



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019

Minutes of Meeting

Thursday, April 1, 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
Amy Sutherland, Recording Secretary

109 Patricia Drive:

The Board is in receipt of an application for the request of a Special Permit in accordance with the Town of Bellingham's Zoning By-laws §240-31 to allow for an animal kennel at 109 Patricia Drive, Bellingham, MA, Assessor's Map 0029 Lot 0219. This property is zoned Residential. The applicant and owner are Jose Montenegro, 109 Patricia Drive, Bellingham, MA.

The applicant and owner were present.

The Chairman opened the hearing.

The applicant explained that the application was submitted with the intent to be able to keep his six Siberian huskies. The applicant has resided at his home for two years.

It was explained that the State law allows for four and the local bylaw is three, thus the request is for two. This is for a noncommercial license.

The applicant explained the provisions:

- Full fenced in yard around property (wooden fence 6 ft. high)
- Secure exits covered holes
- Fencing is being repaired currently. This will be done when the ground is unfrozen.

- Deck is fenced
- There will be human supervision at all times
- The waste is dumped every few days. There were no issues and spoke with DPW about it.
- The huskies are not known for noise, they do sometimes howl but not often.
- The financial needs of the dogs are being met by all members of the family.
- The dogs do not like the heat since they are huskies, so being out in the summer will not be an issue.
- The applicant is not planning on living in this location forever. It is temporary.

Comments were opened to Board:

- The Board wanted to know how the applicant got two additional dogs. The applicant explained that the dog had a litter and the people that were to take the additional two dogs backed out. The puppies are 7-month-old.
- The tax bill has been paid and is resolved.
- The yard and fence look bad. The yard is small and cluttered.
- This is a dense area and neighborhood.
- The Animal Control Tracy was present. She explained that the area is small. The huskies are very well behaved. Upon inspection, not one barked. If there were three out at a time and not all six. The yard does need to be cleaned but there is adequate room. There have been no complaints from neighbors. A neighbor was concerned that the dogs would get out. The owner addressed this. It is recommended to no increase this number. There is a yearly inspection of the sites and could do one every six months.
- A question was asked if he has the ability to take care of the dogs. The applicant indicated that there is a family member present at home all day.
- A question was asked about odor and noise.
- Language can be out into the decision about the requirement to replace the damaged section of fence.
- The Board asked the Animal Control what will happen if this is not granted. The applicant would need to place the two other dogs elsewhere.
- The dogs do have all the required paperwork. There is one not spayed. The applicant is doing what is needed to make sure they have met requirements.

Public Comments:

139 Patricia Drive, Luciana Nugent:

She communicated that they are beautiful dogs, and she does not hear them at all. There is no objection. The residents have lived at this location for over 40 years.

110 Patricia Drive, George Mullen:

Mr. Mullen communicated that the dogs are really quiet. He has a concern about the space for the dogs.

35 Lisa Ann Drive, Karen Gavin:

Ms. Gavin is concerned about the space, the financial commitment of raising these dogs, and the odor and amount of feces. There is a concern about this setting a precedent for others.

25 Lisa Ann Drive, Ms. Manning:

Ms. Manning is concerned about what happens when the dogs get bigger and are outside. Six barking dogs will be loud. She communicated that the smell could be an issue. The dogs are inside now in the winter, but the summer is a different story.

118 Patricia Drive, Heidi Januszekski:

Ms. Januszekski thinks the lot is to small.

On a motion made by Brian Salisbury, and seconded by Peter Gabrielle, the Zoning Board of Appeals voted by Roll Call to close the hearing for 109 Patricia Drive.

Roll Call Vote:

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

Discussion:

The Board discussed that this is a very dense neighborhood. This could be conditioned with specific conditions. There is concern that the area is very small for 6 dogs. There was a question if the Board can allow more than 30 days for the applicant to find a new home for two of the dogs. The Animal Control officer informed the Board that she cannot change the 30-day requirement since it is noted in the bylaw. The Board also discussed that this site can be visited twice a year. It was recommended that the Town Planner draft a decision to view at the May 6, 2021 meeting.

366 Lake Street:

The Chairman asked for a motion to open the hearing for 366 Lake Street.

On a motion made by Brian Salisbury, and seconded by Peter Gabrielle, the Zoning Board of Appeals voted by Roll Call to open the hearing for 366 Lake Street.

Roll Call Vote:

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

The Board is in receipt of an application for the request of a variance to Section 240-40, Intensity of Use Schedule, front yard setback, to construct a one car attached garage to the property of 366 Lake Street, Bellingham, MA Assessor's Map 77 Lot 6. This property is zoned Agricultural. The applicant and owner are Dennis Anderson, 366 Lake Street, Bellingham, MA, Bellingham, MA. Wayne Carlson was present representing the applicant. The plan indicates the travel way which existed in 1958. The new placement of the garage will be less non-conforming than the existing house. The members have letters from the neighbors in support of this application. It is also staying in conformance with the existing neighborhood that exists. This will be a single car garage. The offset of this will be 30 ft. so the applicant will need a 14-foot variance. The Board was provided with photos of the site. This proposal is in character with the neighborhood and there is a topography issue. The criteria for the variance was discussed. The garage will be 20 ft by 24 ft. The garage cannot be on the other side of the property due to the septic system. It is extremely pricey to move a septic. If this were placed to the right of the property, then the application would also have to go to conservation commission. The Board discussed that application. The Board discussed that this application and house is already there due to the current setbacks and is close to the road. There was a suggestion to push the garage back a little. There is a drop of 12 feet so this would not be possible.

The hearing was opened to the public.

There were no comments/concerns or feedback at meeting, but letters of support were presented.

On a motion made by Arturo Paturzo, and seconded by Ryan Shamas, the Zoning Board of Appeals voted by Roll Call to close the hearing for 366 Lake Street.

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, and seconded by Rayan Shamas, the Zoning Board of Appeals voted by Roll Call to approve a variance to construct a one car garage at a location that is setback 16 ft. from the front parcel line.

Roll Call Vote:

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

Special Permit Earth Removal- Red Mill on the Charles:

The Chairman asked for a motion to open the hearing for Red Mill on the Charles.

On a motion made by Brian Salisbury, and seconded by Peter Gabrielle, the Zoning Board of Appeals voted by Roll Call to open the hearing for 366 Lake Street.

Roll Call Vote:

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

The Board is in receipt of an application for the request of a Special Permit in accordance with the Town of Bellingham's Zoning By-laws §240-114 for earth removal to accommodate a residential development on the premises located between Mechanic Street and the Charles River (Assessors Map 51 Lot 13-1). This property is zoned Suburban and Business 1. The applicant is Snowflake, LLC. c/o Kevin Lobisser, President., One Charles view Road, Suite 1, Hopedale, MA 01747. Owner is Varney Bros. Sand and Gravel.

Allen Engineering & Associates, Mark Allen and Mike Dryden was present representing the applicant. This current site contains 85.6 acres of land located off Mechanic Street and Mill Street. The buffer zones to the wetland areas are being protected. There is 40 acres of open space proposed on the site. The topography is irregular and elevation ranges from 330 at the highpoint along the eastern boundary and a 206 at the low points along the northeast corner of the site.

The site was Varney gravel, and the topography is unregular in some areas the high point is 330 and low point is 210. There is over 100 ft. of grade change. The site access has frontage on Mill and Mechanic Street. Road A is a collector street. Road B, Road C and Road D were shown. There is about 1.7 miles of roadway. There will be 171 residential units and 105 of those will be single family homes. There are another 66 units in townhomes that are 22 triplexes. There has been an extensive boring program as well as open test pits. The ZBA is in receipt of all the testing data. The project phasing was next discussed. There will be three overall phasing of the projects. There will be some flexibility with this phasing plan. Phase One will be at Mill Street with construction of Road A, and earth work adjacent Road A. The volume from this would be 240,000 cubic yards of export. Phase 2 would be the large residential pod on the west side of the site. This entails another 290,000 cubic yards of exported material and 2600 linear feet of roadway

construction. This would yield 52 single-family residential dwellings. Phase 3 is 22,000 cubic yards of export and 1700 linear feet of roadway which would include 33 single-family homes. In total there will be about 550,000 cubic yards of export. There will be construction controls in place. The hours of operation will be Monday through Friday 7:00 am to 6:00 pm, and Saturday 8:00 am to 5:00 pm. There will be access gates provided at both construction entrances. The erosion controls measures will be put in place. The primary access will be Mill Street. There will be no left hand turns onto north main street. The Board was informed that this project is a 5 to 10 year build out.

The hearing was opened to the Board for discussion. A question was asked if there could be a condition put in about the hours to minimize the trucks during rush hour and when the school buses are on the road. There was agreement that there should be no left-hand turns coming into Mill Street with a left-hand turn from Rt 126. There was a recommendation for a condition that before moving to another phase that the construction of the second outlet be completed before moving to phase two (Lincoln Properties). The area along Rt. 140 is a choke point and there needs to be careful consideration of the traveling times of the trucks. There will be about 27,000 estimated truck trips. The location at Mechanic Street will have a light. Until the light is installed, there will be a detail on site assisting with traffic. There was questioning about the phasing. The Town Planner explained that the applicant will not be able to pull a building permit for phase two until phase one is completed. This is being discussed further with the Planning Board but is flexible at this time. There will be a stormwater management policy which the applicant needs to submit which includes installing monitoring wells in basins which would allow a means for access to the groundwater for testing purposes. There was a request to have a mitigation plan in case there are complaints. There will be a construction monitoring program put in place with a third party who will be in charge of overseeing the site. There are MEPA standards which need to be met. The applicant will repave Mill Street and add a sidewalk. The applicant will improve this area. The ZBA was made aware that the Planning Board has a peer review for this project and if the applicant is amenable then the peer reviewer could take a look at this to offer some best practices for earth removal. It was recommended a continuation and a list of conditions could be drafted. The Planning Board decision will be the governing document along with the Order of Conditions from the Conservation Commission. The logistics of the moving of the material will need to be worked out when there is a project manager appointed. The applicant would like some flexibility to move and stockpile material within the site. Phase One will be taking more than a year and two year for homes to be built. If there is blasting, there will be vibration monitoring. The applicant will also need to do preblast survey. This will be done following the rules for blasting. The Board would like the Town Planner to begin drafting decision with conditions.

On a motion made by Arturo Paturzo, and seconded by Brian Salisbury, the Board voted to continue the hearing for May 6, 2021 and will have a decision drafted with conditions.

Roll Call Vote:

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

Lakeview Estates:

Chairman Wright recused self from hearing and member Paturzo took over the proceedings.

The Board discussed that there were additional building permits issued. There is still a cease and desist on the property. The developer has begun to pull some additional permits for Phase 2 while progressing on the drainage. Since the last meeting, the applicant has provided the Board with the receipts for the necessary materials for the improvements to Lakeview Estates. The ZBA was forwarded with latest and updated construction schedule. The applicant is seeking an extension of permit as well as additional relief if possible. Representative Sean Malone communicated that there has been good progress since last meeting. The order of conditions from the Conservation Commission has been issued and recorded. The precast materials for the drainage have been ordered and will be delivered on site by April 9, 2021. The erosion

areas have been installed and inspected by the Conservation Agent. The applicant is requesting some more building permits if possible. The applicant is looking at an April 12, 2021 start date and a May 24, 2021 complete date. There are 23 permits left to issue for this project. Representative Malone indicated that all the permits have been submitted and are waiting for the Building Department to process and release these permits. There are six pending applications and eight allowed from the last meeting. The Board discussed that Mr. Fafard has passed away and there has been some changes with the personnel staff. One change includes that there is a construction monitoring agent who will be on site who is paid by Fafard. A suggestion was made to issue 5 permits and hold the 5 permits. Another suggestion was do not issue any permits now and if progress is made then at next meeting issue ten permits and then when everything is final issue the last 13 permits. Representative Malone asked to release four permits and then meet in a month to discuss the progress of project.

Member Shamas made a motion to release four permits until the next meeting and the progress on site will be discussed then. (there was no second to the motion).

On a motion made by Art Paturzo, seconded by Brian Salisbury, the Board voted by roll call vote to continue the hearing until May 6, 2021 at 7:00 pm at which time the progress of the site will be discussed and the releasing of additional permits.

Roll Call Vote:

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

Chairman Wright took over the meeting.

Minutes:

On a motion made by Art Paturzo, seconded by Brian Salisbury, the Board voted by roll call vote to approve the minutes from March 3, 2021

Roll Call Vote:

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

Adjourn:

On a motion made by Brian Salisbury, and seconded by Art Paturzo, the Zoning Board of Appeals voted by Roll Call vote to adjourn the meeting at 10:05 pm.

Roll Call Vote:

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

The meeting adjourned at 10:05 pm.

Minutes Accepted on

(Date)

(Prepared by)