



BELLINGHAM PLANNING BOARD

2 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 657-2892; FAX (508) 966-2317
PlanningBoard@bellinghamma.org

Meeting Minutes December 13, 2012

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

Present at the Meeting

Patricia M. Murphy (PMM), Chairman
Glenn C. Wojcik (GCW), Vice Chairman - absent
Amber S. Griffiths (ASG)
Roger H. Oakley (RHO) - absent
Peter Pappas (PP), Secretary
Andrew T. Greene (ATG), Alternate

Other Officials:

Stacey J. Wetstein (SJW), Town Planner
Jean Keyes (JK), Planning Board Coordinator

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

Brookfield Estates Definitive Subdivision Decision Extension Request

Present: Emile P. Gareau, Applicant. PMM explained that the previous Planning Board Decision Extension expired in January of 2012 and Mr. Gareau must now reapply for an Extension and give abutter notice. The Planning office will put a notice of the public hearing in the newspaper and the date of the public hearing will be January 20, 2013.

Northwoods II Informal Discussion – tree plantings

Present: Mark Anderson of Heritage Design for the Applicant.

Mr. Anderson handed the Board members a larger map with the location of the trees. He then explained that the tree plantings and that the plantings were needed to complete the project. They planted trees where they were able with each being approximately 40' apart and taking into consideration driveway locations and utility boxes. Mr. Anderson stated that they have 12 trees left over and they planted these trees in the open space as a buffer along the easement area. He had a brief tech review meeting with the DPW, Town Planner Stacey Wetstein, and the Conservation Commission. It was recommended they come back to the Board. But they think this is a good placement of trees.

PMM stated that she is very unhappy with Mr. Anderson and his client. Mr. Anderson and the Applicant did not listen to SJW and did not follow her instructions to not plant the trees when SJW was actually on the site and told the landscaper and Mr. Anderson to not plant the trees. PMM further stated that it is unacceptable for him and the Applicant to not follow the instructions of the Town Planner and to not plant the trees as stated on the approved subdivision plans. PMM instructed Mr. Anderson that his client will have to file a Modification to the Subdivision as they did not plant the trees in accordance with the approved plans. SJW concurred with PMM that a Modification should be filed. PP, ASG, and ATG all agreed with PMM.

PP also wanted to know how they ended up with 12 extra trees when all trees were accounted for on the original plan. Also, he questioned why the extra trees were planted in an area that was not on that approved plans and without permission from the Board. PP stated that the Board may have agreed with the developer as to the location of the trees but they proceeded without the Board's permission. PP further stated that the Board does not want to be in a position where developers do what they want and disregard what the Planning Board has approved. PMM also mentioned that in the past when developers have extra trees, they discuss it with the Planning Board and the trees may be used in other parts of the

town. SJW stated that the approved plan had 88 trees on it but the number they actually planted, including the 12 in an unapproved area, was 73 trees. So they did not plant the entire approved amount of trees of 88 and are short by 15 trees.

Nikyta Resto, present, is a resident and stated that she previously spoke to the Board and the developer about her issue with having allergies to the trees that were supposed to be planted in her yard. She stated that the trees were not in planted in her yard because SJW stopped the developer from planting them. Mr. Anderson stated that he has discussed this with Ms. Resto that they have tentatively agreed to plant honey-locust trees which are non-allergenic. PMM informed Mr. Anderson that they have to present that information to the Board.

SJW suggested that the Applicant submit a Modification with notice to abutters just in the subdivision. Mr. Anderson agreed that he will be ready for the January 10, 2013 meeting and he will call SJW in the morning to discuss the requirements.

PP: Motion that Northwoods II submit a Modification for the approved Subdivision Plan.

ASG: Second.

Vote: Carried 3-0. (PMM, ASG, PP)

PP: Motion Northwoods II submit a Modification for the approved Special Permit.

ASG: Second.

Vote: Carried 4-0. (PMM, ASG, ATG, PP)

CVS, 370 and 400 Pulaski Boulevard, Development Plan Review, Drive Thru Special Permit and Stormwater Management Permit, Continued Public Hearing; Decision Deadlines: 4/1/13 Request for a Continuance until February 28, 2013 at 7:00 p.m.

PMM reminded the Board to bear in mind that CVS is significantly altering all the plans. PP stated that he does not want to grant a continuance as CVS could have taken steps prior to be ready by now. He is upset that the Applicant has wasted two meetings. PMM understands that but is willing to grant a continuance as they are trying to change the plans to accommodate the lining up of the light with Moody Street as the Board had requested.

SJW suggested that if the continuance is granted, the Board also send a more formal letter to the Applicant saying exactly what needs to be done and by what date or they will make a decision and close the public hearing. Additionally, the peer reviewer, BETA, cannot yet submit a new scope with costs as they have not seen the new plans from CVS.

The Board agreed that the continuance would be granted until February 28, 2013. That would give the Board one meeting to address any project changes prior to the decision dates.

ASG: Motion to Continue the public hearing for the CVS, 370 and 400 Pulaski Boulevard, Development Plan Review until February 28, 2013 at 7:00 p.m.

PP: Second.

Discussion: SJW stated that the letter should state exactly what the Board wants the Applicant to have completed along with the final plans for the February 28, 2013 meeting. SJW will have Town Counsel Jay Talerman review the letter before it is mailed.

Vote: Carried 3-0. (PMM, ASG, PP)

ASG: Motion to Continue the CVS, 370 and 400 Pulaski Boulevard, Drive Thru Special Permit

PP: Second.

Vote: Carried 4-0. (PMM, ASG, ATG, PP)

Planner's Report by SJW:

1. Zoning for Spring – SJW would like the Board to discuss reducing the number of lots for a Major Residential Development (MRD) cluster Bylaw. The Board had previously reduced the number of lots for the affordable component of the bylaw but did not change the applicability section of the MRD bylaw for cluster developments. SJW would like to change the bylaw to “contain no less than 4 lots.” This change would encourage smaller cluster developments. The Town Warrant opens at the beginning of February but PMM stated that she agrees but the Board should table this until the January 10, 2013 Planning Meeting when all Board members are present.
2. Letter to ZBA (Zoning Board) – Lussier – SJW has told Mr. Lussier repeatedly that this is not a Planning Board issue. Mr. Lussier and his attorney have taken the issue to the ZBA and are meeting with them. But he and his lawyer wanted to discuss this with the Planning Board as he believes that the neighbor's parcel needs a development plan review permit. Town Counsel Jay Talerman has advised the Board and SJW to tell Mr. Lussier and his attorney that their venue is with the ZBA and the Planning Board does not want to have dual issues in process at the same time.
3. Site Plan Minor projects bylaw – revision needed. SJW explained that revision of this bylaw will allow for smaller projects that need a smaller scope of review but still need a review. PMM agreed.
4. Budget - SJW will be preparing for next year due 12/20/12. The budget will be level funded except for the increase because of the pay raises for her and Jean Keyes.
5. Street Trees in subdivision - SJW stated that this continues to be a problem in Bellingham, but it doesn't happen in other towns. Her suggestions are: 1) Open a subdivision public hearing to discuss that the developer stake out the location of trees on the lots before the lots are leased with the species of the trees listed on the stakes prior to the lot releases. Stakes stay in until trees are actually planted; 2) The Board write tree location information into the decisions; 3) Landscaping Regulations need be changed to state that tree locations should be drawn on the plan and should account for driveways and utility boxes. PP suggested that this information could possibly be put it into a restrictive covenant if the subdivision has them. SJW will discuss with Town Counsel Jay Talerman. SJW further stated that this change would be for the benefit of residents. The Board agreed to begin discussion at the January 10, 2013 meeting.
6. MPIC Vincent Hayes appointment – Mr. Hayes would like to be on the Master Plan Implementation Committee. He is currently the intern in the Planning office working on the Sidewalk Plan. He has met with the MPIC and they like him but they need the Board to appoint him.

ASG: Motion to appoint Vincent Hayes to the Master Plan Implementation Committee.

PP: Second.

Vote: 3-0. (PMM, ASG, PP)

7. December 27, 2012 meeting cancelled per all Board members.
8. Elmsshade (Marinella on Blackstone) – EPA meeting notice. The EPA is soliciting comments on the project and environment impact report. The development proposal has triggered environmental thresholds. SJW explained that she has written a letter to the EPA on behalf of the Board concerning the EPA application submitted by Marinella. The EPA meeting is Monday, December 17, 2012 at 11:00 a.m. SJW will send the letter with all meeting information to the Board.
9. F&D judgment – SJW explained that the judge found on behalf of the developer. Town Counsel Jay Talerman wants to discuss it with the Board in executive session possibly on January 10, 2013 at 7:00 p.m. SJW will check with Mr. Talerman and report back to the Board.

10. PP asked if the ZBA continued the discussion about Taft Estates – 40 B project on Pulaski Boulevard with Developer Tim Jones. SJW confirmed that it was continued.

General Business:

Old Business:

PP: Motion to sign the November 8, 2012 Meeting Minutes.

ASG: Second.

Vote: Carried 3-0. (PMM, ASG, PP)

PP: Motion to sign the vouchers and payroll.

ASG: Second.

Discussion: SJW explained the vouchers and payroll.

Vote: Carried 3-0. (PMM, ASG, PP)

New Business (81-P)

ASG: Motion to adjourn.

PP: Second.

Vote: Carried 3-0. (PMM, ASG, PP)

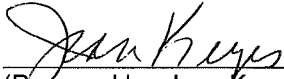
Meeting Adjourned at 8:35 p.m.

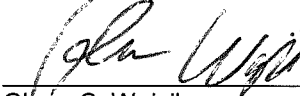
Minutes Accepted on: _____
(Date)

Patricia M. Murphy

Peter Pappas

Amber S. Griffiths


(Prepared by: Jean Keyes)


Glenn C. Wojcik

Roger H. Oakley