



BELLINGHAM PLANNING BOARD

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

Meeting Minutes **Thursday, October 28, 2021** **7:00 pm**

Present at the Meeting:

William F. O'Connell Jr. (WFO), Chairman
Brian T. Salisbury (BTS), Vice Chairman
Dennis J. Trebino (DJT), Member
Philip M. Devine (PD), Member
Elizabeth Berthelette (EB), Member
Robert Lussier (RL), Associate Member

Other Officials:

James S. Kupfer was also present.

The meeting was held in person and via zoom for those who wanted to take part remotely.

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

Continuation Hearing 148 Depot Street:

The Board is receipt of a withdrawal without prejudice from the applicant for 142 Depot Street.

On a motion made by Phil Devine, seconded by Brian Salisbury, the Board voted unanimously to accept the withdrawal without prejudice for 148 Depot Street.

Continuation Hearing 152 Depot Street:

The Chairman opened the continued hearing for 152 Depot Street.

Acting Town Planner Jim Kupfer provided an update of what has transpired since the communicated what has transpired since the last meeting.

This included the following:

- Board requested that Police and Town Administration review traffic concerns.
- DPW and Police will review traffic safety mitigation measures on Depot St and Hartford Ave.
- Engaged in peer review to review stormwater design and traffic.

- Site walk scheduled for 11.13.21.
- There is new signage on Depot Street.
- More enforcement on Depot Street.

The Chairman made reference to the MASS Idling law. This will be brought up to the Police Department. The fine for violation is significant.

Attorney Wozniak was present during the zoom meeting.

The new information was presented by the applicant.

The applicant communicated that even with the withdrawal of the other project, the developer is still committing to the full mitigation package noted in the previous meeting. The includes a parcel of land for DPW and \$250,000.00 for signal. The peer review is still ongoing and will make changes based on the peer review comments. The traffic study and project narrative will be updated. The applicant did clarify his comment from the last meeting indicating that he misspoke about the hours of operation. This will be a 24-hour operation. The buffer as proposed will remain. The applicant did hear the concerns from the residents about the idling of vehicles in this area. The project will design will have 2,000 linear feet of driveway with a gate which will allow any vehicles to come into the site and not idle.

There were no new plans presented to the Board at this time.

There was a concern from the Board about the change of hours of operation. The Board would like the applicant to stick with the original hours. The applicant communicated that the hours provide a potential tenant more flexibility. The Board discussed that the gas easement is within the limits of the building. The easement will need to be removed prior to any decision.

The hearing was opened to the public for comments:

Resident Steve Goyette, 58 Box Pond Road:

- Concern – lack of knowing tenant – should know tenant before approval residents have vested interest.
- Hours of operation 24 hours
- There will be significant impact on traffic (videos sent to the Board)
- A light will not reduce the congestion and traffic. The road needs to be widened.
- Trash, traffic, noise, smell diesel is concern.
- Town has let residents down due to the current warehouses

Resident Casey Lynn Petipas -Haggerty Casey, 226 Depot Haggerty:

- There is not a 400 ft buffer from site.

- There is a gas easement on her land which is maintained and mowed but is not a buffer.
- Concerned about light, and noise.
- Concerned about the loss of habitat (bats).
- Safety risk in area due to traffic.

Resident Linda Munroe, 27 Hartford Ave:

- This resident communicated that her house hums all night. She is also concerned about her air quality. There is dust from site. The traffic is so bad that she is not able to get out of her driveway.

Resident Jeff Muldoon, 230 Depot St:

- There is not enough buffer. He can see lights from trucks and can hear them backing up. This area is a safety risk. A video for the Board to view. There is trash and fumes which come from vehicles.

Resident, Chris Foster, 3 Wethersfield Road:

- Concern is about the trash and traffic in this area. The applicant should be held to originally proposed hours.

Resident, Kenneth Hamwey, 39 Wethersfield Road:

- This area has been under attack for years.

Resident, Bill Hebert, 56 Box Pond Road:

- Applicant should be held to word about hours.
- There was a question about the mailing process.

Resident Ian Robinson, 10 Kathy Drive:

- Will the 126 be part of a sound study.

The Chairman recommended that the trucks use swish signals for the trucks for a lower decibel when backing up. The applicant communicated that all options will be explored to lessen any noise.

There was a question if Dunkin Doughnuts and Best Buy have limited hours. The Town Planner will check the decision and report back to the Board.

The Board was provided with a link to the videos and photos which were submitted. It was recommended that those be provided to the safety officer in town.

Attorney Antonellis was present and communicated that he will work with the neighborhood and Attorney Wozniak.

The Chairman recommended that a meeting be set up with the neighbors prior to the next meeting.

The applicant will continue addressing the comments. There was a recommendation to continue the hearing to November 18, 2021 at 7:00 pm. The focus of that meeting will be traffic.

On a motion made by Brian Salisbury, seconded by Phil Devine, the Board voted unanimously to continue the hearing for 152 Depot Street to November 18, 2021 at 7:00 pm.

The site walk through will be Saturday November 13, 2021 at 9:00 am on site.

Proposed Warrant Articles:

The Chairman asked for a motion to open the public hearing for the warrant articles.

On a motion made by Brian Salisbury, seconded by Elizabeth Berthelette, the Board voted unanimously to open the public hearing for the warrant articles.

On a motion made by Brian Salisbury, seconded by Phil Devine, the Board voted unanimously to authorize the waiver for the procedural rules.

The public hearing notice for the warrant article was read into the record.

The proposal recommends amending the Town of Bellingham Zoning Bylaws and Zoning Map by changing the zoning district of the following addresses/parcels from the Industrial District to Suburban District:

240 Maple Street Parcel 37 Lot 4;
236 Maple Street Parcel 37 Lot 5;
244 Maple Street Parcel 37 Lot 4-3;
Parcel 37 Lot 4-4;
260 Maple Street Parcel 37 Lot 4-1;
306 Maple Street Parcel 37 Lots 6A, 6B, and 4-3C and
Parcel 47 Lot 3.

The Town Planner provided the historical perspective of this article.

The hearing was opened to the public.

Business Owner, Arthur Scalise, 306 Maple St.:

- The current area is almost entirely industrial.
- The land court decision in 2017 ruled in favor of residents.
- Concerned that property will not have value if this is approved.
- Not in support.

Business Owner, Paul Doherty – 236 Maple Doherty Mulch and Landscaping:

- This property has been commercial for almost 40 years. The business has been here for 16 years.
- Not in support

Business Owner, John Bryan Day – 240 Maple Street:

- He purchased the property in 2011, opposed the this warrant.
- Not in support

Business owner Michelle Carlo, 260 Maple Street:

- Purchased when light industrial does not want it rezoned.
- Pays a lot in taxes to have this business.
- Occupied current site for over 20 years
- Not in support

It was communicated that the noted parcels would be grandfathered, and the use is allowed to continue, but if the use in perpetuity becomes an abandoned use the applicant would have to apply with the Zoning Board for a Special Permit.

On a motion made by Brian Salisbury, seconded by Phil Devine, the Board voted unanimously to close the public hearing for the warrant article.

On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted unanimously to provide a favorable recommendation for this article.

Water Resource District Proposed Warrant Article:

The Chairman asked for a motion to open the public hearing for the Water Resource District warrant article.

On a motion made by Brian Salisbury, seconded by Elizabeth Berthelette, the Board voted unanimously to open the public hearing for the Water Resource District warrant article.

The public hearing notice was read into the record.

The proposal recommends amending the Town of Bellingham Zoning Bylaws, Section 240-135 to amend the Water Resource District overlay map of the Zoning Map to conform to and match the DEP Wellhead Protection Zone II 2025000-12G.

The current version of the proposed amendment to the Town of Bellingham Zoning Bylaws and Water Resource District overlay map of the Zoning Map, including a proposed revised map, entitled “Town of Bellingham, Water District Map” dated April 2021.

This is recommended by DEP to stay in compliance with the GIS system in updating the mapping within these districts.

There were no comments from the public.

On a motion made by Brian Salisbury, seconded by Phil Devine, the Board voted unanimously to close the public hearing for the Water Resource District warrant article.

On a motion made by Brian Salisbury, seconded by Phil Devine, the Board voted unanimously to recommend the article as written.

Warrant Article Zoning Bylaw Relative to Short-Term Leasing:

The Chairman asked for a motion to open the hearing for the warrant article for the short-term leasing.

On a motion made by Brian Salisbury, seconded by Elizabeth Berthelette, the Board voted unanimously to open the public hearing for the short-term leasing.

The public hearing notice was read.

To see if the Town will vote to add a zoning bylaw providing that no property, zoned residential, suburban or agricultural, shall be short-term leased or rented for a period of less than thirty (30) days unless specifically authorized by the Zoning Board of Appeals through special use or variance, with associated due process, applicable board reviews and permitting, and, notwithstanding any “grandfathering” clauses. In comport with Massachusetts General Law any short-term lessor may be required to register with the Massachusetts Department of Revenue, and to comply with the reporting and collection of all state and local taxes relative to short-term lodging.

Petitioner: Lawrence J. Sposato, Jr.
337 Lakeshore Drive
Bellingham, MA 02019

Larry Sposato was present to provide a background of the warrant article. The intent is to keep with the current protocol for special use. This is relating to the suburban neighborhood. There are no laws which govern this. There are no permits for short term leasing. The town does not want transient people in and out of town. There was an example shared about this happening in an abutting town. The citizen petition is to make sure something is on the books before there is an issue.

There were several abutters in the area speaking in support of this article.

There was a question about the word “use and variance”. The petitioner did communicate that this was reviewed by Counsel. There can be amendments to the wording on the floor of town meeting. The intent is for prescribed authorized through Special Permit through the Zoning Board. The bylaw is now silent on short term leases.

On a motion made by Brian Salisbury, seconded by Phil Devine, the Board voted unanimously to close the public hearing.

On a motion made by Dennis Trebino, seconded by Elizabeth Berthelette, the Board voted to recommend the article. (4 to 1 abstention)

Bellingham Shores Release of Covenant:

The Board is in receipt of a Release of Covenant for Bellingham Shores.

This has been reviewed by Town Counsel.

On a motion made by Brian Salisbury, seconded by Elizabeth Berthelette, the Board voted to approve the Release of Covenant for Bellingham Shores.

Minutes:

September 23, 2021:

On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted to approve the minutes from September 23, 2021.

September 30, 2021:

On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted to approve the minutes from September 30, 2021.

October 14, 2021:

On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted to approve the minutes from September 30, 2021.

Adjourn:

On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board to adjourn the meeting.

The meeting adjourned at 10:30 pm

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Amy Sutherland", with a long, sweeping horizontal line extending to the right.

Amy Sutherland
Recording Secretary