trebino made a motion to approve the Planning Board minutes from the July 13, 2023, meeting, as submitted. Motion was seconded by Mr. Trebino and passed unanimously.

Next Meeting:

The next Planning Board Meeting will be held on Thursday, September 14, 2023, at 7:00 pm. This meeting will take place both in-person and via Zoom.

Mr. Salisbury made a motion to adjourn the meeting at 10:33 pm. Mr. Mobilia seconded, and the motion passes unanimously.

Meeting was adjourned.

Respectfully Submitted,

Tina M. Griffin

Recording Secretary