



BELLINGHAM PLANNING BOARD

2 MECHANIC STREET
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Meeting Minutes October 24, 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 - absent
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 7:00 p.m.

GCW arrived at 7:05 p.m.

7:00 p.m. Pine Hollow Estates, off Countryside Road, Special Residential Use Special Permit and Development Plan Review: First Public Hearing; Decision Deadlines: Special Permit: 11/16/13 and Development Plan: 11/11/13

PCP: Motion to waive the reading of the Public Notice for Pine Hollow Estates, off Countryside Road, Special Residential Use Special Permit and Development Plan Review

BTS: Second.

Discussion: None

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

GCW arrived at 7:05 p.m.

Present: Applicants Alan Nash and Michael McLaughlin, Engineer Robert Poxon of Guerriere & Halnon, Inc., and Attorney for the Applicant Walter Mirrione.

Mr. Poxon explained the proposal of 36 townhouse units within 12 buildings. The units will have municipal water, natural gas, and there will be private septic systems. They have designed the stormwater management system according to the stormwater guidelines. The soil is very permeable and is all sand. Mr. Poxon stated that the plans that were submitted to the Planning Board reflect the comments and concerns of the Board that were expressed in the past except for the second means of permanent egress. The Applicant has only provided a non-paved gravel road that would be used for emergency egress only and would be maintained by the condominium development. This road would be gated and locked and would be opened for emergency access only. Mr. Poxon stated that the Bellingham Deputy Fire Chief said he would accept the non-paved emergency road if the Planning Board approved it. SJW clarified for the record that she personally spoke to with the Deputy Fire Chief and he clearly stated that the Fire Department wants full access as well.

PMM explained the history of the project to the new Board members and that the Applicant had withdrawn without prejudice previously because the Planning Board and Fire Chief required two means of egress and the Applicant was not able to accommodate the request.

Mr. Poxon explained that the Applicant had discussed a proposal with the trustees of Brook Estates concerning the second egress and they turned down the proposal. In addition, he stated that an environmental scientist said that the church's property is salamander habitat and makes it unbuildable; consequently, Natural Heritage would not allow building on the property.

GCW, PCP, NR were all very concerned that Pine Hollow Estates would not have a full second egress and that the Applicant still came back without addressing this problem. NR stated that Brooks Estates residents need another way to get out. BTS questioned how the gate would work and who would have the key. Poxon explained that the fire and police would have keys to the locked gate and the condo association would be able to plow and maintain the road.

SJW questioned if the Applicant looked at building an access road on Countryside on the dry side of wetlands next to Brook Estates and get easement to connect with Brook Street. Mr. Poxon stated that they have not looked at that area because the drop-off is very steep. SJW suggested that the Applicant look at this alternative if want to make this development work.

Questions from the public in attendance:

Robert Miller, a resident of Brook Estates, stated that no one approached him with a proposal and he has lived there for 12 years.

Attorney Joe Antonellis was present and explained that he is now counsel to the Trustees of Brooks Estates. He has not received any documentation, but has only been their counsel since last month. PMM stated that it is her understanding that the trustees of Brook Estates saw the letters and proposals but residents never saw it. Attorney Antonellis explained that on behalf of the trustees of Brook Estates, he is stating that the Trustees of Brook Estates are not objecting to this development, but he is here to make certain that the terms of the agreement that was signed between the Trustees of Bellwood and the Trustees of Brook Estates are properly enforced and incorporated into this Decision. If the Applicant presents a proposal to Brooks Estates for an easement or a road, then both the Trustees of Brook Estates and the unit owners would have to be shown the agreement. The unit owners are not controlled by the Trustees. Attorney Antonellis will work with the Trustees to implement any suggestions from the Planning Board.

PMM explained to public that the Board wants two means of egress and they do not want the project going forward without this. She suggested that discussions about possible solutions be held with the residents of Brook Estates and Bellwood, the trustees of both developments, Attorney Joe Antonellis, the Deputy Fire Chief, and the Applicant.

GCW: Motion to Continue the Public Hearing for Pine Hollow Estates, off Countryside Road, Special Residential Use Special Permit to December 12, 2013 at 7:00 p.m.

BTS: Second.

Discussion: None

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

GCW: Motion to Continue the Public Hearing for Pine Hollow Estates, off Countryside Road, Development Plan until December 12, 2013 at 7:00 p.m.

BTS: Second.

Discussion: None

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

GCW: Motion to extend the Decision Deadline for the Special Residential Use Special Permit to March 14, 2014 for Pine Hollow Estates, off Countryside Road.

BTS: Second.

Discussion: None

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

GCW: Motion to extend the Decision Deadline to March 14, 2014 for Pine Hollow Estates, off Countryside Road, Development Plan.

BTS: Second.

Discussion: None

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

7:15 p.m.**Shoppes on Mechanic Street (formerly Bellingham Commons II) discussion on Fusion Express seating**

Present: George Levine, Owner and Applicant

Mr. Levine explained that Primo Pizza closed but it has too much seating and square footage for the new tenant. He would like to take 12 seats from the Primo Pizza space and give 10 of those seats to Fusion Express. Mr. Levine further explained that most customers for Fusion Express wait for food and take it out and do not eat in the store. SJW explained to the Board the Decision for the pad site where Fusion Express is located. She further clarified that the Decision states that if any changes were made, the Applicant had to come back to the Board to change the seating because it affects the parking. GCW explained to Mr. Levine that to avoid this type of situation in the future, he should have at least gone by the parking regulations at the time of the Decision because he would not have had to come back before the Board now.

The Board agreed to the Applicant's request.**Northwoods II bond reduction request discussion**

Present: Attorney Michael Doherty for the Applicant

Attorney Doherty stated that there is grass growing in the swales and the open space and presented color pictures to the Board of the grass. Has seen the new Form J and believes that the Town's number is higher but is happy to adopt Don DiMartino's suggestion that \$5,500.00 be withheld as the remaining bond. PMM suggested that the Board hold back \$10,000.00 to protect the Town. Attorney Doherty stated that he thought the \$10,000.00 was a fair amount.

GCW: Motion to reduce the amount of the bond to \$10,000.00 and return the balance of \$202,500.00 to the Applicant.

BTS: Second.

Discussion: None

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

CVS Pulaski Boulevard Elevation/ADA Compliance Discussion

Present: Joe Antonellis, Attorney for the Applicant, John Racine, Architect with RGB Associates, Phil Fusco of Garofolo & Associates, Inc., Bill Johnson, Development Manager for Coast Realty Associates.

Attorney Antonellis explained that the issues with elevation were discovered during the early construction process. The site is higher in relation to road than was shown on original plans and consequently it would not be ADA complaint relative to location of building. John Racine caught the ADA issues and elevation problems.

Phil Fusco explained the changes in elevation and presented a plan that shows the current elevations and the new proposed elevations. He further explained that the slope near the sidewalk was too steep and would have required a ramp. Since they did not want to do a ramp, they had to change the elevation of the section near the street to allow them to remove the ramp and be ADA compliant.

SJW explained that the Applicant has shown on the new plan, the existing and proposed elevations but did not show the elevations that the Planning Board approved. The Applicant is not building what was approved by the Planning Board. The new plan should have shown the existing, new, and approved elevations and the new grades are higher by 1'33" than what was approved. SJW explained that the Board needs to decide if this merits an in-the field (red line) change or a formal Modification (that would require them to reopen public hearing) because the plans and Decision will need to be changed. Phil Paradis of BETA must review the proposed elevation to see if it is feasible.

Attorney Antonellis stated that his client thought that BETA would review this type of change during the construction phase and the cost would be billed as construction review. His client believes it is a red-line change that must be verified by BETA. SJW clarified that the construction reviews agreed upon by BETA and CVS does not include this level of work as during the construction, BETA is only reviewing the construction reports that are prepared by CVS. Attorney Antonellis further stated that the site is lower than they thought and the building is a foot and one-third higher than the approved plans, but the site is lower.

Mr. Fusco explained that he sent the changes that affect the elevation and everything else to BETA and not the Board. PMM stated that this document should have been sent to SJW and the Planning Board.

GCW agreed that this elevation change and the corresponding ramifications need engineering review but is fine with the changes if agreed upon by BETA. Attorney Antonellis agreed that the Board must make sure the site is constructed according to the approved plans. He further agreed that the Applicant will pay for Beta to review this as a cost separate from the construction reviews.

Questions/Comments from the Public:

Patrick Williamson of 31 Lafayette Street concerns were:

1. Questioned if the lamps are going to be at same elevation and does this impact the lighting plan. Mr. Fusco stated that the elevation change will have no impact to the lighting and there will be no spillover as they have down-casting lights. SJW asked for photometric plan with new elevations and Mr. Fusco agreed to verify.
2. Screening is very lacking and he would like to see more trees planted to screen the abutters. The current trees that have been planted are below the retaining wall and fence. He would like to see larger trees and increase the screening. Mr. Fusco explained that the trees are American Redbud that will grow to be 15-20' and the shrubs are low and are below the fence line. Attorney Antonellis stated that his client can work with the abutters to provide additional screening. Bill Johnson stated that he talked with other abutters about adding trees to their property and can look to adding trees to Mr. Williamson's property too.
3. Snow storage is troublesome as it will be on a flat storage area that slopes towards CVS and that also slopes back towards abutters at which point there is a low spot. Attorney Antonellis explained that he talked to Joe Pesce about this snow storage area. They may be able to put in a few more catch basins and would be willing to do that. The Board would also like BETA to review this as well.
4. The sedimentation/erosion control plan is not present as diagramed on the plan. Mr. Fusco was surprised to hear that the filter sock was not in place and stated that Bill Johnson will check into that tomorrow. Mr. Fusco further explained that they should be sealing up that are soon and patched up before November.
5. There are open excavation pits on the site and this is a bad idea. There is no orange temporary fencing. Attorney Antonellis stated that he just got a call about it and will get it under control tomorrow. PMM thanked Williamson.

SJW and the Applicant agreed that the Town will send the Applicant an invoice based upon BETA's hourly rates for the number of hours required to review the changes.

BTS questioned what problems would be created if the building is higher. Mr. Fusco stated that the slopes are changed a little bit so water can flow quicker and paving is easier. BTS asked if the building were to remain at the proposed height what would the effect be on the ramp at the sidewalk. Mr. Fusco stated that a ramp makes the sidewalk awkward and is an unconventional way to build the sidewalk.

The Board agreed that BETA can review the changes as part of the construction review and will bill the Applicant the hours worked by BETA. SJW asked Attorney Antonellis if he would have brought this to the Board's attention if she had not mentioned it at last week's meeting. Attorney Antonellis stated that yes it would have been brought to the Board.

General Business:**Old Business:****GCW: Motion to sign the October 9, 2013 Meeting Minutes**

BTS: Second.

Discussion: None

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

GCW: Motion to sign the October 10, 2013 Meeting Minutes

BTS: Second.

Discussion: None

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

GCW: Motion to sign the Vouchers/Payroll

PCP: Second.

Discussion: SJW explained the vouchers.

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

New Business (81-P)

SJW explained the grant she will be writing for SWAP. It is a Community Innovation Challenge Grant with two goals: 1. Install GPS/GIS in all council on ageing vans to improve the transportation process and be more economical; 2. To create a regional dispatch center for the Council on Aging.

BTS: Motion to adjourn.

GCW: Second.

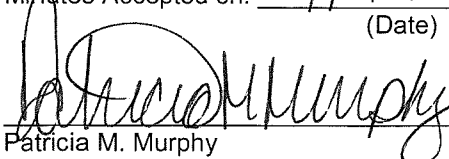
Discussion: None

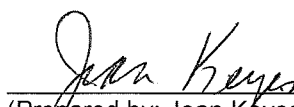
Vote: 4-0. Motion Carried. (PMM, GCW, BTS, PCP,)

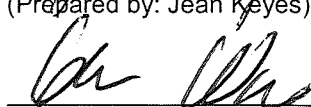
Meeting Adjourned at 8:30 p.m.

Minutes Accepted on: 11-14-13

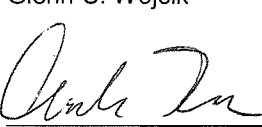
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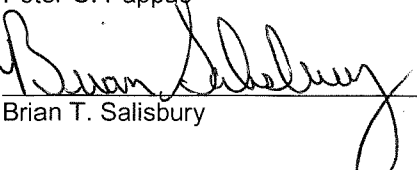

Patricia M. Murphy


(Prepared by: Jean Keyes)


Glenn C. Wojcik


Peter C. Pappas


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