



BELLINGHAM PLANNING BOARD

2 MECHANIC STREET
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Meeting Minutes May 14, 2015

MEETING LOCATION: ARCAD 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
Dennis J. Trebino (DJT), 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. Reorganization of Planning Board: Chairman, Vice Chairman and Secretary

SJW asked the members of the Board for nominations for Chairman.

WFO: Motion to nominate Brian T. Salisbury for Chairman of the Bellingham Planning Board.

DJT: Second.

SJW polled each Board member:

Planning Board Member	Yes	No	Abstain
Patricia M. Murphy		x	
Peter C. Pappas		x	
Brian T. Salisbury	x		
William F. O'Connell Jr.	x		
Dennis J. Trebino	x		
Motion Carried	3	2	

Vote: 3-2. Motion carried. (PMM, BTS, PCP, WFO, DJT)

PCP: Motion to nominate Patricia M. Murphy for Vice Chairman of the Bellingham Planning Board.

WFO: Second.

WFO: Withdrew his Second.

BTS: Motion to nominate William F. O'Connell Jr. for Vice Chairman of the Bellingham Planning Board.

DJT: Second.

Planning Board Member	Yes	No	Abstain
Patricia M. Murphy		x	
Peter C. Pappas		x	
Brian T. Salisbury	x		
William F. O'Connell Jr.	x		
Dennis J. Trebino	x		
Motion Carried	3	2	

Vote: 3-2 Carried. (PMM, BTS, PCP, WFO, DJT)

WFO: Motion to nominate Peter C. Pappas for Secretary of the Bellingham Planning Board.

PMM: Second.

Planning Board Member	Yes	No	Abstain
Patricia M. Murphy	x		
Peter C. Pappas	x		
Brian T. Salisbury	x		
William F. O'Connell Jr.	x		
Dennis J. Trebino	x		
Nikyda Resto	x		
Motion Carried	5	0	

Vote: 5-0 Carried. (PMM, BTS, PCP, WFO, DJT, NR)

7:00 p.m. Woodland Hills, Julia Drive Lot Release Request for Lots, 3, 7, 8, 9, 13, and 14.

Kevin Lobisser the Applicant was present and explained that they have received one bid on the affordable unit at 1141 South Main Street. In addition, he stated that affordable units that have three bedrooms are less marketable than a two bedroom unit.

WFO: Motion to sign the Certificate of Release for Woodland Hills Definitive Subdivision Lots 3, 7, 8, 9, 13, and 14.

PMM: Second.

Discussion: None.

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

7:00 p.m. Hillside Estates, Novus Homes LLC, Inclusionary Housing Special Permit, Continued Public Hearing; Decision Deadline: 5/29/15

PMM: Motion to continue the public hearing for the Hillside Estates, Novus Homes LLC, Inclusionary Housing Special Permit to June 11, 2015 at 7:00 p.m.

WFO: Second.

Discussion: None.

Vote: 5-0. Motion Carried. (PMM, BTS, PCP, WFO, NR) (DJT cannot vote)

7:00 p.m. EMC Solar Array Development Plan Review and Large-Scale Ground-Mounted Photovoltaic Installation Permit, Farm Street, Continued Public Hearing; Decision Deadline: 5/29/15

Present: Dan Feeney, Beals & Thomas for the Applicant, Paul Fitzgerald from EMC, Greg Andrews from EMC, Scott Krall from EMC, Jared Connell from Borrego Solar Systems, Inc. and Deputy Fire Chief Mark Poirier from the Town of Bellingham.

Dan Feeney explained that they have met with the Conservation Commission (Con Com) and all issues have been resolved. The Con Com will issue the order of conditions on June 10, 2015. In addition, he did receive the final comments from PSC, the Town's peer reviewer, and all issues have been closed as well. Finally, they have received the comments from the Fire Department.

Deputy Poirier was concerned with roadway construction material. He would like DPW Director Don DiMartino to review the material to be sure that it can withstand fire apparatus and will be wide enough as well. In addition, the Fire Department will need a way to turn-around the apparatus on the site. Deputy Poirier also questioned if the road will be plowed in the winter and are there emergency shut-down procedures.

Mr. Feeney said that the road will be surfaced with gravel. Mr. Fitzgerald responded that the road will be plowed and they are working with NStar to develop an emergency shut-down plan. Mr. Connell stated that the inverters shut off if there is a power outage and they will be indicated on the plans.

Deputy Poirier would like a 3-ring binder with shut down procedures, a Knox vault to hold the binder and any key to the site, and he would like to test the shutdown procedure prior to start up. PMM suggested that the hammerhead turnaround be placed by the solar panels. Mr. Feeney agreed to install a hammerhead turn around near the solar panels and Deputy Poirier will get him the dimensions.

BTS questioned how far the closest abutter is to the new section and Mr. Feeney stated that there are no abutters other than the industrial buildings in Milford.

SJW explained to the Board that she will incorporate all of Deputy Poirier's requests as conditions in the Decision and she stated that plans must be revised to show all additions such as the hammerhead, etc. SJW also explained that the Board must discuss an additional condition for the Decision which is the bond that the Town must collect and hold for future decommissioning. Mr. Feeney explained that the bond would be about \$142,024.00 and JT stated that this bond would be held by the Town and would be a financial security. JT has forms for this type of bond and Mr. Connell stated that most towns require the bond when the building permit application is submitted. JT agreed that the Bond can be submitted with commencement of operations and a provision to notify the Planning Board should be included in the Decision at the time the work commences.

WFO: Motion to close the public hearing for the EMC Solar Array Development Plan Review and Large-Scale Ground-Mounted Photovoltaic Installation Permit, Farm Street.

PMM: Second.

Discussion: None.

Vote: 4-0. Motion Carried. (PMM, BTS, PCP, WFO) (DJT cannot vote)

WFO: Motion to approve the EMC Solar Array Development Plan Review and Large-Scale Ground-Mounted Photovoltaic Installation Permit, Farm Street with the conditions as previously discussed and to have security keep ATV'S and unauthorized vehicles off the property.

PMM: Second.

Discussion: None.

Vote: 4-0. Motion Carried. (PMM, BTS, PCP, WFO) (DJT cannot vote)

7:00 p.m. Bellingham Shores, South Main/Center/Cross Streets, Preliminary Subdivision, Discussion; Decision Deadline: 5/29/15 Request for Continuance

WFO: Motion to continue the discussion Bellingham Shores, South Main/Center/Cross Streets, Preliminary Subdivision, Discussion to June 11, 2015 at 7:15 p.m.

PMM: Second.

Discussion: None.

Vote: 4-0. Motion Carried. (PMM, BTS, PCP, WFO) (DJT cannot vote)

WFO: Motion to extend the Decision Deadline for Bellingham Shores, South Main/Center/Cross Streets, Preliminary Subdivision, Discussion to July 23, 2015.

PMM: Second.

Discussion: None.

Vote: 4-0. Motion Carried. (PMM, BTS, PCP, WFO) (DJT cannot vote)

7:00 p.m. Pine Hollows Townhouse Special Permit, Project Remand, off of Countryside Way, Continued Public Hearing; Decision deadline: 90 days after the close of the public hearing.

Present: Alan Nash the Applicant and Attorney William Sack for the Applicant and Bob Poxon of Guerriere and Halnon engineering for the Applicant.

BTS had additional concerns about the maintenance of the roadway. JT stated that the Applicant has provided the information and the maintenance obligations written into the decision. Attorney Sack explained that easements required to build the Brookside Road access have been provided.

SJW requested confirmation from the Applicant that both Brook Estates and Bellwood have an agreement in place for maintenance and plowing and are currently responsible for those items. In addition, Pine Hollow will be folded into that agreement so the three condo developments will be responsible. Mr. Poxon stated that Bellwood granted easement to Brook Estates to use Countryside Way. Once the Applicant purchases the lot upon with Pine Hollows Estates would be built, then the Applicant owns that part of Countryside Way and an easement will still exist for Brookside to use Countryside. Bellwood will be responsible for Bellwood Circle that exists now. Pine Hollows will take care of the emergency access and Brookside Road, the new section of Bellwood Circle, and Countryside Way that is on the Pine Hollows lot.

Attorney Sack clarified that the easement has not yet been provided from Bellwood, but when it is, it will be included in the Deed. JT explained that the Applicant has to provide evidence of the easements prior to the Town issuing the building permit.

WFO wanted assurances that the Town will inspect could inspect the gated egress. Attorney Sack agreed.

BTS informed the Applicant that four inclusionary housing units are needed for this development and asked if the Applicant willing to apply for this special permit. Mr. Nash stated that this is agreeable. SJW explained that this special permit requires a public hearing and that the Applicant will have to pay the advertising costs and provide separate notice to abutters and provide all documentation that is required for the permit. Mr. Nash agreed.

Deputy Fire Chief Poirier requested clarification of the construction of the gate. Mr. Poxon explained that the gate will be a tubular triangular gate with double swinging gate that meets in the middle. Deputy Poirier would like the gate to have two sections of chain: one with the Fire Department's lock and one with Condo association's lock and would like this in the Decision as a condition.

JT and SJW discussed the possible agreement whereby the Applicant will donate mitigation to the Town in the form of \$3,000 per market-rate unit sold. SJW informed the Board and JT that this is a very large housekeeping chore for the Planning staff and does not want these funds to not be accounted for. Attorney Sack suggested that the Board write this mitigation and notification procedure into decision. The HUD statement will have a line item for these funds and a check will be cut at the closing. SJW is concerned that about the procedure to track the sale of the units and the collection of the funds that are due. JT will work out the procedure with a redundant mechanism.

The Board discussed the permit expiration term and agreed that it would be one (1) year to commence the project and two (2) years to complete the project with extension clauses included.

BTS asked Mr. Poxon if they have to the Con Com yet and Mr. Poxon stated that they are on the Con Com's agenda on June 10, 2015.

Public Questions:

Brian Sutherland of 57 Yvonne Rd stated that the residents of Brook Estates and Bellwood Condos want Brookside Road open and previously submitted a petition to keep it open. It makes sense to connect to Thayer Road as a full egress as the Board has always wanted a secondary access with full egress. He asked if the petition factored into the Board's deliberations.

BTS responded that the Board did receive petition but the Board wanted the gate to insulate the abutting neighborhood. JT stated that it makes sense to apply the same principles as in the subdivision regulations concerning egress. Additionally, the Board expressed concern with opening traffic to the Thayer Road neighborhood. The primary purpose here is emergency access.

Deputy Poirier stated that he would be against eliminating the access to Brookside Road. National Fire Protection regulations require that these types of developments have two accesses and the development still needs to have a means to leave the property. The Fire Department does not have a preference for a gated or not gated egress.

Bruce Lord, member of the Board of Trustees of Bellwood Condo Association stated that opening Brookside Road all the time forces a private condo association to bear the costs of the public using the road in the development. It will increase Bellwood's potential costs if Brookside is a full access road.

Sharyn Stacoffe of 11 Countryside Way was concerned about all the traffic using only the Bellwood entrance. There would be three developments using one entrance that also has a bus stop. Making Brookside Road an emergency access only causes more problems.

WFO: Motion to close the public hearing for the Pine Hollows Townhouse Special Permit and Development Plan, Project Remand, off of Countryside Way.

PMM: Second.

Discussion: None.

Vote: 4-0. Motion Carried. (PMM, BTS, PCP, WFO) (DJT cannot vote)

The Board had very lengthy discussion about the effect Brookside Road will have either with a gate or without and also if Brookside Road is a full secondary egress. PMM, PCP, and NR object to this development because there is no full secondary egress either with or without the gate. PMM does not want to affect Thayer Street at all and the project should comply with the bylaws.

JT explained that both traffic studies proved that with the addition of Pine Hollow Estates the volume and level of traffic would not change significantly. Creating a second egress with Brookside Road will increase annoyance to Thayer residents, but will not have a negative impact from a traffic perspective. In addition, he advised the Board to vote based on this project not on what may happen in the future. Every set of facts is different and there is no such thing as precedent. This is a borrowed Subdivision Regulation and the Board has to determine if this proposed secondary access meet the spirit and letter of the

regulation. SJW read the Subdivision Regulations that stated that all conditions of project remain on the site and there is no spillover to other subdivisions.

BTS explained that he is concerned that if the Board denies the project, it may leave the Board in a legally untenable position and it could lose the mitigation offered by the Applicant. BTS stated that he thought the gate was a reasonable compromise as it has not been substantiated that there are negative traffic impacts. The Board's decision has to be based on a defensible decision.

WFO: Motion to approve for the Pine Hollows Townhouse Special Permit, Project Remand, off of Countryside Way.

BTS: Second.

Discussion: None.

Vote: 1-4. Motion Failed. (Yes vote: BTS), (No vote: PMM, PCP, WFO, NR), (DJT cannot vote)

BTS: Motion to approve the Pine Hollows Townhouse Development Plan, Project Remand, off of Countryside Way.

PMM: Second.

Discussion: None.

Vote: 1-4. Motion Failed. (Yes vote: BTS), (No vote: PMM, PCP, WFO, NR), (DJT cannot vote)

General Business:

Old Business:

WFO: Motion to sign the April 23, 2015 Meeting Minutes.

PMM: Second.

Discussion: Correction to add a period.

Vote: 4-0. Motion Carried. (PMM, BTS, PCP, WFO) (DJT cannot vote)

WFO: Motion to sign the Vouchers/Payroll.

PMM: Second.

Discussion: JK explained the vouchers and payroll.

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

BTS thanked former Board member Glenn Wojcik for all his service. It is hard to find volunteers and 12 years on the Board is very commendable and he will be missed.

SJW explained informational pamphlets that JK and she created.

New Business (81-P)

DJT: Motion to adjourn.

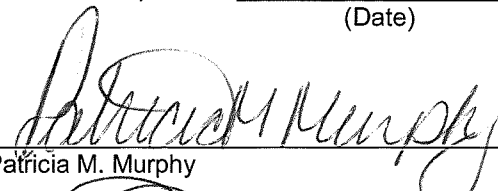
WFO: Second.

Discussion: None.

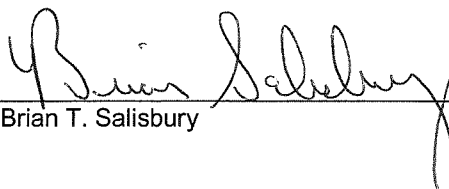
Vote: 5-0. Motion Carried. (PMM, BTS, PCP, WFO, DJT)

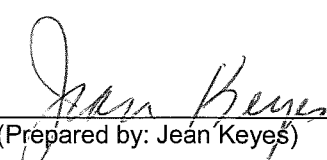
Meeting Adjourned at 9:00 p.m.


Minutes Accepted on: 5-28-15
(Date)

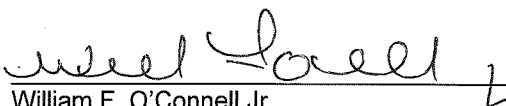

Patricia M. Murphy


Peter C. Rappas


Brian T. Salisbury


(Prepared by: Jean Keyes)


Dennis J. Trebino


William F. O'Connell Jr.