



BELLINGHAM PLANNING BOARD

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Meeting Minutes February 9, 2012

MEETING LOCATION: ARCAD MEETING ROOM – MUNICIPAL CENTER

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
Jean Keyes (JKT), Planning Board Coordinator

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

Highridge Estates II Definitive Subdivision Modification and Major Residential Special Permit off of Highridge Road, Continued Public Hearing; Decision Deadlines: 5/3/12 and 2/25/12.

Present were: Bill Halsing of Land Planning and Tim Jones the applicant. Also present from the Town was Bellingham Deputy Fire Chief Mark Poirier

Mr. Halsing presented an overview of the project. He set up the development plans on the easel showed on chart where subdivision is located. Mr. Halsing described the proposal for the development and the open space which is described in the project narrative.

Questions from the board:

RO asked Mr. Halsing to explain how the water runoff system will work. He was concerned that the plan presented won't work because it is on ledge. Mr. Halsing stated that when the soil testing was done no ledge was encountered only ground water was encountered. He also stated that water from the upper lots will go into the basins in the upper area as well as into the bio retention area. The bio retention area will hold water and allow for infiltration. The retention basin will hold water and then the water will be piped across the street to an overflow and then into the existing swale that is currently working. RO stated that it appears that the applicant has controlled the water in two lots, but asked what happens to water in the street. Mr. Halsing explained the drainage system that eventually goes into the underground system and then into the existing drainage on Highridge Road. Mr. Halsing explained that they dug down to 107 inches and found no ledge.

RO asked if Mr. Halsing has addressed the Fire Chief's water pressure problem. Mr. Halsing replied that he wasn't aware of any issues. PMB asked Mr. Jones if he knew about water problems and he replied yes from what the DPW has told him. PMB explained that the Fire Chief has communicated concerns about significant water pressure problems in that development. PMB stated that the Fire Department is very concerned about the water pressure for the new houses and the Board asked Deputy Chief Poirier to attend the meeting. SJW stated that an email from the Fire Department may not have copied Mr. Jones or Mr. Halsing as it was a conversation between the Fire Chief and DPW.

Deputy Fire Chief Poirier stated that they did conduct water pressure testing on January 9, 2012 at 2:00 p.m. At 42 Highridge Rd, the static pressure was 20 psi and the residual was 19 psi. NFPA states that the pressure must have residual of 20 psi. At 63 Highridge, there was a static pressure of 48 psi and 40 psi at residual. FD concerns are that if more houses are added they are worried about the water pressure as it is now 19 psi which is slightly low. Deputy Chief Mark Poirier stated that an engineer must address this issue. Installation of a pump station is one idea but it will have to be engineered in the opinion of the Fire Department. Mr. Halsing asked if they could get a copy of the results and if the Fire Department conducted the tests themselves. Deputy Chief Poirier stated that he will send a copy of the result to Mr. Halsing and the Planning Board and that they conducted the testing themselves. PMB stated that Mr. Halsing definitely has to deal with that issue. The Board is continuing the hearing so have a solution next time and asked Mr. Halsing to copy SJW, Deputy Chief Poirier on all solutions for this issue.

SJW stated that Mr. Halsing needs to submit a landscaping plan. Mr. Halsing says that they try to retain as much existing landscaping as possible but will develop a plan.

PMB stated issue concerning division of the land and storm water management. Mr. Halsing is now not sure if the applicant can do a modification to the existing development as Mr. Jones does not control the rest of Highridge. Does it make more sense to submit a new application? There are 5 houses going up by right they can already build two. RO questioned the 81P on one of the lots. GCW, RO questioned how many houses they can build now.

Mr. Jones explained that there are two reasons they are here tonight. They are here to finish the mitigation on Highridge I as they still owe the town \$147,000.00. Building Highridge II gives money to pay off the town and bank. Mr. Jones has reviewed this with Bellingham Town Counsel and both have agreed with this plan. Mr. Jones does not want to build more houses but this is a way to pay his debt to the town

SJW explained that the Major Residential Bylaw is for 10 lots or above but the applicant has proposed 5 lots. So the applicant would have to submit as a new conventional subdivision or would have to before the zoning board to get a variance or special permit to get relief from the 10-lot requirement for the Major Residential Bylaw. That is why connecting Highridge II to the existing Major Residential Bylaw Development Special Permit works because they are above the 10 lots and have to comply with storm water. Choices are either a conventional subdivision with no open space and no storm water, or open space with storm water that is amended to the Major Residential Bylaw. This choice has to be made by the developer. The original plan did not have a clause to prevent subdivision of this large lot. RO wanted clarification that when Highridge I was done, there were two lots which are now changed to three. How does the original decision get affected if a modification is done? PMB explained that the applicant has to either modify Highridge I or submit a new application. GCW stated that the zoning is agricultural, which is 80,000 square feet. The only reason the original plan was allowed is because they built a cluster development. They did not have enough land to build a conventional subdivision.

PMB questioned Mr. Jones if there was any other way for the town to get the money that he owes? Jones stated that this is his last option. GCW is the sole purpose of this development to mitigate? Stated that the bank can take lots and the town will get money one way or the other.

PMB asked Mr. Mike Soter from the Bellingham Board of Selectmen (BOS), who is present, to state his and the BOS's concerns. Mr. Soter that Mr. Jones knew about water pressure test because he was copied on the 12/28/11 emails. He stated that decisions shouldn't be made on this proposed development just because Mr. Jones owes the money to the town. PMB understands this issue.

PP worried about water runoff for both the street and existing houses. PP wants to be assured that adjoining property owners won't receive excessive runoff as a result of grading to the new lots which changes water flow. PMB responds that the applicant can't guarantee how the water will flow. Mr. Halsing can tell with good assurance how the water will flow based upon the topography. PP stated that that is how the water flows now but once building begins, things change and he wants assurance that new homes will be graded correctly. Mr. Halsing stated that because of the way the land elevation is, it should flow correctly. GCW explained that the neighbors are upset by changes in neighborhood. PMM expressed his concern about impervious water runoff and asked if the existing swale be able to take the impervious runoff and not flood out the adjacent existing property. Mr. Halsing stated that their plan was part of the drainage counts that Meridian reviewed and it should sufficiently handle the runoff.

RO asked PMB if the Applicant has a copy of the Board of Health report concerning the water table for the land. Mr. Halsing and Mr. Jones do not have the report. PMB gives it to Halsing and Jones and asked that these issues be addressed at the next meeting.

PMB opened the meeting to Public Discussion and stated rules.

First question was from Attorney Christine C. Heshion, of Sakakeeny & Associates of Braintree, MA. She represents numerous residents who live on Highridge Rd. She stated their major concerns: 1) The water runoff for the residents in lower section is a problem now. There are pre-existing water issues as residents have fallen and fractured bones on ice that was formed by water runoff. This goes back to 2007 and is concerned that further disruption of land may cause more issues. 2) She has not seen the peer review reports but they have concerns about the plans as proposed. 3) Water pressure issues with hydrants and water pressure to houses. Most homes have water pumps now to keep the water pressure where it is supposed to be. Will new Lot 5 or 4 need water pumps? 4) Sidewalks? Handicap access? PMB responded that Attorney Heshion's issues are premature and that the Board is at the beginning of this process and the Board is very familiar with the process. Attorney Heshion stated that the most important concern is the water issues. She cautions the Board to not rubber stamp this applicant. PMB replied that the Board does not rubber stamp anything and never approves plans that are not thoroughly investigated. PMB further reiterated that the Board is not lenient on developers. PMB stated that Board represents the town – all of the town - and not just to be sure that the town is repaid what is owed. 5) Attorney Heshion then addressed safety issues such as the lack of street lights. There is no lighting near common mailboxes and it very dangerous. Attorney Heshion then repeated her clients' concerns about water pressure and stated that the developer and builder's track record is concerning. There is a lot of delay. The houses are built and do not sell. Her clients do not want to see a decision happen that will be at their expense. PMB is very aware of this delay issue and all the problems with the developer and builder. Attorney Heshion asked for a copy of Meridian report. PMB and SJW stated that yes the entire file is public record and Attorney Heshion can come in and look at files during our business hours. PMB advised Attorney Heshion to contact SJW to review the file and record.

Next to speak was Mr. Fred Dolan whose property directly abuts the property in Franklin. He asked how the town defines open space and is happy with the open space of 8 acres. SJW explained that the Con Com defines it and it would be public property. There is no plan at this time to make trails etc. and that in general is left open. PMB stated that the town could put whatever they want on it. But generally open space is protected as open. Mr. Dolan asked if open space is defined for this development? SJW stated that when land gets transferred the description of the open space is more formalized.

The final speaker was Mr. Greg Bennett of 43 Highridge Road. He is concerned about the clearing of the large lots and the runoff that will result from the clearing. Was the calculation of the runoff made by taking the clearing into consideration? How were the lot sizes calculated? He is also concerned about his water pressure which was 15 psi. The water pressure is very low especially in summer. When large trees fall or are cleared, the water is not being absorbed by the tree and remains on the land and runs off. He does not want to see more unsold houses. Why does the developer have to build more houses? Why can't the developer leave the original subdivision as it is now? Mr. Bennett also stated that he is very offended that this was started as a solution for the developer so he can pay back the town.

PMB responded by saying that the applicant is the owner and has he right to do this. No one on the Board rubber stamped that subdivision.

Bennett asked if the original plan was flawed, or was the plan not executed properly. GCW explained that applicant's has his engineer draw up plans and also pays to have the Town hire a peer reviewer to test all the engineer's calculations for the subdivision. Highridge I was built according to the specifications on plans and that the applicant did not build something incorrectly. Mr. Bennett asked how the specifications were determined. SJW explained that if Mr. Bennett has issues with the flaws in the execution, he needs to talk to the DPW as the streets in Highridge I are now Town-accepted streets.

SJW explained that the main issue is how this development is going to be presented: modification with storm water and runoff issues or new conventional development. The Board cannot tell the applicant not to submit. The applicant presents his information and the Board must decide if it meets all requirements. Whatever the applicant's motives are irrelevant when the Board is reviewing the proposal.

PMB asked Mr. Jones and Mr. Halsing what their time frame is to come back to the Board. PP and RO advises the applicant that he must have complete information when they return to the Board.

GCW: Motion to continue **Highridge Estates II Definitive Subdivision Modification and Major Residential Special Permit until March 22, 2012 at 7:30 p.m.**

PMM: Second.

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

GCW: Motion to accept an extension for the **Highridge Estates II Major Residential Special Permit to 5/3/2012.**

PMM: Second.

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

Parking Bylaw Discussion

SJW explained that PMB, PMM and PP were at the Board of Selectmen (BOS) meeting on February 6, 2012 and that the BOS was very receptive to new regulations. Selectman Mike Soter stated that the BOS thought that the Planning Board did a great job on parking bylaws. Mr. Soter expressed kudos to the Board for presenting this new bylaw to the BOS to address these issues.

SJW has received additional the following comments from Finance Committee member Roland Lavalée and from Attorney Lee Ambler:

- Gross Floor Area (GFA): SJW defined this is a very specific definition. Graphic was created by JK to illustrate GFA floor plan and PP feels that this is very clear and should solve the problem.
- SJW Added three (3) examples added for multi-use calculation for parking to clarify the parking in response to Attorney Ambler's questions.
- SJW clarified the language for parking for a family apartment.
- Religious Center parking was broken down by per person which makes it easier to understand.
- Parking for Fast Food that includes a drive through was discussed. The Board wants 17 spaces for fast food with or without a drive through, and 25 for Casual Dining. No change was made.
- Movie Theater employee language was removed. The Board does not agree with changing bowling alley parking and other entertainment as general assembly and to leave as is with no changes.
- Golf Course parking. The Board does not agree with proposed changes and makes no changes to the previously agreed upon number of 12 to accommodate players, workers, and functions, etc.
- Mr. Roland Lavalée of the Finance Committee questioned the parking for Motor Vehicles sales & services and thinks it should be the same as regular gas station. The Board agreed that there is a difference between a person making a quick stop gas and beverage and person there for service. The Board made no changes.
- Car wash parking. GCW questioning the number of spots for employees. Only 3 now – could the Board add language that further defines the “per xxx square foot”? SJW will look into it to define further.
- Office and Business Services. The Board agreed to change Offices and Business Services to 4 and add SJW will add a new definition for Medical Office and it will have 5 spaces.
- Jay Talerman suggested that the Reduction Contingent for Reserve Area be removed. JT and SJW agreed a reduction should be applied for in a special permit. It gives flexibility to the Board. SJW removed the term “expert” reports.
- Flexible parking options change from “site” to “employees per acre.” SJW will continue working on this language.
- The word “Communities” should be changed to walkable locations. The Board agreed.

- Egress space was changed from 50' entrance at the center line to 100'. The Board agreed to make the change to 100'. —
- Driveways grade should not exceed 8% to match changes suggested by Don DiMartino for the subdivision regulations. Board agreed to change.
- Driveways and egresses definition should be updated. Change agreed to by Board.
- Bicycle parking was changed to remove "shelter from the weather" language. The Board agreed
- Dimensional requirements for car parking stall dimensions. SJW will add definition for "normal" car in this section.
- JT provided a write-up to explain why the Board is using a special permit instead of a waiver.

PMM if this new Parking Bylaw is passed at Town Meeting then it has to go to Boston for approval. Mr. Soter of BOS questioned if this affects existing business and the Board explained that it only affects new businesses.

Mr. Soter stated that this new Parking Bylaw has his recommendation to BOS to move forward on this. He also believes that the Finance will most likely vote in favor of as well. Mr. Soter suggested that the Board get examples from surrounding towns. SJW explained that the Board is part of SWAP, which had the MAPC create a model bylaw. Now other communities in SWAP, Medway and Wrentham, want to use the Bellingham draft for their bylaw. Mr. Soter stated that the Planning Board is elected to do what is right for the town and not just one person, group, etc., but for the town. Mr. Soter expressed his belief that the way the Planning Board approached this revision of the bylaw is a model for how the town has to start doing things. The Board reiterated that all credit goes to SJW.

8:41 p.m. PMB left meeting due to illness.

Subdivision Rules and Regulations revisions, continued public hearing

No discussion at this meeting. The Board will continue discussion at the next meeting.

General Business:

PP: Motion to sign the 1/26/2012 Meeting Minutes.

MB: Second.

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

DB: Motion to sign the vouchers and payroll.

PP: Second.

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

SJW explained that the Flood insurance maps for FEMA have to be on Town Meeting Warrant and that it is the same article as last time. SJW also explained that Commuter Shuttle now has a new South Bellingham Route which starts on February 13, 2012. Laura DeMattia worked very hard to get this new route enacted.

New Business (81-P's)**Discussion: Revisions to Carrier Street**

SJW explained that residents are concerned that a lot of driving cut-throughs are occurring from Carrier Street to Stop and Shop to avoid the light on Pulaski Boulevard that are not supposed to happen. The residents want to convert the one-way Carrier Street out of Stop and shop to have gated access only. PMM questioned two means of egress and SJW replied that it will still have two means of egress. SJW will ask the petitioners to come in and explain it.

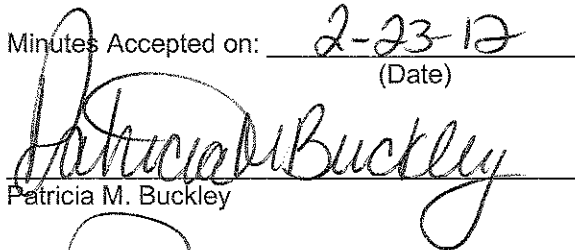
DB: Motion to adjourn.

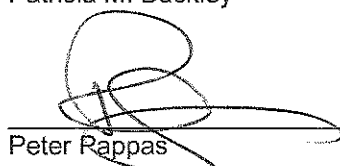
PMM: Second.


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

Minutes Accepted on: _____

(Date)



Patricia M. Buckley


Peter Rappas


Peter M. Morelli


(Prepared by: Jean Keyes)

Glenn C. Wojcik


Dave Brown