



BELLINGHAM PLANNING BOARD

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Meeting Minutes November 14, 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 - absent
Andrew T. Greene (ATG), Member
Brian T. Salisbury (BTS), Member
Nikyda Resto (NR), Alternate - absent

Other Officials:

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

PMM opened the meeting at 7:08 p.m.

7:00 P.M. 111 South Main Street, Giard Driveway Discussion

Candace Giard-Gonsalves on behalf of her mother Joan Giard owner of 111 South Main Street
Michael Ross, owner of 121 South Main Street and neighbor to Joan Giard

Ms. Gonsalves contacted SJW to ask if the Board could do anything to help her mother's situation. The previous owner of 121 South Main Street had been granted an ANR in 1987 to give a portion of his land to Joan Giard so she could have a driveway for her cars. Ms. Giard has been paying taxes on that land and maintaining the driveway since 1987. Ms. Gonsalves explained that they recently discovered that the ANR was never recorded in 1987 and therefore it is not valid. JT explained that a new ANR cannot be granted because Ms. Giard's lot is non-conforming and they cannot now make it more non-conforming. Mr. Ross is willing to grant Ms. Giard an easement but Ms. Gonsalves and Ms. Giard believe that Mr. Ross's easement documentation is not equitable. JT, PMM, and SJW explained that there is nothing the Board can do in this situation. However, JT and SJW suggested that an easement is the best solution and the two parties should meet again and work out the easement language so that it is equitable.

7:00 p.m. Hillside Estates, 6-Lot Definitive Subdivision, Hixon Street, 1st Public hearing: Decision
Deadline: 12/8/13

GCW: Motion to waive the reading of the Public Notice for Hillside Estates, 6-Lot Definitive Subdivision, Hixon Street.

BTS: Second.

Discussion: None.

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

Present: Tom Houston of Professional Services Corporation, the Town's peer reviewer
Bob Truax, Engineer of GLM Engineering on behalf of the Applicant

Mr. Truax gave an overview of the proposed subdivision that is off Hixon Road across from Barrett Lane. There will be on-site septic and town water and they will be clearing the land for each house and septic. All lots are approximately 1-acre and some are little bigger on downhill side. There is a natural swale to the south in the woods and the stormwater plan directs the runoff to the rear of the property as the runoff exists that way now. Mr. Truax explained that they invited the abutters to see the plan prior to submission to the Planning Board and several abutters did come and look at the plan.

Mr. Houston stated that he has submitted to the Board, a memo dated November 13, 2013 with his comments relating to his review of the project, plans, environmental impact, traffic analysis, and stormwater plan. Overall the project generally complies with the Town's regulations but he has outlined his concerns in his 50+ comments in the memo.

Mr. Houston explained a few of his concerns to the Board below:

- Comment 7 – the Environmental Assessment does not address all requirements in detail such as estimated phosphate and nitrate loading on groundwater and surface water. Strict compliance could be waived due to the small scale of the project.
- Comment 13 – There are substantial areas within the lots that don't have to be cleared and he suggested that the Board require a limit of tree clearing line but not a permanent easement.
- Comment 19 – the site distance is generally good, but it is not good on the southernmost 81P lot. Mr. Houston would like to see the Applicant shave the vertical grade down a bit on Hixon Street even though it's not in the subdivision.
- Comment 20 – the cul-de-sac is shown as paved. The Board previously expressed a desire that it be grass or something pervious. SJW stated that she would like to see a different shape rather than a circular cul-de-sac and suggested maybe a teardrop shape.
- Comment 22 – the proposed centerline grade of the road ranges from 7 to 8 1/2' above the existing centerline. Either this has to be changed or a waiver of strict compliance must be obtained by the Applicant. This could be corrected by the Applicant to bring the level down where the road meets Hixon Street. Additional catch basins would be necessary since there would be no high spot to prevent Hixon Road runoff from going down the new road.
- Comment 24 – the applicant cannot concentrate stormwater across a property line. Retention Basin 1 is discharging onto the property of others.
- Comment 28 – the floor of Retention Basin 1 is 1' (one foot) above the ground water but the Town's regulation states a 2' separation is required.
- Comment 30 – the detention basin is constructed in fill and it this is not acceptable.
- Comment 33 – the detention basin must be fenced all the way around and gated.
- Comment 38 – fire flow data must be provided demonstrating adequate delivery of water.
- Comment 39 – permanent dead-end water main is not allowed. Truax explained that DPW Director, Don DiMartino suggested that a this water main be looped to Belanger Drive as that road has a dead-end water main also.
- Comment 48 – the basin spillway discharges onto town land and no easement is shown on the plan. A drainage easement from the town may be required.

BTS expressed concern for the abutters about the drainage. The abutters to the retention basin are losing the buffer that the other people have and he is concerned about the location of that basin. Mr. Truax stated that the basin needs to be on the bottom of the hill but it will not get an overflow until a 100-year storm. Mr. Truax also agreed to extend the tree line before the berm and put a limit of clearing to hide the basin. BTS asked if the natural swale could be modified in the future by a homeowner. Mr. Truax said no because it would require a great deal of fill.

ATG expressed concerns about the drainage from road. Mr. Truax explained that all drainage from the road will go into the basin. GCW was very concerned that there are several issues with this project that just miss the regulations and Mr. Truax stated that there is nothing they can do about. GCW does not think the Board should just agree with it and should not give this Applicant any special treatment. He would like to see the plan redesigned the Board's concerns addressed by the Applicant.

PMM stated that she is worried about the drainage for the abutters in the back of the subdivision. She does not want to have their houses or land take on water and they should not be negatively impacted. Mr. Truax agreed to make changes, but he does not think the basin is located in fill. Mr. Houston disagreed and stated that it does not meet the definition of basin which is to dig a hole and install a basin. The Applicant is building up the land around the basin. Mr. Houston further emphasized that each of the items in his memo could be solved as there are changes that can be made.

JT was very concerned about the straight design of the street as this is not allowed according to the Subdivision Regulations. SJW concurred and agreed that the road should be curved.

SJW explained that the Applicant is required to provide one affordable unit for this development. PMM and GCW explained to the public that every subdivisn in Bellingham is required to have 10% of the units as affordable. GCW further explained the 40B law that requires the affordable units.

Questions from the public in attendance:

Harry Hamjian of 35 Hixon Street stated that he is very concerned about water pressure. The pressure in the water lines on Hixon Street drops now and he wanted to know if the new demand for water in the new subdivision will impact the Hixon Street water pressure. SJW requested that Mr. Truax contact the Fire Department about this issue. Mr. Truax agreed to do so and to contact Don DiMartino about the water main loop to see if that will help the pressure.

Susan Gauvain of 4 Beaver Pond Road wanted assurance that the tree line would be enforced. PMM stated that the Planning Board will make this a condition and it will appear on the plan; however, a future homeowner could cut the trees down. SJW suggested that the developer include in the deed, restrictions that a 50' tree buffer must be maintained by the homeowner. Ms. Gauvain asked if there was any way to prevent animals from going to abutting property when they are displaced due to the construction. PMM stated that the Board cannot ask the developer to mitigate that and SJW further stated that there is no way to track where the animals go. Mr. Truax stated that there is a lot of conservation land in the back to which the animals can relocate.

BTS stated that he is very concerned about runoff entering the abutting conservation land and Beaver Pond especially runoff laden with fertilizer. Mr. Houston stated that his Comment 7 states that the Applicant needs to provide the phosphorus data in the in Environmental Assessment. However, if Beaver Pond is greater than 100' away from the boundary of the subdivision, then there shouldn't be quantitative damage from runoff.

Arthur Picard of 11 Beaver Pond Road questioned why the entrance to the subdivision was put on Hixon. PMM stated that this was the only access to this property. Mr. Picard is very concerned that if the traffic pullover spots are eliminated it will be very difficult for traffic to get down Hixon Street. PMM stated that there will be no widening of Hixon.

Barbara Conroy of 8 Walter Morse Road is very concerned about the location of the detention pond and asked if it will be fenced and if mosquito control measures will be provided. PMM stated that there will be a chain link fence around the entire basin as it is required. GCW explained that there should not be any long-term standing water in the detention basin. PMM further clarified that the rainwater water will go into the basin, pool, and drain completely. Ms. Conroy was also concerned that there would be no trees or screening between her land and the detention basin. PMM asked Mr. Truax to put in a buffer between the basin and Ms. Conroy.

Evan Miller of 40 Hixon stated that he appreciates the Boards comments and key aspects they are discussing. However, he believes that some of the issues can be solved. For example, the Applicant could move the cul-de-sac up and move detention basin. He would like to see an easement over the swale to prevent the trees from being cut down. He believes that these will be expensive homes and the homeowner would be people with resources who could afford to fill in the natural swale. Mr. Miller questioned if the stone walls on the property had any historic significance and if there would be street lights and street trees. PMM responded that there would be lampposts and trees and liked the idea of moving the detention pond.

Peter Starrett of 35 Robert Belanger Drive stated that the 9 houses being built will increase the number of cars from 80 to 120 and therefore, Hixon Street should be widened. Mr. Starrett asked if the stormwater drainage from Hixon could tie into existing drainage on his street. PMM stated that the Applicant cannot do this because it would require going over people's property to get to the detention pond in next development.

GCW: Motion to Continue the Public Hearing for Hillside Estates, 6-Lot Definitive Subdivision, Hixon Street to January 9, 2014 at 7:00 p.m.

BTS: Second.

Discussion: None.

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

GCW: Motion to extend Decision Deadline for Hillside Estates, 6-Lot Definitive Subdivision, Hixon Street to March 31, 2014.

BTS: Second.

Discussion:

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

CVS Pulaski Boulevard Elevation/ADA Compliance Continued Discussion – SJW explained elevation issue resolved and the Applicant will build according to the plan.

7:45 p.m.

Woodland Hills 12-lot Preliminary Subdivision, Farm Street, 1st Public Discussion; Decision Deadline: 12/1/13

Present were Owner/Applicant Kevin Lobisser and Mark Allen of Allen Engineering for the Applicant.

Mr. Allen described the Preliminary subdivision and stated that it will have public water and private septic for each lot. The water line will be extended from Farm Street and an 8" line will be used to connect the loop to Sharp Drive which already has a water easement from the Town. Wetlands and ground water are not issue and so no Con Com filing is needed. Mr. Allen has discussed the project with DPW Director Don DiMartino and both would like to see a Low Impact Development.

BTS questioned who owns the shed on the back of the property. Mr. Allen explained that the Applicant is working with the neighbor who has the shed on the Applicant's land. They are going to give the neighbor a piece of property. BTS also expressed his concern about trees being removed from lots and the removal of the trees also removes the sound buffer from Route 495. He would like to see something to mitigate the sound. BTS would like to see the detention basin moved so that it impacts the project and not the abutter.

SJW questioned why this was not designed as a cluster to leave more open space at the back. This would leave more trees intact and provide more of a sound buffer. Mr. Allen responded by saying that the development is surrounded by highway and streets and there is no value to open space. SJW disagreed and stated there is value to noise reduction. The Board agreed that a noise analysis should be done to be sure it is within acceptable MassDOT highway impacts for noise.

SJW would also like to see the cul-de-sac redesigned into an alternate shape maybe a loop or teardrop. SJW also questioned why there was no sidewalk to connect to Valley View Road. Mr. Lobisser offered to build a bus stop waiting area instead to provide a place for the kids to safely wait for the bus at the corner of this new street and Farm Street.

ATG would like to see trees left in upper right corner of the development. Mr. Allen agreed that he could leave some trees between the two basins.

Jim Matthews of 67 Farm Street is concerned with additional traffic on Farm Street as there are several accidents now and the road cannot handle more traffic. In addition, a new cul-de-sac on Cedar Hill is being constructed now and more trees are being taken down and he is already hearing the impact of the increased noise from Route 495. Mr. Matthews also stated that this road is used as a short-cut by cars and by 18-wheeler trucks.

Dawn Matthews of 67 Farm Street agreed that the trees cut down on Cedar Hill already increased the noise from Route 495. She further stated that the town had to put up signs for the traffic to be cautious because of the school bus traffic.

BTS also requested that a delineated tree line and trees between houses be included for this project. SJW stated that this tree requirement is in the regulations, but is difficult to get developers to comply. Mr. Lobisser stated that he will have a tree line on the definitive plan and trees between the houses.

The Planning Board is making the following non-binding comments for the Woodland Hills Preliminary Subdivision and any future potential Definitive Subdivision, but the hope is that the Applicant will comply:

1. A noise evaluation to determine what, if any, change in background noise might occur for the existing residences due to tree clearing for the proposed project.
2. Increase the buffer between the proposed project and Route 495 in the northeastern corner of the project near the drainage basin.
3. The design of the subdivision should be aesthetically pleasing.
4. Maintain a natural buffer between the proposed lots and the existing adjacent houses; a homeowner's agreement may be required to prevent cutting of trees within the buffer areas.
5. A Definitive Plan should include a plan that indicates the building and impervious surface coverage, maximum proposed tree cutting line, side yard buffer of existing trees and limit of work outlined for each lot.
6. Change the circular cul-de-sac to a tear drop shape with interior vegetation that could include the retention of the existing tree coverage.
7. Include a school bus stop area at the corner of the new street and Farm Street.
8. Two affordable units are required in accordance with the Bellingham's Inclusionary Housing zoning bylaw.

GCW: Motion to Recommend the Preliminary Subdivision with suggested comments and discussion items for Woodland Hills, 12-Lot Definitive Subdivision, off Farm Street.

BTS: Second.

Discussion: None.

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

Crystal Springs Affordable Housing Discussion – discussion tabled

General Business:

Old Business:

GCW: Motion to sign the October 24, 2013 Meeting Minutes

BTS: Second.

Discussion: None.

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

GCW: Motion to sign the Vouchers/Payroll

BTS: Second.

Discussion: SJW explained the vouchers/payroll.

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

New Business (81-P)

GCW: Motion to adjourn.

ATG: Second.

Discussion: None.

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

Meeting Adjourned at 9:09 p.m.

Minutes Accepted on: _____

(Date)

Patricia M. Murphy

Peter C. Pappas

Brian T. Salisbury

(Prepared by: Jean Keyes)

Glenn C. Wojcik

Andrew T. Greene