



BELLINGHAM PLANNING BOARD

2 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 657-2892; FAX (508) 966-2317
PlanningBoard@bellinghamma.org

Meeting Minutes August 28, 2014

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

Present at the Meeting

Patricia M. Murphy (PMM), Chairman
Brian T. Salisbury (BTS), Vice Chairman
Peter C. Pappas (PCP), Secretary
William F. O'Connell Jr. (WFO), Member
Glenn C. Wojcik (GCW), 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.

7:00 p.m. Informal Discussion: Bellingham Police Station entrance driveway change

Dave McKinley of Kaestle Boos who is the Applicant explained that he is requesting a new, separate entrance to the new Police Station because the police department would like a direct entrance to Blackstone Street. It will be the same width as the original entrance and the same amount of parking as the original except that visitor parking will be separate and in front of the building. Mr. McKinley has been on site to check the sight lines at high school and from the new entrance and stated that there are adequate sight lines in all directions.

WFO asked if growing trees and bushes will be a problem in the future. McKinley responded that the vegetation will not be a problem as the topography prevents it and the road curves which allows for clear lines.

BTS questioned why the second entrance was needed. Mr. McKinley explained that the fire chief was upset about potential increase in traffic, visitors getting mixed up with the entrances, and the police responding to calls from the parking lot at a high rate of speed.

WFO: Motion to approve the minor change to create a new entrance driveway for the new Bellingham Police Station.

GCW: Second.

Discussion: None.

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

7:00 p.m. Victory Packaging Facility, Maple and High Streets, Development Plan Review, Major Business Complex Special Permit, Flexible Parking Special Permit, Stormwater Management Permit, and Scenic Road Permit, Continued Public Hearing; Decision Deadlines: Development Plan: 10/31/14; Special Permits: 10/31/14

Present: Dan Feeney of Beals & Thomas, engineer for the Applicant, Sean Terrell of Seefried Properties, Applicant, Jeff Trelegan of Victory Packaging, Mark Pross of Pross Design Group, and Scott Thornton, traffic engineer with Vanasse & Associates, Inc., Rob Rakusin, President and CEO of Seefried Properties, Anthony Cabalera, noise consultant.

Mr. Feeney gave an overview of the updates and revisions that have been made to date. He also explained that this Development is by-right and land is zoned industrial with special permits. He and the Applicant have held several meetings with residents/abutters and listed to their comments and the comments made at the previous public hearing. The Applicant agreed to incorporate the following changes into their plan based upon these suggestions:

1. Reduced building size which in turn moved it further off of Maple Street.
2. Met with the Tree Warden who has accepted the proposed planting design to replace the trees that are coming down and plant evergreens and provide a berm for screening.
3. Changed the egress: the building originally had 2 points of egress but this has been changed to just one egress opposite Stonehedge Road to reduce the truck lights shining in the abutters houses.
4. They are going to be creating a gated emergency, paved access road off High Street at the request of the Fire Department. This will not be open to traffic.
5. They have raised the berm height and added more plantings for screening.
6. The eastern and southern building faces have been redesigned to incorporate more brick and windows to make it more esthetically pleasing.
7. There are two lots on the site that they will not be using and they are going to donate the land to the Town.
8. They have sent a memo to all vendors that they can only enter and exit the site from by way of Route 140 to Maple Street. Vendors cannot use the Route 126/Maple Street route.
9. Traffic Report shows minimal impact at the Route 140/Maple Street intersection; however, the Applicant has agreed to provide traffic mitigation of: 1) \$30,000 to the Town to be used for future Town directed design improvements at that intersection 2) will install a permanent speed radar sign on Maple Street 3) will install various safety signage - bus stop, children etc. to increase safety awareness on Maple Street.
10. The Applicant will provide \$5,000 each to two abutters who live on either side of Stonehedge Road at Maple Street so they can plant landscaping and screening.
11. The Applicant is working with the Bellingham Post Office to relocate the Maple Street mailboxes to the right side of Maple Street when heading northbound.
12. The Applicant has agreed to install a water line on High Street as requested by the DPW with a full-width pavement overlay of 700'
13. The Applicant will erect a stockade fence on the southern end of the property.

SJW and Mr. Feeney discussed the waiver requests that are needed. PMM questioned where the snow storage would be kept and Mr. Feeney pointed the areas on the site plan. WFO questioned if the Applicant will be erecting a bus shelter on the opposite side of Maple Street at Stonehedge Road and Mr. Feeney replied no.

Tom Houston, of PSC, who is the Town's peer reviewer, stated that the Applicant has resolved most major issues and he has detailed all comments in the report he issued today. Mr. Houston discussed his comments with the Board and mentioned that Comment 30 concerns the noise study which he has not received from the Applicant. Mr. Feeney said that the report is being compiled now and will be submitted next week. They will be specifically addressing the abutters' concerns about the trucks beeping when

backing up. Mr. Cabalera explained that there is alternative technology that replaces the beeping noise with a whoosh. The Applicant will be looking into this as it is the same decibel as the beeping.

Dan Mills of MDM Traffic Consultants, who is the Town's peer reviewer, has reviewed the initial traffic study submitted by the Applicant and it does comply with industry standards. Mr. Mills explained about the Town's Route 140/Maple Street intersection and would like to see the Applicant's mitigation funds used to improve that turn. BTS questioned if the amount of money being proposed for mitigation is adequate for that purposes. Mr. Mills suggested that there are several different options that can be done but the Town has to decide.

BTS expressed significant concerns with traffic north of the project going up Maple Street. He believes that it is naïve to think that traffic will all go South on Maple and it is folly on our part if we don't look at the impact it will have on the road and neighborhood. BTS believes that the Applicant will do his best to enforce the south only exiting/entrance on Maple Street but once the meeting is over it will not be enforced. BTS was also concerned that this size of the building will allow for expansion of business in the future and if a tenant comes in, he questioned who will enforce the Route 140 travel suggestion. This has not been addressed to his satisfaction. BTS would like mitigation to address and mitigate the northbound part of Maple Street.

SJW explained that the amount of mitigation provided by the Applicant must be in scale with the limit of impact of their development. Any changes in use by the Applicant will require new permits and any new tenants will be required to come to the Town for additional permits. Conditions will be put in the Decision as to the number of employees, cars, amount of water used. The Applicant does not have carte blanche to do whatever they want on the site as they are bound by what is presented for this project.

GCW agreed with SJW and mitigation aspects and explained that it is not fair to one developer to pay for the entire cost of correcting problems with the Maple Street heading north. PMM explained to all present that to this is a very reasonable project in scale and believes that the amount offered is reasonable. PMM reiterated that the Board is doing what they are tasked to by the Town which is to evaluate the project with regard to our bylaws and regulations. This is a by-right project and the land is zoned industrial and the Planning Board believes that the Applicant has worked very hard to accommodate both the Town's interests and the abutters' interests. The Board is trying to do the best they can to make this a good project for residents and our town. WFO stated that he commends the Applicant for all the improvements they have made to make meaningful efforts to accommodate the interests of the Town and abutters. There is only so much they can do.

Tom Houston suggested that that Applicant channelize the entrance to make it difficult for trucks to turn left and head northbound on Maple Street. PCP agreed that the channeling can force trucks to go right. Mr. Feeney agreed that the Applicant can put the channel in but does have to check the turning radius to be sure the trucks could make the corner.

Public Questions:

Peter Gabriel of Stonehedge Rd questioned who requested an entrance across from a school bus stop and that it is not a smart thing. He stated that trucks coming north will go down Stonehedge Rd and come up through Franklin. He was glad the beeping was addressed but questioned what could be done about kingpins when they are connected on the trucks. Mr. Gabriel stated that they can hear this all night at Garelick Farms and PMM responded that the Applicant cannot operate the business all night. Mr. Gabriel stated that you (the Board members) do not care about the children on this street. PMM responded by stating that Mr. Gabriel was being completely disrespectful to the Board members.

Jim Dunley of High Street commented about noise and traffic from the Blue Links business. He further stated that the Developer can say that they will not do certain things but there is a gradual erosion of the situation. OSHA requires beepers but there are a number of mitigations beyond beepers such as flaggers and believes that ten years from now the trucks will be beeping. For the Board not to consider the public safety is inept as it related to trucks going North on Maple Street. Additional traffic on the street will increase the public safety hazard. There is precedent that the traffic study must be done at full build-out. Scott Thornton, traffic consultant for the Applicant stated that they took into account maximum build-out and for this project based on initial needs and future impacts.

Jennifer Lofgren, 350 Maple Street said that the entrance is dangerous. She explained that a young girl lost her brother on the street. Getting to her mailbox across Maple Street is scary. PMM explained that the Board does hear her concerns but the Board has to follow the rules and regulations of the Town. This development is for 30 trucks but a business could go in there with many more than that. These developers have listened to everything the Board and the abutters have said. Lofgren stated that she would not allow anything to go in and would not put anything in there until the road was fixed. The land is not properly zoned.

SJW explained that both sides of road were zoned industrial. Then, the land that Stonehedge is on was changed to a residential zone at a town meeting just to accommodate this development. The entire corridor on Maple except near the mills at the northern end was zoned industrial. The only way to change the zoning on this street is to get permission from the owner of the land and to have the zoning changed at Town Meeting.

PMM asked if the Applicant would give the town \$15,000 towards the future paving or improving of Maple Street heading northbound from the site. Mr. Terrell, the Applicant, stated that he would be willing to give the funds with the condition that traffic study be done to prove the necessity of the paving and or improvements.

Don Martinez of 334 Maple Street a resident and on the Board of Selectmen (BOS) stated that he has lived on this street for 30 years. He understands that the Planning Board is in a box and that the Applicant has been very good and he is very pleased with their response to the abutters concerns. He further stated that it is not realistic to assume that trucks will not go north. Maple Street backs up at the Route 140 at 3:30-4:00 in the afternoon. There is a bus stop is at Stonehedge Drive. He believes that increased traffic has degraded the road and has broken it down terribly. He can provide two examples of Blue Links trucks driving from Route 126 following GPS routes. The Board needs to look at traffic going North to fix and widen the road and \$15,000 is nothing as it could be \$1M plus.

PMM explained to Mr. Martinez that mitigation must be done relative to the size of the project. The Board cannot ask the Applicant to pay for the sins of other businesses. The Applicant is already providing a good amount of mitigation funds. GCW explained that we are not here to judge how much money a business makes, we are here to judge the impact on the road. SJW suggested to Mr. Martinez that because he is on the BOS it affords him a great opportunity to look at what the Town can do to improve the road. The Planning Board can only get mitigation.

Mr. Rakusin explained that this business will bring property taxes to the Town and the Town can use that money to fix the road north and southbound. The Town can prioritize what can be done with the property tax funds and it is up to the Town to address the road improvement issues. Mr. Rakusin stated that they have proposed off-site mitigation equal to what the town assessed the other, much larger entities. He agreed the road can be assessed in both directions, but not sure why this will be solved in a couple of weeks or if it is fair to make us wait for that.

Scott Thornton explained that the traffic study would show, if even if the Applicant put 100% of all trucks and cars through the intersection at Route 140/Maple Street the negative impact would only be a 2.4% increase. He believes that the contributions already identified seem to be a fair share at this intersection. This project is a small traffic generator for the size of the building and the lot.

Mike Connor, Chairman of the Board of Selectmen, stated that fixing Maple Street is the responsibility of the Town of Bellingham. The BOS has asked for more enforcement from police on Maple Street. The Planning Board has authority to say no left turn. This project brings a tremendous amount of tax revenue to the Town and the Town has to fix the road not the developer.

Doug Porter, 3 Stonehedge Rd, stated that it all comes down to money. This land should never have been allowed to be industrial. He asked if the residents can offer you (The Planning Board) money to buy your vote. PMM was very angry and stated that this comment was very disrespectful. GCW stated that the Applicant is giving money to mitigate the impact and they will pay taxes every year. WFO stated that the zoning and road issues are not the Applicant's fault. Mr. Porter asked when the Planning Board

would prevent any more building on Maple Street until the road is fixed. GCW stated that the Town has to prioritize where they spend their money. PMM reiterated that the entire Town agrees that the road is a problem and it is the Town's responsibility to fix it. This is a by-right project; the Applicant has the right to build this.

Laly Viera, 60 High Street, explained that the audience members get frustrated because we can't jump in with comments and this is a very emotional situation. She almost got hit by a car on Maple Street because of a Blue Linx truck parked on Maple Street. She questioned why this building will have 22-bays but only a small number of trucks. Mr. Trelegan explained that they have 8 tractor trailers and 2 box trucks.

SJW explained that in her opinion as the Town Planner, the Applicant has complied with everything in the Town's Development Plan, Major Business Complex, and Special Permit bylaws/regulations.

GCW: Motion to continue the Public Hearing for Victory Packaging Facility, Maple and High Streets, Development Plan Review, Major Business Complex Special Permit, Flexible Parking Special Permit, Stormwater Management Permit, and Scenic Road Permit to September 11, 2014 at 7:05 p.m.

BTS: Second.

Discussion: None.

Vote: x-0. Motion Carried. (PMM, BTS, GCW, PCP, WFO) – No vote was taken

GCW withdrew his motion.

SJW stated that if the Board approves the project, it will be contingent upon the results of the noise study and that it meets all local, state, and federal. Mr. Trelegan agreed to this condition.

Arthur Paturzo of 10 Stonehedge Road stated that many times the audience could not hear what the Board was saying and the audience would prefer the meeting to be continued as they have not all had the opportunity to speak. PMM explained that the only thing left outstanding is the noise study. Mr. Paturzo explained that he believes the residents should have the opportunity to discuss the issues further. PMM explained that no matter what they residents say, the Applicant is within the Town's bylaws and that this is the best project the Town has ever seen for this site. The Applicant is entitled to build the project.

GCW: Motion to draft a favorable Decision for the Victory Packaging Facility, Maple and High Streets, Development Plan Review, Major Business Complex Special Permit, Flexible Parking Special Permit, Stormwater Management Permit, and Scenic Road Permit with the condition that the noise study is presented and that the Applicant complies with all state, federal, and Town regulations and the Applicant.

WFO: Second.

Discussion: PMM informed audience of what happened. The public hearing was continued but the motion made was to draft a favorable decision. Kirsten Daly, 15 Stonehedge Road asked if the project meets all bylaws and does the scenic road bylaw afford some protection. SJW stated that the scenic bylaw that Ms. Daly quoted is not the correct bylaw. PMM again reiterated that there is no way to prevent this as it is by-right. BTS clarified that the mitigation should be: \$30,000 for future route 140/Maple Street intersection improvements; \$15,000 for future paving/improving Maple Street northbound, \$10,000 to be split into \$5,000 to each abutter (2) on either corner of Stonehedge and Maple Street for landscape screening, \$10,000 for a radar sign to be used by the police to monitor speed on Maple Street.

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

GCW: Motion to continue the Public Hearing for the Victory Packaging Facility, Maple and High Streets, Major Business Complex Special Permit, Flexible Parking Special Permit, Stormwater Management Permit, and Scenic Road Permit to September 11, 2014 at 7:05 p.m.

BTS: Second.

Discussion: None.

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

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 9/1/14 and Development Plan: 9/1/14.

Project design: Layout, landscaping, lighting

Bob Poxon of Guerrier and Halnon, Alan Nash, Applicant and Attorney William Sack for the Applicant. Phil Paradis of BETA, INC, peer reviewer for the Town.

Bob Poxon discussed the site plan and the layout of the townhomes shown on the plans.

NR asked where the overflow parking was for visitors. Mr. Poxon stated that there is no overflow parking. SJW stated that the Applicant must provide overflow parking for guests. Sargent Rolls, Bellingham Safety Officer stated that overflow parking has to be paved overflow parking and cannot be grass. The Applicant and Mr. Poxon agreed to add this parking.

Phil Paradis explained his peer review comments that were provided in his August 25, 2024 memo. Some of the issues have been resolved by the Applicant but there are quite a few outstanding issues that need resolution. He advised the Board to review his comments carefully especially how the Town considers Countryside Road. He directed the Board to his comment Z26 and how the centerline of the road was established. The road meets the 24' wide standard but the issues he has identified include the setback of the townhomes from the road. The Board has to look at Countryside Road to ensure that it meets subdivision standards and establish street lines even though there is no line established now.

SJW explained that Countryside Road is the main access and should have same guidelines applied as subdivision road. The Subdivision Regulations are the design guidelines for the roads whether they are public or private. Consequently, they must be in compliance with the zoning setbacks from Countryside Road. PCP agreed that for the portion of Countryside on this lot, this developer has to comply with Subdivision Regulations. WFO stated that his first concern is that Countryside Road must be treated as a Public Road. Poxon stated that he can come up with different design and he will put in 25' road line off countryside

PMM addressed Mr. Poxon about her concerns about the grade on Bellwood. Mr. Poxon explained that the slope on Bellwood is under 8% and is okay by the Fire Department. However, near an interior intersection they need a leveling area of 50' that is not more than 4% and it exceeds the slope at that intersection. SJW explained that this must be corrected. Mr. Poxon and the Applicant agreed that the units on Countryside have to be moved back. NR clarified that if the units had to be moved back would there still be enough room to put overflow parking and Mr. Poxon responded yes.

SJW stated that she is not happy with the layout of the development. It is crowded, obtrusive onto Countryside Road as the back of the units face the street and no landscaping or fencing is provided to screen the units from the road. SJW suggests that they need to reevaluate the layout and consider more open space in the front of the design. The roads should be more stretched out and curvilinear and the layout of the units is too boxy. From a Planners perspective the development is not attractively designed and she suggested they look into moving into the 500' buffer. Both SJW and Phil Paradis suggested that the Applicant consult with Natural Heritage to discuss the 500' buffer. SJW also questioned where the snow storage would go. Mr. Poxon stated that the snow would be removed.

SJW question if the Applicant had complied with zoning regulations that require the retention of trees and consultation with the Tree Warden. Mr. Poxon stated that they have not consulted the Tree Warden and SJW stated that he should do so as soon as possible. Mr. Poxon questioned how the Tree Warden can make a determination now before the design is agreed upon. SJW replied that the tree warden should be consulted now so that he can tell you what trees should be kept. NR agreed that the tree warden should be consulted now. Mr. Paradis stated that the site is topographically challenged. While it is good to find out where to save trees, it will be very difficult due to constraints of the site.

SJW explained that this development must also comply with the Inclusionary Housing Bylaw which requires that 10% of the units be affordable. This number of units needed is four and the Applicant must submit an application for an Inclusionary Housing Special Permit. If this is not done, it can be conditioned in the decision. Also, the Applicant must show on plans where the affordable units are and they cannot be clustered by law.

Public Questions:

Brian Sutherland of 57 Yvonne Road made suggestions as to how to redesign the roadway.

Mr. Nash asked if the new design will need peer review and SJW explained that it would. SJW advised Mr. Nash to apply with the Conservation Commission now so the hearings run concurrently. Mr. Poxon stated that they definitely will apply but they are waiting for the design process to be completed by the Planning Board as they do not want to submit a plan that we are changing. BTS agreed with SJW and all of her suggestions.

WFO: Motion to Continue the Public Hearing for Pine Hollow Estates, off of Countryside Road, Special Residential Use Special Permit and Development Plan Review to October 9, 2014 at 7:00 p.m.

BTS: Second.

Discussion: None.

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

WFO: Motion to extend the Decision Deadlines for Pine Hollow Estates, off of Countryside Road, Special Residential Use Special Permit and Development Plan Review to January 1, 2015.

GCW: Second.

Discussion: None.

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

7:15 p.m. Cook 3-Lot Definitive Subdivision (Private Way), 9 Scott Hill Boulevard; 1st Public Hearing; Decision Deadline: 12/18/14

WFO: Motion to waive the reading of the Public Notice for the Cook 3-Lot Definitive Subdivision (Private Way), 9 Scott Hill Boulevard.

GCW: Second.

Discussion: None.

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

Paul Hutnak of Andrews Survey and Engineering, Inc for the Applicant, Brian Cook, Applicant

Paul Hutnak explained the subdivision and the Applicant's intent to create a 3-lot subdivision that includes the existing house with a private way. The private way will be extended to be an 18'-wide gravel roadway with hammerhead cul-de-sac. They will use the existing gravel road which allows the Applicant to reduce tree cutting and keep the rural character. The runoff from stormwater will be directed into a 6' swale on the low side of driveway 6".

WFO questioned why the road will not be paved and Mr. Hutnak explained that it is to keep the rural character of the land and reduce costs. WFO asked about access for emergency vehicles. Mr. Cook explained that he met with the Bellingham fire chief who told him that because it is a private way he cannot tell him what to do but he would like it large enough to turn around emergency vehicle. Mr. Hutnak explained that he is not intending to build now but is just creating the lots. PMM questioned if the new section of road would be compacted. Mr. Cook explained that it will be 12' wide and compacted.

Mr. Cook explained that he owns 8 acres of land and wants to transfer ownership of the lot with house to his daughter but wants to subdivide the land to give some land to his other child.

SJW – as a private road they don't need to meet street trees.

WFO asked about water access and Mr. Cook stated that the DPW asked for a hydrant to be installed at the end of road and he will comply with the DPW request.

GCW: Motion to write a favorable Decision for the Cook 3-Lot Definitive Subdivision (Private Way), 9 Scott Hill Boulevard.

BTS: Second.

Discussion: None.

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

General Business:

Old Business:

WFO: Motion to sign the 7/24/14 Meeting Minutes

BTS: Second.

Discussion: None.

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

BTS: Motion to sign the Vouchers/Payroll

GCW: Second.

Discussion: SJW explained the vouchers and payroll.

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

Discussion: CVS Pulaski Boulevard

Present Attorney Joe Antonellis on behalf of the Applicant, Phil Paradis of BETA, Inc. Town of Bellingham Peer Reviewer.

The Applicant submitted 59 pages of documentation to the Planning Office today and the Board did not have time to review any of the documentation prior to the meeting.

Attorney Antonellis received the Planning Board's letter and his client has work hard to complete all outstanding issues and only 2 issues remain:

1. The fence that was installed in the back of the property has two gates that are 8' wide total instead of one 4' gate. This is because the lawnmower has 7' of clearance and so the gates had to be 8' wide to accommodate the lawnmower.
2. Lighting on the building and in the parking lot is no different than standing in front of Municipal center and it is in compliance. There are two residents bothered by the light and he has talked with them tonight in the hallway. They will provide additional shielding on that light. PMM stated that she saw the lighting on the property and only the building lights were on but it was lit up extremely brightly and when the parking lights come on the whole backyard of the abutter is lit up.

Two abutters were present, the Lampheres who have the issue with one with pole light and the Williamsons who are affected by the cove building light. Attorney Antonellis stated that the lighting plan has been submitted and pole lighting complies. SJW stated that she will not comment until she can go out onto the site and review all the paperwork.

Mr. Paradis made a site visit and explained that there are plants on site that match the landscape plan. However, one tree is moved in 10' due to utility pole in the intended spot. The landscaping in the back near the fence cannot be planted as there is no room because the fence is on top of a wall.

The major points of discussion were the lighting, the placement of the light poles, the number of light poles (5 lights poles have been added), the fence, and the fact that all changes were not brought before the Board for a modification to the Decision. SJW suggested that the Board decide if these are major or

minor issues and if modifications are needed. It is not acceptable that the 59 pages of documentation was submitted today and the Board did not have time to review it.

It is the Applicant's belief that the gates should be considered a minor modification. Attorney Antonellis is not sure if lighting plan is different from what was approved by the Board as the plan submitted to Board was not as detailed. He further explained that lighting expert have stated that the lights are not overpowering the site and have less lighting than Walgreens. PMM clarified that Walgreens has different types of lighting. SJW responded that the plan that is being referred to by Mr. Antonellis as being circulated around is not the plan that was approved by the Board. If a new plan with new light poles wanted to be used, the Applicant should have come to the Board for approval. The Applicant did not use the lighting plan that was approved by the Board.

Attorney Antonellis stated that they will not turn the lights on until the Board has decided if a modification is necessary. He requested that the Board not hold up the Certificate of Occupancy just for this issue. PMM replied that she appreciated his stance, but what concerns her is that the Applicant should have complied with the approved plan. SJW explained that this is a matter of principle as some issued were not corrected until the Applicant was told they would not receive the Certificate of Occupancy. The Applicant failed to comply with the approved plans.

Bellingham Safety Officer Sargent Rolls walked the site and stated that the lights were within what they should be and also talked to neighbors. He saw the large light in back and suggested that the cove lights on the building be turned off. Sargent Rolls stated that he would want the lighting as it is constructed now as a safety officer. If we take them down, then the Town should look to putting in lights in as it is a large area and it is dark.

Mrs. Lamphere wanted to inform the Board that Lafayette Street is still dug up and wanted it on the record that CVS stated they will fix the road. They had to bring it to CVS' attention as it was not getting done.

Mr. Paradis advised the Board that several issue were corrected however four issues remain outstanding: the gate, the lighting, traffic light operation, and paving of Lafayette Street. The traffic light will have to be reviewed again when CVS is open and regular traffic patterns emerge.

Paul Trudell of Tighe and Bond, Traffic Engineers for the Applicant explained how the traffic lights are working. Jason Plourde of the same firm agreed with Mr. Trudell and stated that both lights will have to be adjusted later when CVS opens. Safety Officer Rolls stated that the new lights have worked good and bad but Tighe and Bond has been very responsive to fixing the problems.

PMM summarized that the Applicant is not in compliance with our plan and we have no assurance that the promises they make will happen. Since we have just received the documentation, no decision can be made today. BTS agreed and added that the pattern of the Applicant making many mistakes and being indifferent to issues until now would lead him to not approve the issuing of a Certificate of Occupancy. He would like to have SJW review all the documents. GCW stated that he has no problem with temporary occupancy permit but SJW would not recommend as town personnel will not follow up and will renew it without checking with the Planning Board.

Attorney Antonellis stated that they did not expect a decision today but that they are submitting the As-Built today. SJW explained the modification process and As-Built policy and that once all changes have been completed and issues corrected then she will advise the Building Inspector to issue the Certificate of Occupancy. WFO clarified that he does not want to set precedent by providing an occupancy permit if the Applicant has not complied with our Decision and the approved plans. GCW was not willing to take Attorney Antonellis' word that the issues have been completed. The Board needs proof from our site inspector and peer reviewer.

PMM requested that the pole and cove lighting remain off at the site until further notice. In addition, no temporary or permanent occupancy permit will be issued until the Board is satisfied with the project and the As-Built documentation has been properly completed and submitted. SJW review the new documentation and the report on the site walk that will be submitted by Mr. Paradis. SJW should submit a memo to the Board that details what is in compliance and what is not. The Board will then make a

determination of which items need a modification to the Decision. Finally, PMM informed Attorney Antonellis that the DPW peer review account is in the red and there are several invoices that must be paid by the Applicant. In addition, more funds must be provided to pay for additional peer review services as the outstanding items must be inspected. The Applicant will come back before the Board on September 11, 2014 to discuss the project. Attorney Antonellis agreed with all items set forth by PMM.

New Business (81-P)**WFO: Motion to adjourn.**

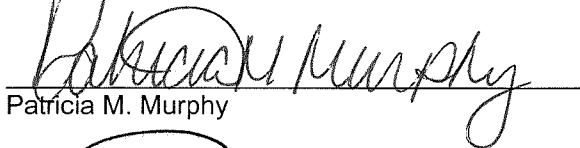
GCW: Second.

Discussion: None.

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

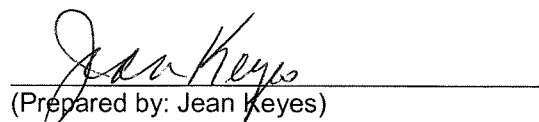
Meeting Adjourned at 12:30 a.m.

Minutes Accepted on: 9-11-14
(Date)

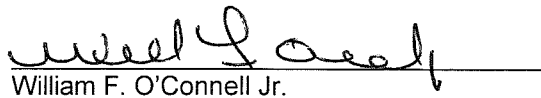

Patricia M. Murphy


Peter C. Pappas


Brian T. Salisbury


(Prepared by: Jean Keyes)


Glenn C. Wojcik


William F. O'Connell Jr.