



# BELLINGHAM PLANNING BOARD

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## Meeting Minutes June 23, 2016

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

### **Present at the Meeting**

Brian T. Salisbury (BTS), Chairman  
William F. O'Connell Jr. (WFO), Vice Chairman  
Peter C. Pappas (PCP), Secretary  
Dennis J. Trebino (DJT), Member  
Bruce W. Lord (BWL), Member  
Nikyda Resto (NR), Alternate

### **Other Officials:**

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

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

**7:00 p.m.**

### **Board of Health Discussion – Litter on Commercial Sites**

Present: Mike Catalano, BOH Agent for Town of Bellingham, Vincent Forte Jr., Chairman of the Board of Health (BOH)

Mr. Catalano explained that the BOH would like to revise the Litter Bylaw 113-1 concerning mainly commercial sites. They would like to work with the Planning Board on reviewing their proposal.

WFO does not want to discourage businesses from coming into the town so he advised Mr. Catalano and Mr. Forte to be careful with the language. BWL responded that the Town has a littering bylaw and suggested that Mr. Catalano write the revision and bring it back to Board for review. The October Town Meeting Warrant closes July 1, 2016 and a public hearing would have to be held for any revision to the bylaw that will be presented at Town Meeting.

Mr. Catalano also informed the Board that JSK is great to work with and has done a great job and is a great addition to the Town.

**Hartford Village II, Hixon Street, Continued Public Hearing Development Plan, Stormwater Management Permit, Special Permit for Special Residential Use – Multi-Family Dwellings.  
Decision Deadlines: 6/27/16, 7/2/16**

Present: Attorney Joe Antonellis, JP Connolly from Andrews Survey & Engineering, Brad White, Applicant.

Mr. Connolly submitted a new revision of Plan page C-5 to the Board at meeting. The Board had not received this most recent revision prior to the meeting.

Attorney Antonellis explained that significant revisions have been made to the placement of all buildings. The Applicant has removed almost all of the buildings from the buffer zone. The cul-de-sac will minimally intrude into the buffer zone but the waiver would now be minimal.

Mr. Connolly explained the revised concept and layout and they have tried to maintain the 100' buffer zone. They are hoping this addresses the buffer issues. In addition, they have submitted a Notice of Intent to the Conservation Commission (Con Com) for the resource area.

BWL would like permission from the existing condos to allow this development. Attorney Antonellis explained that if this project is approved, they will be trying to get the master deed amended which will add the additional land to the current condo association. Attorney Antonellis also stated that the trustees of the existing condos have reviewed the plan and it is acceptable to them. BWL requested this in writing.

The Board discussed the possibility of changing the existing emergency egress to a full egress with the gate removed. Deputy Fire Chief Poirier stated that he has no problem with it being used as a permanent egress. If it is kept as emergency only, then the Fire Department would prefer two locks with one key for the association and one for the Fire Department.

Deputy Poirier also asked if the proposed island at the entrance to the new section is a raised structure and does the cul-de-sac have the proper turning radius for the Fire Department apparatus. Mr. Connolly replied that the island is raised with a 4" Cape Cod Berm and the cul-de-sac conforms to the Fire Department turning radius specifications. Deputy Poirier explained that the island cannot be raised as regulations state that apparatus cannot be driving over structures. He suggested that the raised island be replaced with a grooved painted area.

JSK explained that a cul-de-sac can only have 12 units or less and suggested that the Applicant move one of the buildings further south. Mr. Connolly responded that they are reviewing that suggestion but there are some issues.

Questions from the public:

Harry Hamjian of 35 Hixon Street approached the Applicant's plan and pointed out his property in relation to the proposed plan and that he can still see the buildings. He is hoping that the buildings can be reduced in length by making some shorter. Mr. Hamjian suggested that the Applicant consider pushing back the building near his property. Mr. Wright confirmed that all buildings are ranch style condos.

BWL explained that the reality is that the two houses abutting this property are the aberration in this zone. This is a multi-family zone and BWL suggested that the abutters have to look at it that way. The Town needs housing for those over 55 years of age as there is a large demand. BWL further explained that the Board will get comments from its peer reviewer and that the abutters should be patient until that happens. Attorney Antonellis responded that the Applicant will work to provide screening for abutters.

JSK reminded the Applicant that two affordable units are required in accordance with the Town's Inclusionary Housing Bylaw. The Applicant will have to submit an application for a Special Permit for Inclusionary Housing.

Kelly Benkart of 31 Hixon agreed that this plan is better. Ms. Benkart asked if the Applicant could add vegetation to screen her house. Attorney Antonellis responded that the Applicant will propose a new landscape plan.

Lynn Hamjian of 35 Hixon Street stated that she is very concerned about the orientation of one building. She explained that she is working with the Con Com and she would like to meet with the Applicant. She understands this is a multifamily zone. Ms. Hamjian expressed her concern that the septic system placement is tight and all the trees in that area will be taken down. This will change character of the street. She would like to meet and work collaboratively with the Applicant and the Board. Ms. Hamjian expressed additional concern that the sight line is difficult when exiting the emergency road. Consequently, she would like it kept as emergency access only with a double lock.

Ms. Hamjian also asked if the cul-de-sac is this exempt from the buffer zone and would like the cul-de-sac kept out of the sight line from her property.

BWL asked DPW Director Don DiMartino what can be done about improving Hixon Street. Mr. DiMartino responded that there are no current plans to improve the street and he is limited by the Town budget.

PCP informed the Applicant that if a deck is enclosed it then becomes a structure and will affect the buffer zone. If it remains a deck, it is not a structure and does not affect the buffer zone. Attorney Antonellis will request that the Board add a condition to the decision that the new condos cannot have enclosed decks and he can also put a restriction in the unit deed for each condo.

**BTS: Motion to continue the public hearing for Hartford Village II, Hixon Street, Development Plan, Stormwater Management Permit, and Special Permit for Special Residential Use – Multi-Family Dwellings to July 28, 2016 at 7:00 p.m.**

WFO: Second.

Discussion: None.

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

**JK Landscaping & Firewood, 170 Mechanic Street, Bulk Storage Special Permit, 1<sup>st</sup> Public Hearing. Decision Deadline: 7/29/16**

JSK gave an overview of project and WFO disclosed that he is a neighbor of the Applicant.

Present: John Kauker IV, John Kauker V, representing the Applicant and Brian Waterman of Waterman design Associates.

Mr. Waterman gave explanation of both the existing site and the proposed changes. A large log pile and large firewood pile are maintained on the site and there are no retail sales. They sell only to commercial customers and they deliver the material to the customer sites. They have worked to make the changes required by the Fire Department and have proposed additional changes to bring the site into compliance. There is no mulch stored on the site or produced on the site.

Deputy Fire Chief Poirier explained that he has inspected the site and the access is fine for fire trucks. He is satisfied that the split wood area has been addressed on the plan. Deputy Poirier did not see any mulch on the site and he clarified that the Applicant must put stenciling on ground to be sure the separations are maintained for fire safety. Also, the Applicant must be sure no flammables or combustibles stored on the site. There is no code to have a fire suppression system for an unenclosed area. The Applicant is working on gravel and loam and Deputy Poirier is not concerned about a fire hazard. Deputy Poirier also stated that the Applicant must add a no parking area in front of the hydrant. Mr. Waterman responded that they will paint a no parking fire lane on the road.

JSK suggested that the Board make a site visit and will send an email to coordinate the effort.

JSK asked what type of maintenance is performed on the drainage basin. Mr. Waterman responded that there is none now. JSK explained that the Applicant must submit a stormwater Maintenance operation manual and maintenance program.

Questions from the public:

Lucia Caccavelli is representing abutter Virginia Rubrigi of 164 Mechanic Street. Ms. Caccavelli explained that Virginia has been a good friend to Antron Engineering for years. She is 88 years old and her family has owned the property for over 100 years. Ms. Caccavelli stated Ms. Rubrigi's concerns:

1. Concerned about dust and noise now and in the future
2. Trucks enter and exit regularly
3. Potential for combustion and fire
4. Height of piles are much higher than 10-15'
5. Some of her trees have been cut down and the Applicant is parking on her property

6. Can vegetation be added between the two properties to screen as there is none left
7. Why does the Applicant need a special permit if they are already doing business
8. Has the Applicant requested a permit in other places in Town and could they choose a different property for this business

JSK responded that the operation of this business was just recently brought to the Town's attention and he met with the Applicant informed him that they need a special permit.

Deputy Chief Poirier explained that wood is not a flammable product but is a combustible product. It would not explode and it takes more for wood to ignite. It is not self-combustible or explosive. Sawdust in a confined space could explode but this is not that situation as all work and storage is done outside in an unenclosed space.

Bill Redman of 120 Hartford Ave asked about a collection system. Mr. Kauker V responded that there is no collection system. The area is cleaned out once or twice a week.

Mr. Kauker IV responded that they have not asked for a permit anywhere else in Town. He added that he wants to have the road open and clear all the time for the Fire Department and to access the back of building for the A/C service and the building's fire exits. Mr. Kauker IV stated that in the past he has worked very well with Ms. Rubrigi and is disappointed that she has these concerns. He stated that he asks her frequently if there are any problems and has offered to fix anything that is a problem. He is sorry that he did not know about her concerns and will be happy to clean up the gravel and parking on her property.

**BTS: Motion to continue the public hearing for the JK Landscaping & Firewood, 170 Mechanic Street, Bulk Storage Special Permit to July 28, 2016 at 7:00 p.m.**

DJT: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, PCP, DJT, BWL) WFO left the room for personal reasons and did not vote

**Maple Street Drainage & Maintenance, Scenic Road Special Permit, 1<sup>st</sup> Public Hearing. Decision Deadline: 7/29/16.**

WFO returned

Present: Don DiMartino, DPW Director, Rob Kenneally from Kleinfelder, and Tree Warden, Mike Burr

Mr. DiMartino explained the project that will involve tree removal, road widening, and the creation of swales along certain sections of Maple Street. The street is flat and the drainage is bad so these improvements hope to alleviate the flooding conditions that occur after rain storms. He hopes to get funding for this project at the October Town Meeting and has to get Con Com approval as well. In addition, he will request a land acquisition to acquire the right-of-way. This is an interim project that he hopes will last 10 years.

Mr. DiMartino explained that he has met with the Tree Warden. To do this project, he has to widen road which involves removing trees. However, it is impossible to plant the number of replacement trees called for in the bylaw as there is nowhere to plant them because the street is bordered by forest or wetlands. The Tree Warden and Mr. DiMartino suggested that maybe trees can be planted somewhere else on Maple Street or in the Town.

WFO stated that there is a lot of commercial development on this street. He asked Mr. DiMartino how the Planning Board could help reduce the traffic impacts on this road. Mr. DiMartino responded that Maple Street at Route 126 is not designed to take truck traffic. WFO questioned if the Board should ask prospective businesses to give escrow to help maintain this road and Mr. DiMartino responded that whatever a developer can provide is beneficial.

Mr. Burr explained that this is a tough road with some trees that are dead and dying. He stated that it was not a good thing to make this a scenic road. It was made a scenic road to stop commercial business and it didn't work.

Questions from the public:

Kerry Day from L & P Properties invited the Town to replant the trees at 169 Maple Street where there is a lot of open space along the road. They will let the Town plant trees and it will help improve the vegetation and reduce complaints of the unsightliness of that area. DiMartino explained that the Town would need him to grant a permanent roadway and planting easement then would be happy to do this. Mr. Day agreed and he would work with the Town to accomplish both. Mr. Burr stated that if the Town were to plant trees, the Town would not replace them year after year if they were to die. Mr. Day asked if wetland vegetation grows in the swales do they then become wetlands. Mr. DiMartino explained that the regulation has changed and it is always considered a swale or drainage basin and does not get reclassified as wetlands.

Mike Wharf of JD Raymond Transport on Maple Street stated that they would be receptive to having trees planted as well.

Steve Racicot of 51 Maple Street stated that removing trees cause water to runoff and asked if the project can put in new culverts and drainage. Mr. DiMartino responded that yes that is part of the proposal.

JSK summarized and asked the Applicant to the update plan with trees for 169 Maple Street.

**BTS: Motion to continue the public hearing for the Maple Street Drainage & Maintenance Scenic Road Special Permit to July 28, 2016 at 7:00 p.m.**

WFO: Second.

Discussion: None.

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

**316 Hartford Ave Solar, Development Plan Review and Stormwater Management Permit Large-Scale Ground-Mounted Solar Photovoltaic Installation, 316 Hartford Ave. Decision Deadline: 6/30/16. Decision discussion and signing**

JSK gave an update and explained the decision and the conditions. The easement agreement for access to the site will be executed next Monday with the Board of Selectmen. Conditions number 4, 5, and 14 were brought to Board's attention and the amount for the Decommissioning Plan has been agreed upon by the Applicant. The Town Counsel and the Applicant will work out the type of security needed for the project.

BTS questioned the time frame for snow removal after a storm and prefers 24 hours. The Board and Deputy Chief Poirier agreed and requested that it be changed in the Decision.

**WFO: Motion to sign the Approval Decision for the 316 Hartford Ave Solar, Development Plan Review and Stormwater Management Permit Large-Scale Ground-Mounted Solar Photovoltaic Installation, 316 Hartford Ave with changes of the snow removal period from 48 hours to 24 hours.**

BWL: Second.

Discussion: None.

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

**General Business:**

- ☐ **ANR's**
- ☐ **As-Built Certifications**
- ☐ **6/9/16 Minutes Signing**

**BTS: Motion to sign the June 9, 2016 Meeting Minutes.**

BWL: Second.

Discussion: None.

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

- ☐ **Sign Vouchers**

**BTS: Motion to sign the Vouchers.**

DJT: Second.

Discussion: JK explained the vouchers and payroll.

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

- ☐ **Daigle Backlot Division Special Permit Mylar Signing**

The Board signed the Mylar for this project.

**BWL: Motion to adjourn.**

BTS: Second.

Discussion:

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

Meeting Adjourned at 9:30 p.m.

**Meeting Documents & Exhibits:**Hartford Village II Development Plan & Stormwater Management Permit

1. Plan – Page C5 Only – 2<sup>nd</sup> Submission – Rcvd 6.9.16
2. Letter from Harry & Lynne Hamjian - 6.22.16
3. Plan – Page C5 Only – 3<sup>rd</sup> Submission – Rcvd at the 6.23.16 Meeting

JK Landscaping & Firewood Special Permit

1. Abutters List – Certified
2. Application
3. Kupfer Staff Memo
4. Narrative
5. Plans – 1st Submission
6. Public Hearing Notice
7. Quitclaim Deed
8. Comments & Pictures from Deputy Fire Chief Mark Poirier 6.22.16

Maple Street Scenic Road Special Permit

1. Abutters List – Certified
2. Application
3. Narrative
4. Plans – 1st Submission
5. Public Hearing Notice
6. Pictures of the existing road conditions

316 Hartford Ave Solar

1. Heliovaas Letter RE Net Metering Agreement With BOS 4.22.16

MINUTES OF THE PLANNING BOARD MEETING

June 23, 2016

Minutes Accepted on: 7/28/16  
(Date)

Jean Keyes  
(Prepared by: Jean Keyes)

Brian Salisbury

Brian T. Salisbury

William F. O'Connell Jr.

William F. O'Connell Jr.

Peter C. Pappas

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Dennis J. Trebino

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Bruce W. Lord

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