



BELLINGHAM PLANNING BOARD

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

Meeting Minutes September 14, 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
Philip Devine (PD), Associate

Other Officials:

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

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

Discussion:

- **160 High Street Lots 1 & 2 – Erosion Controls**

JSK explained the reason for the discussion.

Present: David Vroman, Campanelli Companies, David Kelly, Kelly Engineering Group, Inc.

JSK will be monitoring the installation of the erosion controls and advised the Applicant to maintain the buffer on High Street. The Board agreed with the erosion controls.

Irving Oil Gas Station, 310 and 320 Pulaski Boulevard, Development Plan and Stormwater Management Permit, Continued Public Hearing. Decision Date: 10/6/17

JSK explained the project to date and the changes made to the drainage basin and driveway on Pulaski Boulevard.

Present: Patrick W. McLaughlin, MHF Design Consultants, Inc., Mike McLaughlin, of Irving Oil Marking, Applicant, Jennifer Daigle of Irving Oil Planning Department, traffic consultant Heather Monticup of GPI, Frank DiPetro of BSC, the Towns Peer Reviewer

Mr. DiPetro explained that their review finds that the new driveway location and changes to the detention pond are fine. WFO reminded Mr. Lussier of the original Planning Board Decision of October 2006 concerning queuing onto his site for Thundermist Car Wash.

BTS: Motion to close the public hearing for Irving Oil Gas Station, 310 and 320 Pulaski Boulevard, Development Plan and Stormwater Management Permit.

DJT: Second.

Discussion: None.

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

BTS: Motion to draft a favorable Decision for the Irving Oil Gas Station, 310 and 320 Pulaski Boulevard, Development Plan and Stormwater Management Permit.

DJT: Second.

Discussion: None.

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

Stall Brook Business Park Development Plan, Stormwater Management Permit, Scenic Road Permit, and Bulk Storage Special Permit, 187 Farm Street, Continued Public Hearing. Development Plan Decision Date: 9/29/17

JSK explained that the Applicant has requested a continuance. The Applicant is still in front of the Conservation Commission that requested major changes to the design of the site. The Board will continue but will request that the Applicant withdraw at the next meeting.

BWL: Motion to continue the public hearing for the Stall Brook Business Park Development Plan, Stormwater Management Permit, Scenic Road Permit, and Bulk Storage Special Permit, 187 Farm Street to October 12, 2017 at 7:00 p.m. with a notice that the Board will deny the project at the next meeting if the Applicant is not ready to move forward.

WFO: Second.

Discussion: None.

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

JD Raymond, 174 Maple Street, Development Plan and Stormwater Management Permit, Continued Public Hearing. Decision Date: 10/5/17

JSK explained that the Applicant has reached an agreement with the Zoning Board of Appeals (ZBA) to sign a Development Agreement and to apply for a Development Plan with the Planning Board. The impacts to the site triggered the Development Plan review.

Present: Matthew Waterman, Land Tech Consultants, Will Boyle, LMP Properties, Attorney Gary M. Hogan

The Board questioned why the Applicant is back before the Planning Board. JSK explained what is written in his memo dated September 13, 2017. Attorney Hogan explained why they disagreed with the Cease and Desist Order and their refusal to apply for a Special Permit. This Development Plan application was a compromise to help the town, the site, and the neighbors. This was a good faith gesture and a happy medium to make the improvements to the site. BWL strongly stated that this requires a Special Permit and it is not the Board's job to accept the Development Plan and if the Applicant will not comply then it should be litigated.

BTS explained that the ZBA weighed the risks and rewards of litigation and if the same results could be achieved with the Development Agreement along with the Development Plan Review. BWL stated that the Planning Board is here to enforce the local By-Laws which clearly state that a Special Permit is required. Since there is no application for a Special Permit, the Planning Board is precluded from doing anything else until the Special Permit is approved. He further explained that he has no problem with what the ZBA did but he does have a problem with the Planning Board proceeding based upon what the ZBA did.

BTS clarified that the ZBA decided to compromise and have a Development Agreement and Development Plan review. The Development Agreement allows for the Applicant to Appeal the Decision if it renders the project unfeasible. PCP argued that the agreement is between the ZBA and the Applicant and it does not have any jurisdiction over the Planning Board. WFO explained that the Board has to be concerned for the neighbors as well. BTS stated that Town Counsel has been involved with the drafting of the agreement and this path is a viable legal option even though Town Counsel was not very comfortable with taking this direction.

BTS recommended that all legal assumptions must be vetted prior to the Board taking a vote on the Development Plan. Several Board members and PCP expressed interest in having a discussion with Town Counsel before proceeding.

BTS: Motion to continue the public hearing for JD Raymond, 174 Maple Street, Development Plan and Stormwater Management Permit to September 28, 2017 at 7:00 p.m.

WFO: Second.

Discussion: None.

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

1st Public Hearing for two articles on the October 2017 Special Town Meeting Warrant to amend the Zoning By-Laws:

Article 11: Proposed amendments to Article XXV Inclusionary Housing By-Law and Article XIV Major Residential Development

JSK read the public hearing notice.

WFO: Motion to open the public hearing for the Proposed Amendments to Article XXV Inclusionary Housing By-Law and Article XIV Major Residential Development.

PCP: Second.

Discussion: None.

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

JSK explained that the Board of Selectmen (BOS) requested the amendments to the By-Laws and explained the proposed amendments. PCP clarified that without this By-Law, the Town has no proactive way to reach the 10% affordable housing requirement. BWL agreed that the Town needs inclusionary housing but this By-Law does not work. JSK explained that developers have expressed concern about the difficulty of selling the affordable units. BTS agreed that the system is broken because there are affordable units are sitting empty because of the strict qualification requirements. However, BTS does not agree with this option because the proposal completely eliminates the affordable requirement. This is a timely discussion but needs to be carefully considered. BTS suggested that a committee be formed to hire an expert to provide the Town with the impacts of all options available to the Town. WFO explained that the final vote is taken by the residents of the Town at Town Meeting. DJT responded that the Board can choose not to endorse these changes.

Public Comments & Questions:

Kevin Keppler of 19 Puddingstone Lane and a member of the Finance Committee questioned if this proposal is connected with the Macy School property proposal. JSK explained that it is not connected. The Macy School property overlay was specific to that site only.

Patricia Keppler of 19 Puddingstone Lane believes that this proposal should be studied more extensively and agrees with the Board.

BWL: Motion to not recommend the Proposed Amendments to Article XXV Inclusionary Housing By-Law and Article XIV Major Residential Development and suggests that the Town further study this issue.

PCP: Second.

Discussion: None.

Vote: 3-2 Carried. (Yes - BTS, PCP, BWL) (No - WFO, DJT)

WFO: Motion to close the public hearing for the Proposed Amendments to Article XXV Inclusionary Housing By-Law and Article XIV Major Residential Development.

DJT: Second.

Discussion: None.

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

Article 13: Proposed amendments to Section 240-32 Definition of Bulk Storage and Section 240-31 of the Use Regulations Schedule

BTS: Motion to waive the reading of the public hearing notice for the Proposed Amendments to Section 240-32 Definition of Bulk Storage and the Section 240-31 of the Use Regulations Schedule.

WFO: Second.

Discussion: None.

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

BTS: Motion to open the public hearing for the Proposed Amendments to Section 240-32 Definition of Bulk Storage and the Section 240-31 of the Use Regulations Schedule.

WFO: Second.

Discussion: None.

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

JSK explained the changes from a primary use to an accessory use and changes to the definition. He believes this is a good first step and existing businesses would get a license. An Applicant will have to have a business on the site with an accessory use of bulk storage and would have to have both a Special Permit from the Planning Board and a business license from the BOS. If there is a problem with the business, then the BOS could revoke the license. BWL explained that the licensing aspect is a way to eliminate grandfathering. The BOS can require the business to apply for a Special Permit. PCP and WFO are in favor of these changes. PD asked for clarification of the definition and JSK provided clarification.

Public Comments & Questions:

Patricia Keppler of 19 Puddingstone Lane stated that it is about time that the Town considered quality of life and not just economic development.

WFO: Motion to close the public hearing for the Proposed Amendments to Section 240-32 Definition of Bulk Storage and the Section 240-31 of the Use Regulations Schedule.

BTS: Second.

Discussion: None.

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

BTS: Motion to recommend the Proposed Amendments to Section 240-32 Definition of Bulk Storage and the Section 240-31 of the Use Regulations Schedule.

DJT: Second.

Discussion: None.

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

General Business:

- ☐ **ANR – 64 Mellen Street – Swift**
JSK explained the Plan and the request.

BTS: Motion to sign the 64 Mellen Street ANR.

WFO: Second.

Discussion: None.

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

- ☐ **As-Built Certifications**
- ☐ **8/24/17 Minutes Signing**

BTS: Motion to sign the August 24, 2017 Meeting Minutes with one correction.

DJT: Second.

Discussion: None.

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

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

BTS: Motion to adjourn.

DJT: Second.

Discussion: None.

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

Meeting Adjourned at 8:40 p.m.

9/14/17 Public Hearing Documents List

160 High Street Lots 1 & 2 Erosion Controls Discussion

1. Erosion Control Plan 8.1.17
2. Stormwater Pollution Prevention Plan 8.1.17

Irving Oil Gas Station Development Plan and Stormwater Management Permit

1. Plans – 4th Submission 9.6.17
2. BSC – 3rd Comments 9.11.17
3. Stormwater Management Report 9.6.17

Stall Brook Business Park Development Plan, Stormwater Management Permit, Scenic Road Permit, and Bulk Storage Special Permit

JD Raymond, 174 Maple Street Development Plan & Stormwater Management Permit

1. Kupfer Staff Memo 9.13.17

Bulk Storage Zoning By-Law Amendment

1. Public Hearing Notice 8.22.17
2. Kupfer Staff Memo - Draft Zoning By-Law Changes 8.8.17
3. Warrant Article 11 STM Oct 2017 – Bulk Storage Proposed Amendments

Inclusionary Housing Zoning By-Law Amendment

1. Public Hearing Notice 8.22.17
2. Draft Zoning By-Law Changes 8.21.17
3. Kupfer Staff Memo – Inclusionary Housing Proposed Amendment 8.23.17
4. Warrant Article 13 STM Oct 2017 – Inclusionary Housing Proposed Amendments

MINUTES OF THE PLANNING BOARD MEETING

September 14, 2017

Minutes Accepted on: 9/28/17
(Date)

Brian T. Salisbury
Brian T. Salisbury

Peter C. Pappas
Peter C. Pappas

Bruce W. Lord
Bruce W. Lord

Jean Keyes
(Prepared by: ~~Peter C. Pappas~~ JEAN KEYES)

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

Dennis J. Trebino
Dennis J. Trebino