



BELLINGHAM PLANNING BOARD

10 MECHANIC STREET
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Meeting Minutes February 23, 2017

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 - absent

Other Officials:

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

7:00 p.m.

Executive Session.

The Board held a vote to enter into Executive Session to consider strategy with respect to litigation where an open meeting may have a detrimental effect on the Town's litigation position and the chair so declares, pursuant to General Laws chapter 30A, §21(a)(exception 3)

BTS: Motion to enter Executive Session.

WFO: Second.

JK polled the Board members to see if they agreed to enter Executive Session. The results of the poll are:

Planning Board Member	Yes	No	Abstain
Brian T. Salisbury	X		
William F. O'Connell Jr.	X		
Peter C. Pappas	X		
Dennis J. Trebino	X		
Bruce W. Lord	X		
Vote	5	0	

The Board voted 5-0 to go into Executive Session. The Executive Session began at 7:00 p.m.

BTS: Motion to close the Executive Session and open the public meeting.

WFO: Second

JK polled the Board members to see if they agreed to close Executive Session and open the public meeting. The results of the poll are:

Planning Board Member	Yes	No	Abstain
Brian T. Salisbury	X		
William F. O'Connell Jr.	X		
Peter C. Pappas	X		
Dennis J. Trebino	X		
Bruce W. Lord	X		
Vote	5	0	

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

Executive Session closed at 7:20 p.m.

BTS opened the public meeting at 7:20 p.m.

Asphalt Engineering LLC, 190 Farm Street, Development Plan, Stormwater Management Permit, Scenic Road, Bulk Storage Special Permit, 1st Public Hearing. Decision Deadline for Development Plan: 3/25/17

JSK read the public hearing notice.

BTS: Motion to open the public hearing for the Asphalt Engineering LLC, 190 Farm Street, Development Plan, Stormwater Management Permit, Scenic Road, and Bulk Storage Special Permit.

PCP: Second.

Discussion: None.

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

JSK gave an introduction of the project.

Present: Mark Allen of Allen Engineering, Erin Landry and Nate Moreland of Farm Street Property Management.

Mr. Allen explained why the project is before the Board and noted that 15 acres of the property is in Bellingham and 6 acres are in Medway. Consequently, the Applicant will be filing for permits in Medway as well with both the Planning and Zoning boards. The Applicant is currently proposing to add a paved driveway to the site. The pile of asphalt on the site will be used to pave the road. Then, two new piles, one with raw materials and one with aggregate, will be created at the rear of the site. Mr. Allen further explained that the environmental issues are currently before the Conservation Commission (Con Com) to make a determination concerning the wetlands and any potential vernal pools. Additionally, the Stall Brook runs along east of property. The stormwater runoff from the site will be captured, treated, and infiltrated back into the ground.

BTS reminded the Applicant that the last time they came before the Board to obtain a temporary bulk storage permit, there was discussion with the Applicant about building an office on this site. Mr. Allen responded that the Applicant still intends to eventually construct the building but that is not what they are asking for now. The Applicant is before the Board now to obtain a permanent permit for bulk storage.

BWL responded that this is what the Applicant stated at their last meeting for the temporary permit and now they have come before the Board with no plan to construct the building. What they are proposing now is just a storage area. BWL stated that he would like to revoke all permits because the Applicant has not done what they said they would do. They had promised to go forward but they are not. BWL does not want any more piles and the runoff from asphalt is not great and this is in a sensitive area. Mr. Allen responded that this is Department of Environmental Protection (DEP) approved material and it is non-hazardous.

Ms. Landry stated that they have always proposed construction on this site as being in three stages. They had to get off of the property they were renting on Mechanic Street as they were in violation of the zoning use for that site. They were not aware that they did not have an approved use for the site and once informed, they immediately came to the Planning Board to remedy the situation. Consequently, the first stage was to get a temporary permit to store the pile in the front. The second stage was to obtain a permanent permit to build the road and move the piles to the back. The third stage would be to construct a building on the front of the property. Ms. Landry further explained that this plan has not changed and it is a new process for them and it is taking longer to have it all come together. Ms. Landry added that they have met with Medway and are doing a sound study for the Bellingham Planning Board.

BWL suggested that the Applicant come back to the Board with the entire plan and not piecemeal. The Board wants to see a concrete plan.

BTS stated that he is uncomfortable with what is being presented by the Applicant and not seeing a proposed building on the plan for this site. As a result, the Applicant is essentially creating a stockpile on this site. BTS would love to see the plan with the building on it and the Board would be more comfortable with seeing the building on the plan. WFO agreed that this project has not progressed as the Board would like.

Ms. Landry responded that there is a lot of financial investment here and she cannot plan on building a business without the Con Com approval to place the piles on the back of the lot.

PCP questioned the amount of truck traffic that would be generated and he does not want asphalt trucks going up and down Farm Street all day. Ms. Landry responded that it depends on the day and size of projects. Mr. Moreland responded that if the building is constructed, then 24 trucks could be run all day every day. The crushing is only done for one week and sounds like a diesel truck running. They are not increasing number of trucks from what they currently run.

PCP responded that if Applicant were to get a permit from the Board, it would have a timeframe for constructing the building because the Applicant represented to the Board last time was that by the spring (of 2017) the permitting would be done for the construction of the building. PCP understands cash-flow and timing, but the Applicant represented certain things to the Board during the temporary permitting process. PCP suggested phasing. The Applicant could present the entire plan, with the building shown, and then give a timeline for constructing the project in phases.

Ms. Landry stated that she understands and apologizes for not understanding the process thoroughly.

JSK stated that if the Board considers phasing, the plan should at least show the building footprint and parking so the Board can analyze it for constraints. JSK asked Mr. Allen to run calculations for stormwater for the Board and for the Con Com. Mr. Allen responded that amending the plan is easy but running the drainage calculations would be difficult. JSK responded that Mr. Allen could run the calculations and then make amendments.

BTS stated that the Board wants the Applicant to be successful and thrive. But, the Board has a process and the Board feels that this plan is not complete. The Board needs everything to evaluate the project properly. BTS suggested that the Applicant come back when they have everything ready, but this current proposal is not going to satisfy the Board and the Town. BTS also suggested that the Applicant may want to hire a land use attorney to help with the process.

Mr. Allen stated that the Applicant is seeking a bulk storage permit. JSK responded that disturbance of land triggered (more than 10,000 sq. ft.) the Development Plan review. Bulk storage is a not a by-right use. Ms. Landry replied that they wanted to get the bulk storage permit first so they can proceed. JSK stated that the original temporary permit requires the Applicant to come back before the Board within 6 months with the full business plan and development plan.

Questions and Comments from the Public:

Ms. Jay Sivits of 208 Farm Street stated that she recently moved into the property next door from the Midwest and she is six months from retirement. She was looking for a scenic New England location and a scenic lane which she thought she was buying into. She invested her life savings into this property. This is quite a surprise to find out about all of this and is not happy about it. She further stated that she wouldn't mind the gravel but asphalt is not thrilling and the environmental impact doesn't seem really good. After hearing the conversation this evening, she doesn't know if she can trust the Applicant. As a neighbor, she will not be happy if they process asphalt after 5:00 p.m. or 7:00 pm. She also does not want any kind of environmental impact that includes sound or smell. She wants it to remain a nice neighborhood. In addition, this is a small country lane not meant for big trucks as two cars can hardly get down Farm Street. The street would have to be widened to facilitate the truck traffic and the trucks will damage the road. BTS responded that the Board sympathizes with abutters and this type of issue has caused the Board grief – where there is industrial next to residential. BTS stated that the Board will try its best to be least impactful; however, this location is zoned industrial and the Board will do what it can but it just cannot say no or yes, the Board has to go by the rules.

Ms. Landry responded to Ms. Sivits by saying that we are not looking to upset anyone and they are rule followers. We take it seriously. She told Ms. Sivits to call her if she has any questions. The crushing process is over by 3:30 p.m. and will occur one or maybe two times a year. Ms. Landry is happy to talk to anyone and she the business has never had a problem with abutters.

Ms. Landry further stated that if the Con Com approves the plan for the road they can start clearing the back. JSK responded that the Applicant can chop down some trees but cannot pull roots and once they exceed a disturbance of 10,000 sq feet the hydrology of the land changes and they have to stop.

WFO: Motion to continue the Asphalt Engineering LLC, 190 Farm Street, Development Plan, Stormwater Management Permit, Scenic Road, Bulk Storage Special Permit public hearing to March 9, 2017 at 7:00 p.m.

DJT: Second.

Discussion: None.

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

Nerina Estates Definitive Subdivision, Stormwater Management Permit, and Backlot Division Special Permit, 799-801 Pulaski Boulevard, 1st Public Hearing. Definitive Subdivision Decision Deadline: 6/19/17.

JSK read the public hearing notice.

BTS: Motion to open the public hearing for the Nerina Estates Definitive Subdivision, Stormwater Management Permit, and Backlot Division Special Permit.

WFO: Second.

Discussion: None.

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

JSK explained the application.

Present: JP Connolly of Andrews Survey & Engineering for the Applicant.

Mr. Connolly explained the project and that the Applicant has applied for an earth work removal permit from the Zoning Board. No wetlands have been identified onsite yet and buffer zones were questionable. There is a depression on the site which they have proposed to use as a detention basin. There is an abandoned utility easement with no overhead lines and it is pretty clear that it is not active. Mr. Connolly stated that he has been looking into getting documentation stating that the Applicant has the right to use it or that it is abandoned and it is not clear who owns it.

DJT questioned the slope they are proposing on one of the lots which is a 2-1 slope and he feels that this is very steep. Mr. Connolly agreed but stated that they will stabilize the soils and the soils are good to support this type of work. They will be disturbing within 3' of the property line and the 2-1 cut has to be stabilized immediately after that work is done. JSK stated that the subdivision regulations state that a 3-1 ratio is the requirement so the Applicant will need to request a waiver. Mr. Connolly responded that he understood and further explained that the land will slope into the site and all excavated dirt will be trucked off the site. DJT is worried about the runoff and Mr. Connolly stated that all runoff will be directed towards the detention basin. In addition, he added that the groundwater was at 30" and 31".

The Board agreed that they are most concerned about the slope, the runoff, the proximity of the road to the property line, and the screening of the road. Finally, they would like to see documentation from the owner of the easement granting them access to cross the easement.

JSK explained about the stormwater impacts, test pits would have to be witnessed, and suggested that the Board request a peer review of the stormwater management system. BTS agreed that the peer review is necessary due to existing issues and earth removal and slope. JSK then explained that the Zoning Board wants the Planning Board to analyze the slope and site first. The Applicant must apply to the Con Com to have the resource area in the back confirmed. Mr. Connolly responded that that he will be submitting a Request for Determination of Applicability to the Con Com.

Questions and Comments from the Public:

Phil Devine of 8 Deer Run Road stated there have historically been water problems in the place where they will be putting more water (detention basin). He showed pictures of the property from 2011 when Deer Run was closed because of the flooding. Mr. Devine's property abuts the proposed detention basin. This property is composed of some sand but a lot is not. Mr. Connolly asked Mr. Devine if surface water came into his property. Mr. Devine responded that the water was in his basement but his bigger concern was with tree removal and that it will create more water problems. BTS responded that the Board will have the peer review check everything to check and see if the detention basin will work and the water issue won't be exacerbated for neighbors. WFO asked if French drains will be installed for the houses and Mr. Connolly responded that they will add support to make sure the basements are dry.

JSK clarified to Mr. Connolly that the Applicant can have heavy equipment on the site to dig test pits but nothing more.

Stacy Danner of 4 Deer Run stated that she wants to be very clear where her property is as the fence line does not define the property line. Ms. Danner asked if the Applicant will be clearing all the trees. Mr. Connolly responded that they will and it is a large clearing operation. JSK explained that the Applicant has to mark all trees that are coming down and the Applicant is asking for a waiver from the marking. JSK further stated that the Board is probably not in favor of that. The Board would like to take a site walk. Ms. Danner stated that she wants to preserve the neighborhood and there is a lot they don't know about this process. She wanted to know what the houses will look like and stated that most houses on Deer Run Road are larger than those proposed.

David Allard 803 Pulaski Boulevard purchased his home to get away from water in south Bellingham and now found out that this will have water issues. Mr. Allard was not happy to find out that the back yard, which is all woods, may be removed and he will have no buffer.

JSK asked the Applicant to give some indication on the Plan of where the road would sit and the houses.

Bill Danner of 4 Deer Run Road stated that he is concerned with the layout and where the front of the house will be. He asked if the house will be sideways and will be facing his house. Mr. Connolly explained that the Applicant does not want to put any structure on the easement and that is why the house is facing the side and not the road. The Backyard will run parallel to the sidewalk.

WFO: Motion to continue the Nerina Estates Definitive Subdivision, Stormwater Management Permit, and Backlot Division Special Permit, 799-801 Pulaski Boulevard public hearing to April 13, 2017 at 7:00 p.m.

PCP: Second.

Discussion: None.

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

General Business:

- ☐ **ANR's**
- ☐ **As-Built Certifications**
- ☐ **Discussion – Post Office Place Light Pole**
- ☐ JSK explained the reason for the letter and the Board stated that the letter was fine.

WFO: Motion to send a letter to National Grid concerning the light pole.

BWL: Second.

Discussion: None.

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

- ☐ **2/13/17 Minutes Signing**

BTS: Motion to sign the February 13, 2017 Meeting Minutes.

WFO: Second.

Discussion: None.

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

BTS: Motion to sign the February 13, 2017 Executive Session Meeting Minutes.

WFO: Second.

Discussion: None.

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

- ☐ **Voucher Report** - JSK explained the report.

Discussion:

- Damon Road off Hixon – Hillside Estates – Road acceptance for Town Meeting. JSK explained the current state of the Subdivision and the road and the Board stated that it is satisfied.
- WFO asked the Board to not over talk each other and have more decorum during the meetings and to allow JK to take the minutes.
- JSK explained that there is interest by a developer to put a bowling alley in the empty Granite City Electric Building on Pulaski Boulevard. He stated that the future Applicant asked if the Board would like to do a site walk.

WFO: Motion to adjourn.

DJT: Second.

Discussion: None.

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

Meeting Adjourned at 9:20 p.m.

Meeting Documents & Exhibits:Asphalt Engineering LLC, 190 Farm Street, Development Plan, Stormwater Management Permit, Bulk Storage Special Permit

1. Certified Abutters List - Medway 1.20.17
2. Certified Abutters List - Bellingham 1.19.17
3. Allen Engineering Submittal Letter 1.19.17
4. Application for Development Plan 1.24.17
5. Application for Bulk Storage Special Permit 1.24.17
6. Application for Stormwater Management Permit 1.24.17
7. Narrative 1.18.17
8. Plan - 1st Submission 1.18.17
9. Waiver Request 1.19.17
10. Public Hearing Notice 1.24.17
11. Decision - Bulk Storage Special Permit 8.11.16
12. Kupfer Staff Memo - 2.16.17
13. PSC - 1st Comments 2.22.17

Nerina Estates Definitive Subdivision and Backlot Division Special Permit, 799-801 Pulaski Boulevard

1. Abutters List - Certified 1.20.17
2. Application - Backlot Division Special Permit 2.2.17
3. Application - Definitive Subdivision 2.2.17
4. Application - Stormwater Management Permit 2.2.17
5. Deed for Property 3.30.90
6. Narrative & Waiver Request 2.3.17
7. NRCS Soils Map & Information 12.29.16
8. Plans - 1st Submission 2.2.17
9. Stormwater Management Report & O&M Plan 1.31.17
10. Kupfer Staff Memo - 2.16.17

Minutes Accepted on: 3/9/17

(Date)

(Prepared by: Jean Keyes)


Brian T. Salisbury
William F. O'Connell Jr.
Peter C. Pappas
Dennis J. Trebino
Bruce W. Lord