



BELLINGHAM PLANNING BOARD

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

Meeting Minutes December 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
Philip Devine (PD), Associate

Other Officials:

James S. Kupfer (JSK), Town Planner and Zoning Compliance Officer
Jean Keyes (JK), Planning Board Coordinator

WFO opened the meeting at 7:00 p.m.

Maplegate Preliminary Subdivision A, Maple Street, 1st Public Meeting. Decision Deadline: 12/15/18

JSK explained the project and the letters received from Attorney Greenwald and from National Grid, owner of the easement. The easement crosses through Subdivision A and a small portion of 186 Maple Street. National Grid stated that they will not approve any construction within the easement.

JSK explained the reasons that the plan is insufficient for approval:

1. Mass General Law requires formal submission of all non-residential preliminary subdivisions to the Board of Health. This has not been done.
2. The wetlands shown on the plan have not been confirmed and consequently, the Board cannot adequately assess the impact the wetlands may have to the roadway and the drainage.
3. The Town Planner and Conservation agent confirmed the centerline staking and that the road is within the wetlands.
4. No documentation has been submitted showing that the stormwater system depicted on the plan can be constructed.
5. The stormwater system is proposed within a utility easement. The owner of the easement, National Grid, will not approve any building within the easement.
6. The Plan shows a "typical" roadway and does not depict the topography as is required.
7. The plan, which covers less than all of the land owned by the subdivider, does not show, in a general manner, the proposed overall development of all the land. This is a requirement.

PCP stated that the wetlands cover most of the proposed area and there is no place to build. DJT is in agreement that there is no place to build. BTS referred to the letter from the Applicant stating that it does not remotely represent what will be built. BTS added that there is no effort by the Applicant to somewhat represent an actual plan. REL and PD agreed with the other members of the Board.

REL: Motion to deny the Maplegate Preliminary Subdivision A, Maple Street.

BTS: Second.

Discussion: None.

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

Maplegate Preliminary Subdivision B, Maple Street, 1st Public Meeting. Decision Deadline: 12/15/18

JSK explained the reasons that the plan is insufficient for approval:

1. Mass General Law requires formal submission of all non-residential preliminary subdivisions to the Board of Health. This has not been done.
2. The wetlands shown on the plan have not been delineated or confirmed and consequently, the Board cannot adequately assess the impact the wetlands may have to the roadway and the drainage.
3. No documentation has been submitted showing that the stormwater system depicted on the plan can be constructed.
4. The Plan shows a "typical" roadway and does not depict the topography as is required.
5. The plan, which covers less than all of the land owned by the subdivider, does not show, in a general manner, the proposed overall development of all the land. This is a requirement.

BTS stated that the submission of this plan is offensive that the Applicant has wasted the Board's time in an exercise in futility.

BTS: Motion to deny the Maplegate Preliminary Subdivision B, Maple Street.

REL: Second.

Discussion: None.

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

WFO allowed comments from the public:

Joe Evans of Tam O Shanter Road in Franklin stated that the plans were filed to freeze the zoning bylaws for industrial use. They weren't filed to waste anyone's time. Mr. Evans further stated that they have a direction that they are moving towards and is strictly to dot the i's and cross the t's. WFO responded that the Board has to act on what is in front of us. Mr. Evans then stated that his attorney asked the Board to postpone this public meeting indefinitely.

JSK responded that Attorney Greenwald knows that this is not proper language. The Board has to act within 45 days on a Preliminary Subdivision and they legally cannot postpone indefinitely.

186 Maple Street Preliminary Subdivision, 186 Maple Street, 1st Public Meeting. Decision Deadline: 12/24/18

JSK explained the reasons that the plan is insufficient for approval:

1. Mass General Law requires formal submission of all non-residential preliminary subdivisions to the Board of Health. This has not been done.
2. The wetlands shown on the plan have not been delineated or confirmed and consequently, the Board cannot adequately assess the impact the wetlands may have to the roadway and the drainage.
3. The Board has not received any documentation illustrating whether or not the stormwater system can be constructed as depicted.
4. The Town does not allow connections to Town owned closed drainage systems. The catch basin that is noted as the connection point is an area drain connected to a sub-drain. Area drains and sub-drains are very small and not at all suited to receive flow from three other catch basins. Additionally, there are currently no stormwater quality structures as required for any drainage plan.
5. The Plan shows a "typical" roadway and does not depict the topography as is required.
6. The existing gravel driveway is listed as subject to a "right of leading way" to the rear abutter. No further information has been provided to the Board to explain whether or not the rights allow for this proposal to be constructed.

7. The National Grid easement overlays more than half of Lot 3. The owner of the easement, National Grid, will not approve any building within the easement.
8. The plan, which covers less than all of the land owned by the subdivider, does not show, in a general manner, the proposed overall development of all the land. This is a requirement.

Present: David Albrecht, Engineer with Borrego Solar Systems, Inc.

Mr. Albrecht stated that the wetlands were delineated by a professional wetlands expert but they have not submitted an ANRAD to the Conservation Commission so they have not been verified. Borrego Solar is working with the land owner to determine what will be constructed on this project. This is due diligence and they are speculating on what could be constructed. They have submitted an ANR Plan to split the property.

JSK explained the abutter notification was mailed late but did receive the Certificate of Mailing which is proof that the notice was sent.

PCP is concerned about taking a small gravel driveway and turning it into a 60' road and he believes that the Applicant is trying to access the Franklin property that is zoned industrial.

Mr. Albrecht stated that they are not proposing a solar project. They are speculating on this land to determine if solar can be built if the zoning lines up. Franklin has nothing to do with this project. They were unaware that a private storm drain cannot be connected to the Town's catch basin. Mr. Albrecht stated that they would certainly put that a stormwater system onsite.

BTS stated that the plan does not show continuous ownership lots on the plan. Also, this is presented and the Applicant does not know what they intend to do.

Mr. Albrecht stated that they believe that the proposal is on the Agenda for first meeting in January because they did not meet the abutter notice 14 day requirement. JSK explained that he did express concerns about the lack of notice and suggested withdrawal. The Applicant did not choose to withdraw. JSK further explained that this is not a public hearing but is a meeting. While it is good practice that the abutters receive notice at least 14 days in advance, it is not a requirement.

Mr. Albrecht stated that they would like to come back with a redesigned plan in January and requested both a continuance and an extension to the decision deadline.

BTS agreed that the information presented does not allow the Board to make an informed decision and is not inclined to approve this.

BTS: Motion to deny the 186 Maple Street Preliminary Subdivision, 186 Maple Street.

REL: Second.

Discussion: None.

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

Mechanic Street Warehouse Development Plan, Stormwater Management Plan, Major Business Complex Special Permit, Flexible Parking Options Special Permit, and Water Resource District Special Permit, Mechanic Street, 1st Public Hearing. Development Plan Decision Deadline: 1/26/18

JSK read the public hearing notice.

BTS: Motion to open the public hearing for the Mechanic Street Warehouse Development Plan, Stormwater Management Plan, Major Business Complex Special Permit, Flexible Parking Options Special Permit, and Water Resource District Special Permit, Mechanic Street.

DJT: Second.

Discussion: None.

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

Present: Attorney Eli Leino, Mayer, Antonellis, Jachowicz, Haranas LLP,

Attorney Leino requested a continuation to January 10, 2019 due to the illness of engineer Conor Nagle.

BTS: Motion to continue the public hearing for the Mechanic Street Warehouse Development Plan, Stormwater Management Plan, Major Business Complex Special Permit, Flexible Parking Options Special Permit, and Water Resource District Special Permit, Mechanic Street to January 10, 2019 at 7:00 p.m.

DJT: Second.

Discussion: None.

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

General Business:

☐ **ANR**

166, 170 & 174 Maple Street – LMP Properties, LLC

BTS: Motion to sign the ANR Plan for 166, 170 & 174 Maple Street.

DJT: Second.

Discussion: None.

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

Mechanic Street Map 51, Lot 13 – Snowflake, LLC

BTS: Motion to sign the ANR Plan for Mechanic Street Map 51, Lot 13.

DJT: Second.

Discussion: None.

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

☐ **As-Built Certifications**

☐ **Decision Signing:**

Hartford Village II Inclusionary Housing Special Permit Off-site Unit at 21 Cranberry Meadow Road

BTS: Motion to sign the Approval Decision for Hartford Village II Inclusionary Housing Special Permit Off-site Unit at 21 Cranberry Meadow Road.

DJT: Second.

Discussion: None.

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

□ **11/8/18 Minutes Signing**

DJT: Motion to sign the November 8, 2018 Meeting Minutes.

REL: Second.

Discussion: None.

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

□ **Board Payroll Signing**

DJT: Motion to sign the Board's payroll for October 2018 through December 2018.

REL: Second.

Discussion: None.

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

□ **Voucher Reports** – JSK explained the vouchers

□ **Strawberry Hill Estates Definitive Subdivision Bond Reduction** – JSK explained that DPW inspection identified the outstanding items but provided a recommendation to reduce the bond to \$45,900.00.

PCP: Motion to reduce the Bond for Strawberry Estates to \$45,900.00.

BTS: Second.

Discussion: None.

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

DJT: Motion to adjourn.

BTS: Second.

Discussion: None.

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

Meeting Adjourned at 8:05 p.m.

12/13/18 Public Hearing Documents List

Maplegate Preliminary Subdivision A, Maple Street, 1st Public Meeting

Abutters List – Bellingham – Certified 10.4.18
 Abutters List – Franklin – Certified 10.3.18
 Application 10.31.18
 Certificate of Ownership 10.31.18
 Plans – 1st Submission 10.23.18
 Public Meeting Notice – Maplegate Preliminary Subdivision A 12.13.18
 Kupfer Email RE Centerline Staking on Plan 11.13.18
 Conservation Commission - Comments 12.5.18
 Attorney Greenwald Letter RE Postponement of Preliminary Subdivision Review 12.10.18
 National Grid Objection Letter & Email RE Use of Easement 12.12.18

Maplegate Preliminary Subdivision B, Maple Street, 1st Public Meeting

Abutters List – Bellingham – Certified 10.4.18
 Abutters List – Franklin – Certified 10.3.18
 Application 10.31.18
 Certificate of Ownership 10.31.18
 Plans – 1st Submission 10.23.18
 Public Meeting Notice – Maplegate Preliminary Subdivision A 12.13.18
 Kupfer Email RE Centerline Staking on Plan 11.13.18
 Conservation Commission - Comments 12.5.18
 Attorney Greenwald Letter RE Postponement of Preliminary Subdivision Review 12.10.18

186 Maple Street Preliminary Subdivision, 1st Public Meeting

Abutters List - Bellingham - Certified 11.8.18
 Abutters List - Franklin - Certified 11.7.18
 Application 11.8.18
 Narrative 11.8.18
 Plans – 1st Submission 10.10.18
 Public Meeting Notice 12.13.18
 Kupfer Email RE Centerline Staking on Plan 11.13.18
 DiMartino DPW Comments 12.13.18

Mechanic Street Warehouse, 1st Public Hearing

Abutters List – Certified 11.26.18
 Application – Development Plan 11.26.18
 Application – Flexible Parking Special Permit 11.26.18
 Application – Major Business Complex Special Permit 11.26.18
 Application – Stormwater Management Plan 11.26.18
 Application – Water Resource District Special Permit 11.26.18
 Certificate of Ownership 11.26.18
 Narrative 11.28.18
 Plans – 1st Submission 11.20.18
 Plans – Photometric – 1st Submission 11.20.18
 Stormwater Management Report 11.20.18
 Traffic Impact and Access Study 11.20.18
 Public Hearing Notice 12.13.18
 Parking Calculations 12.3.18
 DiMartino DPW Comments 12.7.18
 Kupfer Staff Checklist 12.3.18

Minutes Accepted on: 1/10/19
(Date)

William F. O'Connell Jr.
William F. O'Connell Jr.

Peter C. Pappas
Peter C. Pappas

Russell E. Lafond
Russell E. Lafond

Jean Keyes
(Prepared by: Jean Keyes)

Brian T. Salisbury
Brian T. Salisbury

Dennis J. Trebino
Dennis J. Trebino