



BELLINGHAM PLANNING BOARD

2 MECHANIC STREET
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Meeting Minutes July 25, 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
Nikyda Resto (NR), Alternate

Other Officials:

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

PMM opened the meeting at 7:09 p.m.

7:00 p.m.

Board member Andrew Green not present.

89 & 91 Cross Street 81P – Del Signore

PCP: Motion to Continue the 169 & 170 Mechanic Street 81P, Del Signore until August 22, 2013 at 7:00 pm.

BTS: Second.

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

PCP: Motion to extend the Decision Deadline of the 169 & 170 Mechanic Street 81P, Del Signore to August 23, 2013.

BTS: Second.

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

Board member Andrew Green arrived.

7:00 p.m.

Elmshade Preliminary Subdivision, 72 lots proposed off of Blackstone Street for Developer Anthony Marinella, 1st Public Discussion; Decision Deadline 8/15/13:

Present: Mark Anderson, Heritage Design Group
Michael Doherty, Attorney for the Applicant, Marinella
Tom Houston – PSC, peer reviewer for the Town of Bellingham

Attorney Doherty described the preliminary subdivision as a 71 lot open space subdivision with 142 open space acres to protect turtle habitat.

Mr. Anderson summarized the project as a total of 210 acres. Mr. Anderson explained that they have been working to have the wetlands delineated, filed an ANRAD with the Conservation Commission, and have been filed with the Natural Heritage Fish and Wildlife for the endangered species area to develop a viable plan. He further stated that SJW explained to him that the yield plan should be approved by Natural Heritage and it should be a realistic plan upon which the cluster development could be based.

The Applicant is proposing an alternate route around Blackstone Street as this street was previously abandoned and the new road minimizes the number of wetlands crossing. The Applicant is proposing 142 acres of open space and 27 acres would be preserved within the turtle habitat area where they may add a turtle crossing culvert. Natural Heritage would like to see Blackstone Street as emergency access only due to the turtle habitat as well as speed mitigation items. The Applicant is proposing 71 lots with approximately 8 lots needing evaluation by the Conservation Commission and two wetlands crossings – one existing that needs upgrading and one new crossing. Additionally, every lot is backed up to open space.

PCP questioned how the Developer is going to ensure that runoff from lots and roads won't affect large amount of wetlands in the subdivision. Mr. Anderson explained that the Applicant is trying to build a low impact development and stormwater plan.

SJW had three concerns:

1. Mr. Anderson must talk to Natural Heritage about the yield plan as there are several lots on the yield plan that may not be viable. SJW explained that since the number of lots for the Preliminary cluster plan is determined by the yield plan, the Applicant must have a correct yield plan with correct number of viable lots in order to create the Preliminary cluster plan.
2. On the yield plan, there is a connection to Lakeshore Drive that is over 200' of wetlands crossing. This 200' of wetlands may have to be recreated elsewhere on the yield plan and consequently, the number of viable lots may then be reduced. Mr. Anderson responded to both issues by stating that the Applicant will be talking with both Natural Heritage and the Conservation Commission about these issues.
3. The Preliminary cluster plan shows stormwater retention ponds on lots 10, 11, 6, and 7. According to Town Subdivision Regulations, these ponds must be on land that is not owned by a homeowner so the stormwater plan must be redesigned and the ponds moved.

Tom Houston of PSC reviewed both the yield and Preliminary cluster plan and agreed with SJW about the yield plan being coordinated with Natural Heritage to determine the correct number of viable lots and that specific areas must be avoided. Mr. Houston would like to see the calculation for total wetlands fill to ensure that it is under a cumulative amount of 5,000 square feet. Mr. Houston described his additional concerns that are detailed in PSC's Memorandum dated July 25, 2013 that was submitted to the Board. One further major concern was with one of the principal entrances through an easement on North Street that originally served 5 lots but is now the major entrance. Mr. Anderson stated that he believes the Applicant owns the easement.

PMM opened the meeting to questions from the public:

Dan Houston, 319 Blackstone Street, is concerned about the new road that seems to circumvent the abandoned road. He further stated that the road barely supports the traffic now and there is no way that the new route can support the increase in traffic. Additionally, he believes that there is no way the North Street and Blackstone Street intersection can be a secondary means of egress due to safety concerns. PCP stated that this issue was brought up with Marinella's Northwoods subdivision and with this additional subdivision the road will need reconfiguration. Mr. Anderson stated that they will be doing a complete traffic study and are underway at this point. PCP is concerned with the intersection on the old quarry road which is not configured as a road at all.

Dan Houston, 319 Blackstone Street, stated that all plans Marinella has presented have an easement which allows a cut-through to Bellingham Road and there are ways to avoid that. PMM state there is no intent to have a cut-through to Bellingham Road. Mr. Anderson confirmed that Blackstone is adamant that it not be cut-through and the Applicant does not own land that would allow it to be a cut-through. PCP and PMM agreed will not be allowed.

Larry Sposato, 337 Lakeshore Drive, is the President of the Lake Hiawatha Association. He expressed that his concerns are mostly with Conservation Commission. However, the Association is very concerned with the egress on Lakeshore Drive as shown on the yield plan. The road is very heavily travelled so a comprehensive traffic and safety study is needed and he is not sure upgrades would help. He is very concerned that a road can go through 200' of wetlands where the residents are restricted with wetlands on their property and a developer should be too. SJW responded by stating that the Preliminary MRD Cluster plan is what the Developer would be using and it does not have the connection to Lakeshore Drive. SJW explained how the yield plan is only used to determine the number of lots for Preliminary MRD Cluster plan and it is not the actual plan. Mr. Anderson confirmed that they are proposing the Preliminary MRD Cluster plan and they will be appearing before the Conservation Commission to review the wetlands issues and viable lot issue.

Shira Rakower, 198 Lakeshore Drive, explained that that the main reason she bought her house is because the area is private and secluded. Ms. Rakower stated that the street is really busy now and cannot accommodate the additional traffic. When she is running, sometimes she has to stop because the traffic drives too fast. Additionally, she can't walk a dog or push a stroller because of the traffic and narrow road. The land is a haven for animals and she does not want it destroyed. Ms. Rakower asked for an explanation of the retention basins. SJW explained that the stormwater management area on the plans on Lots 10 and 11 have to be moved as they cannot be on homeowner owned lots. SJW further explained that this has always been privately owned land and the laws allow people to develop their land. It has never been conservation land and has never been a wildlife resource area. Private land gets developed in some way unless the land gets donated to Town or the Town buys it. The owner has a right to develop the land if he or she meets all Subdivision Regulations. Unfortunately, there is nothing the Board can do. If a project likes this gets denied it is because it doesn't meet Subdivision Regulations.

Mercedes Nunez, 287 Lakeshore Drive is concerned that the largest cluster in this development is on the side closest to Lake Hiawatha. When she built her home, she was held to very strict standard imposed by the Town. She had to work hard to protect the land and landscaped in sustainable ways. She is looking at the impact of this plan on the Lake Hiawatha which is not shown on the plan. PMM explained that this is not the final plan and this is why the Conservation Commission will be looking at this very closely and will be very stringent and will hold them to the same strict standards. Ms. Nunez is concerned about conservation, preservation, and stewardship and inconsistencies in the documentation. PMM reassured Ms. Nunez that the Board will look at everything and there will be a lot of discussion and analysis of all aspects of the development such as drainage, traffic, etc. Ms. Nunez questioned the commencement date that appears on the plan and PMM stated that it is not accurate.

Don Csizmesia, 324 Lakeshore Drive, asked where he could get information about the development and PMM instructed him to look at the website for meeting agendas and minutes and to visit the Planning Office to see plans.

Mike Soter, Vice Chairman of the Board of Selectmen, stated that Lake Hiawatha is taken care of by the residents and not the Town and the Developer should take that into consideration and should work with the residents. Additionally, Mr. Soter requested that the Board request a traffic and safety study for Blackstone Street. The Board of Selectmen has received a lot of calls regarding this project. PMM stated that it is always part of the Planning process and Subdivision Regulations and will definitely be done. PCP expects traffic and environmental impact to be extensively studied.

PCP: Motion to Continue the Elmshade Preliminary Subdivision Public Discussion to September 12, 2013 at 7:00 pm.

GCW: Second

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

PCP: Motion to Extend the Decision Deadline the Elmshade Preliminary Subdivision Public Discussion to September 27, 2013.

BTS: Second

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

7:30 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, Guerriere and Halnon, Mike Weaver, Guerriere and Halnon, Mr. Kim Hazarvartian of TEPP, LLC Transportation Engineering, Town of Bellingham Peer Reviewer, Tom Houston of PSC

Mr. Nielsen explained that he has met with the tree warden and flagged about 100 or so trees to keep along the road. The marked trees will be saved and he will show the trees on the next plan. He has submitted Environmental Analysis will be submitting the cost estimate for the maintenance plan shortly.

PMM questioned that if Easy Street will have 2 lanes will there be enough room to create them without taking land. Mr. Kim Hazarvartian stated that there is enough room but it will be narrow and no property has to be taken. SJW would like to see latest 40B plan that shows Easy Street and Douglas Drive and the additional lanes. Mr. Nielsen agreed to provide it.

GCW, PCP, PMM all expressed significant concerns that the traffic emptying from Cross Street to Lake Street was not analyzed in a real-world way. The traffic report stated that the number of cars that will increase after the development of Shores II, Shores III, Lakeshore Drive 40B, and major commercial development proposed for North Bellingham would only be 18 cars. The Board took significant issue with that number and stated that many more cars would be using the Cross to Lake Street route to avoid the proposed light at Center and South Main because they were either heading to north to Route 495 or to Franklin. SJW asked Tom Houston for his opinion and he stated that he has not done analysis on that intersection. The Board asked the Applicant to reanalyze the Cross/Lake Street intersection using 30 cars at Cross/Lake Street and 80 in morning peak hour. SJW stated that 18 cars is not an accurate prediction of the effect from the developments and would like to see the worst-case scenario. Once that analysis is provided, the Board will determine if improvements must be made to the intersection and if mitigation is needed.

Don Nielsen expressed concern that there was not enough time to conduct the analysis. BTS questioned if the parties could petition the court to extend the deadline. SJW and PMM stated that they believe the judge was firm with the deadline. Tom Houston suggested that he could take a look at the numbers and give the Board numbers that could be added as a condition in the decision if that is the course they would take. Mr. Nielsen agreed that they could do a new traffic analysis on that intersection and provide recommendations with a small plan by the next meeting.

The Board also agreed that the new light at Center and South Main should not have a right turn on red option as it would not allow for gaps in traffic to develop for the residents of Douglas Drive and Easy Street to exit.

SJW reviewed outstanding issues:

1. New Basin 5 testing will be redone at time of construction and needs to be a condition of the Decision.
2. Sewer will be reviewed with Don DiMartino as it is part of the 40B project. The Board needs a schedule that can be included with the Decision. Mr. Nielsen explained that they have approvals from the DEP and MEPA to extend the sewer to Woonsocket but have additional work to do in that regard. Extension has been granted but MEPA still unresolved so this will have to be conditioned in the Decision.

3. Douglas Road should have flashing signals installed to bring attention to slow people down to allow traffic to get out and this would be a condition if Shores III is built before the 40B. SJW would like to see a proposal for this flashing light. Mr. Weaver explained that all offsite improvements would be tied into 40b project and it will be conditional with all other site improvements with 40B or with Shores III.
4. The traffic and stormwater conditions related to the 40B would have to be in the conditions of the Decision of Shore II and III that both systems would have to be completed before the houses could be occupied.
5. The traffic would be conditioned in this decision alone and not in the 40B. Mr. Weaver reminded the Board that the Shores III was only 20 lots and will not have a huge impact. In addition, the Modification to Shores II is just a road modification with no houses at this time. But, if Shores II housing gets approved before the 40B development is built, then all offsite improvements and mitigation must be constructed when Shores II is constructed.
6. The tree information and plan must be submitted by the Applicant.
7. The Stormwater cost and maintenance schedule must be submitted by the Applicant.
8. In accordance with Bellingham's Inclusionary Zoning Bylaw, 10% of the units in Shores III must be affordable. Consequently, 2 units must be affordable and an Inclusionary Housing Special Permit application must be submitted. The Board cannot include the Special Permit in this permitting process; therefore, an application must be submitted as soon as possible along with the \$350 filing fee, a plan which shows the 2 units, and a marketing plan. SJW explained to Mr. Nielsen that the Board will want to see that application before the deadline for Shores III expires. Should the Applicant come back to the Board with Shores II in the future with a Subdivision Plan, it too would require an Inclusionary Housing Special Permit.

PMM opened the meeting to questions from the public:

Beth Haines, 53 James Street asked if the Board had talked to the Town's safety officer. SJW explained that the design of Shores III is okay with safety officer. Ms. Haines further questioned the safety at the Cross and Lake Street intersection. GCW stated that the only concern is for the level of service. Ms. Haines reminded the Board that all mitigation for the 40B has to be in place before they start building Shores III. SJW stated that the mitigation is for the 40B and PMM stated that the Board cannot force that now.

Dawn Calderwood, 49 Douglas Drive, reminded the Board that even though Shores II is only a 20 house lot project they must look at all future developments together. Ms. Calderwood agreed with GCW about Cross/Lake Street traffic issue and agreed that improvements to the intersection should be included with the Shores III project. Ms. Calderwood stated that people will find ways around which is the best way for them and strongly agreed that we cannot count on traffic studies exclusively when we live here and watch the traffic. PMM and GCW agreed.

John Haines, 53 James Street, questioned the width of the extra lanes on South Main near Easy Street and Douglas Drive. PMM replied that we do not have the plans as they are with the 40B project South Main.

Jeffrey Haines, 53 James Street, stated that the State warrant language for signal lights include a clause that if a major street's traffic is going above certain speeds that can change signalization requirements. Tom Houston responded that the speed of the traffic has been analyzed and taken into consideration and it still does not meet the warrant.

GCW: Motion to Continue the public hearing for the Shores at Silver Lake II Definitive Subdivision Modification and Silver Lake III until August 8, 2013 at 7:00 p.m.

BTS: Second.

Discussion:

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

GCW: Motion to Extend the Decision Deadline for the Shores at Silver Lake II Definitive Subdivision Modification and Shores III to August 30, 2013.

BTS: Second.

Discussion:

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

General Business:

Discussion:

Old Business:

GCW: Motion to sign the July 11, 2013 Meeting Minutes as corrected.

PCP: Second.

Discussion: Nikyda Resto stated that her initials are wrong on Page 3 and should be corrected from NK to NR.

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

GCW: Motion to sign the Vouchers/Payroll.

PCP: Second.

Discussion: SJW explained the vouchers.

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

New Business (81-P)

GCW: Motion to adjourn.

ATG: Second.

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

Meeting Adjourned at 9:09 p.m.

Minutes Accepted on: 8/8/13
(Date)

Patricia M. Murphy

Peter C. Pappas

Brian T. Salisbury

(Prepared by: Jean Keyes)

Glenn C. Wojcik

Andrew T. Greene