



BELLINGHAM PLANNING BOARD

2 MECHANIC STREET
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Meeting Minutes May 22, 2014

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

Present at the Meeting

Patricia M. Murphy (PMM), Chairman
Brian T. Salisbury (BTS), Vice Chairman
Peter C. Pappas (PCP), Secretary
William F. O'Connell Jr. (WFO), Member
Glenn C. Wojcik (GCW), Member
Nikyda Resto (NR), Alternate

Other Officials:

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

PMM opened the meeting at 7:00 p.m.

7:00 p.m. Elmshade Definitive Subdivision, Stormwater Management Permit and Major Residential Development Special Permit off of Blackstone and North Streets, Continued Public Hearings; Definitive Subdivision/Stormwater Management Permit Decision Deadline: 6/27/14; Major Residential Development Special Permit Decision Deadline: 6/27/14

WCO: Motion to continue the Elmshade Definitive Subdivision, Stormwater Management Permit and Major Residential Development Special Permit off of Blackstone and North Streets to June 12, 2014 at 7:15 p.m.

GCW: Second.

Discussion:

Vote: 4-0. Motion Carried. (PMM, GCW, PCP, WFO)

7:00 p.m. Farm Equipment Storage and Maintenance Building, 1040 South Main Street, Development Plan Review, 1st Public Hearing; Decision Deadline: 6/27/14.

GCW: Motion to waive the reading of the Public Notice for the Public Hearing for 1040 South Main Street, Development Plan Review.

WCO: Second.

Discussion: None.

Vote: 4-0. Motion Carried. (PMM, GCW, PCP, WFO)

BTS arrived at 7:14 p.m.

Present are Mike Yerka of Civil Site Engineering and Omar Wenger, Applicant.

Mr. Yerka explained that the Applicant would like to construct a maintenance and storage building. The building will be 7200 square feet with 1400 square feet under an open shed roof. There will be access around building for emergency vehicles and the non-used area will remain gravel or crushed stone.

PMM stated that she has reviewed proposal and there are some outstanding issues that need to be addressed to make this plan work. The issues are:

1. Retail use: There is no permit from the Town for selling sheds and gazebos. When the permit was initially issued, it was for selling ice cream, but not for lawn furniture or sheds and gazebos. The Applicant must change the Development Plan submission to include the sale of these products.
2. Parking: The Applicant needs to apply for a Special Permit for a reduction of the number of parking spaces for the farm stand. The Applicant has reduced the number of parking spaces without applying for a Special Permit. So, the Applicant must apply for a Special Permit for a reduction in parking. SJW stated that the original permit in 1990 was for 23 spaces. However, at a minimum 36 spaces are needed and they now have only 11 spaces. In the original permit, the Applicant had enough parking, but now the parking is gone and they only have 11 spaces. Under the bylaw, alteration of a substantial parking facility having 10 or more parking spaces that would result in less parking triggers a Development Plan Review.
3. Work on Site: What type of maintenance of machines will be done on site? What happens if there is an oil or gas spill? Mr. Yerka replied that there will be no gas, but oil changes will be performed on the site. The Applicant will have a spill container and drum to hold the used oil. PMM stated that the Applicant must talk to the Fire Dept. concerning hazardous regulations.
4. Land is on an Agricultural Preservation Restriction. The Board needs the Applicant to show that the retail sale is allowed in the farm stand. PCP stated that this is not limited to retail sales. Any activity on this site must be tied to an agricultural activity. PCP questioned how the selling of sheds and gazebos are related to agricultural activity. To construct this building all activity in this building must be limited to agricultural activity. PMM stated that all activity must comply. WCO asked if 51% of the gross sales of the restaurant are derived from products grown or raised on the farm. The Board needs the documentation to prove this is still the case.

PCP wants to be certain that whatever is done in the new building is agriculturally related. WCO stated that this has to be on a long term basis and he does not want to see manufacturing of sheds occurring in that building. Yerka stated that if the Applicant wanted to construct sheds he would have to come back before the board. PMM stated yes but PCP added that it may not be approved as it would go against the restrictive covenants of the property.

Omar Wenger, Applicant stated that he has Special Permits from Agricultural Department to sell sheds and gazebos and lawn furniture. He also has a Special Permit to construct the building. PMM advised Mr. Wenger to submit all permits to the Planning Board and SJW and that he still has to comply with the parking regulations.

Public questions:

Yvonne Nicholson of 26 Steven Road is an abutter and wants to know the size of the building. Mr. Yerka stated that the eaves are about 22' with no lights. The noise is of an arc welder and an air wrench. The time of business would be 6:00 a.m. – 9:00 pm. Ms. Nicholson stated that there is no fence and just a rock wall. She is worried about the noise level and the disposal of the oil. Mr. Yerka stated that the oil would be kept in a barrel. PMM stated that the Board can restrict the work times if necessary.

John Makee (sp?) questioned if the building is a wooden structure, is it built on a concrete slab, and what is the direction of the runoff. Mr. Yerka explained that it is metal on a concrete slab. SJW advised the Applicant to talk to the Fire Department to see if a catch basin is needed.

Michael Connor asked if the Planning Board can comment on signs. SJW explained that signs are not regulated by the Planning Board as they are regulated by Building Inspector. Mr. Connor has to see Stuart LeClaire, the Building Inspector, about that. SJW explained that the Planning Board can only look at signs if they block egresses and sight lines but the Board is not reviewing for violation of the sign bylaw.

Mr. Connor stated that the Applicant is also in violation of the common victular license and they need to apply for one. SJW explained that the Applicant must apply to the Board of Selectmen for this license.

WCO questioned if the heat source in the building would be a wood furnace. Mr. Yerka replied that it would either be a wood stove or furnace. WCO stated that the town stopped allowing wood burning furnaces in town several years ago and so the Applicant must reconsider the heat source.

WCO: Motion to continue the Public Hearing for 1040 South Main Street, Development Plan Review to JUNE 26, 2014 at 7:00 p.m.

GCW: Second.

Discussion: None.

Vote: 5-0. Motion Carried. (PMM, BTS, GCW, PCP, WFO)

7:15 p.m. Northwoods II Decision Minor Modification: Change open space transfer from Bellingham Conservation Commission to Town of Bellingham.

SJW explained that the Conservation Commission (Con Com) does not want the open space. Town Counsel JT stated that the Planning Board could make a minor modification to the Decision which is a vote by the Board along with a letter from the Chairman, PMM. GCW expressed his concern that if the Town takes the land it could develop it; however, if the Con Com takes the land, it will never be developed.

PCP explained that because it is deeded as open space it means that there can be no development. Any taking by the town for different use would change the use and the town would have to take it to town meeting for approval.

Public questions:

Bill Wittaker of Blackstone Street was wondering what would be built there.

GCW: Motion to approve the Northwoods II Decision Minor Modification to change the open space transfer from Bellingham Conservation Commission to Town of Bellingham.

BTS: Second.

Discussion: None.

Vote: 5-0. Motion Carried. (PMM, BTS, GCW, PCP, WFO)

General Business:

Old Business:

BTS: Motion to sign the May 8, 2014 Meeting Minutes

PCP: Second.

Discussion: None.

Vote: 5-0. Motion Carried. (PMM, BTS, GCW, PCP, WFO)

WCO: Motion to sign the Vouchers/Payroll

GCW: Second.

Discussion: SJW explained the vouchers, payroll, and the Reorganization Letter for Norfolk Registry of Deeds

Vote: 5-0. Motion Carried. (PMM, BTS, GCW, PCP, WFO)

New Business (81-P)

MINUTES OF THE PLANNING BOARD MEETING

May 22, 2014

WCO: Motion to adjourn.

GCW: Second.

Discussion: None.

Vote: 5-0. Motion Carried. (PMM, BTS, GCW, PCP, WFO)

Meeting Adjourned at 8:00 p.m.

Minutes Accepted on: 6/12/14
(Date)

Patricia M. Murphy

Peter C. Pappas

Brian T. Salisbury

(Prepared by: Jean Keyes)

Glenn C. Wojcik

William F. O'Connell Jr.