



# BELLINGHAM PLANNING BOARD

2 MECHANIC STREET  
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## Meeting Minutes September 24, 2015

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

### **Present at the Meeting**

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

### **Other Officials:**

Jay Talerman (JT), Town Counsel  
Jean Keyes (JK), Planning Board Coordinator

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

### **7:00 p.m. Informal meeting with new Town Planner/Zoning Compliance Officer, James Kupfer.**

Present: James Kupfer, Denis Fraine, Town Administrator, and JT gave an introduction to Mr. Kupfer and the new position. Mr. Kupfer provided additional work-history information.

### **7:00 p.m. Stall Brook Business Park Development Plan Review, Stormwater Permit, and Flexible Parking Options Special Permit, 187 Farm Street, 1<sup>st</sup> Public Hearing; Decision Deadlines: 10/21/2015 and 10/26/2015**

**WFO: Motion to waive the reading of the public hearing notice for the Stall Brook Business Park Development Plan Review, Stormwater Plan Permit, and Flexible Parking Options Special Permit, 187 Farm Street.**

PCP: Second.

Discussion: None.

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

Present: Bill Halsing of Land Planning, Inc. and the Applicant, Mike Rose. Mr. Halsing explained the project and application.

BTS asked for an explanation of the Phasing Plan and Mr. Halsing and Rose provided it.

### **Public Questions:**

Tim Stanhope of 163 Farm Street was concerned about a possible increase in the traffic and asked where the nearest hydrant will be located. Mr. Halsing responded.

Jim Dunlea of 57 High Street requested an administrative review by the Planning Board before second building is constructed.

**WFO: Motion to close the public hearing for the Stall Brook Business Park Development Plan Review, Stormwater Plan Permit, and Flexible Parking Options Special Permit, 187 Farm Street**

**PMM: Second.**

Discussion: None.

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

**WFO: Motion to approve the Stall Brook Business Park Development Plan Review, Stormwater Plan Permit, and Flexible Parking Options Special Permit, 187 Farm Street with the following Conditions: that the Applicant meet for a pre-construction meeting to discuss the construction plan and any construction concerns; that the Applicant come before the Planning Board for an Administrative Review prior to constructing the second building; if there is a change in use, the Applicant must come back before the Board; this Decision shall contain all of the Conditions in the Stall Brook Business Park Lot 2 (RC & D) Development Plan Review Decision dated March 26, 2009.**

**PCP: Second.**

Discussion: None.

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

**7:15 p.m. Bellingham Solar Array Development Plan Review and Stormwater Management Permit, Landfill Site, 119 South Maple Street, Continued Public Hearing, Decision Deadline: 9/28/2015**

Present: Mike Lotti and Richard McCarthy of IESI, Applicant Andrew Bernstein of Kearsarge Energy, and Tom Houston of PSC.

Mr. Lotti explained their response to PSC's comments, the Conservation Commissions (Con Com) comments and modifications to the plan. The north and south solar arrays will be moved away from riverfront wetlands resource area and then be out of the Con Com's jurisdiction. Mr. Lotti submitted pictures of the above-ground electrical conduits (cable tray system) and of the structural beams and solar panels to Board.

Board members wanted the Applicant to notify the abutters when work would begin and Mr. McCarthy informed the Board that they will walk house-to-house with a flyer to notify abutters of the beginning of construction as they do his on every project.

JT and Tom Houston explained the status of the project from the Town and peer reviewer's perspective, gave opinions about the changes in the plan, and Mr. Tom Houston gave a synopsis of his comments that are detailed in his 9/3/15 letter to the Board.

JT explained that according to the Bylaw, the utilities must be underground; however, this is very impractical here and not allowed on the landfill. As a result, the Board must provide the building commissioner with a recommendation about the proposed above-ground electrical conduits.

JT instructed the Applicant to talk with the Deputy Fire Chief and Police Safety Officer Lee Rolls to find out if they have adequate lighting on the apparatus in case of an emergency.

Public questions:

Don Martinis of 334 Maple Street stated that emergency vehicles have more than adequate lighting for emergency situations. He thinks that adding lighting to the site is not necessary.

Jim Dunlea of 57 High Street stated that he agrees with Mr. Martinis' comments

Mike Soter of 40 Fox Run Road asked JT if the Town is liable if something happens on that site and also stated that the Town has not had any problems on that site. JT explained that this would be public property, but the Town has protections as long as we are not being negligent.

**WFO: Motion to continue the public hearing for the Bellingham Solar Array Development Plan Review and Stormwater Management Permit, Landfill Site, 119 South Maple Street to October 22, 2015 at 7:00 p.m.**

**DTS: Second.**

**Discussion: None.**

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

**7:30 p.m. 1<sup>st</sup> Public Hearing for Zoning Bylaw Revisions for Article VIII, Section 240-43 through 240-46 of the Town's Sign Bylaws.**

**1<sup>st</sup> Public Hearing for Zoning Bylaw Revisions for Article IX, Sections 240-48 of the Town's Noise Bylaws.**

Present was Mike Connor and Jim Dunlea of Bylaw Review Committee. They explained the bylaw revisions and informed the Board that they published five meeting notices for the public to come and discuss changes.

Noise Bylaw changes – October Town Meeting Warrant Article 22:

JT informed the Board that a decision was made by the Bylaw Review Committee to keep noise bylaw as it stands in zoning, but to adopt a general bylaw for Scenic Roads to address the noise issue. So grandfathering would still exist in the Town for noise.

Sign Bylaw changes - October Town Meeting Warrant Article 21:

Mr. Dunlea explained the proposed changes to sign bylaw.

Board of Selectmen Chairman, Mike Soter expressed his opposition to bringing these bylaw revisions to the next Town meeting as there has not been enough public outreach.

BTS explained all of the meetings have been published and this has been reviewed extensively for over a year now. A careful effort was made to study both bylaws and suggest changes. The Committee has identified loopholes and has taken steps to eliminate them. Enforcement will become easier when the changes are implemented through the Bylaw. Effect on small business owners was considered carefully when crafting the changes. The public did not attend any of the discussions that were held about the proposed changes.

Public questions:

John Murray, owner of Chevy's and Pool Pro at 126 Pulaski Blvd was concerned about not being able to light his signs after 10:00 p.m. He also stated that he did not know about the meetings.

Tony Khoury of 13 Oak Terrace is also a business owner who was concerned about turning off lighted signs at 10:00 p.m. and not being able to use backlit signs.

Ron Lussier of 26 Wrentham Street was concerned about the changes to the bylaw and the changes to backlit signs. Also, he asked if there would be a referendum question to all residents to let them decide what type of Town they want: an old New England town or a modern forward-thinking town. The new bylaw does not state that business existing are grandfathered going forward. JT explained that changes to zoning bylaws are only applicable in the future and not to those business that already exist.

Doug Porter of 3 Stonehedge Road expressed his support for the changes to the sign bylaw.

Andy May of 280 Farm Street explained that the old Almacs site was made into a Town Common to retain the quaint feeling of the Town. He finds the lighted flashing signs very distracting and would restrict the maximum size of a sign. Mr. May expressed his desire to have a noise restriction on businesses on Farm Street.

Don Martinis of 334 Maple Street explained that a lot of work has gone into revising the sign bylaw and he asked that the Board let it go to Town Meeting for a vote.

Ms. Chang of High Street stated that the Board should use its expertise as a Board and committee to make the decision. She understands that the Board will do the best for the town and businesses.

BTS, PCP and JT all stated it seems that the public does not seem to be familiar with the current bylaw. From the statements they have heard, it appears that the public does not understand that the existing content of the sign bylaw is not changing; the changes are just to the structure of the by-laws. JT suggested that the Bylaw Review Committee prepare a handout for the October Town Meeting that shows the red-line changes to the bylaw

**PMM: Motion to close the public hearing for the for the Zoning Bylaws Revisions for Article VII, Sections 240-43 through 240-46 of the Town's Sign Bylaws and for Article IX, Section 240-48 of the Town's Noise Bylaws.**

WFO: Second.

Discussion: JT instructed the Board to think about their recommendations and be prepared to vote at the next meeting on October 8, 2015.

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

#### General Business:

#### Old Business:

**PCP: Motion to sign the September 10, 2015 Meeting Minutes.**

PMM: Second.

Discussion: None.

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

#### New Business (81-P)

~~DJT~~ **BTS: Motion to adjourn.**

WFO: Second.

Discussion: None.

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

Meeting Adjourned at 9:28 p.m.

Minutes Accepted on: 10/8/15  
(Date)

Jean Keyes  
(Prepared by: Jean Keyes)

Brian T. Salisbury  
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William F. O'Connell Jr.  
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Peter C. Pappas  
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Patricia M. Murphy  
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