



# BELLINGHAM PLANNING BOARD

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## October 11, 2007 Meeting Minutes

- **Present at the meeting:**

Brian J. Sutherland (BJS) Chair  
Glenn C. Wojcik (GCW), Vice Chair  
David Brown (DB) Secretary  
Thomas J. Guerin (TJG),  
Stephen Bartha (SB)  
Patricia Buckley (PMB)

**Other officials:** Stacey J. Wetstein, (SJW) Town Planner  
Amy Cook, (AC), Commission on Disabilities  
Mary Chaves, (MC) Coordinator

BJS opened the meeting at 7:05 PM.

DB: Motion to sign the minutes as amended.

PB: Second.

Vote: 5-0, Approved.

DB: Motion to sign vouchers.

SB: Second.

Vote: 5-0, Approved.

### **Bellingham Estates (Toll Brothers) Bond Reduction Request**

Brian Wyman for Toll Brothers appeared to request a reduction in the bond according to the new Form J supplied by Dan Drake, DPW consultant. They have finished much of their work but still have some small outstanding items as-built to be completed. Form J stated that the amount that could be released was approximately 2 and hold on to \$758,800.00.

GCW;: Motion to reduce the bond by \$256,200.00 to \$758,800.00.

SB: Second.

Vote: 5-0, Approved.

**High Ridge Estates Tree Planting Discussion**

Tim Jones, working with Mike Burr, the tree warden worked out a plan for the most suitable locations for tree so that they would not affect the power lines or roadways.

Some people do not want trees on their property which is delaying the completion of the tree planting. Mike Burr has received phone calls from residents and verified Mr. Jones' statement. Some there was nothing in writing stating the trees would be planted the residents have the right to refuse the trees.

Mr. Jones purchased trees and needed to get them in the ground. He went door to door for permission to plant, but decided to ask the Board for direction. SJW informed the Board that there was no plan outlining the tree placement and that it was part of the subdivision rules and regulations. He can plant some trees on the non sidewalk side of the street. Mr. Jones will need to contact each home owner so he will need additional time to complete the planting. GCW commented that the trees should have been on the plans and in the deeds and that was missed. BJS stated that it was important that the residents know that this was not an arbitrary decision. PB suggested that a letter be sent to residents advising them of the situation and then meeting with them in scheduled times rather than have him go door to door. GCW further suggested that the parameters of the tree placement be explained so that people can mark where they would like trees placed. BJS added that that was the only way to get things done in a timely manner.

SJW advised the Board that Mr. Jones is scheduled to appear at the December 13, 2007 meeting for an update. He can advise the Board of the progress with the tree issue at that time.

**Woodbury Ridge Definitive Subdivision and Special Permit for Cluster Development**

Michael Moonan of Weston and Sampson appeared to request an extension of the special permit. Because the real estate market has slowed, they are not ready to proceed with building and are seeking additional partners.

GCW:: Motion to grant extension of special permit for Woodbury Ridge to October 12, 2008 and development plan to December 28, 2009.

Second: DB.

Vote: 5-0, Approved

**468 Hartford Avenue Site Plan Review**

The engineer demonstrated to the Board the changes to the parking at the Board's suggestion. The traffic flow has been improved and they have all the parking spaces they require.

BJS stated that he felt the plan was improved and that he felt it was a safer egress to Hartford Avenue.

GCW: Motion to approve 468 Hartford Avenue Site Plan dated October 5, 2007.  
DB: Second  
Vote: 5-0, Approved.

### **Brookfield Estates Definitive Subdivision**

Paul DiSimone of Colonial Engineering appeared before the Board. They have just received the comments from Graves Engineering and have made some of the suggested changes. The zoning issues have been resolved. Graves had made a comment about hay bales and erosion control. Paul DiSimone said they felt that their concern was unfounded.

GCW: Motion to continue Brookfield Estates Definitive Subdivision to October 25, 2007 at 7:05 PM.  
Second.  
Vote: 5-0, Approved.

### **Advance Auto Parts Development Plan Review**

Josh Swerling, engineer and Gary Jolicouer, property owner were also present. Scott Holman of Cedarwood Development appeared before the Board. They had received a variance from the Zoning Board of Appeals for rear set back. He had just received the advertising invoice and will have check cut immediately and sent to Planning office.

Mr. Holman advised the Board that it had been determined that no Conservation hearing would be necessary. He had also contacted the fire department and DPW to address concerns. They had just received the engineering peer review comments and will address them with Meridian. The project called for the demolition of existing buildings and the construction of a new 6342 sq foot auto parts store. Service of vehicles will not be allowed on the property. He asked for a waiver from traffic regulations. There were two egresses, one at the existing traffic light and the other for the maneuvering of a 53 foot trailer which would make weekly deliveries.

SJW commented that the comments from Meridian had just arrived and they pointed out that the lot was not the required 40,000 sq feet called for in the B1 zone. Mr. Holman commented that he had not caught that before his Zoning hearing. SJW commented that they would be creating a non conforming lot and there could not be a vote without a variance for lot area or whatever would be required. John mentioned that it would more likely be a special permit. BJS added that it doesn't make sense to move forward since the project is moot without a decision from Zoning.

SJW also mentioned that to combine the lots an 81P would be in order. Scott Holman commented that that would be done after the permit process

Scott Holman asked for advice on the best possible way to continue and BJS advised that they could withdraw without prejudice and come back once the lot issue is resolved. All filing fees other than advertising would be waived. Scott asked if they would have to go through the same process in the next application. SJW advised that as long as the plans remained the same they wouldn't need to do the Form K distribution. She also advised that the peer review would still move forward. Scott mentioned that his only concern was that other bylaws would pass which would affect their project. The Board advised him that all bylaw changes are done at Town Meeting and that the next one is May of 2008. SJW said that if he felt that it would be longer than that then that may be something to think about. Scott said it would not be that long.

Ronald Lussier told the Board that he had poured over the bylaws for another party and knew of a provision in the bylaw that if a pre existing non conforming lot had 20,000 sq feet and other condition were met that the property could be developed. He asked that before the Board accepts their request for a withdrawal without prejudice they look to the Board for an interpretation from the Planning Board. SJW advised that this was an issue for the zoning officer and the Zoning Board, not the Planning Board. DB disagreed with Mr. Lussier's interpretation.

BJS stated that the choice was Mr. Holman's they could continue or withdraw without prejudice. Mr. Holman restated his options for requesting a continuance and withdrawing without prejudice. BJS restated that the Board could vote to continue based on the material before them or the applicant could withdraw without prejudice, resolve this issue and come back to the Planning Board. Josh Swerling began to read the section of the bylaw Mr. Lussier referred to. SJW commented that the issue was too complex for the Board to resolve at the time. JS commented that there was no way to determine if the lots were held in common ownership at the time of Zoning. Scott Holman requested a withdrawal without prejudice.

GCW: Motion to accept withdrawal with prejudice for Advance Auto Parts

DB: Second,

Vote: 5-0, Approved.

### **Planner's Report**

MC asked the Board about amending the scenic road bylaw and the tree policy at the May 2008 meeting. The Board agreed that it was something to look in to.

SJW agreed that the Scenic Road bylaw should be revised. She wanted to shore up the subdivision bylaws making things clearer on the plans.

She also mentioned that Medway has a revolving fund for sidewalks. When a developer does not want to put in the required amount of sidewalks, the money goes into a fund to be used as needed within the town. Also, there is money to write an overlay bylaw for the drive in and abutting B2 properties and if we were to go forward it should be now as the money needs to be spent this fiscal year. The Board will discuss it further at a later date.

GCW: Motion to adjourn.  
DB: Second.  
Vote: 5-0, Approved.

Minutes Accepted on: \_\_\_\_\_  
(date)

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(prepared by: Mary Chaves)

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Stephen Bartha

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Brian J. Sutherland

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David Brown

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Glenn Wojcik

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Patricia M. Buckley