



BELLINGHAM PLANNING BOARD

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Meeting Minutes April 9, 2015

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 - absent
Nikyda Resto (NR), Alternate - absent

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. Hillside Estates Bond discussion/approval and lot releases

Mounir Tayara, posted bond and would like lots released. SJW explained that the passbook account will be used to post the bond.

WFO: Motion to sign the Passbook Agreement for Subdivision Security Hillside Estates Definitive Subdivision.

BTS: Second.

Discussion: None.

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

WFO: Motion to sign the Certificate of Release for lots 2, 3, 4, 5, and 6 for Hillside Estates Definitive Subdivision.

BTS: Second.

Discussion: None.

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

WFO: Motion to extend the Certificate of Approval for Hillside Estates Definitive Subdivision to March 13, 2018.

BTS: Second.

Discussion: The Board discussed extending the Certificate of Approval until 2017 and agreed that they would like to amend the motion.

WFO: Amended Motion. Motion to extend the Certificate of Approval for Hillside Estates Definitive Subdivision to March 13, 2017.

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

7:00 p.m. Cumberland Farms Development Plan Review, 297 Pulaski Boulevard, Continued Public Hearing; Decision Deadline: 5/29/15

Present for the Applicant were Attorney Phil Lombardo Luke DiStefano of Bohler Engineering. Phil Paradis from BETA, Inc. the Town's peer reviewer.

Attorney Lombardo explained that they have revised the plan based upon the Board recommendations and have resolved most of the issues in BETA's comments. Mr. DiStefano recapped the outstanding issues:

1. The lighting issue has been resolved and they will install shields on three lights opposite Winter Street.
2. Have resolved the issue of setback for the parking area.
3. They have discussed with the Conservation Commission (Con Com) the installation of a fence along Central Street and the Con Com did not object to fence and deferred to the Planning Board (PB). It is up to the Board whether to add fence along Central and Winter St. SJW stated that the Con Com told her that they preferred not to have a fence. PMM stated that Police Safety officer Sargent Rolls was concerned about safety with the installation of a fence.
4. Sidewalks – Attorney Lombardo and Mr. DiStefano explained that they will not be fixing the existing sidewalk on the entire length of Winter Street and they will not be adding a sidewalk to the side of Winter St. where Cumberland Farms will be on. However, they will extend the sidewalk along the front of the building, install a crosswalk across Winter St., and install ramps on the opposite side of Winter St. where the crosswalk will meet the existing sidewalk. They will also install ramps at the ends of the sidewalk along the front of the lot on Pulaski Blvd. The Board asked why they are not fixing the entire Winter St. sidewalk and Mr. DiStefano explained that Cumberland Farms has no desire to take on that project. However, Cumberland Farms would be willing to donate \$20,000 to the Town for the purpose of repairing the sidewalk.

Phil Paradis explained that a sidewalk is needed on the Cumberland Farms side of Winter Street because it is dangerous to walk across that driveway in the rear of Winter St. The Applicant should cut out the section from Pulaski to the driveway and add a sidewalk for wheelchairs and pedestrians. PMM expressed concerns about accepting the \$20,000 to have the Town repair the sidewalk because there is no assurance that the Town will have completed the repair by the time Cumberland Farms opens. The Board likes to hold the Applicant responsible for projects like this so it can be enforced. Mike Soter of the Board of Selectmen (BOS) stated that the Town can work with DPW Director, Don DiMartino to get this repair completed right away.

SJW stated that the bike rack was omitted from the plans. Mr. DiStefano said that was an error and they intend to install a rack in the front of the building on the left side. It will be added back to the plans.

Mr. Soter stated that if Cumberland Farms is offering money to be put in escrow for the repair of the Winter Street sidewalk, he strongly suggests that the PB accept it. The Town will be doing a lot of work in that area of Town and would hate to see Cumberland Farms install a sidewalk that would be ripped up anyway. Mr. Soter believes that this is a fair amount of money to fix the sidewalk and he would ask that the PB not vote against this project because of this issue and the funds would be welcome. The Town could work these funds into the projects that will be done in that area and he would like to see this project go forward because they do a great job of landscaping and it would enhance that area of Town.

Public questions:

Eva Gamache of 20 South Park Street stated that she talked to neighbors and only one wanted a fence. But then Ms. Gamache explained that in a meeting of the abutters and the Applicant, the abutters said that they wanted a fence along Central Street and the Applicant agreed but Ms. Gamache was surprised that it did not appear on the plan. Finally, Ms. Gamache wanted to know what the store hours would be. The Board stated that they had required CVS to close at 10:00 p.m. and have exterior lighting off 45 minutes after closing. Mr. DiStefano, on behalf of the Applicant, agreed to close at 10:00 p.m.

Robert Wilson of 60 Winter St expressed his opinion that he would like to see more mature landscape plantings along Central Street and bushes such as arborvitae that will provide good screening. PMM

explained that there is a significant amount of landscaping on that side of the property. Mr. Wilson was also concerned about runoff coming onto his property. Mr. DiStefano stated that this will not happen as any drainage from the property will be decreased and the situation will be better for neighbors. The drainage basin will handle runoff and it will be a marked improvement from the current situation. Mr. Wilson strongly expressed his desire for the Applicant to install a fence along Central Street.

Mr. Paradis explained that there is a parking lot there now and after the build out, this will be a completely new green space. The landscaping won't be robust initially, but the trash area will be enclosed, a detention pond area will be fenced in, there will be a new grass area, and finally, Mr. Wilson won't see the parking because it will be screened by the landscaping. This will be a vast improvement to the conditions that exist now.

SJW explained that the landscaping meets zoning requirements of the bylaw in quantity, type, size etc. It accomplishes what the PB needs to meet zoning requirements and we have never required an Applicant to put in full grown trees and it may not be a good thing. Judicial placements of some larger arborvitae may solve the problem in place of some of the other bushes or evergreens. SJW does not believe a fence is appropriate in that area.

Jim Dunlea of 57 High Street stated that there are seasonal differences in the plantings from winter to summer and the noise impact will change. A stockade fence may be more desirable from a noise point of view.

PMM stated that she is inclined to put in fence. Mr. DiStefano stated that the Applicant is willing to install a fence along Central Street in addition to the landscaping as shown on the plan.

WFO: Motion to close the public hearing for the Cumberland Farms Development Plan Review, 297 Pulaski Boulevard.

BTS: Second.

Discussion: None.

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

WFO stated that he is in favor of this development based upon discussion tonight. PMM agreed that the Applicant has made concessions and changes that the Board requested. SJW described the changes that were made. PCP stated that he would be in favor because the development meets all zoning. BTS questioned how the Board can tie the sidewalk repair to this Decision. SJW explained that the Board cannot condition the Town about the sidewalk repair as they are not the Applicant; consequently, there is no guarantee that the Town will have the sidewalk repair completed when the Cumberland Farms opens. SJW will discuss this issue with Town Counsel and the DPW Director.

BTS: Motion to write a favorable decision for the Cumberland Farms Development Plan Review, 297 Pulaski Boulevard.

WFO: Second.

Discussion: Conditions: \$20,000 for sidewalk repair from the Applicant, plantings, fence along Central Street, install bike rack, closing time of 10:00 p.m., approval of Con Com, the Applicant adopts BETA's 4 recommended conditions, F1, SW1, SW3, SW6 from Memo dated April 8, 2015.

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

7:05 p.m. EMC Solar Array Development Plan Review and Large-Scale Ground-Mounted Photovoltaic Installation Permit, Farm Street, Continued Public Hearing; Decision Deadline: 4/13/15.

Present were Greg Andrews, Paul Fitzgerald, and Jeff Plante from EMC. Jared Connell of Borrego Solar Systems, Dan Feeney of Beals & Thomas, Tom Houston of PSC, the Town's peer reviewer.

Mr. Feeney explained the current status of the project. He and the Applicant did a site walk with the Con Com and they were present at the Con Com's hearing last night. They are still trying to work out where to run the electrical wires that come into the site and if they will be overhead through wetlands or underground. There was one outstanding issue with PSC, the Town's peer reviewer, concerning a mounding analysis for the detention basin.

Mr. Houston recapped his firm's response and stated that many of the issues have been resolved. The mounding analysis is not literally required by Stormwater handbook, but he has come to the conclusion that it is not required. Mr. Houston explained that if groundwater rises to bottom of the basin, it then blocks the basin and the bottom foot of the basin would take longer than 72 hours to drain. However, in this location and situation, this is not a critical issue and he agreed that the Applicant does not have to conduct this analysis.

Mr. Connell explained that the solar interconnection will happen on-site.

Public Questions:

Bill Redman of 120 Hartford Ave questioned which town will respond in an emergency situation given the proximity to Milford. Mr. Feeney explained that Milford would respond and the Applicant will coordinate with the Police and Fire departments of both towns. They have compiled an emergency response plan for both towns and will give keys to the gates to the Police and Fire departments of both towns.

Mike Thibodeau of 85 Hixon asked which abutters did the Applicant talk to and Mr. Feeney said no one. Mr. Thibodeau questioned why the solar site is so close to existing properties and is future development a possibility. Mr. Feeney explained that there is a restriction of how many solar arrays can be located on one parcel, so they needed to put the solar panels all together but on separate parcels. In addition, Mr. Thibodeau should not be able to see the array from Hixon Street and no expansion is planned. Mr. Andrews explained that the uplands area is developable, but EMC does not have any plans at this time to develop it. Mr. Thibodeau questioned what the purpose is for the solar array. Mr. Andrews explained that it will reduce EMC's operating costs and help the company reach their renewable energy goals and reduce environmental impact in the state. Mr. Thibodeau was concerned about the degradation of the panels over time due to the fact that they are comprised of hazardous materials and asked if the Applicant had a long term plan. Mr. Andrews and Mr. Feeney explained that there is a security force and a yearly maintenance plan that will require inspection three times per year. The Applicant must post a bond with the Town to allow for decommissioning of the panels in the future. Mr. Thibodeau questioned if there is an easement, how long the construction will take, and what the decibels of the panels will be. Mr. Feeney responded that the easement is from Milford and it is noted on plan; construction should take six months with construction equipment such as tree harvesters, bulldozers, tractor trailers that will deliver supplies and panels, and finally, pickup trucks that will be used during final installation. There is no sound from the panels and only a small amount of noise from the transformers and it cannot be heard from more than 10' away.

Bill Redman of 120 Hartford Ave asked if the Town has any solar bylaws. PMM replied that yes the Town does have a solar bylaw. Redman explained that he and other members of the public are getting calls from companies to put solar on their land. He questioned the Applicant to find out if they have talked to Eversource to tie into the power lines that are there. Mr. Andrews replied that Eversource is part of the project. Mr. Redman then explained that solar farms, in Marion and other towns in that area, are overloading the towns' networks so that towns are requiring the solar companies to upgrade the town's utility lines. Mr. Andrews responded that they may do some upgrades based on an assessment that is being done now by Eversource.

BTS questioned if the wires coming into the property are above ground, how many will there be. Mr. Connell responded that there will be three sets of wires all contained on property. BTS asked if there will be anything done to prevent ATV's from accessing the property. Mr. Feeney stated that they will have fence with a gate on Farm Street and will have security patrolling the entire site. Since there are a lot of entry points onto the site, they are going to wait and see what happens and then take steps to stop any illegal ATV activity as it is in EMC's best interest to control access to their site.

WFO: Motion to continue the public hearing for the EMC Solar Array Development Plan Review and Large-Scale Ground-Mounted Photovoltaic Installation Permit, Farm Street to May 14, 2015 at 7:00 p.m.

BTS: Second.

Discussion: None.

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

BTS: Motion to extend the Decision Deadline for the public hearing for the EMC Solar Array Development Plan Review and Large-Scale Ground-Mounted Photovoltaic Installation Permit, Farm Street to May 29, 2015.

WFO: Second.

Discussion: None.

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

7:15 p.m. Discussion of Sign Bylaw with Sign Committee

Present were Jim Dunlea of the Sign Bylaw Committee and Mike Soter of the Board of Selectmen (BOS)

Sign Bylaw:

Mr. Dunlea described the changes made in the synopsis on Pages 9 and 10 of the handout presented to the Board. He stated that the sign committee has not reviewed these changes yet.

SJW stated that Mr. Dunlea has done good work and a lot of work but she does not think this will be ready for the May Town Meeting. All committees need to review the changes in addition to the Planning Board and they will not be ready for Town Meeting. As the Town Planner, SJW stated that she does not want her or the Board to be rushed and feels strongly that this bylaw should be targeted for the October Town Meeting. SJW stated, and PMM agreed, that Mr. Dunlea has done a lot of work and does not want it to be short-changed.

Mr. Dunlea explained that there are large comprehensive changes and he would like to bring some to the May Town Meeting and leave the rest for the fall. SJW suggested that Mr. Dunlea choose a few key that the Board can on. The Board needs more time to work on the remaining bylaw and have Town Counsel review any changes. As a Board and a sign committee, all need to work through this more slowly and thoroughly.

Mr. Dunlea suggested three critical issues that could be brought forth at May Town Meeting:

1. Large scale billboard – electronic
2. Size limitations of non-accessory signs
3. Intensity of Illumination

WFO reiterated that the Sign Committee put a lot of work into revamping this bylaw and the committee wants to see something in May. BTS agreed but wants the bylaw to pass as well. SJW explained that the Board will hold several public discussions then a public hearing to prepare for the fall Town Meeting. Mr. Soter does not want to bring either the sign or noise bylaw to the May Town Meeting and make corrections at that meeting.

Mr. Dunlea explained that only about 30% of the text has changed and this is a move in the right direction. SJW instructed Mr. Dunlea to go back to the Sign Bylaw committee and discuss the three things critical changes he has proposed for the May Town Meeting. SJW also requested that Mr. Dunlea instruct the Sign Committee that their members should be present at the April 23, 2015 Public Hearing.

SJW reminded Mr. Dunlea that there is no provision in the draft sign bylaw for enforcement or penalties. As a suggestion, if this bylaw were put into General Code, enforcement language can be inserted and there would be no grandfathering.

Noise Bylaw:

An updated Noise Bylaw that was drafted solely by Mr. Dunlea was presented to the Board and has already been placed in text format on the Warrant. Consequently, the language cannot be changed at this point. Mr. Dunlea explained that the largest gap in the current bylaw is in the nighttime hours. At this time, Mr. Dunlea wanted to demonstrate to the Board, how loud a 60 dba noise would be by using a noise-making device. The Board and Mr. Soter strenuously objected and did not allow the demonstration. Mr. Soter and the Board stated that they cannot accept the findings Mr. Dunlea presented as he is using his personal equipment and is stating his personal opinion. There are a lot of questions that have to be

addressed and the Town and the Board would definitely want town counsel to review the changes and an outside business to review this data.

SJW explained that since this text cannot be changed, the Planning Board does not feel comfortable recommending this bylaw at the May Town Meeting and would recommend passing over it.

This discussion needs more time and changes should be made at the public hearing. PMM agreed that it needs to be discussed further. SJW stated that in addition, these updates should be reviewed and vetted in full by a committee. Mr. Soter agreed and stated that the Town reviews these types of things by committees. In addition, if this were not reviewed by a committee, it can be legally challenged. PCP concurred that if this comes out of a committee it will be better received.

General Business:**Old Business:****WFO: Motion to sign the March 26, 2015 Meeting Minutes.**

BTS: Second.

Discussion: None.

Vote: 3-0. Motion Carried. (BTS, PCP, WFO)

BTS: Motion to sign the Vouchers/Payroll.

WFO: Second.

Discussion: SJW explained the vouchers and payroll.

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

New Business (81-P)**WFO: Motion to adjourn.**

BTS: Second.

Discussion: None.

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

Meeting Adjourned at 10:15 p.m.

Minutes Accepted on: 4/23/15

(Date)

Jean Keyes
(Prepared by: Jean Keyes)

Patricia M. Murphy

Glenn C. Wojcik

Peter C. Pappas

William F. O'Connell Jr.

Brian T. Salisbury