



BELLINGHAM PLANNING BOARD

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Meeting Minutes June 26, 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. 81P, Land Court plan off of High Street and Cliff Road, Richard C. Hill Revocable Trust

Present: Paul Robinson, Surveyor who is present on behalf of the Applicant. When this land was divided in 1996 when the Town took land by eminent domain and right-of-way, this piece of land remained but this Plan was never taken to Land Court. There are no heirs or records available to redo the plan. The Applicant's attorney believes that this plan should have Planning Board endorsement. SJW further explained that the lots are not buildable lots as there is no frontage. The Applicant is just creating non-buildable parcels. Mr. Robinson clarified that the owners are just trying to straighten out the estate. The Land Court did not have the owners prepare a plan that shows the remainder of the land and so the purpose of this plan signing is to show what lots are remaining.

GCW: Motion to sign the Plans for the 81P Land Court Plan for High Street and Cliff Road, Richard C. Hill Revocable Trust.

WFO: Second.

Discussion: WFO asked if these are non-buildable lots and SJW replied yes.

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

7:00 p.m. 81P, Easterly corner of Pulaski Blvd and Deer Run Road, Violet D. and John J. Wasylean

Present: Roger Maloun, the Applicant who wants to purchase the land to build two new single-family homes. SJW explained that these are straightforward 81P's.

WFO: Motion to sign the Plans for the 81P for the Easterly corner of Pulaski Blvd and Deer Run Road, Violet D. and John J. Wasylean.

BTS: Second.

Discussion: None.

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

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

Present Mike Yerka, Engineer of Civil Site Engineering on behalf of the Applicant. Mr. Yerka explained the site plan and revisions. The revised plan shows the additional parking and handicapped parking that is required by the Town for the farm stand. He stated that he is certain they have satisfied the parking bylaw; however, the Applicant is asking not to be required to construct the parking spaces near the new building because that parking will not be used now. The plan also include a 6' high stockade fence at the rear of the property. SJW clarified that the plan now shows 37 spaces which meets the parking requirements for the Town so the Applicant does not need a Special Permit for a reduction in parking.

WFO questioned if the Applicant still plans to use an indoor wood burning furnace and if so, he would like the Applicant to ensure that it complies with all of the Town's outdoor wood-burning furnace requirements. PMM reminded Mr. Yerka that the Fire Chief has to be made aware of the wood-burning furnace and that it must comply with the Fire Department regulations. Mr. Yerka stated that the Fire Chief issued a memo to him about the wood-burning furnace but he has no problem with it. The Fire Chief would like a full set of building plans and wants to review them with the Applicant/Owner, Omar Wenger.

Mr. Yerka described the Stormwater design and explained that the drainage is only for pervious as indicated on the plan because they are not paving. Furthermore, Massachusetts Department of Agricultural Resources has issued Certificates of Approvals for the following:

1. Allows the owner to conduct limited commercial non-agricultural activities on the land.
2. Allows the construction of an agricultural related permanent structure that is a 60' x 120' barn with 2 porch extension – 20' x 80' and 4' x 40' (8960 sq. ft. total) for the storage of farm equipment, space to work on the farm's equipment, and storage of produce.

Mike Connor of the Board of Selectmen (BOS) informed the Board that a common victual application has been submitted by Mr. Wenger today and BOS has not yet voted on it. In addition, the Town Inspector, Stuart LeClaire is reviewing the signs on the property as well because there are too many. The next meeting at which this application will be discussed is the July 14, 2014 BOS meeting.

Public Present:

Russ Selvitella of 17 Kennedy Road would like to know if there are any wetlands on this property. SJW explained that the drainage basin is properly sized for the impacts and Mr. Wenger stated that there are no wetlands and no issues with the Conservation Commission.

WFO reiterated that the building cannot be used for manufacturing and PMM confirmed that this will be a condition of the Decision.

GCW: Motion to Draft a favorable Decision for the Farm Equipment Storage and Maintenance Building, 1040 South Main Street, Development Plan Review.

PCP: Second.

Discussion: SJW restated the Conditions of the Decision:

1. If additional parking is paved at a later time, the Applicant must apply for a Modification as the drainage system is only designed for the proposed building.
2. The 37 parking spaces can only be used for parking and not for outdoor storage including the storage of mulch.
3. Operation of the wood burning furnace will be in compliance with the Town's Board of Health Regulations.
4. Site distances from the exits must be maintained as shown on the plans and cannot be obstructed by signs or other items.
5. Manufacturing is not allowed at any time in this building. Only maintenance and storage is allowed.
6. The Applicant must come back to the Board for a Modification if there are any alterations to plan including changes of uses or ownership.
7. Before the occupancy permit can be issued, a 6' stockade fence must be constructed as shown on the approved plans.

BTS asked how parking spaces will be marked and Mr. Yerka explained that concrete curbed berms will be placed at each parking spot.

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

BTS: Motion to extend the Decision Deadline for the Farm Equipment Storage and Maintenance Building, 1040 South Main Street, Development Plan Review to July 12, 2014.

WFO: Second.

Discussion: There will be no Meeting on July 10th as it is canceled due to lack of quorum.

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

7:15 p.m. Old School Financial, Inclusionary Housing Special Permit for Woodland Hills, 1st Public Hearing; Decision Deadline: 7/31/14

WFO: Motion to waive the reading of the Public Notice for Old School Financial, Inclusionary Housing Special Permit for Woodland Hills.

GCW: Second.

Discussion: None.

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

Present: Steven Greenwald, Attorney for the Applicant
Kevin Lobisser, Applicant

SJW gave a brief overview of the Inclusionary Housing Zoning Bylaw. This discussion is about one of the affordable units that will be located off-site and the Town's bylaw allows for this flexibility. Affordable does not mean subsidized.

Public Question: Russ Selvitella of 17 Kennedy Road asked how the number of units was arrived at and if the number was rounded up. SJW explained that the number of affordable units (2) is 10% of the total units (12).

Attorney Greenwald stated that he and the Applicant are here to talk about their willingness to use a particular site for the first of the two affordable units. He further stated that the Applicant struggled with what is acceptable and they were advised to go to the Planning Board to see if this unit meets the standards.

Mr. Lobisser explained that he is proposing a brand new home that is a 44' x 26' (just under 1600 sq. ft.) split ranch with 4 bedrooms, 2 full baths, 2 car garage under to be built at 1141 South Main Street. SJW stated that her research shows that the comparable units have to be similar in the number of bedrooms rather than the square footage. The Massachusetts Department of Housing and Community Development (DHCD) bases the home price on the number of bedrooms and not the square footage of the home. DHCD also has minimum square footage requirements: a 4 bedroom home must have a minimum of 1400 sq. ft. with 2 baths. In addition, all must have a stove, kitchen cabinets, plumbing fixtures, refrigerator, microwave and access to laundry facilities.

SJW stated that in Bellingham, the average sale price of a 4 bedroom single family home is \$223,500.00 as of April 2014. The Applicant would have to have minimum income of \$64,000. PCP asked if DHCD looks at the quality of the home and SJW responded no that is left to the Town. Mr. Lobisser stated that 4-bedroom homes are under served in the affordable housing market; consequently, there is a need for this size affordable home.

SJW explained that the Applicant has to provide one more unit and has to finish Crystal Springs, so she would like to keep this Special Permit open. When the Decision is filed, it has to be given to DHCD and SJW is not ready for that step yet.

Attorney Greenwald explained that a draft decision must be completed for both units before a single building permit can be pulled. He asked for flexibility to let the Applicant start building houses. Attorney Greenwald spoke with Town Counsel Jay Talerman who told him that he wants to leave the Subdivision Decision as is, but to incorporate into the Special Permit Decision a schedule that is less aggressive. Attorney Greenwald would like to get approval for one affordable unit and then build six houses and then would like to pull six permits and then get approval for the second affordable unit. Mr. Lobisser stated that he has no plans for second unit yet; it may be in subdivision or outside but he is leaving this decision open for now. He is going to build this house no matter what as he owns the property but he would like it to be the affordable unit for Woodland Hills.

Questions from the Public:

Kelly Grant of 1147 South Main Street is a direct abutter to land and she asked what is a 4 bedroom ranch with 2-car under garage proposed unit is comparable to in her neighborhood. PMM explained that it is comparable to the Farm Street homes, but it can also work within Ms. Grant's neighborhood with bedrooms and bathrooms. Ms. Grant stated that most houses are a lot smaller than that. PMM stated that the Applicant is required to build a comparable size unit to that in the Woodlands Hills Subdivision. SJW explained that the Applicant has to build at least a 1400 sq. ft. home (for 4 bedrooms) per bylaw. PCP, PMM and SJW clarified that the Applicant owns this land and he can build any size home that he wants as he has that right as long as he conforms to the rules of the Town.

Jay Vienneau of Potter Drive. Stated that the Applicant can build a better house there than just affordable home. Why do we get blessed with affordable home? He further stated that he has been there 26 years and has worked hard to fix up his home so it wouldn't lose value. PMM explained that this is affordable housing and it is not low income housing or Section 8. The buyer would have to earn at least \$63,000.00 and be able to afford a \$200,000.00 mortgage. Per the Commonwealth of Massachusetts, every single town is required have a certain amount of affordable housing. The Planning Board has taken the initiative to prevent the Town being overrun by 40B projects. The Applicant is entitled to develop the property as he wants.

GCW explained that the Applicant could put a 40B there and put four houses there instead of one. This bylaw protects the Town. Once the Town reaches 10% of affordable housing in the town, we can prevent the 40B developments. PCP clarified that affordable gets everyone confused with low-income housing and it is completely different. It is a house that is 80% of the value of all the other houses. SJW added that it is home ownership and not rental.

Jim Donnelly of High Street asked if the bylaw allows for rehabilitation and conversion of an existing house. PMM replied the Applicant could rehab an existing house. Mr. Donnelly stated that the Chairman (PMM) is correct in stating that the Town is being overrun by 40B developments. It appears that this house is better than the surrounding neighborhood.

Don Martinis of 334 Maple Street. Why wouldn't the Applicant put the affordable home in the subdivision and then sell the home on South Main Street for market value? Mr. Lobisser explained that it is a decision made based on the bylaw. Mr. Martinis stated to Mr. Lobisser that this was not a good explanation. PMM explained how public meeting works. The public must ask a question to the Board and must the Applicant as direct interaction between Applicant and the public is not allowed. Mr. Lobisser stated that the bylaw allowed him place a unit off-site and that is why he chose it. There is a good chance that the second unit will be in Farm Street but he has also tried to look at rehab but nothing fits.

Mr. Savoie of 1145 South Main asked why the abutter notices were received at the last minute which was two days before. He has seen plans that were of a 3 bedroom ranch situated 15' from lot line. Is he required to put in a fence? PMM stated that the Applicant is not required to put up a fence and he has to comply with bylaws and setbacks. SJW stated that she has not seen any plans. Mr. Lobisser explained that the previous owner had submitted plans for one house and had received a building permit. Mr. Lobisser has already asked the Building Department to rescind that permit as they are going to be submitting a new plan and requesting a new permit. SJW stated that the previous permit with the previous owner is not valid anymore and the plan that he saw is not this plan. Mr. Savoie questioned the frontage. PMM explained that the land will be surveyed and everything will be started new. Mr. Savoie is welcome to come to the Planning office and see the new plans once they have been submitted. SJW reiterated that the Planning Board cannot restrict the size of the house.

GCW asked if the Applicant can make it a three bedroom house. Mr. Lobisser responded that even if he makes it three bedrooms the overall size of the house will not change. GCW liked the Inclusionary Housing Bylaw with the unit built in the same subdivision because it gives people the opportunity to buy house in that development. Moving the affordable unit out of the subdivision changes the intent of the bylaw.

Mr. Savoie asked about the wetland stakes and trench that used to be on that property. What will happen to that and the wetlands? Mr. Savoie stated that the water level is very high and is not sure how a foundation could be put on that lot. PMM explained that the Conservation Commission (Con Com) will review and advise.

WFO: Motion to Continue the Public Hearing for the Old School Financial, Inclusionary Housing Special Permit for Woodland Hills to July 24, 2014 at 7:00 p.m.

GCW: Second.

Discussion: None.

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

Brief break 8:12 p.m. – to 8:17 p.m.

7:30 p.m. Victory Packaging Facility, Maple and High Streets, Development Plan Review, Major Business Complex Special Permit, Flexible Parking Special Permit, Stormwater Management Permit, and Scenic Road Permit, 1st Public Hearing; Decision Deadlines: Development Plan: 8/3/14; Special Permits: 8/8/14

Overview, Scenic Road, Flexible Parking Discussion

BTS: Motion to waive the reading of the Public Notice for Victory Packaging Facility, Maple and High Streets, Development Plan Review, Major Business Complex Special Permit, Flexible Parking Special Permit, Stormwater Management Permit, and Scenic Road Permit.

PCP: Second.

Discussion: None.

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

Present: Dan Feeney of Beals & Thomas, engineer for the Applicant, Sean Terrell of Seefried Properties, Applicant, Jeff Trelegan of Victory Packaging, Mark Pross of Pross Design Group, and Scott Thornton, traffic engineer with Vanasse & Associates, Inc., Michael Burr, Bellingham Tree Warden

Dan Feeney presented an overview of the permits and the project. There are industrial uses up and down Maple Street including this lot. There are two lots that comprise the parcel and the development is proposed on the eastern lot. The Applicant had originally indicated that they would build a 280k sq. ft. building but based upon feedback from the abutters, they have reduced the building size to 250k sq. ft. There are wetlands to the west and they have met with the Con Com and requested a delineation. The Con Com has stated that there will be no work within the buffer zone. DPW Director Don DiMartino would like a northern water route on High Street. The Applicant will create a vegetated berm along Maple Street to screen the abutters. There will be two points of access with a southern exit for all vehicles. Trucks restricted to heading south on Maple Street and the northern entrance will be only for vehicles not trucks

Stormwater will be collected in gutters and piped to infiltration basin and collection system for parking areas and will be sent to infiltration basis too. The test pits support this design. They are requesting a Scenic Road alteration for the southern access point. They need to remove some trees for exiting and site distances and they have coordinated with Tree Warden to allow them to replace these trees along the proposed berm. The Applicant would provide evergreen trees instead of deciduous to provide 4-season screening of the building.

The building height was reduced from 268' to 262' and the berm height varies from 6-10'. The traffic study they have submitted of 4 existing intersections and exits concludes that there is no decrease in level of service with build conditions.

The revised plan is similar to original but the smaller building has changed in width only as it will be narrower by 34'. The abutters were concerned with building being too close to Maple Street and so now there will be a substantially larger setback from street facing the residential area. In addition, the building is below the height of the berm. The building's south elevation will have sign on the building and a freestanding sign at the entrance. The eastern side adjustments to the building have included adding additional brick, color tone was darkened, burying the roof line by stepping it down from 40-44', eliminating the eastern façade lights, and adding motion-activated lights on the doors for security and access.

Mr. Feeney concluded by saying that the Applicant believes this meets the conditions of the various permit applications. The 250k sq. ft. building does not max out the site in contrast to the previous developments that were proposed as they were much larger buildings. This is a build to suit location to meet building needs.

BTS asked what Victory's business is. Jeff Trelegan explained that they are a distributor of packaging material and that moving and storage businesses are their primary market. They buy in bulk and distribute to their customer base. BTS asked what type of business would be here and Mr. Trelegan responded that there are no on-site sales but a moving company could come in and buy boxes. There are 8 tractor trailers (16-wheels), 2 straight trucks (box trucks) and 15-20 outbound trucks a day and about the same coming in. Suppliers would be bringing in about five 18-wheelers a day.

BTS questioned the hours of operation. Mr. Trelegan stated that the hours of operation are from 5am to 7pm and the deliveries arrive typically in the morning but could come in later. Trucks are not allowed in yard at 3 a.m. and they are not allowed on the property.

WFO was concerned with the exiting vehicles shining lights on Maple Street and into the abutters' houses and asked if this could be reduced. Mr. Feeney responded that there is a bend in Maple Street so the exit is as far south on Maple Street that it could be located to provide good sight distances. He acknowledged that the headlights could be pointed on 2 residents' houses and that plantings could be done on the opposite side of Maple Street to provide some screening. WFO asked if deliveries could be made at times other than the bus drop-off and pick-up hours and he would like to see signs to reduce brake-checking noise. Mr. Trelegan stated that they are completely DOT compliant.

PCP asked why the Applicant picked this site. Mr. Trelegan explained that the proximity for the employees to Route 495 and the Mass Pike was number one reason for this site. Also, it is industrially zoned and can accommodate the building. PCP asked why the building is so high and Mr. Trelegan stated that the products are stacked high inside. PCP asked how the trucks will be prevented from using other roads instead of Route 140 exclusively. Mr. Trelegan replied that they can restrict their trucks and will work with the vendors to inform. PCP stated that the trucks' lights should have no impact on the houses across Maple Street. PCP was also concerned about the land clearing limit. Mr. Feeney explained that their intention is to keep all significant vegetation along Maple Street and that the site is a field now and it is just overgrown weeds and has no thick stands of trees. The plan shows the existing treeline and the limit of work is clearly defined. The only trees they are taking down is at entry point and no mature trees will be removed from the site. PCP asked if the berm will hide the building and Mr. Feeley stated that they have to come to an agreement with PB on type of trees for the berm. If they plant evergreen trees on top of berm, they will grow to screen the building.

SJW requested that Mr. Feeley create a cross section plan showing at two points north and south to show line of building and how it relates to the berm and trees. PCP responded that the berm will screen Maple Street but what about High Street. Mr. Feeley replied that there is not anything to screen as the land to the north is zoned industrial and will eventually have a similar use.

PCP asked what steps the Applicant will take to ensure that there is no degradation of the Maple Street. PMM responded that this is premature discussion but there will definitely be mitigation. BTS reiterated that it is important to take steps to make Maple Street safe. PCP understands that this is zoned industrial, but it has not been used as industrial in this way. He cannot see the BlueLinx building from the street. He believes that this road does not accommodate industrial uses in its present condition. Road improvement has to be part of the overall development plan and mitigating the effects of this business on the abutters. Finally, he is concerned that trucks will get to the facility before 5:00 a.m. and will idle.

PMM stated that it is not fair to disrupt the Town at 5:00 am. SJW responded that there is no bylaw in Town that allows the Board to restrict hours of operation of a business. WFO added that there is a federal idling law that states that 5 minutes is the maximum time a truck can idle. People can call EPA and complain and fines are substantial. Mr. Feeley explained that their trucks are automatically shut off after 5 minutes. SJW clarified to the Board that the trucks are all behind the building and the buffer. Maybe Mr. Feeley can do a noise evaluation from southern entrance for largest truck possible such as an 18-wheeler.

Scenic Road Discussion: Tree Warden Michael Burr agreed with the Applicant that pine trees will be a better buffer on the berm and he has no problem with them. However, there have to be enough trees planted to form a boundary on Maple Street and he would like to see more on the High Street side too. There are no trees being removed on High Street and trees are only being removed at the exit and entrances. The Applicant will replace with those removed with sufficient number of trees. He will review with Mr. Feeley so that staggered plantings are used to achieve a wall of green. SJW explained that the berm plantings do not come under the scenic road permit but just the landscaping plan. Mr. Feeley stated that he will work with landscape architect and tree warden to accommodate the PB's ideas to provide best screening possible.

GCW stated that the amount of traffic that will be added to the Route 140/Maple Street intersection is negligible. For a large industrial lot, there is not a lot of traffic. Our peer reviewer will go over all the statistics that are presented by the Applicant.

Questions from the public:

Laly Viera 60 High Street stated that High Street is beautiful and scenic and that she runs, bicycles, mountain bikes and rides ATV on this land. Garelick is not around a residential area like this. This is a massively huge building that will change everything including the value of homes. PMM replied that this land is zoned industrial and this business is allowed to be here. For the size of the building, its operation has a very low impact that could be worse. Ms. Viera further stated that there is no way the Applicant only has a couple of trailer trucks per day with 20 bays on the back of the building and questioned who will guarantee the time restrictions. PMM stated that the Board will do the best it can.

Keith Losel of 350 Maple Street lives across the street from the proposed exit and is very concerned about his kids and the lights shining into his house. The BlueLinx business has trucks idling and uses Jake brakes. PMM replied that this is a main concern of hers and it is an issue that has to be resolved.

Peter Gabrielle of 6 Stonehenge Road stated that some abutters did not get notices. SJW stated that we have no control on how the abutter notices are delivered but all abutters have been sent mailings by the Applicant. Mr. Gabrielle stated that 18 or 16 wheelers make no difference. He has been on Victory's property in Milford at 3:00 am. In addition, they can hear Garelick Farms all day long. Mr. Gabrielle stated that a scenic road is more than just trees and he believes that the PB cannot increase truck volume as part of the bylaw.

Chris Mean 363 Maple Street was concerned about landscape plan and that there is no noise buffer or sight buffer to the back of the building. Mr. Feeley stated that there is a berm proposed and trees and will be planted.

Marci Digiara of 34 Stonehedge Rd asked if any residents present are proponents of the project. She is having a difficult time accepting this proposal and development and believes that her lifestyle should not be changed. She finds it impossible to accept as the residents are real people with real lives and real concerns and the Board should take this into consideration. She understands that the Board has follow regulations, but there are a lot of emotions involved. She feels very strongly that this is not the place for this project as there are other areas that will accommodate this.

WFO: Motion to continue the Public Hearing for Victory Packaging Facility, Maple and High Streets, Development Plan Review, Major Business Complex Special Permit, Flexible Parking Special Permit, Stormwater Management Permit, and Scenic Road Permit to August 28, 2014 at 7:00 p.m.

BTS: Second.

Discussion: None.

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

GCW: Motion to extend the Decision Deadlines for Victory Packaging Facility, Maple and High Streets, Development Plan Review, Major Business Complex Special Permit, Flexible Parking Special Permit, Stormwater Management Permit, and Scenic Road Permit to October 31, 2014.

PCP: Second.

Discussion: None.

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

General Business:

Old Business:

GCW: Motion to sign the 6/12/14 Meeting Minutes

WFO: Second.

Discussion: None.

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

GCW: Motion to sign the Vouchers/Payroll

WFO: Second.

Discussion: SJW explained the vouchers.

Vote: 4-0. Motion Carried. 1 absent PMM (BTS, GCW, PCP, WFO)

SJW discussed the problem of CVS not complying with the lighting indicated on the approved plan.

New Business (81-P)

PCP – Would like to extend formal congratulations to Bellingham Baseball and Softball teams for winning the 2014 Massachusetts State Championships in their divisions.

WFO: Motion to adjourn.

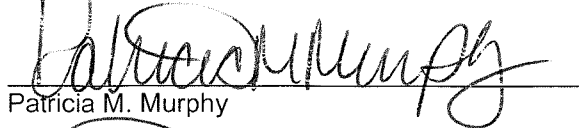
GCW: Second.

Discussion: None.

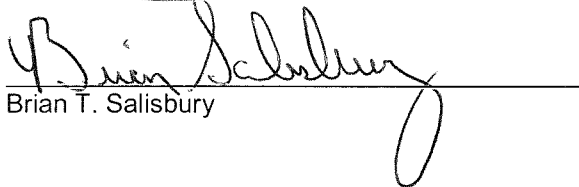
Vote: 5-0. Motion Carried. (PMM, BTS, GCW, PCP, WFO)

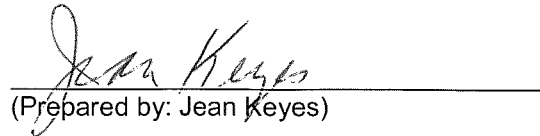
Meeting Adjourned at 10:00 p.m.

Minutes Accepted on: 7-24-14
(Date)


Patricia M. Murphy


Peter C. Pappas


Brian T. Salisbury


(Prepared by: Jean Keyes)

Glenn C. Wojcik


William F. O'Connell Jr.