



BELLINGHAM PLANNING BOARD

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June 24, 2010 Meeting Minutes

- **Present at the Meeting**

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

Other Officials: Stacey J. Wetstein (SJW), Town Planner
Amy Sault (AS), Coordinator
Patrick Callahan (Disabilities Commission)
Jay Talerman (Town Council)

GCW opened the meeting at 7:00pm.

GCW announced Roger Oakley as the new Associate member of the Planning Board.

Post Office Place Subdivision Modification (formerly Connor's Crossing)

Ron Nation, applicant and Peter Lavoie were present before the Board. Mr. Nation advised that they are waiting for Graves' comments and they were before Con Com last night and advised that they are all set with the project and closed the hearing.

Mr. Nation had questions regarding the permit expirations. He mentioned the fence around the detention basin and advised that the Con Com doesn't like them; SJW advised that per the Zoning Regs it is necessary to have them. PMM advised that the fence is a good idea for safety issues.

PMM read aloud from a letter on Page 5 regarding the design computations, he questioned drainage manhole one to manhole two and that they do not appear to be correct, he referred to a note being made with the 100 year storm. Mr. Lavoie advised that that information has been corrected and reviewed by Steve Sylvan from Graves who has no problem with it. RO requested some clarification on the general comments for compliance with 434, RO questioned why it is not being addressed, and SJW advised how the process with Graves works. SJW advised that she has no additional comments from Graves; RO was looking for clarification on how the Planning Board

process works, SJW explained. GCW questioned how they did the annuity because the current rate is so low and wanted to verify they are all set with the Con Com.

DB: Motion to draft a favorable decision for Post Office Place Subdivision Modification (formerly Connor's Crossing) and extend it to July 29, 2011.

PMM: Second.

Vote: 4-0 Approved. (GCW, DB, PMM and PP)

PP: Motion to close the public hearing.

PMM: Second.

Vote: 4-0 Approved. (GCW, DB, PMM and PP)

Crystal Springs Phase III, Development Plan Review and Special Permit Modification, 1st Public Hearing

DB recuses himself from the discussion due to a conflict of interest.

Steven Greenwald, attorney representing the developer Kevin Lobisser of Lobisser engineering and Mark Allen, Allen Engineering, LLC.

PP: Motion to waive the reading of the public notice.

PMM: Second

Vote: 3-0 Approved. (GCW, PMM and PP)

GCW advised the members representing this project that there is not a full Board present (PMB absent) and one member (DB) recused himself due to conflict of interest. GCW explained that because they have a Special Permit, they would need a super majority, which would be everyone on the Board right now. He further explained that PMB can read the minutes and is allowed to miss one meeting but if she misses another meeting then you would need all four members of the Board. GCW advised that they can continue with the presentation today or wait until there is a full Board. Mr. Greenwald asked if they could start the hearing tonight with the flexibility that if PMB misses another meeting they could postpone at that time. GCW agreed.

SJW asked about what needs to be done for RO to formally be on the Board. Mr. Talerman advised that it just needs to be included in the public record as PMB is out; he will be included in a Special Permit vote. Mr. Allen asked what would happen in the decision voting, GCW advised that PMB will read through these meeting minutes to familiarize her with the full project, and then she will be allowed to vote and they will have a super-majority.

RO asked Town Council to see if it were a conflict of interest as he is the president of the Union Cemetery Corporation and claimed he had no financial interest, he is an abutter to an abutter. Mr. Talerman advised it is not a conflict of interest and the Board of Selectman can help him fill out the appropriate disclosure forms prior to the next meeting. SJW advised the presenters that when they have a Special Permit vote they will have five voting members and the Development Plan vote they will only have four members because the Alternate can only vote on Special Permit votes.

Mr. Greenwald advised that in the 80's there was a Special Permit issued for 84 units, 41 were built and then development stopped, he explained there is still a portion remaining for development. They are proposing to build 21 more units. Mr. Greenwald commented that during the original proposal of this project the neighbors and the Planning Board were in favor and agreed it was a good plan.

Jay Talerman raised a concern that too much time has gone by and that the old Special Permit may not be valid and he recalled that (reading through the last decision) that the Planning Board voted against the plan. Mr. Greenwald advised that the court found that the Special Permit is still valid; they are looking to start where they left off and is still seeking to modify the Special Permit, still seeking to do the 21 additional units and have the others from the possibility of being built.

Mr. Allen presented the certified mailings to SJW. Mr. Allen began his presentation with the previous approved Special Permit (1985) which showed the full development of the 84 units. The first 41 units have been developed and the remaining phases 3, 4 and 5 involve an additional 1,500 feet of roadway work, an additional 43 units, involved the wetland crossing and utilizing the entire 35 acre parcel. Mr. Allen then showed the proposed current Special Permit which includes 23 of the 35 acres as undisturbed or 65% of the entire parcel to be left as undeveloped and wetlands not crossed. The new units to be developed would be seven tri-plex buildings units which are about 1/2 of the original approved. He mentioned that there is also a reduction in roadway infrastructure would be cut in half and there would be no need for wetland disturbance.

Mr. Allen advised that from the time they submitted back in 2006 to today, a couple of the Development Site regulations have changed. They have hired Gil and Associates of Norwood to do a traffic investigation for the existing access point for these 21 new units, there is an existing roadway now to service the sewer pump station. Mr. Allen advised that the roadway they plan to repaved and extended is virtually in place today, they plan to extend the water line and the pavement creating a cul-de-sac. As part of the improvements they decided to add a turning radius with gravel access between the two cul-de-sacs for emergency access. He advised that they have received feedback police and fire departments that they would like to see it paved.

Mr. Allen advised that they have added a landscape architectural plan that utilizes the current species and number of new landscapes to be done in the new area as well as adding new lighting. He reiterated that this is a modification to the existing Special Permit for the 84 units, reducing it to 21 units, saving 23 acres of open space and utilizing the majority of the infrastructure which is in place. Mr. Allen advised that there is only about 3/4 of an acre of new tree line, he does not anticipate many trees needing to come down. There is already a curb cut in place, the traffic study had been done for site distance and crash data and everything is adequate in that location.

PMM questioned the traffic study, he wanted to know if the restaurant in the area is hard to get out of, he thinks that it is a tough intersect and the cars travel at a high speed. Mr. Allen advised that his project is far enough away from where the restaurant. A speed survey was conducted as read aloud from page 2 of the study.

SJW reminded the Board that MDM and Graves will review this information and she mentioned that the Board should get a copy of the new landscape plan. Mr. Allen

advised that he is prepared to review the architectural plans with the Board. Mr. Allen advised that it is currently 14 foot wide opening and they are proposing to widen it to 20 feet. PMM questioned the 30 foot easement for the pump station; Mr. Allen advised that this is the easement that Crystal Springs gave to the Town.

Mr. Allen advised that there are no sidewalks proposed, there is nothing to connect to it and does not think it is warranted. He advised that there are leeching fields that are going to be used, PMM advised that they are not in use and also asked if there were a new system proposed. Mr. Allen advised their systems are approved by the BOH.

PP has concerns with the development access as it is not too far from the proposed Post Office Place, the access on to Mechanic Street, and wanted to know what other measures are taking place to allow for the flow of traffic. Mr. Allen advised that they have estimated the amount of traffic on Rt. 126. PP asked if there would be a stop sign at the end of the Road, Mr. Allen advised there would be and because Mechanic Street is well traveled and maintained it should not be a problem.

PP mentioned that the abutting property abuts a brook and there are wetlands. PP asked where they stand with Con Com and if they plan to run concurrently. PP advised that on the plan it looks like they are showing two cul-de-sacs, he thought the consensus was not to have a connecting road and to have a gate and access between them.

SJW asked Town Council if this is considered a dead end street, Mr. Talerma advised it is not because it is not a subdivision. Mr. Allen advised that they have received documentation from the Police Safety Officer and Fire Departments advising they like them locked and secured and advised that they will also need to be maintained. He mentioned that the Fire Dept. questioned if the 12 inch water main was enough, they stated it needs to be upgraded, Don DiMartino, DPW Director, agreed.

Mr. Allen claimed that he is not sure of the three commercial buildings going in the area but he stated that they are looking at only 40,000 gallons of water a day and advised that Mr. DiMartino offered the current study that the DPW is conducting. Mr. DiMartino commented that the Fire Dept advised that if they cannot maneuver truck then it is useless and to try to widen the cul-de-sacs. SJW advise that Regs call for 100 foot not 80 foot wide cul-de-sac.

PMM mentioned Mr. DiMartino's letter and the loop and if they planned to finish it through. PP asked where the fire hydrants will be. RO asked about the water calculations and where it starts and if it starts on South Main Street and runs towards the brook. Mr. Allen advised that back in 1985 Subdivision, there were no drainage basins proposed. Mr. Allen advised that there amendment to the Special Permit takes all of runoff from existing buildings. RO expressed concern with how the pipes will be handled post development and if it will be less than what exists today. PP clarified that there will be no increased runoff and all the current regulations will meet today's guidelines.

PMM asked if more structures in that area will need to be built and if the cul-de-sac could be ruined as ice builds up in the winter, Mr. Allen does not think it would.

PP asked why sidewalks are not proposed; Mr. Allen advised that they are two bedroom condos and would most likely not be needed as this is not a Subdivision. PMM asked Mr. Lobisser who they plan to market to and if sidewalks could be added.

PMM advised that there is a lot of drainage being upgraded currently on South Main Street as it is a state highway and wanted to know if they have checked with the State to see what is being done. Mr. Allen advised that they have not yet, PMM suggested that they might want to touch base with Mass Highway and do not get involved with something that may interfere with their project.

GCW asked what the level of service will be adding 200 trips a day. Mr. Allen read from his traffic study which stated that it generates an additional 14 trips a day total and he reiterated that site distance and volume need to be there. Mr. Lobisser wants to hold off on the traffic study as it is an extra added cost.

GCW questioned the gravel and the road. He commented that they do not want it to become a cut through and questioned the safety of the road being gated off and the 21 new units without access. Mr. Allen reminded the Board that this was approved for 84 units and are working within the approved Special Permit not a new Special Permit. GCW said he understands that the Board is looking at a modification not a new Special Permit. Mr. Allen advised that they are more than willing to do the gate and lock but if it is going to "kill" the project then changes will need to be made.

RO inquired about the old Special Permit and what guarantee does the Board have from them stopping and not completing the project again. Mr. Greenwald advised that they are forfeiting their rights to do that again by coming forward and completing the project.

Ralph Mendall, 79 Mechanic Street, advised that that is not a road it is a driveway. There is a trivet that runs through the swamp 20 feet away from the dirt, GCW advised that they are running their hearing concurrently through Con Com as it is conservation issue not the Planning Board

Steve Mendall, 79 Mechanic Street, advised he is a volunteer fire fighter, the road will not take two large vehicles at the same time and with rescue it will not allow both vehicles to go through. He also mentioned that there can be a line of traffic from the red light from Blackstone Street to the Walgreens intersection. He mentioned that there is a potential police hazard and he might try to cut across which can be a hazard for the vehicles. Mr. Mendall questioned if the traffic survey takes into account existing foot traffic on Mechanic Street. Mr. Mendall advised of the busy times on the street and also commented that if the economy improves than there will be more traffic traveling on that road. Ralph Mendall had several comments on the traffic as well.

Mr. Talerman advised that MDM's survey should include who it lets in and the level of service and disagrees that Special Permit criteria do not apply as they do today. Mr. Talerman asked about the wetlands, Mr. Allen advised that the wetlands are still in same position. Mr. Talerman advised that the Town approved a wetland Bylaw and the buffer is now an issue and advised Mr. Allen to look into it. Mr. Talerman advised that the town as of lately asked if they are willing to provide a small amount to affordable housing as the town is close to getting its required 10%.

SJW advised that the Town does have a Housing Production Program in place and it is anticipated that the population will require a larger need for senior housing and the Town would like to see the local senior population stay in town.

Mr. Lobisser advised that he is a local developer that has been in this area for quite a while and understands the issues brought forth. He would love to work with the Board to help the Town obtain the required 10%. SJW claimed that she wants to get everything out on the table and this is the purpose of the 1st meeting. SJW mentioned open space and trail opportunities.

Joe Lynch, 2 Crystal Way, questioned the 10% affordable housing. GCW explained the 40B Regs. Mr. Lobisser advised that the Planning Board is asking that two units be held aside to be considered affordable, the units would be the same as all the others. Mr. Lynch also asked about the gate and how they would get onto Route 140 and who pays for the gate. Mr. Talerman commented on whether or not there is a likelihood of a cut through there, PP clarified.

RO commented that it is not easy getting out onto Rt. 140. The Board discussed the traffic on South Main and Rt. 140. RO and PMM commented on the wording in the proposal.

Mr. Greenwald questioned the open space and that Mr. Lobisser does not have control over the open space. Mr. Talerman advised legally that there is no such thing as an amendment to an existing Special Permit. Section 1500 applies to social economic or community needs; it is a distinction without a difference. The Town has enhanced regulations and whether it applies to an amendment.

Mr. Lobisser advised that he has never had an attorney come to a Planning Board meeting; he only requested his attorney be present because Town Council would be.

Brian Norton, 18 Pistol Way, is a member of the Con Com, commented on the wetlands and that they do flow into the Charles River from the top of the condo complex and flows year rounds not intermittently. He does not agree with the west view of the line of site. Mr. Norton submitted a picture taken today to the Board. Mr. Norton advised that currently sidewalks run along to the side of the mailboxes. PMM asked if this is requirement of the post office.

Mr. Norton questioned how much impervious surface they are planning to add. SJW advised that they meet the current Stormwater guidelines. SJW advised it will not affect them it may help them. Mr. Norton asked about the association donating the land it would have to go through every voting owner.

DB advised that the plan should reflect the sidewalks on South Main Street to David Road.

RO commented that he would like the Board to have ample time to review the paperwork associated with the project prior to the meetings.

GCW: Motion to continue the public hearing for Crystal Springs Phase III, Development Plan Review and Special Permit Modification until August 12, 2010 at 7:15pm.

PP: Second.

Vote: 4-0 Approved. (GCW, DB, PMM and PP)

GCW: Motion to extend the decision deadline for Crystal Springs Phase III, Development Plan Review and Special Permit Modification to September 10, 2010.

PP: Second.

Vote: 4-0 Approved. (GCW, DB, PMM and PP)

General Business

PP: Motion to sign the June 10, 2010 meeting minutes.

PMM: Second.

Vote: 4-0 Approved. (GCW, DB, PMM and PP)

PP: Motion to sign the vouchers.

PMM: Second.

Vote: 4-0 Approved. (GCW, DB, PMM and PP)

SJW advised the Board that there is a new weekly payroll system for AS and herself. SJW asked the Board if they filled out there assessments for herself and AS and to hand them in. GCW mentioned that it might be easier to do the contracts every two years rather than every year starting with the 2012 fiscal year.

PMM: Motion to approve SJW contract from July 1, 2010 until June 30, 2011

PP: Second.

Vote: 4-0 Approved. (GCW, DB, PMM and PP)

PMM: Motion to renew the contract for AS from July 1, 2010 until June 30, 2011

PP: Second.

Vote: 4-0 Approved. (GCW, DB, PMM and PP)

Planners Report

SJW advised that she got an email from Jack Bokoski, Selectman Administrative Assistant, regarding the Town becoming a green community and could be designated to earn grant money through the state. SJW advised that this will involve zoning changes and is getting help from Jay Talerman's firm. PMM commented the Town could make better use of lighting, SJW advised that she is in contact with those who organize the energy efficiency committee.

SJW gave the Board information on affordable housing and advised that all these ideas will be a hard sell at Town Meeting.

DB: Motion to adjourn.

PMM: Second.

Vote: 4-0 Approved. (GCW, DB, PMM and PP)

Minutes Accepted on:

July 8, 2010
(Date)

Patricia M. Buckley
Patricia M. Buckley (absent)

(absent)
Peter Pappas

Peter M. Morelli
Peter M. Morelli

Amy Sault
(Prepared by: Amy Sault)

Glenn C. Wojcik
Glenn C. Wojcik

Dave Brown
Dave Brown