



BELLINGHAM PLANNING BOARD

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Meeting Minutes September 26, 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 - absent
Jean Keyes (JK), Planning Board Coordinator

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

7:00 p.m.

Northwoods II, Linda Way, Annuity / Bond Discussion

Present: Mark Anderson of Heritage Design Group and Attorney Michael Doherty for the Applicant

PMM asked the Board if they agree with taking the \$27,500 annuity from the Bond that the Town is holding. ATG, PCP, GCW, BTS and PMM all okay with taking the \$27,500 from the bond.

GCW: Motion to reduce the Northwoods II, Linda Way Bond being held by the town by \$27,500 and to transfer that amount to an Annuity account.

BTS: Second.

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

7:15 p.m. Northwoods II, Linda Way Street Acceptance Discussion and Northwoods II Update

PMM explained that SJW did a walkthrough today and there are still several issues and the Conservation Commission (Con Com) has not signed off on the conditions. The majority of issues are done but no one is here from Con Com so the Board does not know their position on the unfinished items. PCP explained that the Con Com did not agree with the current grade level as they wanted it back to the original grade. PCP also stated that the Board should hold their position to not recommend street acceptance as only part of the items have been completed.

Attorney Doherty stated that the physical items have been removed but remaining are trees, shrubs, mulch, and mowed grass that were planted by the residents. PCP and PMM agree that the trees and shrubs that are planted in the open space become town property. Both further agree that there is no reason to rip out the bushes or mulch now as they will just become town property.

Mr. Anderson explained that within the next 5 days the open space will be brought to original grade and he will be supplying a topographical graph for the as-built. The swale to Pond 2 was partly restored but the rest cannot be restored until the grade in Open Space 4 is completed. Mr. Anderson explained that they will restore the swale within the next day or two. PCP stated that according to SJW, the swale must be seeded and established before the street is accepted. Since it is late to be seeding, there is no

guarantee it will hold until spring. So PMM stated that the Board will hold back money to assure that what seed does not take this fall will be done in the spring. Mr. Anderson stated that everything else will be completed next week.

ATG questioned what damage was done to the road. Mr. Anderson explained that the road was scraped and gouged when bringing in equipment to restore the grade in the open space. He discussed this with DPW Director, Don DiMartino who said that the Developer could put emulsion in the gouges and scrapes because the surface was not cracked or broken. Mr. DiMartino will verify the work to be done with Mr. Anderson and they will come up with an agreement.

PCP questioned Board member Nikyda Resto, a Linda Way resident, if the street light that is out had been replaced. Ms. Resto stated that she is not sure. Mr. Anderson explained that he does not know why the light is not working and that National Grid will check it tomorrow. Also, the original light was broken when the street light fell down. The fixture was replaced with a different but similar one because an exact match was not available because that style light was discontinued. Mr. Anderson explained that their electrician is trying to get a fixture that matches more closely the other street lights in the development.

BTS was of the opinion that the mulch should not be left as is in the open space. BTS insisted that it all open space should be restored and planted with the approved open space material which is the meadow mix. He further stressed that this is the only time the Town can enforce the bounds and it is important now to remove mulch and have it made clear that it is open space. BTS strongly stated that it is not acceptable that the mulched area does not look like open space and it is an issue of fairness. If the Board is taking a principled stand, the Board has to be consistent.

GCW was concerned with the Town's liability if the residents' structures were left in the open space. GCW is fine with leaving the bushes, plants, and mulch as long as all the homeowners are aware of the bounds of their property and that they will no longer own these items as they will be in the open space. PMM agreed with GCW.

PMM opened the meeting to questions from the public:

Brian Olsen, 8 Linda Way, explained that he did not do anything deliberately to the open space when he mowed the grass beyond his property and on the open space. He stated that there were no bounds and that it was incorrectly explained by the realtor what the open space was. He was told that the open space would be leveled and loomed and could be used by anyone. Mr. Olsen stated that he mowed the property behind his just to make it look nice. In addition, there was a rough looking wooded area next to his house and he put mulch there to improve it. Mr. Olsen stated that ATV's ride behind his property all the time and there are always trucks, motorcycles, and jeeps there as well. He has no problem with that. PMM asked if Mr. Olsen ever called the police and he replied no. Mr. Olsen does not feel he should be penalized by having to live next to wild, messy-looking grass and felt that he was improving the 20' behind his property by mowing it.

The Board stressed to Mr. Olsen that he can continue to mow if he chooses, but he must understand that he is mowing Town property that he does not own. If Mr. Olsen wants to install a pool, he must be aware that the pool must be properly set back from his property line. Mr. Anderson stated that the DPW will not maintain the open space and that the Con Com wants it natural. In addition, the grade will have a sand base and will be covered with 4-6" of loam on that site and then will then be hydro seeded. PCP stressed that the Board does not want runoff into Mr. Olsen's property. Mr. Anderson explained that there will be no runoff to Mr. Olsen's property. The water will runoff in the opposite direction into a swale and detention basin.

Mr. Olsen was concerned about the degradation of the swale near his property as too much rain this year caused the grass to erode and it cannot root. Mr. Anderson said that he installing more environmental mats and check dams to stop the force of the water in the swale. PMM explained again that money will be held back should this need to be corrected again in the spring.

The Board agreed that the Applicant is rushing to get all of these items completed before Town Meeting so the street could be accepted. However, the Board is not in favor of recommending street acceptance

because the Applicant has not completed all items and has not followed the approved plan for the entire length of the development. PMM stated that, at this time, the Board will not recommend street acceptance for Linda Way. However, the Board, Mr. Anderson, and Attorney Doherty agreed to meet immediately prior to Town Meeting at 7:00 p.m. on October 9, 2013. If all items have been resolved to the Board's satisfaction, the Board will recommend street acceptance at Town Meeting.

The Board is unclear what the issue is with the deeds for the open space and will have talk to Town Counsel, Jay Talerma and the Con Com.

PCP: Motion to hold a special Planning Board meeting on October 9, 2013 at 7:00 p.m. in the High School Library to discuss Street Acceptance issues.

GCW: Second.

Discussion: None.

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

General Business:

Old Business:

GCW: Motion to sign the Certificate of Approval of a Preliminary Subdivision Plan called Elmshade.

ATG: Second.

Discussion: None.

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

The Board tabled signing the September 12, 2013 Meeting Minutes until October 10, 2013. There are no vouchers or payroll.

New Business (81-P)

PCP gave an update about the All Boards Meeting and the Selectmen's preliminary plans to build an annex to the Police Administration Building that connects to the Municipal Center. This annex will hold all school administration and planning department personnel and the old Town Hall will be vacant.

GCW: Motion to adjourn.

BTS: Second.

Discussion: None.

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

Meeting Adjourned at 8:15 p.m.

Minutes Accepted on: _____

10/16/13
(Date)

Jean Keyes
(Prepared by: Jean Keyes)

Patricia M. Murphy

Glenn C. Wojcik
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Peter C. Pappas
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Andrew T. Greene

Brian T. Salisbury
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