



BELLINGHAM PLANNING BOARD

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

Meeting Minutes **Thursday, May 12, 2022** **7:00 pm** **In Person & 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
Nick Mobila (NM), Member
Robert Lussier (RL), Associate Member

Other Officials:

Town Planner, James S. Kupfer was also present.
Assistant Town Planner & Zoning Compliance Officer, Amy Sutherland was also present.

Chairman O'Connell opened the meeting at 7:00 pm and called for nominations for the reorganization of the Board.

REORGANIZATION:

Chairman:

On a motion made by Dennis Trebino nominated William O'Connell for Chairman, seconded by Phil Devine. The motion passed unanimously. (5-0)

Vice Chairman:

William O'Connell nominated Brian Salisbury as Vice Chairman, seconded by Dennis Trebino. The motion passed unanimously. (5-0)

Clerk:

William O'Connell nominated Phil Devine as Clerk, seconded by Brian Salisbury. The motion passed unanimously. (5-0)

CONTINUED PUBLIC HEARING PROSPECT HILL ESTATES:

The Chairman opened the hearing for Prospect Hill Estates.

The applicant Lou Petrozzi from Wall Street Development Corp asked for a continuance. Ms. Sutherland noted the applicant will need an extension to the deadline as well. The applicant proposed a continuance to June 9, 2022 with a deadline extension to July 29, 2022. The Board still needs a signature on the scope of services and the Conservation Commission needs plans at a 40-inch scale, which the applicant said had been delivered on Saturday. The Applicant would prefer to continue to June's meeting, but Mr. Salisbury requested an August or September continuance so the public doesn't need to keep coming out to continued meetings.

On a motion made by Brian Salisbury, seconded by Phil Devine, the Board voted by voice vote to continue the hearing to May 26, 2022. (There was no vote)

The applicant discussed that there will be no new information be the 26th and requests continuation to the noted date.

On a motion made by Brian Salisbury, seconded by Phil Devine, the Board voted by voice vote to amend the motion to continue the hearing to August 11, 2022 with a decision deadline of August 29, 2022. (4-0)

CONTINUATION PUBLIC HEARING 353 MAPLE STREET:

The Chairman opened the hearing for 353 Maple Street.

The applicant representative Brandon Lee from Green Engineering asked for a continuance on the applicant's behalf. They have responded to peer review comments and are waiting for their response.

On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted by voice vote to amend the motion to continue the hearing to June 9, 2022 with a decision deadline of June 30, 2022. (4-0)

MINOR MODIFICATION BELLINGHAM SHORES:

The Town Planner reviewed the request for a minor modification for Bellingham Shores. This project has changed hands from the original developer to East Lynn Development. Since purchasing the land, they realized there is an opportunity to improve the design by not hauling as much fill as originally intended. The town asked them to provide a brief overview and they provided an engineer set of plans which was peer reviewed. Peer review engineers agreed the modified design would work in terms of the original drainage package which was already heavily vetted and works with utilities. If the Board is agreeable, this change will just be a minor

modification which could be approved by a motion of the Board. Mr. Salisbury asked if there were any concerns and the Town Planner replied that this will be a net benefit to community reducing the number of truck trips during construction. The Chairman agreed this makes a better project, and from a safety standpoint, less vehicles is a positive thing.

On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted by voice vote to approve the minor enhancement. (4-0).

CONTINUED PUBLIC HEARING 152 DEPOT STREET:

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

Attorney Joe Antonellis represented the applicant and said they've been mindful of concerns of the Board and citizens. This started with 2 projects, and the south project has been abandoned. Applicant has proposed to pay for, design, and install a traffic light at Depot and Hartford Ave, at the cost approximately \$250,000. The Board heard concerns about the installation of the traffic light, and instead would like a donation to improve the intersection, in addition to the donation of the triangular strip of land. The applicant agreed to increase the mitigation offer to \$400,000. In addition, the applicant has offered the donation of the 27 acre south parcel on the condition that there's no appeal. The condition is because of the economic uncertainty of what happens if there's an appeal. They're proposing to pay \$400,000 in mitigation upon the issuance of a certificate of occupancy, and to the extent project is approved and there are no appeals, the applicant will be able to preserve his right under P&S purchase the south property and donate it to the town as part of mitigation. To the extent he is able to purchase the 27-acre parcel and there is no appeal, he would ask that his \$400,000 mitigation be reduced to \$300,000. They will also make the \$7,500 requested contribution the Board requested.

Mr. Devine asked if the \$7,500 is a one-time donation, the Chairman confirmed it is. Mr. Salisbury asked if a scenario where town has some enforcement action regarding building permits would waive anything. Mr. Antonellis responded that the package is written under an appeal of building permit decision, not enforcement action. He says it's critical to get through the appeal period relative to the development plan approval. Mr. Salisbury asked if the applicant would be willing to further condition the plan that if an appeal is resolved within a certain timeframe the full proposal remain intact. Mr. Antonellis responded that is not acceptable, as once an appeal is filed, there is no guarantee when it will be settled.

Mr. Lussier asked for clarification on the time frame on the appeal period, which the Town Planner confirmed is 30 days for the development plan and 20 days for the special permit. For a full set of permits, it's 30 days after its stamped in with the clerk. The appeals process it 2 different tracks. The development plan would go to the ZBA first. Attorney Antonellis clarified that the ability to have a specific date to begin construction will allow the applicant to begin to market the property for leasing purposes and provides economic certainty. An appeal takes that

certainty out and changes the picture. Mr. Devine commented that he is uncomfortable with this as there was no compromise with the mitigation, and the offer is nowhere near value of that property. He'd hoped that if it was resolved within a year, mitigation could move forward.

The Town Planner reviewed next steps. If the Board exhausts their review, the hearing is closed, a decision rendered and filed with the town clerk. It rests with the Town Clerk for 20 & 30 days. If there's an appeal, a development plan goes to the zoning board for their review. They can uphold the decision of the Board or overturn it. Special permits go to land court where it could sit for some time. There are any number of resolutions and timelines at that point including remanding back to the board to start over. There could be any number of reasons to appeal. The Chairman noted the Board has gone through the process of properly vetting. If the decision is appealed, there's nothing to prevent the applicant from not giving the town the land and building on the other property. If the applicant appeals and loses, any mitigation we negotiated goes away. The Town Planner noted the mitigation would potentially need to be renegotiated.

The Chairman commented that the mitigation is short without the offer of the land compared with other warehouse mitigation packages. Without land, he believes it should be \$600,000, but the donation of the land is a benefit of the town, in that it will create a buffer. Mr. Salisbury agreed the land and buffer is a generous offer, and a critical component to making this fit. It's a unique situation that mitigation is contingent on people exercising their rights. Mr. Lussier is uncomfortable conditioning based on an appeal as neither the town nor the applicant has control over that appeal. Mr. Mobila commented that the Board should not make a decision that's not sure.

The Chairman opened the hearing to the public on the mitigation package.

Linda Munroe, 27 Hartford Ave

Ms. Munroe raised environmental and pollution concerns.

Steve Goyette, 58 Box Pond Rd

Mr. Goyette raised concerns about building a warehouse no matter what the mitigation package is, and does not want it built.

Jeff Muldoon, 230 Depot

Mr. Muldoon is concerned that mitigation money won't make a traffic difference, and is there a better use for it, also has concerns that it's contingent on appeals.

Attorney Antonellis responded that mitigation packages are related to the impact this facility has on existing conditions, not fixing problems that existed previously. This property is zoned industrial and asking for a permit for a use that is allowed. The applicant has made efforts to

mitigate the sound with walls. They will not agree to \$600,000 in mitigation, and the Chairman responded they're not looking for that.

Wayne Hebert, Box Pond Road

Mr. Hebert commented to Mr. Salisbury that the residents got together to hire a lawyer to fight this warehouse. He is concerned with quality of life and spoke to a lawyer regarding appeals. He's concerned with what the town will use the 148 buffer for, if it will be just woods. The Chairman responded that's up to the town, but Mr. Hebert responded that mitigation is for the people, not the town. He asked the Board to fix what residents have problems with already.

Ken Hamwey, 39 Wethersfield Rd

Mr. Hamwey suggested that mitigation will not eliminate negative impacts will lighten them. He urged the Board to focus on quality of life.

Casey Petipas-Haggerty, 226 Depot St

Ms. Petipas-Haggerty is concerned with the fact that the mitigation is contingent on residents not exercising their right to appeal. She is concerned that mitigation will improve flow but not volume.

Attorney Antonellis responded that the applicant will accept a condition that the land be donated with land use restrictions, and will deed it with those restrictions.

Casey Petipas-Haggerty, 226 Depot St

Ms. Petipas-Haggerty is concerned about being forced to choose between 2 terrible decisions. She raised the concerns that traffic does not meet bylaw standards as it would be more than a 30% increase.

The Chairman told the audience that they do not discourage the public's right to appeal. With regard to traffic, applicant's representative John Kucich responded that the traffic engineer wasn't present because it had already been discussed.

Mr. Devine asked about the truck turnaround which had been discussed in previous meetings. Mr. Kucich responded that the turnaround didn't move because that would put it too close to office area and wouldn't have made a difference from a sound standpoint which is fully mitigated by the sound wall.

Darcy Mazor

Ms. Mazor asked if the warehouse will be open 24/7 and Attorney Antonellis replied that is still the request.

Steve Goyette

Mr. Goyette asked the Board to look at the cumulative effect of warehouses, and doesn't like being boxed into a decision. The decision should reflect what the townspeople want, and he believes they've made a justified argument why this shouldn't take place. The applicant didn't tip the scales in the favor and no mitigation is going to change that.

Ken Hamwey

Mr. Hamwey urged the Board to consider the image of Bellingham.

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

Mr. Salisbury would like to look at the land issue closer to find further compromise and suggested a delay until the next meeting. In the best case if the project is denied, zoning is frozen as industrial land for 8 years and both parcels could be developed within those 8 years. Peer review says the applicant meets the requirements and the Board can't deny the project. Zoning needs to be looked at. The Chairman reached out to the police department, and they will have more coverage in the morning in regards to traffic. They asked residents to call any time they have concerns and they'll send someone.

On a motion made by Brian Salisbury seconded by Philip Devine, the Board voted by voice vote to continue the hearing to May 26.

206 Mechanic Street:

The Chairman opened the hearing for 206 Mechanic Street.

The Town Planner reviewed that the project has been reviewed extensively and draft conditions were requested. Mr. Kupfer highlighted those conditions, including that for number 2, the applicant will provide an extension of the turn lane at intersection of 230 feet rather than a payment. The applicant provided exhibit and parameters for the 90 linear feet of potential stone wall with a "Welcome to Bellingham," which was presented at last meeting. He suggested establishing a subcommittee for that wall's design. Another condition refers to conceptual elevations with a style with quality and character, requiring the applicant to provide that office look, as well as the relief and transition from façade panels with depth. There is a cleanup initiative, which is a one-time donation of \$7,500 for roadside cleanup in area. There is a comprehensive signage package, requiring no wall signage displayed on Mechanic and Maple Streets. There are standard erosion controls to be monitored and set up, hours of operation for construction, and standard conditions of fencing so wildlife can get through. There are standard

controls for dust measures. All external lighting must be dark sky compliant, and there are enhanced snow removal measures, maintenance, and detention basin maintenance. Snow and ice removal includes commercial vehicles.

John Kucich from Bohler Engineering presented on behalf of the applicant and thanked the Board for collaborating on a plan set he believes is better than what was started with. Mr. Kucich said the applicant has addressed every comment. Mr. Trebino asked if the \$7,500 was a one-time donation, and the Chairman responded they're looking at forming a clean street initiative committee and asking for donations annually. Mr. Salisbury asked if there are lease requirements in the conditions about exiting and entering traffic. Attorney Paul Feldman provided language which the Town Planner will incorporate. Mr. Salisbury asked if the direction of turns are conditioned or built into the plan. The Town Planner replied it's in the design of the plan and in Attorney Feldman's condition which will be added. Mr. Salisbury asked if there was a revised façade, and the Town Planner responded there is no elevation reflecting that but it is captured in condition 4, requiring three glass office areas. Attorney Feldman shared his screen with elevations. The Town Planner can refine #4 to add more specific measures, including depth. Mr. Salisbury asked about screening between the next property on Maple Street. Mr. Kucich responded there's not enough room between the driveway and the wall, and the other building is lower. Mr. Lussier suggested not putting trees on a retaining wall. Mr. Devine asked about the bike lane on Mechanic Street, and Mr. Kucich responded that he spoke to his traffic engineer but it will be up to MassDOT and they'll look at it. Applicant would be happy to add to a condition that they contact DOT to let them know the Board would like the lane extended.

The Chairman asked about condition 14 regarding pre-blasting and notification to abutters, Mr. Kucich replied they aren't anticipating blasting. The Chairman asked if there's anything on site for a snow storage farm in condition 17. Mr. Kucich replied there are designated snow storage areas and they have into consideration wetlands. Operation and Maintenance was reviewed and vetted by the Conservation Commission. The Chairman asked about condition 18, that phosphorous and fertilizer not be used on site, and urged the applicant to look at newer products less harmful to environment. The Chairman asked if there's anything they can do about controlling the timing of the turn signals, and Mr. Feldman will add the request for a timing study to MassDOT.

The Chairman opened the meeting to the public.

Mike O'Herron

Mr. O'Herron endorses the extension of the bike land and supports the applicant willing to give up space for that. Mr. O'Herron asked if there are screenings on the west side facing toward Franklin on Mechanic Street, but there are none from those angles. There are no designs on the loading dock side. There will be no signage on the building. Mr. Feldman proposed a dotted line

around the Welcome to Bellingham sign where no other signage is allowed. Mr. O'Herron asked if the state controls the length of the light, and if there's a possibility of a no turn on red or right turn on signal only on Maple. Mr. Feldman has not received that detail from MassDOT.

Don Martinis

Mr. Martinis asked if there be planting of trees to buffer the look of the back driving west on Mechanic Street toward Franklin. Mr. Kucich replied that the Lindemeyer building will block that view and their drive is 6 feet below grade. The applicant added a solid fence to further block that view at the request of the Board. Mr. Martinis would like to see something more natural than a fence. Mr. Martinis would like a traffic study from DOT because only one trailer can get through Maple to Mechanic Street taking a left safely. Board and applicant agreed on arborvitae, and the Chairman asked the applicant to plant those trees up as early as possible.

On a motion made by Brian Salisbury seconded by Phil Devine, the Board voted by voice vote to continue the hearing to May 26th, and have the Town Planner update conditions and draft a favorable decision.

Minutes:

April 28, 2022:

On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted by roll call vote to approve the minutes from April 28.

Adjourn:

On a motion made by Brian Salisbury, seconded by, the Board voted by voice vote to adjourn the meeting at 10:05.

Respectfully Submitted,

Amy Bartelloni
Recording Secretary
Approved 6.9.22