



# BELLINGHAM PLANNING BOARD

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## Meeting Minutes January 26, 2012

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

### Present at the Meeting

Patricia M. Buckley (PMB), Chairman  
Glenn C. Wojcik (GCW), Vice Chairman  
Dave Brown (DB)  
Peter M. Morelli (PMM) absent  
Peter Pappas (PP), Secretary  
Roger Oakley (RO), Associate Member

### Other Officials:

Stacey J. Wetstein (SJW), Town Planner  
Jean Keyes (JK), Planning Board Coordinator

**PMB opened the meeting at 7:00 p.m.**

**Pine Hollows Estates off of Countryside Road (between Bellwood and Brooks Estates) Special Permit for Multi Family Development and Development Plan Review, Continued Public Hearing; Special Permit Decision Deadline: 2/24/12; Development Plan Decision Deadline: 2/24/12**

Alan Nash introduced himself to the Board.

Walter Mirrione is an attorney and is here to provide support to Mr. Nash.

PMB, PP, DB all expressed frustration that the public hearing has to be continued again as the Board had previously advised the developer that he had to be ready to proceed at this meeting. Mr. Nash explained that he was at all previous meetings and was aware of the issue but he has just executed the new purchase and sale agreement three (3) weeks ago. There is no name for the development or company yet. He is ready to proceed aggressively now and the funds are all ready as well.

PMB and the Board agreed to grant the continuance with the understanding that Mr. Nash must have everything ready to go on March 22, 2012 and that there will be no more continuances.

GCW: Motion to accept the Continuance for the Development Plan decision until March 22, 2012 for Pine Hollows Estates off Countryside Road Special Permit for Multi Family Development.

DB: Second.

Vote: 3-1 approved (PMB, GCW, DB approved, PP did not approve).

GCW: Motion to continue the Special Permit for Pine Hollows Estates off Countryside Road Special Permit for Multi Family Development until March 22, 2012.

DB: Second.

Vote: 4-1 (PMB, GCW, DB, RO approved, PP did not approve).

GCW: Motion to accept the extension for the Development Plan decision until April 27, 2012 for Pine Hollows Estates off Countryside Road Special Permit for Multi Family Development.

DB: Second.

Vote: 4-0 (PMB, GCW, DB, PP).

GCW: Motion to accept extension until April 27, 2012 for the Special Permit for Pine Hollows Estates off Countryside Road Special Permit for Multi Family Development.

DB: Second.

Vote 5-0 (PMB, GCW, DB, PP, RO).

### **Informal Discussion with Mike Sutherland on Schaffer Nursery Site**

Michael Sutherland, owner of Jolicoeur Overhead Doors in Bellingham, MA

The Board invited Mr. Sutherland to hold an informal discussion with the Board about the fact that he received a building permit to build an additional building on his property without the Board's approval. The new building is over 1000 square feet and is not an addition to the existing building. Mr. Sutherland was never informed by the Bellingham building inspector that he had to present an application to the Planning Board prior to building the new structure. The discussion was held to help assist Mr. Sutherland comply with the Town's bylaws concerning this new structure.

PMB, RO asked Mr. Sutherland what is happening at his business and what the intended use was for this new building. Mr. Sutherland stated that he has 10 business vehicles and his intent is to use the building store 3 business vehicles as he cannot fit all in the current building.

PMB, RO, PP agreed that the building should be connected to the existing building but this may trigger the Fire Departments' sprinkler bylaw which would force Mr. Sutherland to install sprinklers in the new building. Mr. Sutherland stated that he cannot afford to install sprinklers in this new building. There was discussion as to how the two buildings could be connected, e.g. by fence, cement walkway, pagoda, and the Board all agreed that these remedies do not constitute a valid permanent connection. GCW suggested that Mr. Sutherland check with the Fire Department to see what would trigger sprinkler code compliance. According to Mr. Sutherland, the building is in compliance with all state regulations for the use of the building to garage his business vehicles.

RO, PMB, PP, GW stated that they did not want to penalize Mr. Sutherland because he was given incorrect information. The Board members agreed that the best way to proceed is for Mr. Sutherland to go through the entire Planning Board process. This would allow Mr. Sutherland flexibility for other uses of the building in the future by him or any future owners and would allow the general public and the abutters to be informed of the uses of this property. SJM cautioned that the Board must bear in mind that the zoning requirements for uses of the property determine what type of uses this property has and not just the planning process. PP reiterated that he agrees with the course of action assuming that Mr. Sutherland proceeds within a reasonable amount of time. PMB informed Mr. Sutherland that he should meet with SJW to determine what the next step would be in the planning process.

### **Subdivision Rules and Regulations revisions continued public hearing:**

PMB requested that the Board postpone this discussion PMM is absent tonight and he does prefer to be part of this discussion. The Board agreed to continue the discussion until the February 9, 2012 meeting.

### **Parking Bylaw Discussion Update**

SJW stated that this discussion will be the Board's final revision and reminded the Board that they should try to attend the Board of Selectmen meeting on February, 6, 2012 to present the new bylaw. PMB and PP agree that SJW should present the bylaw and the Board members provide assistance when necessary. SJW will send out notice to all other boards and will invite Attorney Lee Ambler and the Finance Committee. SJW will post the final draft on the website and solicit comments and feedback.

SJW stated that the Metropolitan Area Planning Council (MAPC) commented that they were very impressed with the updated bylaw and they will help the Board by providing a chart that compares the existing parking bylaw with the proposed bylaw. This chart will be used as part of the presentation materials when the new parking bylaws are presented at the town meeting.

SJW made changes to the bylaw based on MAPC suggestions and Town Counsel Jay Talerman made only one other modification.

The MAPC suggested the following changes:

1. Add a definition for Entertainment Commercial Recreation.
2. General light industrial and general light manufacturing had the same number of spaces so the two could be combined in a definition for clarification.
3. The Board thought that the GFA was the entire building envelope but the standard definition excludes exterior walls. This was refined and does not change intent of what the PB wants to do. SJW added definition from McGraw Hill Dictionary of Architecture and Construction.
4. The definition of Multi-use parking was further refined.
5. Basic Requirements was a concern for MACP in regards to reverse grandfathering. If a developer sees this bylaw and it requires less parking, but if they have an overabundance of parking, the developer may be able to add a small pad building on that space. JT stated that no change was needed.
6. Round up the number of parking spaces to the next whole number. For example, 2.3 spaces would be rounded up to 3.
7. Residential – needed clarification of dwelling definition for multi-family. This was not changed just clarified.
8. Entertainment and Commercial recreation concerning number of spaces for golf courses JT said 12 spaces per hole was good and the Board agreed.
9. Questioning number of spaces for Sports – soccer game, etc. The Board agreed to make no change and to keep 50 as the number of spaces.

Section 3340 Schedule of Requirements, section (g):

SJW changed (g) any reduction language to specify that it must be done by special permit and then clarified and moved multi-use into allowed the Allowed Reduction section. Retail Businesses is strictly 4 spaces per 1000 square feet of GFA. This language was clarified to explain how to determine parking if the combination of uses that is not retail either exceeds or falls below 10% of the total use. Because the Board put all the reductions under Special Permits, the Board now cannot force to apply for a Special Permit. The applicant may choose to seek a reduction under section 3350 but the Board cannot force the applicant to apply for a special permit to get a reduction. JT stated that the reductions should be in the Special Permit section because there are a lot of unknown factors when evaluating a parking reduction request. The Board requires a lot of documentation and information to approve a reduction and it varies widely. The Special Permit gives the most latitude to the Board for evaluation the reduction.

Section 3350 was clarified.

Section 3360 was clarified.

3380 clarified RO doesn't agree with shelter from weather language for bicycles. PP, PMB and all Board members agree to remove this language.

SJW addressed comments to the bylaws that were submitted by Attorney Lee Ambler. Mr. Ambler had an had an older version of the bylaw and all Attorney Ambler's questions are now answered. All Parking bylaws are completed and PMB and SJW expressed their satisfaction with the newly simplified and clarified parking bylaws.

**Planner's Report Discussion:****North Woods II swale status:**

SJW met with PMM, Don DiMartino (DPW Director), Mark Anderson of Heritage Group who is the engineer for the developer, and Tom Houston, President of Professional Services Corporation of PSC, the peer reviewer hired by the Board to discuss what can be done to remedy the problems with the swales in this development. SJW stated that there is \$570 in the engineering review budget and Mr. Houston will review the swale information. Mr. DiMartino will create a swale cross section and it will be presented to Marinella. On February 23, 2012, there will be an informal discussion about possible solutions. PMB stated that town residents are very upset about this building site and that the Board should hold a public hearing if a modification is necessary.

**Bellingham Commons II pad site tenant:** SJW stated that Mr. George Levine has found a tenant, Mark Beaudry, and the business will be ice cream take out only. JT and SJW told Mr. Beaudry that it must be reviewed as a restaurant as he was trying to present it as retail. PMB, GW and Board agreed that it is not retail and that it is fast food. SJW will further clarify the fast food definition in the parking bylaw to add specific ice cream definition.

**FEMA Flood Insurance Rate Maps:** The new zoning maps are ready and SJW will email documents to the Board. The new maps have to be accepted before July 12, 2012 which means that it has to be at the Town Meeting in May. SJW will meet with Dennis and JT and Con Com and JT will be presenting it at Town Meeting.

**Annual Report:** SJW prepared the report and would like the Board to read it and provide comments to SJW.

**General Business:**

GCW: Motion to sign the 1/12/2012 Meeting Minutes.

PP: Second.

Vote 5-0 (PMB, GCW, DB, PP, RO).

DB: Motion to adjourn.

PP: Second.

Vote 5-0 (PMB, GCW, DB, PP, RO).

Minutes Accepted on: 2/9/2012

(Date)

Jean Keyes  
(Prepared by: Jean Keyes)

Patricia M. Buckley

Glenn C. Wojcik  
Glenn C. Wojcik

Peter Pappas  
Peter Pappas

Dave Brown  
Dave Brown

Peter M. Morelli  
Peter M. Morelli