



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF MEETING THURSDAY, MAY 7, 2020

MEMBERS PRESENT VIA ZOOM:

Brian Wright (BW) – Chairman
James Dunlea (JD)– Vice Chairman
Arturo Paturzo (AP)– Member
Brian T. Salisbury (BTS) – Member
Peter Gabrielle (PG) Member
James Jeschke (JJ)– Alternate Member
Joseph Flanagan (JF)– Alternate Member

ALSO PRESENT VIA ZOOM:

James S. Kupfer, Town Planner and Zoning Compliance Officer
Laura Renaud, Clerk

Chairman Wright opened the Zoning Board of Appeals meeting at 7:00 PM.

Lakeview Estates Comprehensive Permit Continuation Public Hearing:

Vice Chairman Dunlea opened the continued public hearing for Lakeview Estates Comprehensive Permit and continued acting as Chairman of the proceedings.

Members Present:

James Dunlea, Brian T. Salisbury, Arturo Paturzo, Peter Gabrielle

Applicant Representatives:

Bob Poxon, Site Engineer, Guerriere & Halnon, South Center Realty Attorney Angela Conforti, and Site Supervisor Alex Gow.

Planning/Zoning Officer Kupfer provided an update on the progress of Lakeview Estates since the March meeting:

Phase 1:

- There are 35 Occupancy Permits issued. On the issuance of the 39th permit, a security bond is required. This information was sent to the applicant.
- There have been improvements made to Basin C which has resulted in less volume of water going into the lake. This needs continual monitoring.
- Due to safety issues, there needs to be fencing around the basin.

- The stabilization of the site has improved.
- The loop road is in the completion stage.

Phase 2:

- Monitoring of dust control
- Stabilization of material not being used
- Installation of fencing

Member Paturzo was concerned about the height of the mounds and questioned the performance of the basin.

Planner/Zoning Officer Kupfer communicated that there has been work on the stabilization of the site since there is less rushing volume leaving the site. This volume appears to be clean and not silt. It is recommended to keep monitoring the stabilization of the site.

The applicant informed the board that there are 2-3 weeks left of blasting. The material will be broken up and used on site for fill. If it is not use on site, it will be brought off site. Any materials not being used will be stabilized.

Member Gabrielle requested an explanation about the basin referenced in the letter from Lakeview Estates (Phase 1 Security)

Engineer Bob Poxon explained he spoke with DPW Director, Don DiMartino about his letter. The discussion was about the interior basin at the other end of Candlelight Lane. It was not Basin C. It was suggested that clean-up be done before this is turned over to the town.

The Board asked for updates on the dust control. This is an area which needs improvement which would require a need a watering tank on site to water down the lose material. There should also be additional sweeping. The applicant agreed to have a water truck on site as soon as possible and also to do additional sweeping.

Abutter Brian Wright, 99 Silver Lake Road

Mr. Wright communicated his questions and concerns:

- There is lack of fencing around the basin. His concerns are regarding the safety of the children he sees around this area.
- When will the piles of sand at the end of Silver Lake Road be spread?
- There continues to be puddling.
- The drainage has improved.

Abutter Mark McNamara, 42 Brion Road

Mr. McNamara communicated his questions and concerns:

- He would like to see the applicant be more proactive, so he doesn't have to call Town Hall constantly.
- The dust control needs to be better.

- He wanted to know when the fields will be sprayed.
- It is requested that the applicant to follow work hours as noted in the decision. There are was a few nights there were working until 8:30 pm. This is disturbing to the neighborhood.
- A recommendation was made that equipment on site not being used be removed.

Site Supervisor Alex Gow committed the following:

- Will provide increased sweeping and continual dust control (sweeper and truck).
- Will make sure when not working on a site, it will be stabilized.
- Will make sure no work is being done after 6:00 pm which is a condition of their permit.
- Will remove the drilling machine not being used on site.

Engineer Robert Poxon explained the puddling should not be there. A modification plan was created, and this will be fixed within the next week. The basin is functioning better. The outlets and bay are functioning as designed. The applicant will get a truck out there to suck out the gunk at the bottom of the basin and the fence will go up.

The security bond for place for \$ 630,000 was sent to Officer/Planner Kupfer for review. The applicant would like a year extension, but the Board has been continuing for a few months at a time to monitor any issues, questions or concerns that arise and would like to discuss this further at the next meeting.

On a motion made by Vice Chairman Dunlea and seconded by Member Paturzo the board voted unanimously to continue the Comprehensive Permit extension to July 2, 2020.

New Public Hearing

Special Permit (animal kennel):

12 Cranberry Meadow Road – Map 7 lot 2

Applicant: David Gregg

Members Present:

Brian Wright, Brian T. Salisbury, James Dunlea, Arturo Paturzo, Peter Gabrielle

On a motion made by Member Paturzo and seconded by Member Salisbury the board voted unanimously to open the hearing.

Chairman Wright opened the Public Hearing for 12 Cranberry Meadow Road.

Planning/Zoning Officer Kupfer read the Public Hearing notice.

The applicant, David Gregg was in attendance. Mr. Gregg explained that he is the son of Carrie Barrett who lived at and ran Puddlebank Farms kennel since 1986. He would like to continue the business. It would be for overnight boarding of dogs, cats and sometimes other small animals while their owners travel. The do live on the property. Hours are

8:30 am to 12:30 pm, then nap time, 4:30 pm to 7:30 pm the dogs would be fed during that time and at 10:00 pm it is the dogs last time out for the night. Currently, there are no customers due to COVID-19. There are on average 2-10 dogs during a regular week. On holidays, there can be 20 dogs. The applicant is requesting no more than 30 at one time.

There are three fenced in areas. These areas are for the grouping of the different dogs. There are currently three part-time employees: One office manager and two helpers. They do pick up and deliveries so there is not much traffic. If there is a drop off which is one animal at a time. The driveway out front can hold six vehicles and one in the back, which is for their van. The dogs are housed in kennels attached to the home.

Health Agent, Bruce Wilson communicated that he has never received any complaints. A recommendation is that there is someone on site at all times. The applicant communicated that they do live on site.

Animal Control Officer, Tracey Taddeo communicated that she completes inspections on site once or twice a year. There has not been a problem with past owner or with the current. Ms. Taddeo spoke with the applicant and agreed on a maximum of 30. She indicated that the setup, fencing and housing was great. The former owner had no set number in place and was grandfathered in. There is currently no special permit.

The Board was concerned about the request of 30 dogs on a small lot and the impact to the neighbors regarding noise from barking.

The applicant explained the area to the left is woods. The back area is all conservation. The closest neighbor is across the street.

Member Dunlea questioned how this came about if it was an ongoing enterprise. It was communicated that this is a Suburban Zone which doesn't allow this use.

Planner/Zoning Officer Kupfer explained it was brought to the attention of the town due to a change of ownership. The town needed to put some controls in place, as it is a pre-existing non-conforming use. It is a unique application.

The applicant stated the request for 30 is in case of growth. They have the proper housing and would double staff if they did have that number. The dogs are on a schedule and are all in at 7:30 pm except for the last call at 10:00 pm. Only a few dogs are going out at a time. The dogs are housed in an insulated, climate control building. You can hear them barking but it is muffled. There are also monitors on site. Dogs are brought in if they appear to be upset.

Planner/Officer Kupfer stated any complaints would go to Board of Health and Animal Control. Agent Wilson communicated that two dogs out at a time seems reasonable. Animal Control does go out annually and will go more if the board requests that. It is a professional place.

Member Dunlea said the concern is the number of dogs. The Board discussed a possible review timeline can be set up if any complaints or concerns came into the town. The Animal Control Officer can bring it to the Board if she feels it needs review.

There were no comments from the public.

On a motion made by Member Paturzo and seconded by Member Gabrielle the Board voted unanimously to close the public hearing.

On a motion made by Member Salisbury and seconded by Member Jeschke the board voted unanimously to grant the Special Permit subject to the conditions of no more than 30 dogs and/or other small animals housed indoors unless the owner is on site. If any complaints arise within a three-month period to any town official, then the applicant will return to the ZBA for a review where the special permit can be modified or void.

Minutes

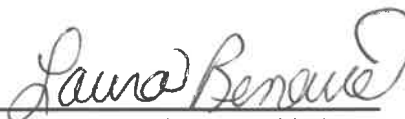
The minutes from the March 5, 2020 meeting will be tabled to the June 4th meeting.

Adjourn:

On a motion made by Member Paturzo and seconded by Member Gabrielle the Board voted unanimously to adjourn the meeting.

The meeting adjourned at 8:45 PM.

Minutes Accepted on June 2, 2020 Via ZOOM
(Date)


(Prepared by)

Brian Wright

James Dunlea

Arturo Patruzo

Brian Salisbury

Peter Gabrielle