



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019

Minutes of Meeting

Thursday, September 2, 2021

At

7:00 pm

This meeting will be via the Zoom and in person

MEMBERS PRESENT

Brian Wright – Chairperson

Peter Gabrielle – Vice Chairperson

Brian T. Salisbury – Member

Rayan Shamas -Member

Arturo Paturzo – Member

Jason Berthelette – Member

ALSO PRESENT VIA ZOOM:

James S. Kupfer, Town Planner and Zoning Compliance Officer.

Roll Call:

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

Continuation Public Hearing 161& 169 Maple Street:

The Chairman opened the continued hearing for 161 & 169 Maple Street.

Attorney Kimberly Kroha was present representing the applicant.

Attorney Town Counsel, Amy E. Kwesell was present representing the Zoning Board of Appeals
Will Doyle, manager on site.

Member Shamas has recused self from hearing.

Attorney Kroha provided an overview indicating that the Development Plan Application was presented to the Planning Board and the decision was rendered with approval on April 27, 2021. The applicant thinks that many of the conditions are unreasonable and beyond the scope of the

Planning Board's authority. The applicant was asked to add a stormwater system at 161 Maple Street that would serve the pre-existing, nonconforming bulk storage, and mulch processing operation on its property at 169 Maple Street. The Conservation Commission approved the stormwater treatment system at 161 Maple Street on the Order of Conditions dated June 3, 2020. Attorney Kroha explained that the mulch use is a pre-existing use that is not subject of the development plan application, and the Planning Board may not use the proposed stormwater upgrade as a basis to control and effectively prohibit the pre-existing mulch use that has had legal nonconforming status for over ten years. Attorney Kroha reviewed the letter she prepared dated May 25, 2021.

The Zoning Board of Appeals reviewed the eight conditions which the applicant felt were unreasonable.

The Zoning Board of Appeals has reviewed all of the documents. The Board is in agreement that the Planning Board conditions were reasonable. The reason for low walls were to provide a width of access. This was a recommendation from the Deputy Fire Chief based on the fire code. These walls are movable, so it is not unreasonable to require. The Board is in agreement that they will not go against the recommendation of the Fire Chief. Condition #8 was next discussed regarding the air quality assessment. The ZBA agreed that this should be incorporated since there have been previous complaints about odor. In regard to the fencing as related to Condition #10, the Board agrees that there would need to be a variance to allow for the height of eight (8) feet from grade to be built.

Attorney Kwesell communicated that there is no right of the applicant to be a nuisance. This is in a residential neighborhood. This business has been expanded and needs to conform with the standards.

Attorney Kimberly Kroha communicated that the applicant has been working for 3 to 4 years to get the approvals to upgrade the property. The conditions from the permit go beyond the standards.

The hearing was opened to the public. There was no one present to speak.

On a motion made by Art Paturzo, seconded by Peter Gabrielle, the Zoning Board of Appeals voted by roll call to close the hearing.

Roll Call:

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

Arturo Paturzo **aye**
Brian Salisbury **aye**

On a motion made by Art Paturzo, seconded by Peter Gabrielle, the Zoning Board of Appeals voted by roll call to uphold the Planning Board decision and deny the appeal from 161 & 169 Maple Street.

Roll Call:

Peter Gabrielle **aye**
Brian Wright **aye**
Rayan Shamas **Recused Self**
Arturo Paturzo **aye**
Brian Salisbury **aye**

Continuation Public Hearing 206 Mechanic Street:

The Chairman opened the continued hearing for 206 Mechanic Street.

John Kucich, P.E. from Bohler Engineering was present.

The Board was provided with a plan from Vanasse & Associates Inc. dated July 12, 2021. The Board was informed that there will be an increased turn lane that exists today on Maple Street. This will be an increased from 75 ft to 230 ft. to allow the intersection to operate the way it was intended to. The traffic in this area will be better due to this improvement.

The Derek Roach from Vanessa and Associates, Inc. provided a PowerPoint presentation via share screen dated September 2, 2021. The counts were revisited. The morning peak hour traffic volumes at the intersection increased by 335 vehicles per hour compared to previous analysis. The weekday evening peak hour traffic volumes at intersection increased by 65 mph compared to previous analysis. The institute of transportation numbers were used for trip generation of the warehouse directional distribution. This would be 108 peak hour trips in the morning and 149 weekday evening peak hour trips in the evening. The highest numbers and mitigation were used to create the conceptual improvement plan. The Level of Service (LOS) is D which is under the no-build conditions and remain at a (LOS)D under Build conditions in the weekday morning peak hour and for weekday evening peak hour (LOS) is E. The buildout numbers are through 2028 and not 2022. This needs to be corrected in the documentation. There is a concern for the Route 140 Eastbound area and the right turn which has a Level of Service of F. The applicant used conservative numbers. There was a concern about the use of 2017 numbers which did not include any of the current amazon trucks. There was a question about how many truck trips will be on this road. There is a concern about the left hand turn for the tractor trailers. The analysis does not indicate the left-hand turn lane. is the issue.

Representing the applicant, Paul Thumb was at the last meeting and heard the concerns about the right-hand turn lane. He communicated that there may need to be a timing analysis done on the lights to improve the intersection. All analysis shows that the left turn lane is long enough. The Board was informed that the applicant has committed \$250,000 for mitigation measures. The mitigation will be addressed further with the Planning Board through the site plan review. The client has shown good faith working with the town.

There were three letters which were read into the record.

There were some abutters present to express the following:

- Great project for town
- Suggested the cut through to go one way
- Good use of area
- Cut through should go both ways
- Address snow removal
- Suggest putting in a light.

The Board discussed the following:

- A variance for use allowing warehouse and distribution only in a Business-1 zone.
- A variance to the intensity of use schedule for height, from 35 feet required, to 45 feet.
- A variance to the parking layout standards, reducing the separation of driveways from 250 required, to 130 feet.
- In response to traffic concerns the Board has requested and the Applicant has agreed to extend the right turn lane on Maple Street at the intersection of Maple Street and Rt 140. The existing right turn lane is currently 75 feet in length. The Applicant has agreed to extend the total length 230 feet as shown in the traffic exhibit provided.

On a motion made by Brian Salisbury, seconded by Arturo Paturzo, the Board voted by roll call vote to close the hearing.

Roll Call:

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

The Board would like a favorable decision to be drafted for review at the next meeting to be held on October 7, 2021.

On a motion made by Arturo Paturzo, seconded by Brian Wright, the Board voted by roll call to recommend approval of a favorable decision at the meeting of October 7, 2021.

Roll Call:

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

Public Hearing , 151 Maple Street:

The Chairman opened the hearing for 151 Maple Street.

The Board is in receipt of a letter from Guerriere and Halnon, Inc. on behalf of Rezende Realty Trust. The letter respectfully requests to withdraw the variance request portion of the application for 151 Maple Street. The applicant has decided to move the building back to the 30-foot front yard setback.

On a motion made by Brian Salisbury, seconded by Rayan Shamas, the Board voted by roll call to accept the withdraw of variance request for 151 Maple Street.

Roll Call:

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

The applicant next provided a screen share to explain the Special Permit request.

The applicant is proposing to obtain a special permit to alter a preexisting nonconforming use (landscaping contractor/contractor yard) by constructing a 5,000 sq foot garage and associated parking within a suburban zoning district. The applicant has had an existing landscaping use on the property since 2009. There are existing structures on site and a trailer for office space. The office trailer will be removed. The three garages will stay. This will be a five-bay metal garage. The vinyl fence in the front which will remain. The landscaping along the property line will remain. There are no plans for a second floor. The type of vehicles on site will include general landscaping trucks with equipment. There was a concern mentioned that the current site looks like a junk yard. A question was asked about how many unregistered vehicles are allowed on site. The Building Inspector noted that there can be only one unregistered vehicle on the

property. A suggestion was made to have screening around the property especially on the Maple Street side of the property.

There were no comments from the public.

The Board would like a concept plan to be shown at the October 7, 2021 meeting.

On a motion made by Arturo Paturzo, seconded by Brian Salisbury, the Board voted by roll call to continue the hearing for 151 Maple Street to October 7, 2021.

Roll Call:

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

Public Hearing 700 Pulaski Blvd:

The Chairman opened the hearing for 700 Pulaski Blvd.

The Chairman disclosed that the applicant has provided service to his home.

The applicant Chris Lanoue was present.

The applicant is seeking a variance, to the Intensity of Use Schedule, Section 240-40 to allow for an office use within a Residential Zone, Assessor's Map 87 Lot 23A. This property is zoned Residential. The space will be for office and parking of two trucks inside the building. The lot is level and has a three-bay garage. The building will be serviced with sewer and water. There will be a fence around property and an awning on the building. The hours will be Monday through Friday 8:00 am to 5:00 pm and Saturday 8:00 am to 12:00 pm. There will be only two employees on site. There will be no storage on the site. The applicants fundraising for non-profits will be run through the office. There will be no odor from the business. The liquid within the trucks is deposited at a certified location. The applicant's current location is running out of space. The office space is currently at his residence. There will be a signage on the door.

The hearing was open to comments.

Abutter, 290 Pulaski Blvd:

This abutter was concerned about the proposed use. The previous owner has an autobody shop and the smells has a negative effect on the area. Another concern was where the snow will go.

The Building Inspector communicated that this site has been vacant for six years. This is a good business for the location and the site will be cleaned up.

The applicant indicated that the snow will be pushed into the back yard area.

Abutter, 711 Pulaski Blvd:

This abutter is concerned about the noise, traffic, property devaluation, and smell from the septic vehicles.

On a motion made by Peter Gabrielle, seconded by Arturo Paturzo, the Zoning Board of Appeals voted by Roll Call vote to close the hearing.

Roll Call Vote:

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

On a motion made by Peter Gabrielle, seconded by Arturo Paturzo, the Zoning Board of Appeals voted by Roll Call to have a favorable decision drafted to review at the October 7, 2021 meeting.

Roll Call Vote:

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

Minutes:

August 12, 2021:

On a motion made by Arturo Paturzo, seconded by Rayan Shamas, the Zoning Board of Appeals voted by Roll Call to accept the following minutes:

- **August 12, 2021 as amended.**
- **August 5, 2021**
- **June 17, 2021**
- **July 1, 2021**

- June 3, 2021

Roll Call Vote:

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

Adjourn:

On a motion made by Arturo Paturzo, seconded by Brian Salisbury, the Zoning Board of Appeals voted by Roll Call vote to adjourn the meeting at 10:08 pm.

Roll Call Vote:

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

The meeting adjourned at 10:08 pm.


Respectfully Submitted,

Amy Sutherland
Recording Secretary