



# BELLINGHAM PLANNING BOARD

2 MECHANIC STREET  
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## Meeting Minutes May 9, 2013

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

### **Present at the Meeting**

Patricia M. Murphy (PMM), Chairman  
Glenn C. Wojcik (GCW), Vice Chairman  
Peter C. Pappas (PCP), Secretary  
Andrew T. Greene (ATG), Member  
Brian T. Salisbury (BTS) Member

### **Other Officials:**

Stacey J. Wetstein (SJW), Town Planner  
Jean Keyes (JK), Planning Board Coordinator  
Jay Talerman (JT) – Town Counsel

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

### **Organization of Planning Board**

PMM explained the process of reorganizing the Board to ATG and BTS. GCW is not present at this time.

### **PCP: Motion to nominate Patricia M. Murphy as Chairman**

ATG: Second.

JK polled each Board member:

Planning Board Member	Yes	No	Abstain
Andrew T. Greene	x		
Peter C. Pappas	x		
Brian T. Salisbury	x		

Vote: Carried 3-0.

### **PCP: Motion to nominate Glenn C. Wojcik as Vice Chairman**

PMM: Second.

Vote: 4-0 Carried. (PMM, ATG, PCP, BTS)

### **PMM: Motion to nominate Peter C. Pappas as Secretary**

ATG: Second.

Vote: 3-0 Carried. (PMM, ATG, BTS)

Glenn C. Wojcik arrived at 7:10 p.m.

**Shores at Silver Lake II Definitive Subdivision Modification, 1<sup>st</sup> Public Hearing: Decision Deadline: 7/26/13****GCW: Motion to waive the reading of the Public Notice Shores at Silver Lake II Definitive Subdivision**

PCP: Second.

Vote: Carried 5-0. (PMM, GCW, ATG, PCP, BTS)

**GCW: Motion to waive the reading of the Public Notice Shores at Silver Lake III Definitive Subdivision**

PCP: Second.

Vote: Carried 5-0. (PMM, GCW, ATG, PCP, BTS)

Present: Attorney Jeffrey L. Roelofs for the Applicant and Donald R. Nielsen of Guerriere & Halnon, Inc.

PMM explained that there are two new members of the Board and asks Attorney Roelofs to give an overview of the project at this time. PMM stated that there will be no decisions made tonight and suggested that the Applicant come back to the May 23<sup>rd</sup> meeting as the court deadline for this project is August 30<sup>th</sup>. The Planning Board meets on August 8<sup>th</sup> and will sign the decision at the August 22<sup>nd</sup> meeting and this will get the decision made by the August 30<sup>th</sup> deadline.

Attorney Roelofs explained that there are two overlapping subdivisions at issue. Shores II is the larger subdivision and it was approved in 2003. Later the Applicant came back before the Board with the proposed Shores III subdivision (approximately 20 lots) which would be within a portion of the Shores II subdivision. The Board denied the proposal. The Applicant appealed the Decision, went to Land Court, and the denial was upheld. Then, the Applicant came back to the Board with the Shores III subdivision in 2011. At that time, it was decided that a Modification should be submitted for Shores II subdivision so it could be reviewed along with the Shores III subdivision. Attorney Roelofs explained that the Applicant did not want to submit a modification to Shores II because it did not have a specific plan at that time for the larger area other than what was proposed for Shores III. The Applicant was trying to move forward with Shores III with a notification on the plan that nothing could be done with Shores II until a Modification application was submitted to the Board and approved for that subdivision.

In 2011, the Board was not comfortable with this process and denied the application for Shores III. The Applicant appealed the Decision to Land Court. After lengthy discussion with Bellingham Town Counsel, Jay Talerman, they came up with a joint plan to ask the Court to issue a Remand back to the Board for Shores III.

The Remand order issued by the court was explained by Attorney Roelofs and it was attached to the new applications that were submitted to the Planning Board in March of 2013. The Remand stated the following:

1. Instructed the Board to consider and act upon two applications that were to be submitted by the Applicant: 1. the Revised Shores III submittal and 2. The Modification to Shores II.
2. Instructed the Applicant to adjust the boundaries to incorporate all stormwater infrastructures for the revised Shores III plans.
  1. Instructed the Applicant that the revised Shores III plans clarify the proposed roadway interconnections between Shores II and Shores III
  2. Instructed the Applicant to submit conceptual development plans for Shores II area. The Applicant reluctantly agreed to submit conceptual plans now as they may be held to those plans and they currently do not have any plans in mind for Shores II. PMM stated that the Board understands that these are concept plans, but further explained that the conceptual plans do not comply with our zoning.
3. Instructed the Applicant to submit both applications by March 8, 2013. The Applicant then immediately requested a continuance so new board members could participate in process.

4. Instructed the Board to incorporate records that were submitted previously into this current process. Attorney Roelofs stated that the Board has the most relevant materials.
5. Instructed the Applicant to review the revised plans and focus on the aspects of previous version board was not happy with concerning Shores III. In addition, the focus of Shores II should be the Modification and the Board should look the aspects of those plans that will be modified.

Don Nielsen explained the changes in the roads and the possible traffic calming features:

1. Roadways were changed so that Road 1 and 2 connect directly with Road 3 and incorporate all drainage.
2. The site distance access points were changed as the Applicant does not want the main road to become a cut through. They have added turns to reduce this likelihood and may add additional calming devices: roundabout (not likely though), divided road, median, and striping.
3. Remand instructed the Applicant to encapsulate the drainage basin totally within the Shores III subdivision and Lot 21.
4. Shores II has provided very specific details of the changes in the roadways.
5. Sewer will be connected to a pump station, then connected to Center Street, and then gravity fed to Woonsocket. All sewer lines and the pump station will be installed by Fafard Companies.
6. Drainage and sewer piping sizes were not changed. Mr. Nielsen further explained that it was initially designed for a much larger subdivision but they are not changing the size of the piping.
7. Attorney Roelofs explained that the stormwater for Shores III is completely separate from Shores II and will stand on its own. PCP questioned the grass swale on Shores III. Mr. Nielsen stated that if the catch basins overflow, the runoff will run into the swale. PCP was concerned that no runoff be allowed to flow into other properties.

SJW questioned Attorney Roelofs and Don Nielsen if the Applicant used the current subdivision regulations. Mr. Nielsen stated that they use the regulations from 2012 that they were remanded back with from the court. SJW suggested that they should use the most recent subdivision regulations and the Remand does not state this. JT stated that he is not sure there were substantial changes to the regulations but agrees with SJW that the Applicant should use the current regulations.

SJW stated that the intersection of Road 3 and Cross Street is in the 50' and 100' buffer zone. Therefore, they will have to file with the Conservation Commission (Con Com). Attorney Roleofs would like to get the Planning Board approval and then file with Con Com. PMM explained that they are done concurrently. JT and PMM explained that this is a significant Con Com issue as buffer zones are now very important and the Applicant should check with Con Com.

SJW explained that the new subdivision regulations require that drainage basins be placed outside of the house lots. Don Nielsen stated that he thought the Remand stated that the drainage basins must be in the lot. SJW and PCP clarified that they must be within the building envelope. SJW stated that details are needed for the tree and landscaping plans, lighting details, and the mailboxes for Shores III as they are part of the Subdivision Regulations.

PCP questioned the road grading. Don Nielsen stated that from 2011 to present there has been no change in grading except where the new road configurations have been done. PMM stated that DPW Director, Don DiMartino wanted the road to be as narrow as possible to reduce impervious surface and slow down traffic.

PCP asked JT if the Board was allowed to discuss the traffic impact from Shores II to Shores III. JT stated that future build analysis is a fair component of the traffic review and is reasonable and that is why the concept plan was presented. Attorney Roelofs explained that the traffic study that was submitted previously assumed that there would be 100 units built. Attorney Roelofs explained that this is discussed in the traffic study and JT concurred.

SJW questioned if the sewer system ties in to the adjacent 40B Lakeview Estates project. JT explained that Don DiMartino has been dealing with that and negotiating that for the 40B. Additionally Con Com has had proceedings and it has not gone very smoothly. JT anticipates that over the next month he will be drafting the agreement, but the Applicant has to get through Con Com. JT also explained that the pump station for the 40B was designed to handle the capacity of both Shores II and Shores III.

SJW questioned when they will be filing a project change notice. Attorney Roelofs would like to get through the subdivision process first and then go back to MEPA for the permit. It is possible that if Shores III gets developed, the Applicant may not come back for Shores II for 10 years.

PMM addresses the concept plans issue and explains that they do not comply with zoning. Attorney Roelofs stated that he has not reviewed the concept plans and asked for examples.

SJW gave examples of some of the discrepancies:

- One plan has multiple cul-de-sacs is not acceptable as it is just a dead end. JT stated that continuations of cul-de-sacs are just one giant cul-de-sac because there is no outlet.
- SJW stated that Road 2J is well within the wetlands but the wetlands are not delineated on the plans.
- A concept plan with the duplexes and multi-family housing has many zoning issues. These look like cluster plans but there is no mention of a special permit and both of these would require a special permit.

SJW and PMM stated that they expected that the concept plans would at least meet the basic zoning requirements. The Board needs a viable plan that meets zoning and that shows the impact to Shores II even if it is conceptual only. JT suggested that the Applicant would save a lot of space there if a cluster development were proposed. JT suggested that they take the cul-de-sac and make certain roadways a u-shaped or looped design that would allow for close to 40 lots. JT agrees and stated that the Applicant can revise plan with roadway layouts and will probably get close to 40 lots.

Questions from the Public:

Jim and Kerri Kelimorla asked to have the plans explained to them. Mr. Nielsen explained that these are only concept plans and that there is no time frame for anything.

Dawn Calderwood on Douglas Drive stated that she is very concerned about wetlands and removal of trees. Ms. Calderwood suggested that the Board should look at the impact on not only the development but the land around it. She is also concerned with traffic. PMM responds that the Board will look at all the impacts.

**Shores at Silver Lake III Definitive Subdivision, 1<sup>st</sup> Public Hearing: Decision Deadline: 7/26/13**

**GCW: Motion to continue the Shores at Silver Lake II Definitive Subdivision public hearing until May 23, 2013 at 7:15 p.m.**

ATG: Second.

Vote: Carried 5-0. (PMM, GCW, ATG, PCP, BTS)

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**General Business****Discussion: Adaptive Reuse Overlay District bylaw**

SJW explained that the MPIC has had two meetings with abutters, direct and abutters to abutters about the possible overlay. The underlying zoning wouldn't change but the Board would create an overlay zone to allow small business uses for the houses. SJW is trying to get this bylaw on the warrant for the October 2013 town meeting.

SJW would like to present a trimmer bylaw and that the site development standards can be tightened up and put into a regulation. The Board may want to write it as a special permit so they may want to leave it less detailed so can adjust it to each site. SJW stated that they will discuss this in detail at the next meeting on May 23rd. Mr. Brian Bell who is in the audience would like a copy of bylaw and SJW explained that this is an open process and he will have access to everything.

**Gibbs Oil**

PCP explained that the Board of Selectmen restricted Pulbell comments at the meeting and the Board of Selectmen requested additional landscaping at the back line of the property near the fence. SJW will contact Tony Fruchtl to get that plan.

**GCW: Motion to sign the Decision for the Gibbs Oil Gas Station, 320 Pulaski Boulevard Development Plan Review with the condition of approval of BOS for special permit.**

ATG: Second.

Vote: Carried 4-0. (PMM, GCW, ATG, PCP,)

**GCW: Motion to sign the Decision for the CVS, 370 and 400 Pulaski Boulevard, Development Plan Review and Stormwater Management Permit and Drive thru Special Permit.**

ATH: Second.

Vote: Carried 4-0. (PMM, GCW, ATG, PCP,)

**Old Business:****GCW: Motion to sign the April 25, 2013 Meeting Minutes.**

PCP: Second.

Vote: Carried 5-0. (PMM, GCW, ATG, PCP, BTS)

**GCW: Motion to sign the Vouchers.**

PCP: Second.

Discussion: SJW explained the vouchers

Vote: Carried 5-0. (PMM, GCW, ATG, PCP, BTS)

SJW explained that the Friends of SNETT are hosting a National Trails Day event on June 1, 2013 in all 6 towns at different times. Beautification and family event are the focus to bring attention to the Trail.

Charter Meeting: ATG and PCP explained that it was a quick meeting. There are numerous minor things to be changed. They also discussed the possibility of dissolving the capital improvement committee because this committee overlaps with the finance committee and making terms for all committee members the same. PCP explained that the charter will go out to the department heads and then meet on June 12<sup>th</sup> for feedback. On June 26<sup>th</sup> they will hold the public hearing. SJW asked PCP and ATG to look at the Planning Board section of the charter.

SJW explained that the May town meeting is May 22<sup>nd</sup> and all Planning Board members are required to be there.

**New Business (81-P)**

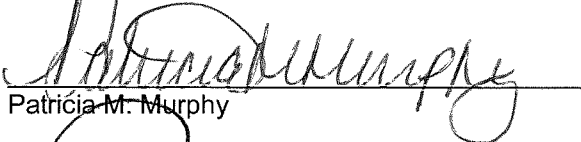
**GCW: Motion to adjourn.**

ATG: Second.

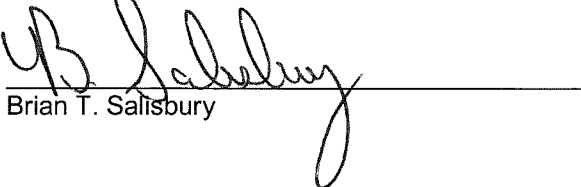
Vote: Carried 5-0. (PMM, GCW, ATG, PCP, BTS)

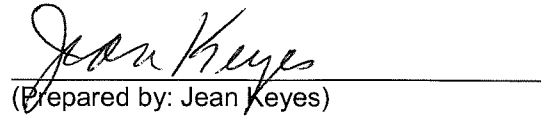
Meeting Adjourned at 9:00 p.m.

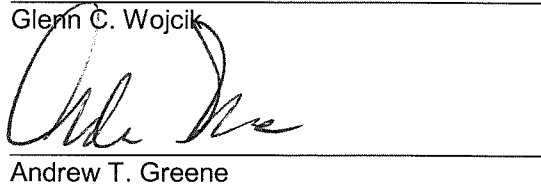
Minutes Accepted on: 5-23-13  
(Date)

  
Patricia M. Murphy

  
Peter C. Pappas

  
Brian T. Salisbury

  
(Prepared by: Jean Keyes)

  
Glenn C. Wojcik

  
Andrew T. Greene