



BELLINGHAM PLANNING BOARD

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

Meeting Minutes **Thursday October 24, 2019**

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

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 Devine (PD), Associate

Other Officials:

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

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

**BELLINGHAM SHORE MAJOR RESIDENTIAL DEVELOPMENT SPECIAL PERMIT
CONTINUATION PUBLIC HEARING:**

Attorney Conforti was present representing Bellingham Shore.

Town Planner, Jim Kupfer explained to the Board that the applicant had requested a continuation to this evening so that the applicant could submit their application for a Notice of Intent to the Conservation Commission. The Conservation Commission would then open their hearing and the town would procure a peer review engineer to look at the drainage issues. The original intent of Mr. Malone was that the NOI application be submitted within two weeks of our last meeting which was August 8, 2019. Two months later, the applicant submitted the Notice of Intent to the Bellingham Conservation Commission last Friday October 18, 2019. The application was not complete, and the Conservation Commission needs further details submitted.

The Conservation Commission will be opening the hearing for this on Wednesday November 20, 2019. Once the Conservation Commission hearing opens, the town will need to seek peer review. Goddard Consulting has been hired. The Town has received an email from the Fafard Representatives requesting that the Planning Board public hearing be continued to Thursday, January 9, 2019.

The Developer is working at the adjacent site and has made some progress on the activity for the central infrastructure and are close to completing the drainage. The paving is not fully completed to date.

The Chairman removed himself as the Chairman and spoke as a resident. Recently there was a Zoning Board meeting and the impression he took from that meeting was that an abutter was concerned about the foundation work in general and very concerned about future Bellingham residents being able to occupy their house. Recently there was an issue this week with blasting.

Town Planner and Zoning Compliance Officer, Jim Kupfer indicated that the Fire Chief informed him that the blaster for that project was taken off the site due to some safety issues and the project is currently without a blaster unless they procured another.

Attorney Conforti responded that the applicant has procured another blaster and the issue was a clerical mistake with licensing and temporarily lost his license but did not lose it for safety reasons.

Chairman O'Connell wants to make sure the Fire Chief is on top of this issue. It is his understanding that the date of October 18, 2019 was important since all of the infrastructure was to be completed by this date. The concern is the track record of the applicant. The neighbors have not been taken care of by this company and it needs to be addressed.

The applicant would like a continuance to January 9, 2019 but it is the feeling of the Board that this is a large site, so a month of review is practical to give the Board a sense of the next steps. The drainage on this site is going to be a real challenge. The Board feels comfortable moving it off until the January 23, 2019.

Attorney Conforti responded that it took Goddard Engineering time to get up to speed and get materials together for the Conservation Commission. The focus of the applicant has been to get the issues at Lakeview Estates addressed since the projects are so linked together. It was their goal to fix the drainage issues at Lakeview Estates first. The Attorney indicated that they did not push for the Notice of Intent to be completed since concerns were elsewhere, more specifically at Lakeview Estates. The basins are now up and functioning properly. The site will be paved next week.

Town Planner and Zoning Compliance Officer, Jim Kupfer indicated that the reason it took Goddard so long is due to the site being so large. This is over 100 acres.

On a motion made by William O'Connell and seconded by Brian Salisbury, the Board voted unanimously to continue the hearing for Bellingham Shore to January 23, 2020 at 7:00 pm.

Discussion: None.

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

**186 MAPLE STREET SUBDIVISION DEVELOPMENT PLAN APPROVAL
AND STORMWATER MANAGEMENT PERMIT:
CONTINUATION PUBLIC HEARING:**

The Board was informed that there are a few administrative items which need to be acted on in relation to the 186 Maple Street Subdivision Development Plan Approval and Stormwater Management Permit. There needs to be an extension deadline as well as a granting of the continuation request.

Continuation Hearing Date:

On a motion made by Brian Salisbury and seconded by Russell Lafond, the Board voted unanimously to continue the hearing for 186 Maple Subdivision to December 12, 2019.

Discussion: None.

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

Extension Deadline:

On a motion made by Brian Salisbury and seconded by Russell Lafond, the Board voted unanimously to extend the hearing for 186 Maple Subdivision to December 13, 2019.

Discussion: None.

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

186 MAPLE ST DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT:

Town Planner and Zoning Compliance Officer, Jim Kupfer provided follow-up that at the last meeting, the applicant and peer review were working through the stormwater items. The final items for drainage are being completed. The fencing details were revised on the border of the property since there were concerns about aesthetics and visual view from the golf course. The updated plan sets were provided to the board. In addition, the board had recommended that a framework for a decision be drafted for consideration and review.

Borrego Solar Representative, David Albrecht provided an update of what has transpired since the last meeting:

- The Franklin Planning Board has approved the project on Monday October 21, 2019.
- The applicant received conditional approval from the Bellingham Conservation Commission.
- The applicant is planning to attend the next meeting of the Conservation Commission to receive the Order of Conditions.
- The buffer zone near wetland is improved.
- The applicant met with Fire Chief in Bellingham and Franklin and incorporated their recommendation for hydrant and access.
- The applicant has worked with the peer review relative to the drainage working and a berm was created with an 8 ft solid fence on top. This was modified and reviewed by PSC. Analysis shows that all storm events now have less volume in post development than pre development.
- The landscaping incorporated a significant number of plantings from berm and fence. There will be flowering trees and shrubs to fill in area.
- There will be rip rap included in the berm and apron.
- The plan set will include a signature block for both the Town of Franklin and the Town of Bellingham to sign. The decision will be put on the front sheet.
- The front entrance area will be dressed up with rebuilding the stone wall and inclusion of plantings.
- The stonewall detail was shown.
- Planting list was included.

- There is buffer zone mitigation plan for other areas in buffer zone. This includes groundcover.
- The peer review wanted a detail of what the electrical looks like. This is now included.
- The signs or plaques on site are included on plan. Most of signage is on the equipment (Array#1).
- The Maple Gate Country Club discussed with the applicant fencing. The applicant agreed to an 8 ft. fence with privacy slats. The applicant will choose the color.
- The applicant has also agreed to install Evergreen trees near the golf course area. This includes 186 trees. The applicant has also agreed to set aside money if this is not enough.
- The applicant construction schedule is to finish construction designs in winter and apply for building permits in spring and mobilize on site in April 2020.
- The plantings will be done strategically based on the planting expert the applicant has hired.
- The intent is to complete the construction by October 2020.
- The applicant will be accessing the site from east to west for construction purposes.
- The gate for the entrance road will look like Maple Gate Country Club. The gate needs to be 30 ft. back from road. The Board would like to see continuation of screening through the gate along with language in the operational and maintenance procedures that the gate remains closed. The Fire Chief will require this.
- The elevations were shown and reviewed by the Board. Cross sections were shown of street view from Google.
- The south side of screening will not be removed. At the edge of easement there will not be removal of trees.

The Chairman next moved to discuss the drafted decision.

Member Salisbury had questions about how the decision was written in relation to the settlement agreement. It is his understanding that is more appropriate to ask those questions during Executive Session.

The decision was drafted based on the board considering the conditions and determinations. The board could work through some of the details of the decision which are not relative the pending litigation.

The following parts of the decision were discussed:

- Determination #2 in the decision regarding the withdrawal of the Definitive Subdivision Plan will be discussed during Executive Session.
- Determination #9 – The board wants to make sure that safety sheets will be on site during the construction.
- The Chairman would like to make sure there is a dollar amount for the decommissioning plan. Once the decommission plan is finalized, the draft will be reviewed by Town Counsel.
- The Town Planner communicated that there will be a preconstruction meeting once the appeal period is over. A meeting will be set up with all the applicable departments. There will need to be specific inspections from the electrical inspector.
- There is a determination that the width of the gravel access shall be no larger than the proposed 15 ft.

- There will be installed a Know-Vault on all applicable gates.
- The entry gate shall be opaque and minimum eight feet in height and will be closed at all times when not being used for entry to the premises.

The applicant asked if the Board would consider closing the hearing tonight since they did make same request to Conservation Commission at their meeting. The applicant is trying to get the solar project into the incentive program for the State. The incentives for solar are going to change in November. The decision will be the final part of the application. A positive vote would secure the projects fate at the State level. There is no pending date for the incentive program changes, but the Department of Energy Resources is the steward of program and has indicated that there will be changes made in November.

It was suggested that a special meeting Planning Board meeting be held on Wednesday, October 30, 2019 to review the decision and clarify any last-minute issues. The Executive Session could be held prior to the regular session meeting. Town Counsel had a concern about closing the hearing since if the board may need flexibility from what may be discussed during the Executive Session.

On a motion made by Brian Salisbury, and seconded by Dennis Trebino, the Board voted unanimously to continue the hearing to Wednesday, October 30, 2019 and have the Town Planner draft a favorable decision.

WELKER WAY SUBDIVISION STREET ACCEPTANCE:

The Town has received the As-Builts for the Welker Way Street Acceptance. This is designed to specifications. The Planning Board recommended street acceptance of Welker Way.

On a motion made by Brian Salisbury and seconded by Russell Lafond the Board voted unanimously to recommend the street acceptance of Welker Way.

VOUCHER REPORT:

James Kupfer explained that there were no vouchers submitted for this month.

APPROVAL OF MINUTES:

October 10, 2019

On a motion made by Brian Salisbury, and seconded by Dennis Trebino, the Board voted to approve and sign the October 10, 2019 Meeting Minutes.

Discussion: None.

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

2020 MEETING DATES:

The members are in receipt of the 2020 Planning Board meeting schedule.

On a motion made by Brian Salisbury, and seconded by Dennis Trebino, the Board voted to approve the 2020 Planning Board meeting schedule as presented.

ADJOURN:

On a motion made by Brian Salisbury, and seconded by Dennis Trebino, the Board voted to adjourn the meeting at 8:15 pm.

Discussion: None.

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

Meeting Adjourned at 8: 30 p.m.

Respectfully Submitted,

Amy Sutherland
Recording Secretary

Documents List October 24, 2019

- Town Meeting Warrant Articles
- 186 Maple Street Borrego Solar (draft decision)
- Minutes October 10, 2019

Minutes Accepted on: November 14, 2019 Amy Sutherland
(Date) (Prepared by: Amy Sutherland)

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