



BELLINGHAM PLANNING BOARD

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September 9, 2010 Meeting Minutes

- **Present at the Meeting**

Patricia M. Buckley (PMB), Chairman
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 (absent)
Amy Sault (AS), Coordinator (absent)

PMB opened the meeting at 7:00pm.

TMC Services Development Plan Review (Bellingham Commons Lot 2), Continued Public Hearing

Mark Beaudry of Meridian Associates was present to represent this project.

GCW: Motion to sign the approval for TMC Services Development Plan Review (Bellingham Commons II Lot 2).
DB: Second.

RO commented that in the decision it states that the Board is still waiting for updated architectural plans. Mr. Beaudry advised that the plans were submitted at the last hearing, PMB questioned if they were the finalized plans. Mr. Beaudry advised that the hearing was closed and there was some discussion about having final plans before the appeal period was up. He thought that it was finally decided that if there were any significant revisions to the plans that were presented at the last hearing that were submitted then they would have to come back. PP advised that if there are no substantive changes to the plans the Board reviewed at the last meeting then the Board would sign the decision.

Mr. Beaudry advised that the architect is willing to work "within the box" that was created at the last hearing. He advised that there was some discussion about moving the parking and change the handicap parking but they have figured out a way to work within that without changing the site plan.

Mr. Beaudry advised that he has not seen the final version of the decision and he wanted to be sure that SJW had taken out condition C3 regarding the Storm water permit part as it is not required for this project. The Board confirmed that portion of the decision was removed.

Vote: 5-0 Approved. (PMB, GCW, DB, PMM and PP)

Street Acceptance Discussion for Bellingham Estates: Hampton Court, Kensington Court, Leeds Lane, Oxford Court and Whitehall Way. (Toll Bros)

PMB advised that the Attorney for the project Mark Kablack requested a continuance until September 23rd due to the punch list not being completed. PMB also advised that the Morse issue is not yet resolved and they are not sure if the groundwater issue is a direct result of Toll Bros work. PMB advised that Don DiMartino went out to the site and is not in 100% agreement that it is not a result of it and there needs to be some resolution to this before the Board can accept this at Town Meeting.

PMB advised that if within the next two weeks (Toll Bros) can complete the items on their punch list and maybe come to a resolution with the Morse's. The Board explained to GCW, who was absent at the last meeting, what the Morse issue was. PMB explained that the problem the Board will run into with this is that it is not going to be in the Planning Board's purview to try and take care of this issue for the Morse's. PMB advised that once the DPW signs off on everything, the Planning Board has no jurisdiction over any other issue.

PP advised that the subdivision may be creating collateral damage and he cannot effectively sign off on a matter that is still open. PMB questioned that if the DPW says it complete than how can the Board not sign off on it. PP advised that in the course of their construction (Toll Bros) they obviously created collateral damage and Jay Talerman might say that the Board has no right to deny signing off on this but he wants to wait and see what he comes back with. PMB agrees with that.

PP questioned if the Morse's are the only abutters affected by this. GCW advised that Fox Run had never accepted although originally built to spec at the time and then years later it was brought to the board for acceptance even though at the time it was brought for acceptance the Regs had changed and Fox Run did not meet the new Regs. Ms. Morse was before the Board at the time and when asked directly she said there was nothing going on behind the scene and the only reason she was advocating for Fox Run to be accepted was because it just was never done when the road was first constructed. Once Fox Run was accepted shortly afterwards Pierce Estates, eventually Bellingham Estates was brought to the board. GCW thought it ironic that Ms Morse had advocated for Fox Run to be accepted and then it opened the door for Bellingham Estates, in which she bought a house and now she is having issues with the developer, Toll Bros. PP clarified with GCW what he was saying; that Anne Morse has an issue with Toll Bros. DB clarified what the question is, whether Toll Bros created this problem or if it was pre-existing.

PMM advised that his viewpoint is that this Board should consult with Jay Talerman and get his opinion and go from there. PP commented that we "hold their feet to the fire" as long as we can; there is not a strong enough link to put it to rest. PP advised that he does not like developers that get wind of issues and then try to ignore or hide the situation. PP believes that if the Board can help someone out in a situation where it seems that they have been wrong then he is all for that. GCW agrees with this.

PMM advised that even if they came before the Board tonight, the punch list is still not completed and the Board would have to deny the acceptance based on the three punch items listed. PP advised that if Ms. Morse cannot get her issue resolved within these four weeks then there is nothing more the Board can help her with.

RO referenced a letter from the last week meeting, stating Toll Bros claims they are continuing to analyze the groundwater issue affecting the Morse property, which he thinks is admittance. PMM advised that there was a meeting that occurred yesterday between Toll Bros and the Morse's but nothing was accomplished and it sounded like something is getting worked out amongst them, which would be the best way to handle this.

PP advised that he thinks the Board has done all it can do to help out. GCW agrees and commented that Toll Bros does not have the best reputation but as far as this development goes, they have done a good job. PP commented that Toll Bros had a similar issue at another development in Hopkinton that had groundwater issues, they don't take the proper engineering issues and there is fallout and a lot of lawsuits with groundwater issues. PP further stated that it wasn't surprising when Ms. Morse brought this up, and if there is a prior history between her and if she is trying to use the Board, he wasn't surprised when Ms. Morse brought up the whole groundwater issue.

GCW: Motion to accept the continuance for the Street Acceptance Discussion for Bellingham Estates: Hampton Court, Kensington Court, Leeds Lane, Oxford Court and Whitehall Way. (Toll Bros) until September 23, 2010 at 7:00pm.

PMM: Second.

Vote: 5-0 Approved. (PMB, GCW, DB, PMM and PP)

General Business

DB: Motion to sign the vouchers.

PP: Second.

Vote: 5-0 Approved. (PMB, DB, PMM and PP)

DB: Motion to sign the August 26, 2010 meeting minutes.

PMM advised that some changes were made on page 5, PMM advised the Board of the changes.

PP: Second.

Vote: 5-0 Approved. (PMB, GCW, DB, PMM and PP)

MINUTES OF THE PLANNING BOARD

September 9, 2010

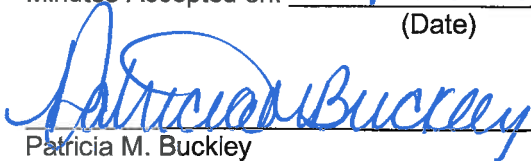
PMM handed out the new Open Meeting/Conflict of Interest Books and had each member sign in acceptance.

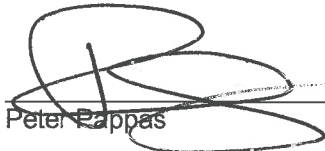
DB: Motion to adjourn.

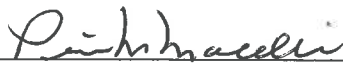
PP: Second.

Vote: 5-0 Approved. (PMB, GCW, DB, PMM and PP)

Minutes Accepted on: 9-23-10
(Date)


Patricia M. Buckley


Peter Pappas


Peter M. Morelli

(Prepared by: Amy Sault) (absent)


Glenn C. Wojcik


Dave Brown