



BELLINGHAM PLANNING BOARD

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Meeting Minutes March 27, 2014

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. and explained that the Board will be doing general business while waiting for the additional Board members to arrive.

GCW and ATG have not arrived.

General Business:

Old Business:

BTS: Motion to sign the 3/13/14 Meeting Minutes.

PCP: Second.

Discussion: None.

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

BTS: Motion to sign the Vouchers/Payroll.

PCP: Second.

Discussion: JK explained the vouchers and payroll.

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

7:00 p.m. Cedar Hill Estates, 4th Lot Occupancy Request

Present: Jeff Gagnon and Roger Gagnon, Applicants

Jeff Gagnon explained that they are looking for a release of Lot 2, House 5 on Sharpe Drive in Cedar Hill Estates.

7:10 p.m. GCW and ATG arrive.

PMM explained the situation and that according to the Amended Covenant signed in 2011, the Board cannot release the 4th lot until all infrastructure items have been completed. There are a few items outstanding that have been noted by DPW inspector, John Harte. PMM has spoken with SJW and she suggested that there is no need to revise or amend the covenant as long the Applicants understand that the outstanding items must be completed before the Board can recommend street acceptance. Jeff Gagnon and Roger Gagnon agreed and stated that it has been the extended winter weather that has delayed completion of the final items.

GCW and PCP agreed that the outstanding things have to be done for street acceptance. BTS asked when the items will be completed and Jeff Gagnon stated that as soon as ground thaws or in approximately 4-5 weeks at the most. PMM explained that the Certificate of Release will be ready on Tuesday and Jeff Gagnon can pick it up at the Planning Office.

GCW: Motion to sign the Certificate of Release for Lot 2, House 6 of Cedar Hill Estates, Definitive Subdivision, on Sharpe Drive, Bellingham, MA.

ATG: Second.

Discussion: None.

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

7:05 p.m. Pine Hollow Estates, off of Countryside Road, Special Residential Use Special Permit and Development Plan Review; Continued Public Hearing; Decision Deadlines: Special Permit 5/1/14 and Development Plan: 5/1/14.

Present:

Alan Nash, Applicant

William Sack, Attorney for the Applicant

Ron Mueller, of Ron Muller & Associates Traffic Engineering consultants for the Applicant

Bob Poxon, of Guerriere & Halnon, Inc. for the Applicant

PMM explained that the topic is a traffic study, presentation, brief discussion, and then the public hearing will be continued.

Attorney Sack explained the 2nd egress proposal:

1. Brook Street as 2nd egress is not feasible as it is opposed by Natural Heritage and is not a public way.
2. Brookside Rd as 2nd egress. The traffic study shows that volume increases will be negligible. One-half of the traffic will be coming from Thayer to Bellwood and one-half going to Thayer from Bellwood.
3. Applicant also proposes to build a sidewalk from Brookside to Thayer as part of the new plan.
4. Extension of Brookside will enhance the safety of 3 developments – not disputed by Fire or Police Departments.
5. The new egress furthers the goals of Planning Boards rules and regulations by providing connections to adjacent streets.
6. The proposed project is fully supported by Bellwood Condo Trust and is not opposed by Brook Estates Condo trust.
7. The new egress presents no traffic or safety issue and will only enhance safety of residents on Thayer and Brookside.

Ron Muller recapped the traffic study:

- Performed traffic counts at all intersections
- There is a low rate of accidents at Thayer and Bellwood.
- Site lines exceed state minimum.
- Included 2% per year growth rate to project into future.
- Other new projects in town would not affect Mendon Street/North Main Street intersection.

According to state traffic guidelines, the increase in traffic generated by the proposed development is negligible and will have a negligible impact on the level of service at all intersections studied: Bellwood and Mendon Street and Thayer Street at Mendon Street. The level of service at the North Main Street and Route 140/Mendon Street intersection was not studied. Mr. Muller explained that his firm then made the determination of how many cars will exit via Bellwood or via Brookside to Thayer. GCW interjected that this determination is subjective and it cannot be quantitatively studied. He further described the traffic study as a shell game. Mr. Mueller stated that the Board is right that distribution of traffic is an estimate. The study looks at the impact at the intersections and the distribution of the traffic is subjective.

GCW, PMM, and PCP agreed that the shortest route is not necessarily the route that will be chosen by the residents especially when faced with waiting for the light at the intersection of North Main Street and Mendon Street. If the residents can skip most of the queuing line on Mendon Street by exiting out Thayer Street, then they will do so.

BTS questioned if the proposed Shoppes at Bellingham was taken into consideration and Mr. Muller responded no because it is many years in the future and they were not asked to include it by SJW.

Mr. Muller explained that their traffic observations show a very short queuing line at the North Main Street/Mendon Street intersection. PMM explained that she has lived in that neighborhood for 15 years and that Mr. Muller is incorrect because the queue is long every day. GCW added that the Applicant is adding cars to the various intersections, but is not doing anything to improve the situation. GCW stated that adding a sidewalk to Thayer will not increase the safety of the neighborhood and the increase in traffic alone decreases the safety. PMM explained that Bellwood was never intended to exit through Brookside.

Attorney Sack stated that at the last meeting the Applicant proposed a second full egress and stated that it would not get much traffic. He stated that the Board asked for a traffic study and he pointedly asked the Board if they were going to accept the results of a professional who does the traffic study because he was concerned. Attorney Sack then became very agitated about the term "shell game" used by GCW referring to the traffic consultant. PMM repeatedly asked Attorney Sack to sit down and listen to her. PMM warned Attorney Sack that if he could not stop and listen when she asked then she would ask him to leave the meeting. PMM stated that Attorney Sack was making a hostile accusation against a Board member and would like GCW to respond and explain. GCW explained that the traffic study is a shell game in the sense that the distribution routes taken by residents are decided by the traffic consultant in a subjective decision and are not based upon a predetermined quantitative traffic formula. The traffic consultant is stating his opinion of what the distribution routes would be as opposed to the people who live there who know how the intersection operates today.

Attorney Sack repeatedly questioned if the Board would accept the traffic report. GCW stated that he is not accepting the report because he doubts the traffic consultant's subjective decision as to which way the traffic would turn when exiting the development. Attorney Sack stated that he hopes this is on the record.

BTS stated that he also hopes that it is on the record that Attorney Sack is acting very unprofessionally and as someone with his stature and length of time as an attorney before this Board, it is very disappointing and he hopes the record shows that. BTS stated that he does not want Attorney Sack to respond at all as his behavior is disrespectful.

PCP explained that the traffic study only provides information regarding the impact of additional traffic at intersections. However, it does not answer the concerns of GCW and the residents of the impact of the additional cars in the Thayer neighborhood. The Board now knows how many vehicles will be added from this development and the impact on the intersections, but this is only one piece of information that the Board needs.

Attorney Sack stated that he was sorry for his disrespect for the Board. He stated that there will be one additional vehicle every 5-7 minutes on Brookside Road. Is that an impact? A strong impact? PMM stated it depends upon where you live. Attorney Sack responded that the Town might as well have no development anywhere.

Alan Nash questioned Mr. Muller if he noticed traffic backed up past Pete's Bluebird. Mr. Muller said no they were only backed up 3-4 cars past Thayer Road. Mr. Nash stated that PMM had stated in a previous meeting that she said the traffic was backed up past Pete's Bluebird. PMM responded that she never said the traffic would back up past Pete's Bluebird. Mr. Nash said that PMM is saying Mr. Muller is dead wrong about study. Mr. Nash agrees that it is very hard to get out of Toni drive and take a left because the traffic is very bad in the morning. PMM stated that she has lived on that road for 15 years and thinks it is very reasonable for her to disagree with traffic study because in her opinion it is wrong. She has observed the traffic for 15 years as opposed to Mr. Nash's 10-day observation.

PMM opens the meeting to questions from the public:

Dana Tubman of 12 Woodside Lane asked when was the study done. The traffic is backed up at all times of day and not just in the morning. She does not want traffic going 40 miles per hour going down Brookside when there are 20 school-aged kids riding bikes. She does not know where they are going to put a sidewalk on Thayer. There is a sidewalk on Brookside Road. She does not want any new development using Thayer Street to get closer to the traffic light. PMM explained that the traffic study was done on February 24th and 25th. This was clarified by Mr. Muller as the date on Page 3 in the traffic study is incorrect.

Christine Eldridge of 19 Edgehill Lane asked what the peak hours are. She did not see anyone doing a traffic study at 8:00 a.m. There are 15 kids at the bus stop and traffic coming down the street, it is very congested and there is no room for a sidewalk. PMM explained what the am peak periods are and that she saw the traffic consultant.

Jennifer Shelly of 2 Countryside Road would like clarification that the Applicant is putting in 36 units but there will only be an influx of 22 vehicles. PMM clarified that this was only during peak time. Shelly was concerned that there could be more than 22. Mr. Muller explained that it is an estimate based on trip generation rates it could be higher or lower but is based upon industry standards.

Sam Perry of 7 Edgehill Lane stated that he understands, from listening to the traffic study explanations, they are looking at intersection (of North Main Street and Mendon Street) and the impact on that intersections. Service level is already terrible at the intersection and adding 40-50 cars not change the service level as it is already terrible so what is the point of the traffic study. PMM explained that if the Applicant is going to impact the intersection there is a case for mitigation and we do not know what it will be at this point. When a developer makes things worse, there is a cause for mitigation to make this better. PCP the traffic study focused on the 4 intersections of the development and did not provide any data as to the effect on the light at North Main Street and Mendon Street. Mr. Mueller explained that they didn't study that intersection is because the impact on intersection is negligible.

Al Stickbotner explained that all school kids stand at end of Thayer Street and there are many cars parked at the end of the street.

Steve Simchock of 21 Countryside Lane is concerned about the Countryside Road straightaway that will be the egress onto which the development will enter and exit. He walks this road several times a week and sees very few cars. He is concerned about the increase in the number of cars.

PMM stated that the Board will continue this matter and informed the applicant that they cannot vote on this concept plan for the road as they have to look at the entire project. PMM asked the Applicant what they would like to discuss next. Attorney Sack informed the Board that the traffic study was not cheap and to ask the Applicant to do more engineering work without knowing if the Board is in favor of the plan for the road is putting the Applicant at great expense. GCW would like to see traffic projected so all exit through Brookside to see how the level of service is affected. Mr. Muller agreed to do this calculation.

PMM explained that there will be a peer review of all aspects of this project. Attorney Sack asked if the peer review could be waived because Mr. Muller is very well respected. PMM does not remember ever waiving a peer review. GCW stated that we always want a peer review that represents the Town as the Applicant's traffic consultant works for the Applicant.

GCW stated that the Board has to protect the Town by having our peer reviewer review the traffic. The Board has to make sure everything meets the bylaws. If peer review agrees and it meets the bylaw, then the Board can approve. PCP clarified that he does not take sides. He does not weigh our peer review information any more or less than the Applicant's traffic study. The peer review and the residents input give him more information to make an informed and reasonable decision. GCW stated that this is also why residents have input as it is like a peer review. Attorney Sack stated that so the Board is not going to accept the traffic study. PCP explained that the point of the traffic study is to gather information from all parties – consultant, peer reviewer, residents – to make a reasonable decision. It is not a question of accepting; its purpose is to ban an additional source as the Planning Board gathers information.

Mr. Nash asked if the Board can vote on the road after they see the peer review of the traffic study. PMM explained that they cannot vote on the project in a piecemeal way. The Board has to go through the entire process. The Applicant can tell the Board what they want to discuss at the next meeting and/or they can request a straw vote.

The Applicant requested a brief break to decide and PMM granted the request.

Mr. Poxon explained that he is confused as to what we need to provide. They have already submitted all the necessary documentation, but if the road will be constructed, then engineering changes need to be made. Mr. Poxon needs to know if the road as proposed is acceptable so they can commit to provide more detailed information and move forward. PMM asked if he would like a straw poll and Mr. Poxon said yes. BTS explained that he is not prepared to render a decision without any peer review. PMM explained that all Board members are not comfortable stating that the road is acceptable because they do not have enough information. GCW would also like to have the traffic consultant analyze the impact the cars parked at the end of Thayer Street will have on the level of service.

PMM explained that the development has to have two egresses. Mr. Poxon would like to propose that the traffic study go to the Town's peer reviewer and requested that SJW start the process.

GCW: Motion to extend Decision Deadline the Public Hearing for Pine Hollow Estates, off of Countryside Road, Special Residential Use Special Permit and Development Plan Review to September 1, 2014.

PCP: Second.

Discussion: BTS asked if the Board is piece-mealing this project. GCW explained that the Board can talk about each aspect of the project in a step-by-step way without voting on each step.

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

GCW: Motion to continue the Public Hearing to May 8, 2014 at 7:00 p.m. for Pine Hollow Estates, off of Countryside Road, Special Residential Use Special Permit and Development Plan Review.

ATG: Second.

Discussion: None.

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

New Business:

GCW: Motion to adjourn.

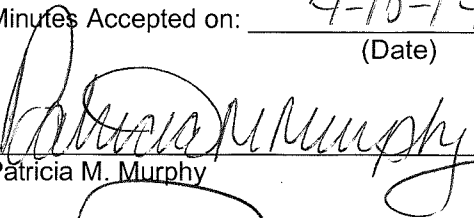
ATG: Second.

Discussion: None.

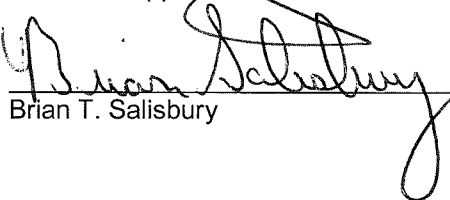
Vote: 4-1. Motion Carried. (PMM, GCW, PCP, ATG – voted yes) (BTS voted no)

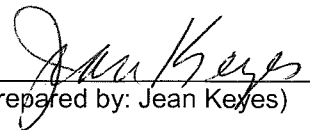
Meeting Adjourned at 8:45 p.m.

Minutes Accepted on: 4-10-14
(Date)

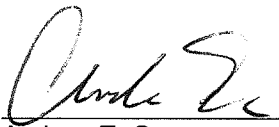

Patricia M. Murphy


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