



# BELLINGHAM PLANNING BOARD

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

## Meeting Minutes September 13, 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.

### **1st Public Hearing Proposed Zoning Bylaw Article XXIX Downtown Residential Development Overlay District (DRDOD)**

JSK read the public hearing notice.

**WFO: Motion to open the public hearing for the Proposed Zoning Bylaw Article XXIX Downtown Residential Development Overlay (DRDOD).**

BTS: Second.

Discussion: None.

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

JSK explained that the petitioner has brought forward this article is has not been brought forward by the Town or by any Board or committee in the Town.

Present: Ron Roux consultant to Mr. Lobisser, Kevin Lobisser, proponent, Mark Allen of Allen Engineering.

Mr. Roux stated that he is working as a consultant to Mr. Lobisser. Objective is to design a project like a traditional New England Village with the type of housing that would be found in New England.

Mr. Lobisser explained that he has had many conversations with both JSK and Town Administrator Denis Fraine about the type of project that could be constructed on this site. Mr. Lobisser did not want to file a 40B application because the state would have too much control over the project. He then decided that a 40R would be the best type of project that would give him more control over the project and that would benefit both the town and him. This project will provide a connection to the town center by the improvement and extension of Mill Street. This would help alleviate the traffic in the center of town. There will also be a development agreement with the town by the Special Town Meeting in October.

Mr. Allen explained where the property is located and the overlay process. This overlay will allow another use on top of the current use in place for that property. Both single-family homes and townhomes will be allowed under the overlay to provide access through Mill Street. There is a need for residential housing near downtown and this will help achieve that goal. The current property is split by a zone line with Industrial to the east and Residential to the west with some commercial along Route 140.

The Board discussed with the proponent the possible timeline, the style of houses and townhomes, the possible asking prices of each, the construction of one-level living homes, and the high percentage of townhomes. The Board also questioned the benefit to the town if it will not be gaining any affordable units.

Mr. Allen then explained the open space component of the project and that a minimum of 35 acres have to be open space.

JSK explained that stated that the intersection at the center of town will be crucial and an in-depth traffic study will be needed. He further stated that the industrial land owner has talked to him and department heads. The land owner is thinking of possibly constructing a large warehouse type structure but nothing is set in stone. The intent of the owner is that this project and industrial project will be subdivided into two separate projects.

**Public Comments and Questions:**

Resident of 6 Flagstone Street asked if the main road has been an accepted street. This resident also asked who will use this cut through if they can't get out onto North Main Street. BTS responded that the Board would have to take a really hard look at this. The town needs to commission a study to long-range forecasting to figure this out given the development that is coming. Residents want everything but don't want to raise taxes to make improvements.

Michael Tobin of 13 Rolling Hills drive asked what the price range of the units would be. Mr. Lobisser responded that it depends on the market at the time. If the houses and townhomes were to be built now, the houses would be in the range of \$500k and the townhomes would be in the \$300k to -400k range.

Cliff Matthews, Chairman of the Bellingham Conservation Commission stated that he believes the developer is counting the open space as part of the wetlands. Mr. Matthews does not believe the wetlands should be included in the open space area, as it is not usable by residents.

Mr. Roux stated that he has done a lot of work on open space bylaws. If the Town's main objective is to protect wetlands resources then they should be put into the open space. Mr. Lobisser responded that he will discuss this with Mr. Matthews at a different time.

**PCP: Motion to vote to recommend to the Board of Selectmen the Proposed Zoning Bylaw Article XXIX Downtown Residential Development Overlay (DRDOD).**

BTS: Second.

Discussion: None.

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

**24 Williams Way Definitive Subdivision, Continued Public Hearing. Decision Deadline: 11/2/18**

JSK recommend that they Board hold off on decisions on discussing the subdivision until the discussion on the Development Plan or lots 1 and 2 have been completed. The Board agreed.

**24 Williams Way Lot 1 Development Plan, Stormwater Management Plan, and Special Permit for Marijuana Cultivation, Continued Public Hearing. Development Plan Decision Deadline: 10/2/2018**

Present: Jesse Johnson of Bohler Engineering, Matt Clark, Applicant, and Phil Paradis of BETA Group, Inc. the town's peer reviewer.

Mr. Johnson explained that they have made significant changes to the plan based upon peer review comments and he then explained the changes to the Board for both Lot 1 and Lot 2.

The Board questioned how the Applicants will keep the odor from exiting the facilities. Mr. Clark stated that both facilities will be using state of the art air handlers and scrubbers. The existing facility that is in operation now does not have this type of equipment.

BTS responded that he and the Board had asked Mr. Clark to provide the specifications for this air handling and scrubbing system and they have still not received them. BTS stated that the Board would like this information by the next meeting. The Applicant needs to take this seriously and get us the information.

WFO stated that the Board is very concerned about stormwater impact and they now feel comfortable that the redesigned system will address those concerns and will properly handle the stormwater.

Mr. Paradis explained his peer review comments and the outstanding items that remain. He reminded the Board that the site was completely cleared and grubbed after the existing conditions analysis was completed. A lot of damage was caused because the lot was cleared and there were no erosion controls in place. When he walked the site with the abutter he saw an old cart path that directed all runoff to the abutter's property. Mr. Paradis is confident that the new stormwater plan and infiltration basin will direct the flow away from the abutter's property and toward the infiltration basin. Finally, because Lot 1 and Lot 2 are interconnected the applicants must execute a covenant and a Stormwater Maintenance Prevention Plan (SWPPP). The SWPPP needs to be developed in full and must be executed.

#### Public Questions and Comments:

Carney Austin of 152 Mendon Street asked if more trees will be taken down. Mr. Johnson explained that there will be more trees removed to construct the infiltration basin. But after infiltration basin is constructed, a row of plantings will be installed to buffer. Mr. Austin was concerned that if all the trees are cut then his property will be flooded. Mr. Johnson responded that the infiltration basin will handle the runoff and stormwater.

Roland Byam of 148 Mendon Street is concerned that his house is lower than the site and wants to see where his house is in relation to this project. Mr. Johnson pointed it out on the plan and explained that the stormwater basin will capture all the runoff from this site. They will be building the stormwater controls at the lowest point on the site to capture the water according state and local guidelines. They have been very conservative on the design of this site. The basin has to drain within 72 hours according to state law and it cannot have standing water and it will not affect the abutter's septic system. Mr. Byam asked if he should have been notified of this hearing. JSK responded yes and he confirmed that the mailings went out and the Applicant certified that the notice was sent out and that the abutter has to sign for it. JSK suggested that the abutter call the post office. In addition, all the information is posted online at all times for the public.

BTS added that this process is not over. The Planning Department posts all information online and anyone is welcome to look at it. He added that they can contact the JSK if they have any questions.

Todd Antosh owner of the business at 140 Mendon Street asked what happens when the water goes into the basin or when it goes into the low spot. Will a wetland area be created? Will the infiltration basin be dangerous for kids? Mr. Johnson explained the basin design and the fencing around the basin and explained that the basin has to drain within 72 hours. The basin outlet control structure is designed to infiltrate the water into the ground and not anywhere else. This is designed for a 100-year event. If in a 25 year or 100-year event it will discharge out a culvert pipe towards the low spot with a level spreader and it will slow the flow and infiltrate before it ever gets off the property. They have used the hydro cad system and state regulations to design the system. This is an enormous basin with great soils.

Mr. Paradis explained that the stormwater management system is designed with existing conditions analysis to see where the water goes now. Currently, with no improvements, a 100-year storm would create runoff from the site. The engineer has to design a system to as not to increase the rate of runoff from the site during a 2-, 10-, or 100-year storm. Mr. Paradis stated that he agrees with Mr. Johnson that this system will not increase runoff from this project.

Barbara Austin of 151 Mendon Street asked if there will be marijuana sales on this site. Mr. Clark responded that there are no sales on this site. Ms. Austin is concerned about security and crime. She stated that there are shady people and you still can have crime - even with cameras. She was concerned that she will have to sell her house; that there is no way the odor can be contained; that it is gross to smell it all the time. Mr. Clark responded that one facility on this site has been in operation since March of 2018 and there has been no crime and it is near impossible to get into the building. This is first time he has heard anything about odor and will address this with the tenant. BTS responded that the Board will make sure that there is no odor from the facilities.

JSK read the conditions that the Board expressed today and WFO asked if feasible to draft a favorable decision which will be ready for the next meeting. JSK stated that he can do that but recommended that the Board not close the public hearing so that they can accept more information from the Applicants.

WFO instructed the Applicants to send out notices again to the abutter's whose green return receipt cards were not signed. Mr. Johnson agreed to send out new notices and stated that the previous notices were sent properly to all abutters on the certified abutters list. They are very diligent about notifying abutters. JSK also reiterated that both Applicants mailed the notices properly. The Applicants cannot guarantee that the abutters will receive the notices as once they are mailed they become the responsibility of the Post Office.

**WFO: Motion to continue the public hearings for 24 Williams Way Definitive Subdivision, and 24 Williams Way Lot 1 and Lot 2 Development Plans, Stormwater Management Plans, and Special Permits for Marijuana Cultivation to September 27, 2018 at 7:00 p.m.**

BTS: Second.

Discussion: None.

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

**189 Mechanic Street Development Plan Modification and Stormwater Management Plan Modification, 1<sup>st</sup> Public Hearing. Decision Deadline: 10/21/18.**

JSK read the Public Hearing Notice.

**WFO: Motion to open the public hearing for the 189 Mechanic Street Development Plan Modification and Stormwater Management Plan Modification.**

BTS: Second.

Discussion: None.

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

JSK explained the proposal.

Present: Matt Clark, Applicant, Jesse Johnson of Bohler Engineering

Mr. Johnson explained the proposal. The additional parking that is created for this new building will serve to help Urban Air Indoor Adventure Park with overflow parking during peak times. They have proposed and underground stormwater basin because of the parking and a system in the back to take the roof runoff. The work hours for this building will offset with Urban Air so that the parking can be shared. The building will be a generic industrial flex building. The traffic falls within the original trip generation report from Urban Air.

PCP reminded the Applicant that they have to make sure the use will not be in conflict with pedestrians walking to Urban Air. Mr. Johnson responded that they have put in stop controls to give the pedestrian the right of way. PCP questioned snow storage. Mr. Johnson responded that he doesn't have a designated snow storage site. The Board strongly suggested that he revise his plan to include it as well as to reorient the road to keep trucks out of potential conflict areas with pedestrians.

The Board asked what type of business will be going in and Mr. Johnson responded that it may be light industrial with 15 -20 employees, hours of 9:00 am – 5:00 pm, Monday through Friday with no truck traffic on Saturdays or Sundays most likely.

Public Comments & Questions:

None

**WFO: Motion to continue the public hearing for the 189 Mechanic Street Development Plan Modification and Stormwater Management Plan Modification to September 27, 2018 at 7:00 p.m.**

BTS: Second.

Discussion: None.

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

**Discussion:**

- ☐ Cooks Lane: Road Acceptance Recommendation

**BTS: Motion to recommend Cooks Lane Road Acceptance.**

DJT: Second.

Discussion: BTS expressed his displeasure with the process whereby the Applicant creates a private road and then the Town is forced to bear the cost of paving and plowing. He suggested that the Board and the town reconsider this process in the future to force the Applicant to construct a fully compliant public road.

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

- ☐ PJ's Request for a Minor Modification

Discussion tabled because the requestor is not present and did not have the materials ready.

- ☐ Macy Estates Definitive Subdivision Road Bond

**WFO: Motion to Accept the Road Bond for Macy Estates Definitive Subdivision.**

BTS: Second.

Discussion: None.

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

**General Business:**

- ☐ **ANR**  
**Grove Street Map 22 Lot 1 – Lobisser Building Corp**

**WFO: Motion to sign the ANR Plan for Grove Street Map 22 Lot 1**

BTS: Second.

Discussion: None.

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

- ☐ **As-Built Certifications**
- ☐ **8/23/18 Minutes Signing**

**BTS: Motion to sign the August 23, 2018 Meeting Minutes and September 8, 2018 Site Walk Minutes.**

PCP: Second.

Discussion: None.

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

- ☐ **Voucher Reports** – JSK explained the voucher report.
- ☐ **Board Payroll signing**

**BTS: Motion to sign Board's Payroll for July 2018 through September 2018.**

PCP: Second.

Discussion: None.

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

**DJT: Motion to adjourn.**

BTS: Second.

Discussion: None.

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

**Meeting Adjourned at 9:56 p.m.**

**9/13/18 Public Hearing Documents List****Urban Air Development Plan Modification 189 Mechanic Street**

1. Abutters List – Bellingham – Certified 7.23.18
2. Abutters List – Franklin – Certified 8.10.18
3. Abutting Towns List 8.21.18
4. Application – Development Plan Modification 8.21.18
5. Application – Stormwater Management Permit Modification 8.21.18
6. Certificate of Ownership 8.21.18
7. Bohler Engineering Letter 8.21.18
8. Certificate of Ownership 8.21.18
9. Drainage Report 8.21.18
10. Narrative 8.21.18
11. Plan – 1<sup>st</sup> Submission 8.21.18
12. Traffic Report 8.14.18
13. Public Hearing Notice 9.13.18
14. Kupfer Staff Checklist 8.27.18

**24 Williams Way Definitive Subdivision**

1. Bohler Letter 9.5.18
2. Drainage Report – Revised 9.4.18
3. Plan – 2nd Submission 9.4.18
4. Stormwater Pollution Prevention Plan 9.4.18
5. Waiver Request 9.5.18

**24 Williams Way Lot 1 Development Plan, Stormwater Management Plan, and Special Permit for Marijuana Cultivation**

1. Bohler Response to BETA Comments 9.5.18
2. Drainage Report – Revised 9.4.18
3. Plan – 2nd Submission 9.4.18
4. Waiver Request 9.5.18
5. Stormwater Pollution Prevention Plan 9.4.18
6. BETA - 2nd Peer Review Comments 9.10.18

**24 Williams Way Lot 2 Development Plan, Stormwater Management Plan, and Special Permit for Marijuana Cultivation**

7. Waiver Request 9.5.18
8. Bohler Response to BETA Comments 9.5.18
9. Drainage Report – Revised 9.4.18
10. Stormwater Pollution Prevention Plan 9.5.18
11. Plan – 2nd Submission 9.4.18
12. BETA - 2nd Peer Review Comments 9.10.18

**Proposed Zoning Bylaw Amendment – Downtown Residential Development Overlay District**


1. Proposed Article XXIX
2. Map of proposed Overlay District
3. Public Hearing Notice 9.13.18

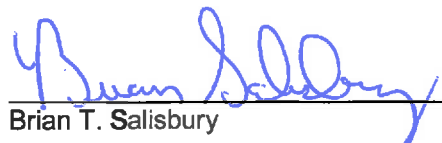
**Macy Estates Subdivision Road Bond Discussion**

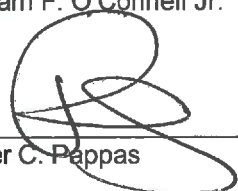
1. DiMartino DPW Letter & Form J - 9.7.18

Minutes Accepted on: 9/27/18  
(Date)

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(Prepared by: Jean Keyes)

  
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William F. O'Connell Jr.

  
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Brian T. Salisbury

  
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Peter C. Pappas

  
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