



## BELLINGHAM ZONING BOARD

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10 MECHANIC STREET  
BELLINGHAM, MASSACHUSETTS 02019

### **Minutes of Meeting**

Thursday, June 3, 2021

At

7:00 pm

#### **MEMBERS PRESENT VIA ZOOM:**

Brian Wright – Chairman  
Peter Gabrielle – Vice Chairman  
Arturo Paturzo – Member  
Brian T. Salisbury – Member  
Rayan Shamas – Member  
Jason Berthelette – Alternate Member

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020, Order imposing strict limitations on the number of people that may gather in one place. **This meeting will be via the Zoom online option; see information and instructions at the end of the agenda.**

#### **ALSO PRESENT VIA ZOOM:**

James S. Kupfer, Town Planner and Zoning Compliance Officer

#### **Continuation Public Hearing: 206 Mechanic Street:**

The applicant is requesting a use variance from , Section 240-12B, to the Use Schedule, Section 240-31, Section 240-61E(1), Parking Area Design and Location, as well as a variance to the Intensity of Use Schedule, Section 240-40 to allow for a warehouse and distribution use within a Business-1 zone that would otherwise not be allowed as well as to allow for the maximum building height to exceed what would otherwise be allowed in a Business-1 zone at the property of 206 Mechanic Street, Bellingham, MA Assessor's Map 52 Lot 3. This property is zoned Industrial and Business-1.

The representatives presented a proposed concept plan dated April 12, 2021, from Bohler Engineering and stamped by J.A. Kucich. The plan was titled Conceptual Layout Plan -CA-01. The applicant presented a screen share. This share screen showed the buffering around the building and proposed landscaping. One of the slides showed the "Welcome to Bellingham" sign. The Zoning Board would like the applicant to look at using different materials which

would help to make the sign stand out. A suggestion was made to use field stone since this is a scenic road. It was explained to the Board that the main building was flipped with the parking in back. There will be vegetative screening on Mechanic and Maple Street.

The trucks would be hidden. The site is split zoned with a portion of the property in the business 1 District which allows a maximum building height of 35 and the remaining portion in the Industrial District which allows a maximum building height of 45 feet. A variance is requested from this section to allow for a proposed building height of 45 feet within the area zoned as Business 1 to be consistent with what is allowed in the industrial zone. The applicant also is requesting a variance from Section 240-61 (E)(1) to allow for a spacing of 125 ft. from the centerline of the proposed entrance/exit to any other parking area entrance or exit for the proposed access from Mechanic Street. The access from Maple Street is within the Business 1 District and is exempted from this requirement as noted in the bylaw. There will be one curb cut. There is a slope and drop in grading. The site will be balanced when completed. The grading plan has not been completed but will be provided to the Planning Board. The Board has asked if the applicant has made any effort to connect the gas station to the mall area. The applicant representative Paul Feldman was present to speak on this topic. It was communicated that the property owners do not want to connect since there are liability issues when one travels between gas station and retail shopping area. The Board would like the applicant to go back and revisit this since the area will see an increase in traffic.

The next topic discussed was traffic. Representative Kelley from VHB was present to provide the analysis. A screen share was provided. The analysis was for a Transportation Impact Assessment for the proposed Warehouse Building at 206 Mechanic Street. The study was done conforming with all State and Industry guidelines. The traffic counting was done during the busiest hours. Mechanic Street has about 15,000 cars a day and Maple Street has about 7,000. The peak hours of traffic were noted. The traffic report also included the upcoming projects in front of the Planning Board and those recently approved. There was a trip generation comparison done which explained the weekday morning peak hour, weekday evening peak hour, and weekday daily trips entering and exiting the warehouse. Most of the traffic is coming from the east by Rt. 495. The conclusion of this is that the project is expected to generate approximately 78 to 87 vehicle trips per hour which represents and approximate 3-4 percent increase in traffic volumes. The southbound left-turn lane on Maple Street is adequately sized to accommodate increases in traffic associated with project. There were recommendations which included designing all driveways to accommodate truck/emergency vehicle maneuvers with signs and pavement markings that adhere to MUTCP design criteria. There would also be a formalizing of the Mechanic Street access to accommodate entering truck traffic. There is also the restricting exiting of left-turn movements for trucks at both driveway locations. It was recommended to provide a permanent easement to the town for the future widening of Maple Street.

There was a question about who conducted the traffic counts. It was explained that there was a traffic firm who installed cameras to get the traffic counts. A software programs then collected

the data and analyzed separating out trucks versus cars. The report does take into account the seasonal adjustment factors. The projected volumes were included in the report. The Board explained that there is a problem at the intersection with trucks on Maple Street. A question was asked if one of the mitigation measures would be changing the light cycle to work with the traffic along with possibly expanding the entrance. The recommendation is no left out of Mechanic Street, but this can be revisited. It was suggested that the applicant go back to think about mitigation on site. It was suggested to look at pre COVID number analysis. The applicant representative expressed that if the ZBA is not thinking this is permissible for the variance, they would like to know sooner than later since thousands of dollars have been spent to date. The Board communicated that the applicant has to bring something more to the table regarding the mitigation.

**On a motion made by Peter Gabrielle, seconded by Art Paturzo, the Board voted to continue the hearing to July 1, 2021.**

**Roll Call Vote:**

<b>Brian Wright</b>	<b>aye</b>
<b>Peter Gabrielle</b>	<b>aye</b>
<b>Arturo Paturzo</b>	<b>aye</b>
<b>Brian T. Salisbury</b>	<b>aye</b>
<b>Ryan Shamas</b>	<b>aye</b>

**Public Hearing: 103 Maple Street:**

The Chairman opened the hearing for 103 Maple Street.

**On a motion made by Art Paturzo, seconded by Brian Salisbury, the Board voted to open the hearing for 103 Maple Street.**

**Roll Call Vote:**

<b>Brian Wright</b>	<b>aye</b>
<b>Peter Gabrielle</b>	<b>aye</b>
<b>Arturo Paturzo</b>	<b>aye</b>
<b>Brian T. Salisbury</b>	<b>aye</b>
<b>Ryan Shamas</b>	<b>aye</b>

The application is for a request of a variance to Section 240-40, Intensity of Use Schedule, side yard setback, to construct a detached garage closer to the side property line than would otherwise be allowed at the property of 103 Maple Street, Bellingham, MA Assessor's Map 20 Lot 6. This property is zoned Suburban.

The applicant is Michael Galvin. He provided a share screen. The applicant is looking to build a 24 by 40 garage 4 ft from the property line. This would be 30 ft. from the front yard, 15 ft. from the side yard, and 20 ft. from the rear yard. The applicant has owned the property for two years. The occupied house is 1500 sq ft. The applicant is looking to take out current fence extend

driveway and continue gravel to proposed garage. The applicant commented that in order to place the garage in the “acceptable” location it would require extensive driveway expansion and lengthening with a significant amount of site work and to put it in another location would cause severe financial hardship. The topography of the land is that it is sloped and has a high-water level, less than a foot from the surface. The boggy land would pose a problem. The applicant indicated that he has spoken with his neighbor who prefers the proposed location as it will not hinder any direct sunlight for their gardens. The applicant also indicated that they do not want to remove the weeping willow in site.

The Board is in receipt of letters from abutters.

- Amber Soucy – 99 Maple Street
- Bradley and Marilyn Frost – 105 Maple Street

The meeting was opened the Board.

The Board discussed that there needs to be the criteria threshold to grant this variance and the members do think that the applicant does have other possibilities for this site which have not been discussed. The applicant has not shown there is a hardship. It was suggested that the plan could be for a one car garage instead of two. There was a suggestion that the applicant withdrawal without prejudice to explore option for the site with the Town Planner.

**On a motion made by Art Paturzo, seconded by Peter Gabrielle, the Board voted to close the hearing.**

**Roll Call Vote:**

<b>Brian Wright</b>	<b>aye</b>
<b>Peter Gabrielle</b>	<b>aye</b>
<b>Arturo Paturzo</b>	<b>aye</b>
<b>Brian T. Salisbury</b>	<b>aye</b>
<b>Rayan Shamas</b>	<b>aye</b>

**On a motion made by Brian Salisbury, seconded by Peter Gabrielle, the Board voted to accept the withdrawal without prejudice.**

**Roll Call Vote:**

<b>Brian Wright</b>	<b>aye</b>
<b>Peter Gabrielle</b>	<b>aye</b>
<b>Arturo Paturzo</b>	<b>aye</b>
<b>Brian T. Salisbury</b>	<b>aye</b>
<b>Rayan Shamas</b>	<b>aye</b>

**Lakeview Estates Update:**

Member Wright recused himself from discussion.

Applicant representative Sean Malone was present. He provided an update on the progress at Lakeview Estates. There has been significant progress made to date. The slope is stabilized, and the grass is growing. The work is 90-95% completed. There will be monitoring of the stabilization measures. The DPW wants the applicant to wait 90 days to complete the paving to allow for settling prior to the final paving. Attorney Conforti communicated that she will speak with the Construction manager about removing the erosion fabric within two weeks if there continues to be stabilization. There was discussion about the basin clearing after the heavy rain on Memorial Day weekend.

The Board was provided with a list of the permits issued.

The discussion was opened to the public.

The comments from the abutters included:

- The grass is coming along.
- Include water trucks when the street appears dry.
- There was a concern about dust. The Attorney will follow-up with the construction manager about the dust mitigation which should take place on site.
- There was a concern about work being done before and after permitted and generators running constantly on site. The Attorney will follow-up regarding the ongoing running of the generator and hours of work operation.

**On a motion made by Arturo Paturzo, seconded by Rayan Shamas, the Board voted by roll call vote to release 6 lots with 2 being affordable.**

**Roll Call Vote:**

Brian Wright	aye
Peter Gabrielle	aye
Arturo Paturzo	aye
Brian T. Salisbury	aye
Rayan Shamas	aye

**On a motion made by Arturo Paturzo, seconded by Rayan Shamas, the Board voted by roll call vote to continue the hearing to July 1, 2021.**

**Roll Call Vote:**

Brian Wright	aye
Peter Gabrielle	aye
Arturo Paturzo	aye
Brian T. Salisbury	aye
Rayan Shamas	aye

Brian Wright returned as Chairman for the Zoning Board of Appeals.

## **APPROVAL OF MINUTES:**

**May 6, 2012:**

**On a motion made by Brian Salisbury, seconded by Peter Gabrielle, the Board voted by roll call vote to accept the amended minutes from May 6, 2021.**

### **Roll Call Vote:**

<b>Brian Wright</b>	<b>aye</b>
<b>Peter Gabrielle</b>	<b>aye</b>
<b>Arturo Paturzo</b>	<b>aye</b>
<b>Brian T. Salisbury</b>	<b>aye</b>
<b>Rayan Shamas</b>	<b>aye</b>

## **ADJOURN:**

**On a motion made by Art Paturzo, seconded by Peter Gabrielle, the Board voted by roll call vote to adjourn the meeting.**

### **Roll Call Vote:**

<b>Brian Wright</b>	<b>aye</b>
<b>Peter Gabrielle</b>	<b>aye</b>
<b>Arturo Paturzo</b>	<b>aye</b>
<b>Brian T. Salisbury</b>	<b>aye</b>
<b>Rayan Shamas</b>	<b>aye</b>

Respectfully Submitted,

Amy Sutherland  
Recording Secretary

Minutes accepted on 9.2.21  
(Date)

Brian Salisbury  
(Prepared By)

Brian Wright  
Brian Wright

Brian Salisbury  
Brian Salisbury

Arturo Paturzo  
Arturo Paturzo

Ryan Shamas  
Ryan Shamas

Peter Gabrielle  
Peter Gabrielle