



# BELLINGHAM PLANNING BOARD

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## March 12, 2009 Meeting Minutes

- **Present at the meeting:**

Patricia Buckley (PMB), Chairman  
Glenn C. Wojcik (GCW), Vice Chairman  
Stephen Bartha (SB), Secretary  
David Brown (DB)  
Brian J. Sutherland (BJS arrived at 8:10pm)  
John Sexton (JS), Associate Member

**Other officials:**

Stacey J. Wetstein (SJW), Town Planner  
Amy Cook (AC), Commission on Disabilities (not present)  
Amy Sault (AS), Coordinator

PMB opens the meeting at 7:00pm.

### **New Business**

#### **57B Mendon Street (Hiawatha Properties), Development Plan Review, 1<sup>st</sup> Public Hearing**

GCW: Motion to waive the reading of the public notice.

DB: Second.

Vote: 3-0 Approved. (PMB, GCW and DB)

SB joined the meeting at 7:05 pm.

Steve O'Connell, Andrews Survey representing Hiawatha properties and Jay Sturm, owner of the property located at 57B Mendon Street.

Mr. O'Connell advised that the owner currently occupies a portion of the property and owns and operates a crane business on the property. Mr. O'Connell advised that the proposed building is 80x60 feet which will be a supplemental building to the current building. He advised that the business looking to move into this new building is Flat Out Motor Sports and it will be a place to house the unfinished vehicles and chassis of the race cars.

Mr. O'Connell advised that they want to store the vehicles inside the building to clean up the current exterior.

Mr. O'Connell advised that the proposed parking meets the requirements and they want all the spaces allowed so he may maneuver the vehicles coming into the building. The Storm Water Management system is in the back as well as the detention basin. Mr. O'Connell advised that the quality of soil is excellent and permeable and they are proposing the use of arborvitaes for landscaping.

PMB explained to the members of the public how the public hearing process works and she assured that most will get the opportunity to be heard.

PMB advised that she thinks that 36 parking spaces is a lot to have for this proposed space. Mr. O'Connell advised that they are waiting to hear from the Board regarding their concerns before they ask for waivers. PMB questioned Mr. Sturm and whether the cars that are being worked on will be parked in those spaces. Mr. Sturm advised that they will not be parked outside; they are small very valuable race cars. He advised that the parts will also be stored inside. PMB questioned if there would be gas stored in the building. Mr. Sturm and Mr. O'Connell advised that the cars will be pushed not driven.

PMB questioned the business and where they start the cars up, she was interested in the sound and if there will be a barrier. PMB questioned if the owners of Flat Out Motor Sports were at the meeting. Mr. Sturm advised they were not. PMB advised that if this hearing is continued, which it most likely be then the owners will need to be here to answer the questions that he cannot.

SJW wanted to reconfirm that the cars will be pushed from building to building, Mr. O'Connell advised that they would be. Mr. O'Connell advised that a truck would back up and load the cars and that the parking spaces would allow for this. SJW also questioned if the fire department could get in and out.

SJW wanted to find a way to avoid constructing all the parking and if they could still have the space they needed to run the business. Mr. O'Connell advised that they are open for suggestions and are interested in hearing what the Board has to say.

PMB questioned how many trucks they expect to come in and out. Mr. Sturm advised that they will most likely come in on the weekend and that they are box trucks, not 18 wheelers. Mr. Sturm advised that they are now moving the cars out of the current building which is why there is elevated traffic now. PMB advised that they need a firm answer from Flat Out Motors at the next meeting.

SJW questioned the handicap space and why it is so far away from the building. Mr. O'Connell advised it is there because it is near the office.

PMB questioned the landscaping and wanted to know if they were suggesting using two foot arborvitaes. Mr. O'Connell advised they are because they grow fast. PMB advised that the Board would like to see more matured arborvitaes planted because of the debris that is currently out there. JS questioned if the fence is the entire length of the property. Mr. Sturm advised that it is and that the arborvitaes were planted all along the fence but some did not make it. PMB advised that they will need to be replaced.

SJW advised she is aware that this property is a business zone and that they need to be aware of the residents. SB questioned the stockade fence, Mr. O'Connell advised that they will take down the existing fence and reinstall new a new one to raise it to match the property level. PMB questioned if they could do a fence the whole way to have it look more uniform instead of the arborvitaes. JS commented a fence would better weather a storm.

PMB advised that there is no water or sewerage but commented that they might want to include this in case they decide to sell the property some day. Mr. O'Connell advised that they only need the one dumpster at the existing building not one at the new one.

PMB questioned the lack of a lighting plan. Mr. O'Connell advised that there will be motion censored security lighting on the outside due to the usage of the building. SJW questioned the lack of utilities. GCW commented that it is basically a storage shed but he does not like the idea of additional parking spaces because there could be the risk of too much truck parking here. Mr. Sturm advised there will be much less traffic than now because they are moving the cars off the site instead of what is being proposed. Mr. O'Connell advised that it is the size of the building that is triggering the Development Plan Review.

PMB questioned the current septic system and Mr. O'Connell pointed out where the tanks are located. PMB advised that the DPW is worried about the runoff and the discharge, however, Mr. O'Connell advised that he will consider some alternatives but he has spent a lot of time on the plans and the placement of the building in regard to Storm Water Management. He has also responded to Graves regarding this and is waiting to hear back from them. SJW advised that Graves would not have commented on it if it were not a concern. Mr. O'Connell advised that he would address these comments with Graves.

PMB advised that she looks forward to hearing from the business owners and wants to protect the abutters because the proposed building is close to the residents.

GCW advised that he finds it hard to believe that there will be no fluids in the vehicles. Mr. Sturm advised there might be oil but not gas and definitely no leaks.

PMB opened the meeting to the public for questions.

Bill Dellorusso, 76 Rose Ave Ext, questioned if there will be noise after hours or before hours because there is a lot of noise now. Mr. Sturm advised he does not know the hours of the business. PMB advised that the Board needs to know about the noise and the hours of operation from the owners.

SJW advised that it is in the Zoning bylaws and there are requirements for noise and odors. Mr. Sturm advised that he will address all these issues with the owners.

Tammy Laquerre, 80 Rose Ave, questioned the dumpster location and why it was in front of the house. Mr. Sturm advised he may have moved it to empty it but this should not be the permanent location. Ms. Laquerre questioned the noise and if they are allowed to go as late as 1am in the morning everyday.

Ms. Laquerre claims that there is gasoline on the property because she sees them driving the cars. PMB advised that per the business zone the hours of noise can only take place between 7am-9pm. Ms. Laquerre claims that they idle the engines for a half an hour at a time while they are loading the trucks. The Board discussed the no idling law. She claims the noise is very loud even with the fence. SJW questioned the use for the existing building. The Board agreed it was Blend Tec. PMB questioned where they work on the cars, Ms. Laquerre advised she sees them working on them outside. Mr. Sturm advised that the space they are in now is tight and that this new proposed building will allow them to work inside the building.

Mary Dellorusso, 76 Rose Ave Ext, has concerns that if there were a fire, how a fire engine would have enough space to get through. PMB advised that the Fire Dept. will go there and check the site out. She has pictures she presented to the Board and made a comment about her privacy. Ms. Dellorusso advised that once he gets approved that he will just do the minimum work. PMB questioned Mr. Sturm and if this picture of the dead arborvitaes is correct. Mr. Sturm advised that it probably is and he is currently working with Stewart LeClaire, Building Inspector, and told him he will replant them. PMB advised him that he will need to replant mature arborvitaes, not the two foot proposed ones. Mr. O'Connell advised that the plans were based on the older approved plans.

PMB advised that per the zoning they are using it properly. PMB questioned if the items out there are junk cars. Mr. O'Connell and Mr. Sturm advised it may look like junk but they are quality auto parts.

BJS joined the meeting at 8:10pm.

Brittany Wiebers, 64 Rose Ave Ext., advised that she has runoff now and wants to know what will happen to her yard when all those parking spaces are paved over. PMB advised that it is being looked into by Graves.

John Uttero, 8 Northeast Drive, claims that the cars are very loud and they do have gas and oil in them. They smell bad because they are race cars without mufflers or emissions. Mr. Uttero would like to see a fence put up blocking his property from this site. He is also concerned with the kids in the neighborhood and their curiosity. He likes that there is no power because a light on the current building is shining 24 hours a day. The Board wants Mr. Sturm to look into shielding it. Mr. Uttero advised that fire truck access is blocked due to a permanent 18 wheeler parked right in front of the building. He would like to see a fire lane put in so that the 18 wheeler cannot be parked in front. Mr. Sturm advised that if the proposed building is done then there will not be a need for the 18 wheeler as it is currently being used as storage. Mr. O'Connell commented that this location is where the fire department told them to park it. Mr. Uttero also commented that there are about ½ a dozen "junk" cars behind the property. SB advised that there is a way to deal with the pollution in the bylaws and he should check with the building inspector.

Mr. O'Connell questioned if there were any current formal complaints regarding the building.

Michele Greenberg, 7 North East Drive, advised that a petition was filed with the Planning Board voicing their concerns on paper and she explained that the purpose of this complaint is to document this. Ms. Greenberg advised that the light and noise issues have not been resolved. SJW questioned when the complaint was made; Ms. Greenberg advised that she made it recently and she wanted a clarification of what earthwork is.

PMB advised that the Board does not micro manage the development and building of the project and that the developer needs to work within the confines of the decision and it must be built to the approved plans.

Mr. O'Connell advised that earthwork is the removing of earth, cuts and rough landscaping to achieve the final stage. Ms. Greenberg questioned if trees will be removed. Mr. O'Connell advised that some trees may be removed but it is in the applicant's best interest to keep all the trees he can.

Ms. Greenberg also questioned if there were only five employees as it currently seems like a lot more. She also wanted to know if the current building could be expanded instead of doing an additional building.

PMB advised that they are within in their zoning rights and they are allowed to do this. Ms. Greenberg commented that it might be hard for her to sell her home in the future because of this proposed building. SJW advised that it can be made to look more attractive.

BJS questioned the look of the building and that there is no lighting source. He would like to see something that would allow light come into the building. Mr. Sturm advised that they are proposing two 14 foot doors that will be opened during the day to let light in. BJS advised that the building plans be reviewed to include either "clear story" windows or panels in the roof such as were proposed for the new sports complex.

PMB let the public know that this needs to be wrapped up because of another hearing scheduled.

Andrea White, 84 Rose Ave Ext, advised that her home is located behind the property and she presented pictures to the Board of the fence. She questioned the removal of the Cape Cod Burm and now when it rains her backyard gets flooded.

PMB advised that there a couple of different issues including zoning. PMB is concerned with the neighbor's livelihood because it is in their backyard. Mr. O'Connell wanted to keep the discussion to the proposed site not the zoning issues of the current site.

BJS commented that he wants to try and see the current problems addressed and the abutters here have a right to have their voice heard and that Mr. O'Connell should listen and not get defensive about their concerns. Mr. O'Connell advised that they want to work with the neighbors.

Rebecca Briggs, 3 North East Drive, questioned the fencing around the detention pond and who is responsible for the upkeep. SJW advised that per Storm Water Management regulations that the upkeep is mandatory by the owner of the property. Ms. Briggs questioned if the lease is long term. PMB advised that the Board cannot require leasing terms.

PMB questioned Mr. O'Connell and Mr. Sturm and why they need to remove the fence during construction. They agreed that there will be a construction fence in place until the regular fence can be replaced.

BJS: Motion to continue the public hearing of 57B Mendon Street (Hiawatha Properties), Development Plan Review until April 9, 2009 at 7:00pm

SB: Second.

Vote: Approved. (PMB, GCW, BJS, SB and DB)

**Stall Brook Business Park Lot 1 (Bellingham Farm, LLC), 187 Farm Street,  
Development Plan Review Continued Public Hearing and Water Resource District  
Special Permit, Continued Public Hearing**

**And**

**Stall Brook Business Park Lot 2 (R.C. & D, Inc.), 187 Farm Street, Development  
Plan Review, Continued Public Hearing**

**81P**

Bill Halsing from Land Planning representing RC&D and Mike Rose owner of RC&D and Lot 2.

Mr. Halsing advised that they have completed the list of requirements from the last meeting. Mr. Halsing advised that they have submitted two letters to the Board requesting the withdrawal without prejudice for Lot 1 for both the Water Resource District Special Permit and the Development Plan Review.

SB: Motion to accept the request for the withdrawal without prejudice for the Water Resource District Special Permit.

DB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

SB: Motion to accept the request for the withdrawal without prejudice for the Development Plan Review.

DB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

SB: Motion to accept the request for the amendment for lot 2 to have the Water Resource District Special Permit.

DB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

SB: Motion to sign the 81P

DB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

Mr. Halsing advised that the meeting with the Con Com went well and they wanted to see if the Planning Board had any outstanding issues.

BJS: Motion to close the public hearing for Stall Brook Business Park Lot 2 Water Resource District Special Permit and the Development Plan Review.

SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

BJS: Motion to draft a favorable decision with a waiver requests under section 4342 performing soil test for Stall Brook Business Park Lot 2 Water Resource District Special Permit and the Development Plan Review.

DB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

SJW will draft a decision and send it to Mr. Halsing via email which should be ready to be signed at the next meeting on March 25, 2009. SJW advised it is good for someone to be there for the signing.

### **Old Business**

DB: Motion to sign the vouchers.

GCW: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

### **Planners Report**

SJW advised that D & N Estates requested to come back in January of this year and no one was there to represent them at the meeting. They have requested through Mr. Halsing to submit an extension for the Special Permit. PMB thinks it makes sense to have them reapply for both the Subdivision and the Special Permit. The Board agreed to grant them a 1 year + extension due to the down economy and give them time to complete the work rather than restart the Planning Board process.

BJS: Motion to extend the Definitive Subdivision for D & N estates until May 29, 2010.

SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)



DB: Motion to adjourn.

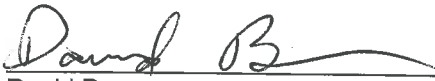
SB: Second.

Vote: 5-0 Approved. (PMB, GCW, BJS, SB and DB)

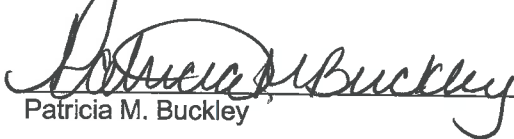
Minutes Accepted on: 3/26/2009  
(date)



Stephen Bartha



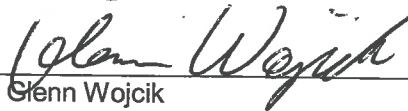
David Brown



Patricia M. Buckley

  
(prepared by: Amy Sault)

Brian J. Sutherland



Glenn Wojcik