



BELLINGHAM PLANNING BOARD

10 MECHANIC STREET
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Meeting Minutes
Thursday, April 14, 2022
7:00 pm
ZOOM MEETING

Present at the Meeting:

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

Other Officials:

James S. Kupfer was also present.
Amy Sutherland was also present.

Chairman O'Connell opened the meeting at 7:02 pm

152 Depot Street:

The Chairman opened the continued public hearing for 152 Depot Street.

The Town Planner reviewed that since the last meeting, the applicant has provided updated plan sheets. The Board has had robust discussions of any final changes to the plan set. The Board asked for a final mitigation package and they are in receipt of that, as well as a few public comments. John Kucich of Koehler Engineering presented on behalf of the applicant. This is the project's 7th public hearing. They have addressed every comment from the Board, peer reviewers, and abutters and worked them into the plan set. There has been through peer review since the meeting, and the last item before the Board was the mitigation package for the Board's consideration. A detailed package with three main items was provided in writing. The first point

addresses the triangular piece of land at the front of the property. The Board requested that property be donated, and the applicant agreed to that. The second point addresses improvements to off-site traffic. After a lot of discussion about providing a signal or providing funds for a signal more in line with the town's future plans, it was decided that the town would prefer the funds. Based on that, the applicant will contribute \$250,000 to the construction of a new signal at Hartford and Depot Streets. The last point addressed the offer for the donation of the south parcel at 148 Depot. The parcel was the subject of a prior application which has since been fully withdrawn. As the parcel is closer to the Box Pond neighborhood, there were a lot of requests to not develop. The applicant is amenable to purchase that parcel and include it in the mitigation package along with this project, with the stipulation that if this project moves forward as presented and not appealed, the developer will purchase that land and donate it. If the project is held up and appealed, they will hold on to that parcel for potential future development. Applicant's Attorney Joe Antonellis clarified language in the mitigation letter regarding nominal consideration which was included to avoid documentary stamps and is not necessary. He assured the Board they're not looking for a \$100. The parcel will be an outright gift to the town, though the language will go through the town's counsel.

Mr. Salisbury asked if the mitigation is contingent on the proposal not being appealed. Mr. Kucich clarified that items 1 and 2 are contingent on the issuance of the building permit, but item three has to do with the project's appeal. Attorney Antonellis clarified that generally the mitigation package does not take place unless project moves forward, and an appeal could impact that economically. Following the successful resolution of an appeal they would have to come back to the Board as that could impact the project economically. Parts one and two should go forward after an appeal, but regarding point three, the applicant does not own the 23-acre parcel at this time. He has a divisible contract based on the 2 parcels and the individual permit of both. He is not obligated to buy the second parcel without a project on it, but to the extent he can build his project on the north, he will purchase that property and donate it to the town. Mr. Kupfer explained that typically the town has structured mitigation packages by building permit and occupancy permit, so the first two items could proceed at time of building permit with the donation of land prior to occupancy permit. Mr. Salisbury questioned the town losing mitigation because of something out of their control. The applicant is fine with Mr. Kupfer's language if the transfer of the parcel is concurrent with issuance of an occupancy permit, subject to the condition of the appeal because that could take a long time and economic conditions may change. The town planner clarified that even with an appeal, the condition of by occupancy will still be in place. If the project is appealed and they don't get to occupancy, then you don't donate the land.

Mr. Antolellis suggested that in the event the project is appealed, and the applicant is successful in defending the appeal, then prior to obtaining a building permit, they would come back to discuss the mitigation package. Mr. O'Connell referenced the amazon project where in the process of an appeal, the application was not obligated to go back to mitigation package, but

would go back to first point of discussion with the Board. The Town Planner responded that it's up to the determination of a judge what is remanded back to the Board. It's specific to each project.

Mr. Devine noted that the 148 parcel is a key portion of the mitigation and will be weighed carefully. Ms. Berthelette asked who can file an appeal and the Town Planner responded it could be an abutter or anyone impacted, but it would depend. Mr. O'Connell asked the value of land, which Mr. Kucich estimated at a million dollars. Mr. O'Connell would like to get that parcel for the town, as if the land isn't donated, someone else could purchase that land and build on it. Mr. Kucich said the benefit of this language is avoid an appeal. Mr. Antonellis added part of what makes it important is it stops the potential for further development on this street, but that expense in purchasing that property may not be available if they're set backwards by an appeal and the economy changes.

Mr. O'Connell raised the idea of a program for the town like the Bellingham street improvement program, or the Depot Street enhancement initiative, which would reach out and ask for donations in kind to keep these streets clean. He asked if the applicant would be willing to donate \$7,500, and Mr. Antonellis thinks the applicant would consider this or an adopt a street program. The Assistant Town Planner will work with the Town Manager to establish a program. The Town Planner will offer language for consideration. Mr. O'Connell wanted the neighbors to know they listened to their concerns, and this applicant isn't the problem but down the road will reach out to them. In the meantime, tonight they could start something town wide to keep Bellingham clean.

Mr. Salisbury asked the if the applicant will insist on the condition of appeal, and Mr. Antonellis responded there are significant costs in developing property, and there's a mixed area of zoning which is a difficult balance, but a municipality can't necessarily condition something that is seen to prohibit the exercise of someone's free rights. Mr. Devine is looking for a compromise language on number 3 from the applicant. Mr. O'Connell would like the Town Planner to work with the applicant and his attorney in regards to language on number three and present that at a future meeting. He added that the Board has vetted this project expensively, downsized the project, and listened to neighbors and townspeople. The area is properly zoned, they are working within certain parameters.

The Assistant Town Planner would like the good housekeeping section of the applicant's O&M plan expanded to include cleaning around the perimeter of the site, which Mr. O'Connell agreed could be a template for O&M plans going forward. Mr. Lussier questioned if the long-term pollution prevention plan is just for stormwater. The Assistant Town Planner said more can be added in regard to what's around the area.

The Chairman opened the hearing to the public.

Jeff Muldoon, 230 Depot:

Mr. Muldoon appreciates the idea to have the road clean. He mentioned that at the last meeting, the Chairman asked the developer to reach out to neighbors and while there has been progress, it that hasn't been done. Mr. Kucich responded he'd reached out earlier, and when everything is done, they will meet again to talk about concerns.

William Hebert, Box Pond Road

Mr. Hebert asked who could appeal this, and the Town Planner replied that it depends on specific standing and advised Mr. Hebert to speak to an attorney. Mr. Hebert asked that documentation be written in a more straightforward way so everyone can understand. He commented that companies should already be paying to clean that road, and has concerns about trucks and traffic. The Town Planner reviewed by-right zoning. The town is looking at the Hartford Avenue corridor as a whole and recognizes the concerns there, but this is a development plan that's before the board in a zone that is accurate. He has spoken with residents about ways to rezone in the future, but those attempts are not always successful. The Chairman reminded the residents this Board has listened to the faults of what happened before and can't correct them, but this project will not be queuing vehicles. The town has to work within the constraints of the zoning mix. The DPW is responsible for public ways, not this Board. Mr. Hebert is concerned about snow removal coming off trucks. Mr. O'Connell responded that all vehicles have to be kept on the property and have to adhere to the state law regarding snow and ice. Moving forward that will be part of every new project. Mr. Hebert also has fire concerns. Mr. O'Connell responded that the fire department asks for safety data sheets on site and computerized, and conducts walk throughs. As tenants come forward, that will be addressed in the OEM project. Mr. Hebert has concerns about trash, and Mr. O'Connell would like to see funds set aside to keep these streets clean. Mr. Hebert has concerns about amazon trucks. Mr. Salisbury invited concerned residents to participate in Earth day cleanup.

Steve, 58 Box Pond Road

Resident reiterated his concerns about traffic, community character, and home values. He's concerned mitigation won't work and would like to see something on that parcel that doesn't negatively impact the town.

Darci Mayzer, 56 Box Pond Rd

Ms. Mayzer is planning to participate in Earth Day cleanup, and would like to know if the Board is considering the impact of other warehouses in Mendon and Hopedale that trucks will have to come down Hartford to get to. The Chairman is aware of that.

Diane Choquette 46 Box Pond Road

Ms. Choquette noted that Box Pond has never been done in 50 years, and there is no hydrant down that road. She referenced the master plan from 2020, which states “continue to seek opportunities to align new growth with infrastructure so not to overburden our roads or drinking water.” Mr. Kupfer responded that the town has started to try and address that but were turned away when trying to rezone. Mr. O’Connell responded that as a resident, he is also very concerned about our aquifer in town and plans to address it continually.

Ken Hamwey

Mr. Hamwey is against any further development on Depot Street as the town is overburdened with overdevelopment. While Mr. Salisbury responded the Board is dealing with what we have, Mr. Hamwey would like to see zoning change. Ms. Sutherland responded that going forward, requiring applicants to clean the perimeter of their property should some address some of those concerns. The Board will work with developers as best we can to come up with language. The Town Planner said that any decision terms will be spelled out by the town and the Board, and obligations at building or occupancy is standard language to protect the town.

Casey Petipas-Haggerty, 226 Depot Street

Ms, Petipas-Haggerty brought up traffic concerns regarding how to mitigate the amount of traffic coming to and from the new project. She would like the applicant to discuss how to get less trucks on Depot Street, potentially putting in a break room or ride share program, as the traffic study reflected a 35% increase in evening and 44% in morning. Mr, Kucich responded that the applicant has promised funds to an existing intersection that is failing, and Mr. O’Connell said the town is looking at a long-term correction to do improvements correctly.

While Attorney Antonellis was hoping the hearing would be closed, Chairman O’Connell would like to see language at the next meeting regarding the mitigation package to finalize and present. Mr. Kupfer added there are small things with O&M plan to be presented, and Mr. Kelly can provide some out of the box enhanced ride sharing programs.

On a motion made by Brian Salisbury seconded by Philip Devine, the Board voted by roll call to continue the public hearing to May 12th.

Roll Call Vote:

Bill O’Connell	aye
Brian T. Salisbury	aye
Philip M. Devine	aye
Dennis J. Trebino	aye
Elizabeth Berthelette	aye

206 Mechanic Street:

The Chairman opened the hearing for 206 Mechanic Street.

The Town Planner reviewed that at the last meeting, the Board was scheduling a site walk and had asked for a number of improvements to the plan set. On behalf of the applicant, Mr. Kucich confirmed that site was done a couple weeks ago, paying specific attention to driveways and turning operations. They have submitted a plan to show how they operate, and Mr. Kucich shared his screen to present. Trucks maneuver into the site from Mechanic St, located directly across from the Rapid Refill drive. There's a wide radius to allow trailers to enter the location and stay in their own travel lane. Applicant has added an island so exiting trucks can only go right onto Mechanic Street. Trucks won't enter on Maple Street, but if it were necessary, they have enough area to get into. There's a wide sweeping curb radius where trucks exit on Maple Street so they can stay in their own lane. Employee vehicles will enter off Maple Street, and there will be proper signage. Applicant has submitted truck turning movements to the Board for peer review. Applicant has enhanced the elevations that were previously submitted and presented a view of the building from the intersection of Maple & Mechanic Streets. The building is set down 6 feet. There's a multilayered element with glass structures and different articulation with a glass feature midway through the building to break up the midpoint, and also on the Maple Street driveway side to endcap. Applicant is committed to providing a "Welcome to Bellingham" sign at the corner. Applicant presented a stone sign with wood elements with purple heart community acknowledgement.

The Board has received a peer review letter from their traffic and engineering consultant. Proposed mitigation was discussed in the field. The applicant is proposing a right-hand turn lane on Maple Street. That lane exists now, but it's small and doesn't function the way it was envisioned to. The applicant is giving up property so the lane can be extended further down Maple Street, so multiple cars can stack and lane can work as a turn lane. They will work with DOT.

Mr. Trebino asked what the island will be made of, and Mr. Kucich replied its non-specified curb – possibly granite. Mr. Trebino asked if there will there be signage, and Mr. Kucich replied it shouldn't be needed because of the curb. Mr. Lussier likes the building, signs, and raised islands and asked if the island can be modified based on the truck turn template so while it's all a raised island, the striped portion is mountable. The applicant will look into that. Mr. Lussier asked if they're still doing an isolator row regarding stormwater, and Mr. Kucich responded that's correct and there will not be a water quality unit. The isolator will act as pretreatment.

Mr. Salisbury asked if there were a situation where a truck coming from Franklin would take a right onto Maple Street then a left into the facility. Mr. Kucich responded the most direct route is straight through Mechanic Street, and there's nothing more they can do to prevent that without

causing more impact. Trucks coming down Maple Street would take a right and enter the facility on Mechanic St. Mr. Salisbury asked how close the driveway is to the closest property, and Mr. Kucich responded it's well hidden. He was concerned with visibility as the facility is now hidden and there's not a lot of area between the driveway and property line. Mr. Kucich responded that elevation might serve as a screen, as well as the building itself. At the next meeting, they will bring an aerial view with their building on it.

Mr. Salisbury asked how far down Maple Street divides into multiple lanes, specifically the left turn lane, as he was concerned trucks leaving the facility will block traffic getting into the left or right lane. Mr. Kucich estimated the left turn lane starts 200 feet up, and he does not anticipate trucks leaving all at once, but at staggered times. There is 250 feet of turn lane in that area. By extending right turn lane, traffic can go around that. Mr. Devine raised the issue of the bike lane ending before the proposed entrance, would it be possible to keep that lane past the property? Mr. Kucich responded that widening the road is a DOT issue, and they would need a curb cut permit. Mr. DiPietro will look into that. Sweeps look okay but will be reviewed by Mr. DiPietro. Mr. DiPietro asked where the "no left turn" sign will go coming off Mechanic Street. Mr. Kucich responded left turns will not be prohibited there, as there shouldn't be traffic coming from that direction. Ms. Berthelette asked about language in the lease about fines for trucks turning the wrong way. That could go into conditions. Mr. Feldman responded it's the obligation of the tenant to make sure trucks follow the correct pattern and if they don't, it's a breach of their lease. He suggested a condition in permit that says the landlords' leases will provide that this condition be followed by the tenants. Ms. Berthelette agrees this should be explored as a mechanism to enforce something they're concerned about. Mr. O'Connell asked about creating a buffer on the property, and Mr. Kucich confirmed that will be vegetated and not a mound of dirt. Mr. O'Connell asked if the sign on the island turning right onto Maple Street from 495 will say "trucks do not enter"? Mr. Kucich responded they can't put an offsite sign. There could be something on the island, but asked the board's wishes, as that entrance could be for emergency truck access. Mr. Lussier commented that less signage is better and curb cuts could work.

Mr. O'Connell reviewed the idea of a bypass road on Maple Street, but the Town Planner replied that due to significant flood storage area and other wetland concerns in the rear of these sites, it's impossible to link the area of town hall to Maple Street. Mr. O'Connell reviewed that the project is lowered, It's set below street level to deaden sound. When the Commission did its site walk at 10 am on a Saturday, they could not hear sound other than asphalt company. A wall in back corner will also buffer the sound, as well as a row of green giants, which are year-round plants. Mr. Kucich reminded the Board that they are compliance with local state and scenic bylaws in their sound study. Mr. O'Connell thanked the applicant for taking comments into account and making the building more attractive.

The Chairman opened the hearing to the public.

James Dunlea

Mr. Dunlea thinks the aesthetics are a great improvement and asked if the Board can look into the relief of the elevation changes and the continuance of the bicycle lane. He commented that less is more with signage and would appreciate restrictions on nighttime operations in the yard. He suggested the Board look into impulsive, as estimated levels are just under bylaw limits and that could put it above.

Mr. O'Connell asked that applicant to look into backup switch alarms which meet OSHA guidelines but deaden sound. Mr. Kucich thinks it depends on whether the tenant trucks, but they could look into lease language. Mr. O'Connell reviewed that at the next meeting, the Board will deal with the mitigation package, an outline of Conditions, and can hear from sound engineer peer reviewer.

Mr. O'Connell will look at similar language for the OEM. The applicant will come up with language in the document that requires the applicant to clean their own yard and establish a frequency for that. The Board would like to strengthen the OEM language to make it more encompassing.

On a motion made by Brian Salisbury seconded by Phil Devine, the Board voted to continue the hearing to May 12th.

Roll Call Vote:

Bill O'Connell	aye
Brian T. Salisbury	aye
Phillip M. Devine	aye
Dennis J. Trebino	aye
Elizabeth Berthelette	aye

Minutes:

March 24, 2022:

On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted by roll call vote to approve the minutes from March 24, 2022.

March 10, 2022:

On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted by roll call vote to approve the minutes from March 10, 2022. The motion passed 4-1 with Chairman O'Connell abstaining.

Adjourn:

On a motion made by Brian Salisbury, seconded by Elizabeth Berthelette, the Board voted by roll call to adjourn the meeting at 9:40 pm.

Roll Call Vote:

Bill O'Connell	aye
Brian T. Salisbury	aye
Dennis J. Trebino	aye
Philip M. Devine	aye
Elizabeth Berthelette	aye

Respectfully Submitted,

Amy Bartelloni
Recording Secretary

