



BELLINGHAM PLANNING BOARD

2 MECHANIC STREET
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Meeting Minutes June 13, 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

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

7:00 p.m.

Northwoods II update with Mark Anderson. Mr. Anderson was not present and so there was no update presented. Mike O'Herron from the Conservation Commission (Con Com) was present and explained that the Con Com has had numerous conversations with developer about restoring the open space and will continue to pursue the restoration. SJW explained that she drafted a letter to the Applicant on behalf of PMM about the Open Space 4 Restoration Plan.

Farm Street 81P (adjacent to Sharpe Drive and Route 495)

Present was Mr. Glenn Odone of Odone Survey and Mapping on behalf of the Applicant, Varney Brothers Sand and Gravel for 3 lots on the property.

GCW: Motion to sign 81p for Farm Street

ATG: Second.

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

Hillside Estates Preliminary Subdivision, off of Hixon Street, 1st Public Discussion; Decision Deadline: 6/27/13

Present: Rob Truax of GLM Engineering Consultants on behalf of the Applicant, Robert Borelli, Applicant

The preliminary plan is to create a new street with a cul-de-sac and 6 new lots off of Hixon Street. The street will be approximately 600' long and the lots will have onsite septic and town water. The current activity near this site is on Lot 1 which was previously before the Planning Board as an Approval Not Required (81P) lot. Mr. Truax explained that the land for the preliminary subdivision slopes fairly steeply and drops about 30-40' in elevation. If the road is built to a slope of 8%, Mr. Truax fears that swales next to the road will cause heavy erosion issues. Mr. Truax is not comfortable using swales with an 8% road slope. He is still working on this slope and swale issue.

PMM questioned how the drainage may work in the cul-de-sac. Mr. Truax stated that they are tentatively planning a grass island or rain garden to use it for drainage. The soil in back of the land is sand and gravel so the land would have ability to recharge the groundwater. Mike O'Herron from the Conservation Commission (Con Com) cautioned the use of the rain garden as all the salt runoff from the street will end

up there and will probably kill it. SJW questioned the look of the house lots. Mr. Truax stated that the lots will be sloped with maybe the garage on high side and walk-out basement on downside. Based on their preliminary testing, they are confident that they can get septic on all the lots. Mr. Truax further explained that the road layout with sidewalk has a width of 40' which is not necessarily 40' of pavement.

PCP questioned how they will handle the runoff from Lots 1 and 6 to Lots 3 and 4. Mr. Truax stated that he has no definitive plan yet but they will come up with a plan to manage the water. PCP is concerned about the water flowing across the lots, not the road, down to Lots 3 and 4. PCP questioned what will be done to ensure that the abutters are not affected by the runoff. Mr. Truax explained that the abutters to the north are uphill from there and that there is a natural swale to the south that will capture the water before it gets to the south lots. PCP does not want the abutters affected by this plan.

PCP also questioned the traffic impact. Mr. Truax did not do a traffic study as there are only 6 houses going in. However, Hixon Street is very narrow and may need some upgrade in future by the Town.

SJW explained that she looked at the Town's inclusionary zoning bylaw. Because 9 lots were created from a single parcel (this includes the three Approval Not Required lots) the Applicant must have one affordable unit. The inclusionary bylaw is triggered with the creation of 8 lots. Mr. Truax asked the Board if Applicant decided not to build a couple of lots, would they then be exempt from the inclusionary bylaw. PMM agreed that this would be ok but if 8 lots or over are created, they have to actually build one affordable house. GCW explained the reason why this bylaw was written. Mr. Truax asked which lot would be the affordable one and PMM stated that it is the builder's choice. The Board explained that the abutters should not get confused between affordable and low income.

PMM opened the meeting to questions from the public:

Eileen Johnson, 51 Hixon Street: Ms. Johnson was concerned that Hixon Street is extremely narrow and wanted to know what improvements are going to be made to Hixon because of the increase in the number of cars on that street from the new houses. She stated that she doesn't want the quality of the neighborhood to degrade. PMM agreed but explained that this is only a preliminary discussion and the Board will be addressing this concern. PMM also stated that she cannot tell if mitigation would be discussed at this point. Ms. Johnson further stated that the Applicant is not following the Town's noise ordinance for the Approval Not Required lots. PMM stated that the Planning Board has no authority to enforce the ordinance and that the residents have to call the police so the Applicant can be fined. Mr. Borelli stated that he will shut off the construction on Sundays. Mr. Truax explained that the residents can also call the building inspector on weekdays.

Frank Gauvain, 4 Beaver Pond Road: Mr. Gauvain wanted to know the number of feet/yards between his lot and the new lots. SJW explained that there is a 20' rear yard setback so the Applicant cannot build within 20' of the property line. Mr. Gauvain was concerned about the house being too close to his and asked if there will be a natural buffer. PCP stated that he would like to see the Applicant leave the lot wooded to help prevent erosion and runoff and leave a natural buffer. Mr. Truax explained that the lots are 275'-375' deep but he would build the houses approximately 80' back from the front of the lot. PMM stated that the Applicant should come back with a plan that leaves 20-30' of back of the lots in a natural state. GCW stated that any buyer can cut trees down whenever they want to. SJW and PCP suggest that covenants could be put into the deed that prevent the homeowner from clearing all the trees on his/her lot. SJW explained that the Developer will have to mark the borders of the property and the Applicant needs a more definitive plan that shows limit of work on the plans.

Evan Miller, 40 Hixon Street: Mr. Miller stated that he prefers the Applicant leave the natural swale in the back of the property and leave the trees intact. PMM explained further that the plans that are being presented are not the final plans and the Applicant cannot be held to them. Mr. Miller would be very interested in seeing plans for a rain garden but wanted to know who would be responsible for cleaning it out, mowing and who would retain ownership. PMM explained that the Applicant must provide plans and most likely the Applicant would turn the land over to the Town. GCW explained that the Applicant would possibly give an annuity to the Town to maintain the rain garden. Mr. Miller would like to see the plans before the hearings and PMM explained that he can contact the Applicant or Developer or he can view them in the Planning Board office.

John Henderson, 49 Hixon Street: Mr. Henderson asked for an explanation of a swale. Mr. Truax explained that it is a natural drainage ditch and they are not proposing to put a swale on the side of the road because of the slope. Mr. Henderson asked what side the sidewalk would be on and if the access to the woods would be created. Mr. Truax stated that the sidewalk would be on the south side of the road and they are not going to create access to the woods.

Mr. Henderson is also concerned about:

- Scenic charm of the area: He does not want to see a wider road as teenagers drive fast now and a wider road will increase that. PMM explains that street widening is not on the table now or yet as it is too soon.
- Approval Not Required lots: All the trees have been removed from the property and is concerned about the Applicant not caring about the character of the street. SJW explained the difference between the Approval Not Required lots and the subdivision. SJW stated that the Board has jurisdiction over only the subdivision. GCW further reiterated that the Board has control over the subdivision and he and PMM state that they are very much in favor of keeping the landscape as intact as possible for the subdivision. The Applicant will be allowed to build but the Board will set the limits of what they can do or can't do. This is a significant project and the Board assures Mr. Henderson that all issues will be taken into consideration.
- Noise levels and building hours/days regulations: Mr. Henderson stated that the construction noise is every day and wanted to know if there are any regulations concerning building hours/days. SJW explained that the noise levels cannot exceed certain decibels during daytime hours of 7:00 am to 9:00 pm, Monday through Saturday and from 12-9 p.m. on Sunday and legal holidays. PMM stated that the residents should call the police and instructs the Applicant that he and his building crew should follow the Town's regulations.

Barbara Conroy, 8 Walter Morse Road: Ms. Conroy mentioned that a lot of people in the area have sump pumps and her road is the same grade as Hixon Street. SJW suggested that the abutters take an active role in documenting what their homes look like before, during, and after the construction by taking pictures and keeping a log of issues, dates and times. The abutters should work with the Board by contacting the Board during the construction process with any issues so they can be addressed. GCW explained that the Applicant is obligated that there is no more runoff after construction than before.

Burt Choinski, 20 Walter Morse Rd: Mr. Choinski stated that the ground is always very damp and the water table is very close and there is a lot of ground water. SJW stated that the land borders preserved land but there are no wetlands issues within the range of this project.

Harry Hamjian, 35 Hixon Street: Mr. Hamjian stated that he is concerned about runoff (with fertilizer contaminants) and if this is a matter for the Conservation Commission due to the proximity to Beavers Pond and that there are protected lady slipper flowers in the area. SJW informed Mr. Hamjian that she has discussed this with the Con Com and they believe the project is well out outside of their jurisdiction. PMM stated that if necessary, the Con Com will get involved. PCP suggested that the Board can consider adding covenants to protect the area and to control the runoff and address the environmental concerns.

GCW: Motion to close the public discussion for Hillside Estates Preliminary Subdivision.

BTS: Second.

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

GCW: Motion to approve the Hillside Estates Preliminary Subdivision with suggested comments and discussion items.

ATG: Second.

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

7:15 p.m.

Shores at Silver Lake II Definitive Subdivision Modification, Continued Public Hearing: Decision Deadline: 7/26/13

Shores at Silver Lake III Definitive Subdivision, Continued Public Hearing: Decision Deadline: 7/26/13

Present: Don Nielsen of Guerriere & Halnon Inc., for the Applicant and Don Seaberg of Benchmark Engineering for the Applicant

Mr. Nielsen presented 5 new Road III Concept option drawings for the Shores III. Road Option 5 would place two actual stops in the Road III and this would make the traffic slow down and stop. The Board discussed all options and found Option 5 to be the best concept. PCP would like to see 90 degree stops instead of curving stops on the plan to force each car to come to a full stop and not proceed with a rolling stop. In addition, the Board would like to see 26' between the stops and 30' to the connecting roads of Cross Street and South Main Street. Tom Houston of PSC agreed but suggested that each intersection have a 3-way stop.

Mr. Nielsen then presented 4 new conceptual plans for the lot layouts for Shores II. The Board did not like Concept Plans 1, 2, or 3 but agreed that Plan #4 would be acceptable with minor changes. Concept #4 would allow for 48 lots to be created and put on the approved roadway system and would have a lot of open space.

The Board agreed that Concept Plan #4 is their preference, but neither they nor DPW Director, Don DiMartino like the cul-de-sacs. The Board suggested that the Applicant remove the cul-de-sacs as plowing, road maintenance, and impervious service area must be taken into consideration. SJW stated that Concept Plan 4 is closer to meeting with Town zoning than Concept Plans 1 or 2.

Tom Houston of PSC agreed with the Board's suggestions, but stated that the Applicant may run into problem with frontage if the cul-de-sacs are removed. Mr. Houston preferred Road Option 5 but 3-way stops are critical at each intersection to keeping speed down.

Mr. Houston stated that he is very concerned about the Applicant not addressing a lot of the issues PSC discovered in their review of the plans for Shores II and III. Mr. Houston would like the Applicant to address all of the issues raised in PSC's peer review comments. Additionally, he received only partial answers to a majority of the questions and would like to receive very specific answers to all questions. Mr. Houston suggested that a meeting be held with the Applicant, Engineer, Town Planner and himself when the new plans are ready so they can discuss all outstanding issues. SJW agreed to arrange a meeting but the Applicant has to get plans to the office by Friday, June 21, 2013 and should plan to meet on Tuesday June 25, 2013 at approximately 9:30 a.m. She reminded Mr. Nielsen that he must submit the new plans to her by Thursday June 20, 2013 and that if this is a major revision, all new documentation must be distributed per Form K. SJW also informed the Applicant for 21 homes, 3 lots must be reserved for affordable housing in accordance with the inclusionary zoning bylaw.

PMM opened the meeting to questions from the public:

Elaine Morgan, 93 Silver Lake Rd: Ms. Morgan was concerned about the traffic exiting onto South Main Street from Road III and from Center Street to South Main Street. PMM and SJW explained that lights will be installed at the Center Street/South Main Street intersection as part of another project but will help with this project. PMM stated that the lights will have to be constructed before this project begins. Ms. Morgan asked about drainage for the subdivision and PMM stated that the plans that include drainage for Shores II are not being discussed today.

GCW: Motion to Continue the public hearing for the Shores at Silver Lake II Definitive Subdivision Modification until June 27, 2013 at 7 p.m.

PCP: Second.

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

GCW: Motion to Continue the public hearing for the Shores at Silver Lake III Definitive Subdivision until June 27, 2013 at 7 p.m.

ATG: Second.

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

General Business:

Discussion:

Adaptive Reuse Overlay District bylaw discussion continued to June 27, 2013.

Old Business:

GCW: Motion to sign the May 23, 2013 Meeting Minutes

BTS: Second.

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

GCW: Motion to sign the Vouchers

BTS: Second.

Discussion: SJW explained the vouchers

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

GCW: Motion to sign the Decisions for the Wee Folk Learning Center Development Plan Review and Flexible Parking Special Permit at 1178 South Main Street

PCP: Second.

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

Planning Board Associate Position:

PMM explains that Ms. Resto comes to all the meetings voluntarily because she enjoys them. PMM highly recommends that the Board have a joint meeting with the Board of Selectmen on June 24th at 7:00 p.m. and 3 of 5 members must be present to vote.

GCW: Motion to recommend Nikyda Resto for the Planning Board Associate position

PCP: Second.

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

Planner Discussion:

- SJW explained the Graves peer review fees schedule to do the construction review for Woodbury Ridge project when it comes back before the Board.
- CVS's 30-day and 20-day appeal periods are up with no appeals. The construction review will begin soon.

New Business (81-P)

GCW: Motion to adjourn.

ATG: Second.

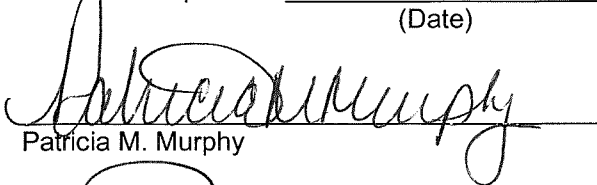
Vote: 5-0 Carried. (PMM, GCW, ATG, PCP, BTS)

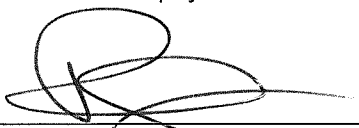
Meeting Adjourned at 9:00 p.m.

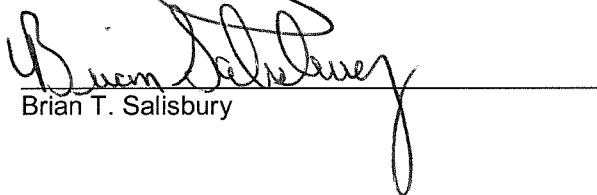
Minutes Accepted on: _____

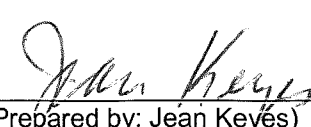
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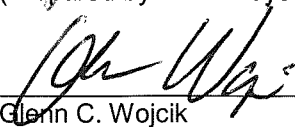
(Date)


Patricia M. Murphy


Peter C. Pappas


Brian T. Salisbury


(Prepared by: Jean Keyes)


Glenn C. Wojcik

Andrew T. Greene