



BELLINGHAM PLANNING BOARD

2 MECHANIC STREET
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August 25, 2011 Meeting Minutes

- **Present at the Meeting**

Patricia M. Buckley (PMB), Chairman
Glenn C. Wojcik (GCW), Vice Chairman (absent)
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

PMB opened the meeting at 7:00pm.

Cedar Hill Estates, Sharpe Drive, Bond and Lot Releases

Jeff Gagnon from Foresight Enterprises present for this project. Mr. Talerman advised that they can work to expedite the deed documents and the Board can vote to approve the lot releases subject to the Town Clerk's approval. He also advised that the Planning Board can approve the general form of security and can be subject to the final approval so that the Board can sign it in the Planning Board office.

Mr. Talerman advised that he and Stuart LeClaire, Building Inspector, can work on a foundation permit and provide a letter for the two lots.

PMM: Motion to allow the pouring of two foundations but nothing until the security is in place.

DB: Second.

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

Bellingham Commons II, 191 Mechanic Street, Pad Site Modification, Decision signing

No one for this project was present.

PMM: Motion to sign the decision for Bellingham Commons II, 191 Mechanic Street, Pad Site Modification dated August 25, 2011.

DB: Second.

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

Shores at Silver Lake III Definitive Subdivision (Center, Cross and South Main Streets) Continued Public Hearing

The Board received a letter requesting a continuance. Don Neilson, Guerriere and Halnon, requested a continuance to October because they have not completed the Phase III development plans. PP asked how many continuances have been granted. The Board agreed it was three, PMB advised that they need to come back to the Board with all of their information to which the Board had requested. RO advised that the Board is tired of seeing them come back continuously without any new information. PP advised he would like to see them be continued to December, because he does not want to grant them another extension.

PMM: Motion to extend the decision deadline of Shores at Silver Lake III Definitive Subdivision until December 31, 2011.

DB: Second.

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

PMM: Motion to continue the public hearing of Shores at Silver Lake III Definitive Subdivision until December 8, 2011 at 7:00pm.

DB: Second.

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

October 12, 2011 Town Meeting Zoning Amendments Public Hearing

Article 11 (article 14)

Denis Fraine advised that this article is being passed.

Article 12

Mr. Fraine advised that this article deals with bulk storage allowance in an industrial zone. Mr. Fraine advised it is not intended just for the Cobb lot on Maple Street. SJW asked if Mr. Cobb will be forced to get a special permit if this passes at Town Meeting. Mr. Talerman advised that it would prompt a special permit and explained that he is not grandfathered in; it is just to capture all of the stuff moving forward. Mr. Fraine reiterated that they are not trying to pass this article just for this lot on Maple St. PMM asked what else might be considered, Mr. Talerman advised any piling of stuff, this will allow us as a Town to better regulate zoning issues to resolve these types of lots. PP

confirmed that there is no grandfathering allowed, Mr. Talerman advised if anyone wants to make a change to an existing lot, then they would need to go back to the Zoning Board for that.

Deputy Gentile advised that he still has to follow the CMR permits. Mr. Cobb has still not done this, Deputy Gentile read aloud from CMR-10, by code he would have to move the pile back as it exists today. RO thinks there needs to be a better definition of bulk storage, he gave some examples.

Mr. Talerman advised that it is better to define "bulk storage" broadly because it will give the Planning Board a better handle on each individual project. Mr. Gentile commented that there needs to be safety access with fences.

PMM asked about bulk storage and the CMR, Deputy Gentile advised that MA has not adopted the Federal codes yet. Deputy Gentile advised that CMR-10 states that they would have to follow the regulations no matter what. PMM advised it sounds like it is difficult to enforce, Mr. Talerman explained that it is not hard to enforce, PMM asked what kind of legality we would have if someone came in and asked for a permit. Mr. Fraine advised that anything that needs a permit would go through Building and Fire. Mr. Talerman advised that the Planning Board will learn how to deal with these permits as time goes by, he would be hesitant in defining it too clearly. PMM wanted clarification that the Town will be covered in this broad definition, Mr. Talerman advised that this is the better way to go.

Frank Morse, 494 Center St, asked about federal regulations, OSHA regulations, and commented that it would be better to let the Federal and State levels do their jobs. PMB advised that they are trying to deal with this at a Town Level so the members of the Town have better control of what goes on in their Town. Deputy Gentile referenced an example of someone who recently was hurt at the Maple Street lot and that Mr. Cobb should have to make the mulch and wood piles kept below the 25 ft. mark or lower. Mr. Morse asked who got hurt and if it was a worker in the day by day operations. PMB advised that this is not to be discussed here, she explained that it makes it easier to regulate for the Town and keeping the people safe.

Mr. Ambler had a question regarding the definition under "contractor's yard" and the special permit process, Mr. Talerman advised it is pretty clear with the foot note definition to reference bulk storage.

Article 13

Mr. Fraine suggested this should be a Zoning Board issue. Mr. Talerman advised that it will provide more relief for the Town for these abandoned properties and gave an example if a house burns down, it could be an adjoining lot and questions were brought up what would happen to the other property. PP asked if there would be any retro language, and if they would be grandfathered in. Mr. Fraine advised that it is not clearly defined what abandonment is.

Mr. Ambler agrees with SJW on not having it be a Planning Board issue. PP advised there may need to be relief from a variance. Dawn Davies asked how foreclosed homes fall into this category. Mr. Talerman explained that the use could be changed to

include foreclosures and the bank would want to jump into a special hearing notice. There was some discussion on foreclosures.

Article 14 (article 11)

Mr. Ambler asked why SJW did not call her to update him on the status of the MAPC parking grant and that is why his article is before the Town again. SJW explained where she is at with the grant and how they are coming about their new bylaws, but it is a work in progress. SJW advised that she does not want to rush it and it will take some time but hopefully they will be ready to submit for Spring Town Meeting.

SJW advised that she has updated the Board at almost every meeting since June on the progress of this; she has made the Board aware. PMB asked Mr. Ambler if he would pass it over, Mr. Ambler read aloud from an article in the Milford Daily News regarding a quote from Mr. Fraine. SJW explained that the EPA regulations is related to impervious surface, Mr. Fraine explained his comment advised it had to do with phosphorus removal from the Charles River and not this parking Bylaw. Mr. Fraine advised that it was an EPA study on phosphorus removal. PMM explained that it is part of section 3300; we are trying to reduce our parking requirements. PMM further explained what we are working on; Mr. Ambler will still bring it forward and claimed that the Board does not create all projects equally with parking requirements.

PP questioned Mr. Ambler's bylaw (D) and Mr. Ambler explained where he believes parking should be required and not required and does not believe it should be required for storage areas. Mr. Ambler reviewed section 3320(G) under retail business; he referenced a cleaning establishment, which has about 1/5 of space as to where the public would actually be. He explained that having to provide parking spaces to reflect this.

RO asked what was excluded and what he is asking to have spaces such as bathrooms, utility rooms, electrical rooms, etc. included. RO commented that the Board should take this under advisement. RO asked Mr. Talerman what would happen if the Board approves an establishment that is greater than the occupancy level. Mr. Talerman advised that that is different, RO made an example of the Fire Dept. going to an establishment because it is overcrowded per the state building code but not overcrowded because the number of spaces that are there would allow that many people to go there. Mr. Talerman explained that you regulate under Zoning for a different purpose, RO asked why give more spaces than you can occupy in a building. Mr. Talerman advised that parking has to be constantly changing to keep up with the times because the ITE book is being re-written all the time and that less is more.

Mr. Talerman likes the definitions written so the Board can do what they see fit in a case by case scenario. He personally prefers the less is more motto.

Mr. Talerman advised that it is difficult to patch up and fix the Bylaws the way Mr. Ambler is trying to do.

The Board voted:

Article 11 (Article 14) passed over.

Article 12 (Bulk Storage)

PP: Move to recommend article 12 at Town Meeting.

PMM: Second.

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

Article 13

PP: Motion to recommend Article 13 regarding use of the Special Permit.

PMM: Second.

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

Article 14 (Article 11)

PP: Motion to not recommend Article 14 since the Planning Board is in the process of amending these Bylaws.

PMM asked if can be changed to no recommendation based on how we do with the MAPC. Mr. Talerma advised that you can chose to recommend or not recommend up until 5 minutes before Town Meeting. PMM asked if the Board can do that. PMB advised we can do that.

PP: Move that the Planning Board hold off its determination whether to recommend or not until just before Town Meeting.

PMM: Second.

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

Mr. Ambler asked if SJW could call him to advise him to see if anything has changed regarding parking prior to Town Meeting. PMB advised Mr. Ambler to check in with the Planning Board office.

Street Acceptance Discussion: Hampton Court, Kensington Court, Leeds Lane, Oxford Court and Whitehall Way

PMB excused herself for a couple of minutes.

Mark Kablack, attorney for Toll Bros., advised that the town still holds \$750,000 in performance bond they petitioned from Town, the Board voted not to release the bond last October because of drainage issue.

Mr. Kablack updated the Board on the Morse property and also advised that the third item on the list is the Mohondros property. Mr. Kablack advised that their issues are still outstanding, but is a lot specific issue. Mr. Kablack advised that that they did work on his property in the fall and some of those issues are outstanding but this is not a

stormwater issue. Mr. Kablack advised that Toll Bros. is still responsible for maintaining these roads.

Mr. Kablack advised that a site walk took place this past April with DB, PMM and engineers from VHB, the purpose of this was to see the ground water flowing. He advised that they did see some groundwater seepage but will keep this discussion limited as it is a private matter and the Morse' did not participate in this site walk. They found several areas of high ground water but have been unable to come up with a reason as to why.

Mr. Kablack advised that the slope has been excavated and the site walk was inconclusive, no more activity will be granted on the Morse property. Mr. Kablack advised that the site walk was inconclusive but will leave it at that regarding this property.

Mr. Kablack advised that at the same team walked along the perimeter of Bellingham Estates, where Fox Run is.; The Con Com has advised that there is a significant wooded buffer in that area of the property about 50 ft. He claims that there was no evidence of ponding water in that area. Mr. Kablack advised that the Con Com has been back out at this property and there is still a process between the Boards and the Final Certificate of Compliance is still pending with them, they were back out on the property on August 13th.

Mr. Kablack advised that they have tendered an open space plan to the Con Com and they are still waiting to hear back from them. Mr. Kablack advised they are before the Fin Com on September 12th as part of the Town Meeting process. Mr. Kablack introduced A. Lenzi from Toll Bros.

PMM referenced the meeting back in April, and asked where the updates and findings from their consultants was, they were supposed to submit this info to the Board. PMM advised that this is the first he has seen since that meeting. PMM would like to see some information as to why this Board should recommend this, what he has is not sufficient for the Board to make a recommendation. Mr. Kablack will ask the Con Com again to reaffirm the letter the Board has from last August. He claimed that is what the site walk was supposed to prove and will ask the DPW to provide comments as well.

RO asked about the BOH pictures and mosquitos with standing water. RO would like to see a letter from the BOH stating that this property is free and clear of standing water.

PMB asked for Mr. Talerman's advice, Mr. Talerman advised that he is not involved as this is a private dispute. Mr. Talerman is concerned with the infrastructure on the plans has been followed; it is up to the Board whether or not they recommend it. PMB advised that the Board would like some more information including what PMM and RO have requested. PMB reminded that there are only the September 8th and 22nd meetings prior to Town Meeting. Mr. Kablack clarified that a letter from Con Com is needed, Mr. DiMartino and BOH letter. PMB asked when they want to come back before the Board Mr. Kablack advised he would prefer the 22nd, PMB advised Mr. Kablack he could come back before the Board at 7pm.

Mr. Morse advised that Mr. Kablack has not contacted him at all. PMB advised Mr. Morse that this is not an issue for the Town to get involved it, it is a private matter.

There was discussion between PMM and Mr. Talerma stating that there is not much more the Town can do to protect them. PMB advised we stepped out on a limb to help this issue, the testing proved that the water is coming from their property. There was more discussion between Mr. Morse and PMB. PP asked Mr. Morse if there is any other information and that the Town has not seen any studies that the Morse' have. PP advised that this issue has been going on for a year before the Planning Board and the Board has been very fair. PMB sympathized with Mr. Morse and asked him to submit any information that he has for the Board to review. PMB advised Mr. Kablack and Mr. Morse that any information needs to be given to the Board by September 16th so there is plenty of review time.

Dawn Davies asked why the Con Com did the walk through in August when there is no water, why did they not go in April, PMB cannot answer that question. PMB agrees that Toll Bros. should have contacted the Morse's but they should have followed up. Mr. Kablack advised that the Con Com was invited to attend the site walk in April but Mr. Holmes could not attend. The most recent site walk was done at their schedule. Mr. Kablack advised that Toll Bros did hire a hydrologist, they accomplished the type of report they could from the info we had. PMB reminded the audience that this project will be back before the Board on September 22nd at 7:00pm.

General Business

PMM: Motion to sign the August 11, 2011 meeting minutes.

DB: Second.

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

PMM: Motion to sign the vouchers.

DB: Second.

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

Planners Report

SJW advised that that Fin Com someone needs to attend the meeting on August 29th. PP advised that he could attend.

SJW advised that her office hours will change due to some conflicts in the next couple of weeks, but the hours will be posted on the website, on the voice mail message and on the door of the office.

SJW advised that there will be some additions to the Commuter Rail including maybe someday connecting to the Metro West Rapid Transit (RTA) which will take people to Framingham and maybe to the Woonsocket Line. She will continue to update the Board on this possible expansion.

MINUTES OF THE PLANNING BOARD

August 25, 2011

DB: Motion to adjourn.

PMM: Second.

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

Minutes Accepted on: _____
(Date)

(Prepared by: Amy Sault)


Patricia M. Buckley



Glenn C. Wojcik (absent)



Peter Pappas



Dave Brown



Peter M. Morelli