



## BELLINGHAM ZONING BOARD

10 MECHANIC STREET  
BELLINGHAM, MASSACHUSETTS 02019

Minutes of Meeting  
Thursday, January 2, 2020

### **MEMBERS PRESENT:**

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

### **MEMBERS ABSENT:**

James Jeschke (JJ)- Alternate Member

### **ALSO PRESENT:**

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.

### **Burton Woods off Sunken Meadow Road**

The Zoning Board of Appeals voted at the last meeting to close the hearing for Burton Woods Hidden Meadow Road II Realty Trust Comprehensive Permit Request 40B. The applicant Ed Gately was present at the meeting.

The discussion phase of the hearing was closed to the public.

The Zoning Board of Appeal members were provided with two draft decisions which include the suggestions from the Board and the recommendations from Town Counsel.

Vice Chairman Dunlea presented a statement which was entered into the record.

**On a motion made by Vice Chairman Dunlea and seconded by Member Paturzo, the Board voted 4 in favor and 1 opposed to approve the Comprehensive Permit decision as amended for Burton Woods.**

The decision was signed by the Board Members. The changes discussed will be incorporated and Planner/Officer Kupfer will bring the final copy to the Town Clerk. The final decision will be posted on the town website. There is a 20-day appeal period.

### **Approval of Minutes:**

- Special Meeting – September 26, 2019
- November 7, 2019
- December 5, 2019

**On a motion made by Member Gabrielle and seconded by Member Salisbury the Zoning Board of Appeals voted to approve the revised minutes. A signature page will be presented at the next meeting for the Board to sign. All future minutes will have a signature page attached.**

**Correspondence:**

- A meeting schedule for 2020 was provided to the Board Members.

**Adjourn:**

**On a motion made by Member Paturzo and seconded by Member Salisbury the board voted unanimously to adjourn the meeting.**

The meeting adjourned at 8:15 pm.

**Document List January 2, 2020**

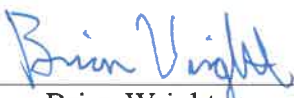
- Draft Decision Comprehensive Permit
- Written statement from James Dunlea


Minutes accepted on

(Date)

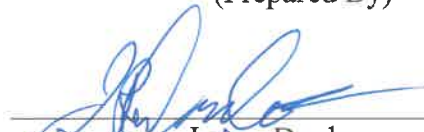
February 6, 2020


(Prepared By)

  
Brian Wright

  
Arturo Paturzo

\_\_\_\_\_  
Peter Gabrielle

  
James Dunlea

  
Brian Salisbury

**BURTON WOODS  
COMPREHENSIVE PERMIT DECISION**

**Commentary for Inclusion in the Public Record  
James Dunlea  
Town of Bellingham Zoning Board Vice Chairman  
January 2, 2020**

Dear venerated colleagues of the Town of Bellingham Zoning Board of Appeals:

As currently constituted in the draft BURTON WOODS COMPREHENSIVE PERMIT DECISION (dated Jan 2<sup>nd</sup>, 2020) , I feel completed to be voting in the dissent position, to not vote to approve the project as it is currently constituted. I provide the following justification and advocate you consider the same in your decision making process.

Although the planning and engineering team for the applicant have acted in an utmost professional and forthcoming manner, and to this I extend my sincere acknowledgment, the fact remains that this project has been constituted by the applicant in such as manner that the team, serving at the pleasure of the applicant, has continually been tasked with (metaphorically) of trying to fit not just one, but multiple round pegs in a single square hole.

This project has presented to the Board the necessity for what is perhaps an unprecedented level of required waivers since I have been a member of the Board. Although the applicant has worked to mitigate the impacts of these waivers to our local by-laws, the salient point is that the applicant has not addressed the primary factor that necessitates the need for such a comprehensive package of waivers in the first place. And that is the fundamental reality that the site, with its limitations of net upland area, abutting proximity to resource areas, and lack of site ingress / egress accessibility commensurate with public safety, is ill suited to the housing unit density that the applicant is seeking in this current design iteration.

As we know, state level regulations are usually at best a compromise... the minimum standards. Communities may then through due process enact appropriate local 'necessity based protections' above state level 'minimum protections' that reflect the local environmental landscape.

On the above point, it is well worth reminding us all of the extraordinary level of effort on the part of the our Boards and Commission, and the public, by way of petition on Town Warrant, to propose, generate public support for, secure inclusion on a town warrant, present and pass (at town meeting) these locally necessitated protections. These are not insignificant efforts to enact and reflect great time and effort of dedicated volunteer community members. The town, 'We the People' have spoken on these matters of wetlands protections and public safety. It seems incongruous that after all the very hard fought advances, that these efforts shall be 'waivered away' in the extensive manner that this project has requested.

Denying of such a portfolio of waivers does not render the parcel undevelopable or even unsuitable for a 40b project. From my perspective, the crux of the dilemma, the need for the extensive portfolio of waivers, remains the fact that the applicant is seeking to develop some 28 dwellings in what per zoning may allow 6 or 7 dwellings (my 'napkin' estimate). If it was not for the proposed density, perhaps a density value closer to 20 units, there would likely not be the extensive list of waivers needed. It is a hardship of the applicant's own proposal.

Respectfully;

Jim Dunlea  
Zoning Board Vice Chair

## **BACKGROUND**

### **a). Schedule of Wetland and Zoning Waivers @ Jan 2<sup>nd</sup>, 2020**

Waivers to the local Wetland Protection Bylaw and local Zoning Bylaw:

- a) §247-1.D.(2), 100-foot undisturbed buffer requirement,
- b) §247-1.D.(5), 50-foot buffer requirement,
- c) §247-23, vegetation inventory and in-kind replacement,
- d) §247-33.B.(7), to utilize the state's TP-40 volumetric standards,
- e) §247-33.B.(8), local stormwater volume mitigation requirement,
- f) §247-29.C.(13), existing tree inventory for jurisdictional areas,
- g) §247-33.C.(13), tree inventory for upland areas,
- h) §245-13C.(3) to allow catch basins identified as 1, 3, 6 and 7 to be sited within 10 feet of driveways,
- i) §245-13C.(3) curb inlet detail has been changed from granite to concrete,
- j) §245-13D, Detention Basin local standards and the requirement to file a separate stormwater management permit,
- k) §245-13F, Roadway Subdrain local standards for frequency of test pits along a roadway,
- l) §240-37 Number of Buildings on a Lot,
- m) §240-40 Intensity of Use Schedule for the reduction in lot area and setbacks.

### **b). Ingress / Egress – Public Safety**

While not a subdivision, the Town of Bellingham historically seeks a second full egress, preferably not on the same road wherever practicable, when a development of more than 12 units are proposed. During the hearing, the Board requested the Applicant seek a second full egress. The Applicant determined that a second full egress was not practicable while retraining the desired unit density.

On the 1 year anniversary of the 'Camp Fires' of in Northern California's Butte County (Nov, 2019 - one year anniversary) we are reminded of why Bellingham has adopted a standard of multiple ingress / egress roads.

- The 'Camp Fire' citation below is credited to Wikipedia.
- Additionally, to lend visceral context to the written text, it has been reported by authoritative sources that in that first 4 hours of the blaze, that the horizontal rate of travel of the fire exceeded one football field per second. Thus any idea that a blaze can be 'out-run' if needed is a foolhardy strategy indeed.

The **Camp Fire** was the deadliest and most destructive wildfire in California history<sup>[8]</sup> and the most expensive natural disaster in the world in 2018 in terms of insured losses.<sup>[9][10]</sup>

Named after Camp Creek Road, its place of origin,<sup>[11]</sup> the fire started on November 8, 2018, in Northern California's Butte County. Ignited by a faulty electric transmission line, the fire originated above several communities and an east wind drove the fire downhill through developed areas. After exhibiting extreme fire spread, fireline intensity, and spotting behaviors through the rural community of Concow, an urban firestorm formed in the foothill town of Paradise.<sup>[12][13][14][15]</sup> With the arrival of the first winter rainstorm of the season, the fire reached 100 percent containment after seventeen days on November 25, 2018.<sup>[16][17][18]</sup>

The fire caused at least 85 civilian fatalities, with one person still missing,<sup>[9]</sup> and injured 12 civilians, two prison inmate firefighters, and three other firefighters. It covered an area of 153,336 acres (62,053 ha) (almost 240 sq. miles), and destroyed 18,804 structures, with most of the damage occurring within the first four hours. The towns of Paradise and Concow were almost completely destroyed, each losing about 95% of structures in town. The town of Magalia also suffered damage, with roughly half of the structures in town destroyed.<sup>[19]</sup> By January 2019, the total damage was estimated at \$16.5 billion; one-quarter of the damage, \$4 billion, was not insured; disproportionately represented by exceptionally low cost uninsured residences versus high cost insured commercial structures.<sup>[3][20]</sup> The same month, Pacific Gas and Electric Company (PG&E), the utility company responsible for the faulty power line, filed for bankruptcy, citing expected wildfire liabilities of \$30 billion. To prevent bankruptcy, on December 7, 2019, the utility made a settlement offer for \$13.6 billion; the offer covered the four devastating fires caused by the utility, including the Camp Fire.

Drought was a factor: Paradise, which typically received five inches of autumn rain by November 12, got only one-seventh of an inch. The drought was possibly intensified by climate change.<sup>[21][22]</sup>

The Camp Fire is the deadliest wildfire in the United States since the Cloquet fire in 1918, and is high on the list of the world's deadliest wildfires; it is the sixth-deadliest U.S. wildfire overall.<sup>[23]</sup>

