



BELLINGHAM PLANNING BOARD

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

Meeting Minutes **Thursday August 13, 2020**

MEETING LOCATION: *In Person Participation and also Remote Participation through Zoom*

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.

Present at the Meeting:

William F. O'Connell Jr. (WFO), Chairman
Brian T. Salisbury (BTS), Vice Chairman
Dennis J. Trebino (DJT), Member
Russell E. Lafond (REL), Member
Philip M. Devine (PMD), Member
Elizabeth Berthelette, Associate Member

Other Officials:

James S. Kupfer (JSK), Town Planner and Zoning Compliance Officer
Amy Sutherland, Planning Coordinator

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

The Town Planner explained that the Planning Board is meeting both in person with safety precautions put in place, but the public is still meeting by Zoom but the applicants are meeting at the Town Hall to meet face to face with Boards and the goal is to have the meeting evolve over time when hopefully the guidelines for in person meetings will loosen by the State guidelines.

CONTINUATION PUBLIC HEARING RED MILL ON THE CHARLES:

The Chairman opened the continued public hearing for Red Mill on the Charles. The Town Planner informed the Board that the applicant has requested a continuation to September 10, 2020. It was suggested to run the process parallel with the Conservation Commission. The Commission is not opening the hearing until late August.

On a motion made by Brian Salisbury and seconded by Russell Lafond, the Board voted by roll call vote to continue the hearing for Red Mill on the Charles to September 10, 2020 at 7:00 pm.

Roll Call Vote:

William F. O'Connell Jr.	aye
Brian T. Salisbury	aye

Dennis J. Trebino	aye
Russell E. Lafond	aye
Philip M. Devine	aye

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, DJT, REL, PMD)

CONTINUATION PUBLIC HEARING BELLINGHAM SHORES:

The Chairman opened the continued hearing for Bellingham Shores.

The Town Planner indicated that the Board is in receipt of the most recent plans for Bellingham Shores. Representative Sean Malone and Attorney Roeloff were present during the zoom call. The representatives provided details of the updates and reviewed the material which was submitted. There were new submittals provided to the Boards on June 9, 2020 and additional material was submitted on August 5, 2020. The applicant provided a share screen. The applicant began by the presentation by explaining that on June 9, 2020 the applicant submitted site plans which included lay out changes to increase the buffer behind the properties along Center Street to an 85-foot buffer. There was also a fence added to prevent any encroachment beyond the buffer and property lines. Based on the recommendation of the Conservation Commission the roadway along the east of the sight was made more condense. The Cross Street sidewalk was extended to the paved parking lot adjacent to Silver Lake. The wetland mitigation area was increased. The applicant submitted five typical market rate style home renderings. These homes be 2,500 to 3,000 sq. feet each. There were also four smaller house styles for the smaller lots in the project as well as affordable units. The houses could be customized. The applicant communicated that there was discussion about providing affordable units off site rather than on-site. After speaking with the Town Planner, it was explained that there is a separate inclusionary housing special permit process and this item will be the focus of discussion at a later time. The soil management plan was submitted. This plan was prepared to manage the importing and managing the material onto the site as well as associated truck traffic. There is a stipulation that there will be no construction vehicle access from Cross Street. The applicant explained that they were asked to look at potential school enrollment due to this project. The applicant provided from the Department of Education and census information. It was their interpretation that the Town of Bellingham has an enrollment rate of approximately .3 pupils per household in town. Using this calculation, the town could expect about 38 students K-12 to be coming from Bellingham Shores. A document from 2017 indicated that throughout the State, towns are generally seeing a decrease of enrollment. The traffic was also discussed. Some members felt that the Cross Street traffic was being underestimated. The applicant was asked to look at the intersections from Cross Street out to Prospect Street. The traffic distribution was revised to more heavily rely on Cross Street for vehicles anticipated to be using Rt. 495 for commuter traffic. The crash data and the site lines for the intersections were reviewed. There was a revision to the site lines, but that area is in the Town of Franklin. This is a scenic road, so this would be up to the Town of Franklin to be able to allow this work. The applicant has concluded that there were no significant impacts to the traffic or operations from this project. The next part of the presentation explained the August 5, 2020 submittal. The majority of the revisions from the submittal were to the roadway profiles and the drainage system based on the layout changes. The Conservation Commission wanted less impacts and to have the applicant reduce the size of Basin #1 which is the large basin in the center of the site. The applicant was able to reduce some

of the grading and the slopes of the berms. The majority of the berm is out of the buffer zone. The phasing plan was also revised to include the recommendations from the last meeting. This revision showed Haul Road from Center Street construction entrance and the current stockpiling area. This plan also included a note requiring phase stabilization and inspection prior to beginning the next phase. Cross Street will not be used for any construction vehicles. There was an added area of the open space plan for municipal stormwater basin at Douglas Drive. This was a request from DPW Director Don DiMartino. This plan was provided to the Town Planner with the overlay onto the site plan. The applicant communicated that the remainder of the open space could be granted to the Conservation Commission. At the Conservation Commission meeting from last evening it was communicated that the commission may not be interested in the triangle parcel which is directly next to Silver Lake. There will need to be a decision on this and if the Commission does not want this land then the applicant will just put a conservation restriction on the land. The last part of the revised submittal was the full stormwater study. The result of the revision is that there is no increase of stormwater discharge from the site. There was a question about the open space buffer and the tree plantings. The members wanted to know what lots in particular do not have the 100 ft. buffer. The share screen showed Lots 66, 67, and 68 with a reduced 75 ft. buffer. The second area viewed was between Units 47 through 59, and also behind Center Street where there is an 85 ft. buffer. A question was asked what the restraints are from placing all the lots out of the 100 ft. buffer. The applicant responded that with the reduced buffer, they were able to have more marketable lots. The triangular portion of the open space will be restored to a natural condition. A question was asked about units 83 and 76 if trees can be put in between these units. The applicant indicated yes this is doable.

The Board would like the applicant to address the following items at a later meeting:

- Make sure that the area has character.
- Rope off a location for the startup of construction making sure the limits of work are defined.
- The Board would like the applicant to look at the site again with the intent of getting out of the 100 ft. buffer.
- The inclusionary housing component would include a special permit for smaller lots. The applicant responded that this is the intent with smaller houses with different styles. The idea of the inclusionary housing is that when you drive in, one cannot see a difference among the housing. The Board does not believe this standard would be met based on what has been proposed. The applicant responded that smaller lots warrant the smaller houses.
- The Board would also like the applicant to consult with peer review on the clay core portion of the basin, the long-term care, and how to maintain it. The applicant responded that the clay core is to prevent horizontal migration of water within the basin. The clay would provide an imperious barrier forcing the water down and into the aquifer.
- The Chairman voiced his concerns about the buffer impacts. He also informed the Board about a recent call from someone in the area and how their pool is getting dirt from the Faffard site.
- There is been what is called "Faffard Mountain" on Main Street which appears to be stockpiling of dirt from Lakeview Estates to be used at Bellingham Shores. It appears to be a co-mingling of both projects.

Resident, Kerri Kleimola, 953 South Main Street:

This resident explained that her concern is the 100 ft. buffer and would like lots out of this area. She communicated that her pool has been damaged due to the dirt/dust which leaves the applicants site which is next to her house. This was shown on the screen share. The liner is ruined, and filter is not working as it should. She is vacuuming the pool 3 to 4 times a week and has invested a lot of money into chemicals trying to keep the pool clean. The resident indicated that she cannot open her windows due to the amount of dust. She indicated that it will cost her about \$1,300.00 before hiring someone to fix her pool, but if the pool is fixed, what is going to stop this from happening next year. The resident communicated that it was fine last summer.

The Chairman informed the Board that he drove by this area and saw nothing but dirt, there is no grass. The Town Planner provided a share screen of this area since Mr. Roeloff had communicated that this was all taken care of. The photo showed no grass. The hydroseed was put down over a week ago but the problem is that it has not been watered. The Chairman also mentioned that he believes that there will be more students coming from the development than what were mentioned in the report. The Chairman also wanted to know how many of the houses do not meet the 100 ft. buffer. The applicant responded that there are about 15 which do not have the full 100 ft. buffer. The applicant indicated that the sewer line follows the paper street very closely.

Resident Kristen Moore, 93 Silver Lake Road:

Ms. Moore lives across from the Lakeview Estates Development and this resident has lived there for four years and there has always been flooding. She believes that is due to the poor stormwater management. She is concerned about the town approving another project from this developer based on his past and current performance. Ms. Moore also indicated that the applicant has not repaired her property as they have stated they would.

The applicant communicated that the material which is stockpiled will be used for Phase 1 and Phase 2. The Board asked if the applicant if there could be another option for that dirt pile since it can be seen while driving on South Main Street.

Mr. Roeloff communicated that he will talk with the field crew about the hydroseeding and watering. He did speak with the field crew and it was their opinion that the dust was not coming from the stockpile of dirt but instead from the temporary access road which has not been stabilized. The hydro seeders will be on site tomorrow to take care of the construction roadway. He will explore with his client what stabilization measures can be put in place immediately. In regard to the height and visibility of the stockpiling, the only alternative would be to lower it, but this would expand the footprint. It is a trade off in relation to impacts.

The Chairman asked the applicant if it was cheaper to haul the dirt to this site or somewhere else. The applicant responded yes, it is cheaper to haul this to the current site, but it is also going to be used for this project.

The Town Planner indicated that if this project is denied, the pile could hypothetically stay there for decades. The frustration from the town is that no action is taken to rectify these issues until it is brought up to the Attorney and then she is brought in to address the issues. The Town Planner has met with several of the applicant representatives on site and in person explaining what needs

to be done. The action plan was clear. They did hydroseed but did not water the area. It regularly takes the act of the town calling Attorney Conforti to get anything corrected.

The Board asked the applicant what a reasonable amount of time is to put together a reason why the action plan has not been followed. The Board would a written memo with an updated action plan with dates and timeframes to complete or correct the tasks. Attorney Roeloff communicated that there is an action plan which is in place and he will update with completion dates. The Attorney will also work with the resident to address the issue with the pool. The Board would like this document forwarded to them.

Resident, Janice Swarowski 2 Canali Drive:

Ms. Swarowski called into the zoom meeting and explained to the board that she has lived at a Faffard property for over 10 years and communicated that the developer does not only use a poor quality of construction materials but in her yard was not able to have grass for four years since there was a minimal soil and under the soil were boulder the size of softballs and basketballs. This year a 55-gallon drum surfaced on site. Due to the frost heaves, there appears to be more boulders appearing. This is a regular occurrence for the other residents.

The Construction and Phasing Plan were reviewed:

- There will be wire back silt fence and this needs to be added to the plan set detail.
- There needs to be rip rap entry points for all entry points.
- If there is any lighting on site during construction, the town needs to know what those hours will be.
- The hours of work construction were in the environmental analysis section. 7:00 am to 6:00 pm Monday through Friday with 9:00 am to 6:00 pm on Saturdays and no use of equipment on Sundays.

There will need to be a further discussion about what is the goal of the triangle open space area. There would need to be a restoration plan provided. There could be a condition of this area placed within format the decision. The phasing was discussed. The screen share was shown an in particular the blue and yellow areas on the plan. The Town Planner and Sean Malone will work on some language to offer to the Board in terms of building permits and infrastructure. The Board would like a conservative phasing plan with possibly seven phases.

On a motion made by Brian Salisbury, and seconded by Phil Devine, the Board voted by roll call vote to continue the hearing for Bellingham Shores until September 10, 2020 at 7:00 pm.

Roll Call Vote:

William F. O'Connell Jr.	aye
Brian T. Salisbury	aye
Dennis J. Trebino	aye
Russell E. Lafond	aye
Philip M. Devine	aye

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, DJT, REL, PMD)

Municipal Vulnerability Preparedness Plan & Hazard Mitigation Plan:

The Town of Bellingham has been working with Martin Pillsbury on the revisions to the towns municipal vulnerability preparedness plan & hazard mitigation plan. The town has been working on this for over a year and a half to develop the hazard mitigation plan along with the municipal vulnerability preparedness plan. This was done in collaboration with the town of Franklin in terms of outreach and discussion. The Consultant Pillsbury provided a presentation to the board. The last plan was approved in 2011. Once the plan is updated it will be submitted to FEMA.

There are six categories of the hazard mitigation include:

1. Prevention
2. Property Protection
3. Public Education
4. Natural Resources Protection
5. Structural Projects
6. Emergency Services Protection

The next part of the presentation explained how the plan was developed was discussed. This included Hazard Identification and Mappings, Inventory & Mapping of Critical Facilities, Assessment of Risks and Vulnerabilities, holding a public meeting, reviewing existing mitigation, recommending mitigation strategies, holding a second public meeting and then MEMA and FEMA Plan approval and Town Adoption.

The local identified flood hazard areas included: Box Pond Dam, Lake Shore Drive, Peter's River at Wrentham Road, High Street, Saddleback Street and Green Acres. The next part of the presentation focused on the critical facilities. This identified 66 sites such as fire and police stations, sites requiring assistance such as schools, elderly housing and critical infrastructure such as wells, pump stations, dams and communication areas. There was a chart which showed the vulnerability analysis and estimated damages when an event occurs. The mitigation strategies were discussed and there are currently things in place which to town has in place. The various strategies were noted in the plan. These are organized by hazard categories. The list of the Bellingham MVP High Priority Action items were reviewed.

The Board thanked Mr. Pillsbury for his presentation.

GENERAL BUSINESS:**APPROVAL OF MINUTES:****July 9, 2020 Meeting Minutes:**

On a motion made by Brian Salisbury and seconded by Philip Devine, the Board voted by Roll Call to unanimously accept the meeting minutes from July 9, 2020.

Roll Call Vote:

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

Philip M. Devine

aye

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, DJT, REL, PMD)

July 25, 2020 Meeting Minutes:

On a motion made by Brian Salisbury and seconded by Philip Devine, the Board voted by Roll Call to unanimously accept the meeting minutes from July 25, 2020.

Roll Call Vote:

William F. O'Connell Jr.	aye
Brian T. Salisbury	aye
Dennis J. Trebino	aye
Russell E. Lafond	aye
Philip M. Devine	aye

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, DJT, REL, PMD)

GENERAL BUSINESS:

Decommissioning Agreement, 186 Maple Street:

The Planning Board is in receipt of the Decommissioning Agreement for 186 Maple Street. This document needs to be signed by the Chairman.

On a motion made by Philip Devine, and seconded by Brian Salisbury, the Board voted by roll call vote to authorize the Chairman to sign the decommissioning agreement.

Roll Call Vote:

William F. O'Connell Jr.	aye
Brian T. Salisbury	aye
Dennis J. Trebino	aye
Russell E. Lafond	aye
Philip M. Devine	aye

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, DJT, REL, PMD)

Memorandum of Understanding- Planning Coordinator:

The Planning Board is in receipt of a Memorandum of Understanding for the Planning Coordinator.

On a motion made by Philip Devine, and seconded by Brian Salisbury, the Board voted by roll call vote to approve the Memorandum of Understanding for the Planning Coordinator.

Roll Call Vote:

William F. O'Connell Jr.	aye
Brian T. Salisbury	aye

Dennis J. Trebino	aye
Russell E. Lafond	aye
Philip M. Devine	aye

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, DJT, REL, PMD)

On a motion made by

ADJOURN:

On a motion made by Brian Salisbury, and seconded by Philip Devine, the Board voted by Roll Call vote to adjourn the meeting at 9:30 pm.

Roll Call Vote:

William F. O'Connell Jr.	aye
Brian T. Salisbury	aye
Dennis J. Trebino	aye
Russell E. Lafond	aye
Philip M. Devine	aye

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, DJT, REL, PMD)

Meeting Adjourned at 9:30 pm.

Respectfully Submitted,

Amy Sutherland
Recording Secretary

Minutes Accepted on: 9-10-20
(Date)

Amy Sutherland
(Prepared by Amy Sutherland)

William F. O'Connell Jr.

Brian T. Salisbury

Dennis J. Trebino

Philip M. Devine

Russell E. Lafond

Elizabeth Berthelette