



# BELLINGHAM PLANNING BOARD

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## **Meeting Minutes March 10, 2016**

*MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER*

### **Present at the Meeting**

Brian T. Salisbury (BTS), Chairman  
William F. O'Connell Jr. (WFO), Vice Chairman - absent  
Peter C. Pappas (PCP), Secretary - absent  
Dennis J. Trebino (DJT), Member  
Bruce W. Lord (BWL), Member  
Nikyda Resto (NR), Alternate

### **Other Officials:**

James S. Kupfer (JSK), Town Planner and Zoning Compliance Officer  
Jean Keyes (JK), Planning Board Coordinator

BTS opened the meeting at 7:00 p.m.

**7:00 p.m.**

### **316 Hartford Ave Solar, Development Plan Review and Stormwater Management Permit Large-Scale Ground-Mounted Solar Photovoltaic Installation, 316 Hartford Ave, Continued Public Hearing, Decision Date: 3/15/16.**

Present were Brian Geaudreau of Hancock Associates and Joey Pellegrino of 385 Solar LLC.

JSK gave an overview and explained that Mr. Geaudreau will provide a brief update of the project to date.

Mr. Geaudreau informed the Board that the Applicant has submitted a revised plan set and has responded to the 1/13/16 peer review comments from PSC. However, they have not received the most recent comments from PSC that are dated 3/9/16. JSK told Mr. Geaudreau that he will send the PSC comments to him tomorrow. The Applicant has met with the school administration and they had two concerns: 1) to limit construction truck traffic to hours that will not interfere with kids' school arrival and dismissal, 2) install signs to identify the truck entrance so that it will not be confused with the school entrance. The Applicant has addressed all concerns with the exception of gaining permission to use the Town's road to access the site.

Mr. Geaudreau explained that the Applicant has met with the Board of Selectmen (BOS) to gain a temporary license to use the access road. The license was not granted and the BOS suggested that the Applicant go to the May 2016 Town Meeting to get an easement from the Town to use of the access road. The BOS have put a placeholder on warrant to that effect. JT clarified that a license is not a reliable long-term form of site control. The license for term is revocable under municipal law and it is only good for so long and it can be revoked at-will.

Mr. Geaudreau stated that the Applicant is meeting with the BOS again on March 21, 2016 to continue the license discussion. They hope to wrap up all other permitting to keep their place in the interconnection queue in Massachusetts. BWL informed Mr. Geaudreau that he does not see the Planning Board voting on this proposal until after the May 2016 Town Meeting. If the Applicant is not granted an easement at Town Meeting then the Applicant will not have access to the property and the Board cannot grant the permit.

**BTS: Motion to continue public hearing for the 316 Hartford Ave Solar, Development Plan Review and Stormwater Management Permit Large-Scale Ground-Mounted Solar Photovoltaic Installation, 316 Hartford Ave, to March 24, 2016 at 7:00 p.m. and extend the Decision Deadline to May 15, 2016.**

BWL: Second.

Discussion: None.

Vote: 3-0. Motion Carried. (BTS, DJT, BWL)

**Street Acceptance Discussion: Brookfield Lane**

JSK explained that the Board would be recommending acceptance of only the roadway at the May 2016 Town Meeting. There are only minor items left to be completed and the Applicant has been working very closely with DPW Director Don DiMartino to complete all outstanding items.

**BTS: Motion to recommend Brookfield Lane street acceptance at the May 2016 Town Meeting with the condition that the subdivision be completed.**

BWL: Second.

Discussion: None.

Vote: 3-0. Motion Carried. (BTS, DJT, BWL)

**Street Acceptance Discussion: Pine Acres Drive**

JSK explained that the Board would be recommending acceptance of only the roadway at the May 2016 Town Meeting. There are only minor items left to be completed and per DPW Director Don DiMartino, the road has been completed.

**BTS: Motion to recommend Pine Acres Drive street acceptance at the May 2016 Town Meeting with the condition that the subdivision be completed.**

BWL: Second.

Discussion: None.

Vote: 3-0. Motion Carried. (BTS, DJT, BWL)

**Cook 3-Lot Definitive Subdivision – Certificate of Release Lots 2 & 3, As-Built Acceptance**

JSK explained the As-Built Plan and process and the Certificate of Release for Lots 2 & 3. BWL questioned if the As-Built Plan must be registered and if not it should be. JSK explained that registration of the As-Built Plans is not currently required, but it is something the Board could add to the Subdivision Regulations in the future. JSK will ask the Applicant to record this As-Built Plan.

**BTS: Motion to approve the As-Built Plans for the Cook 3-Lot Definitive Subdivision and to Release Lots 2 and 3.**

DJT: Second.

Discussion: None.

Vote: 3-0. Motion Carried. (BTS, DJT, BWL)

**Planning Board Procedure Review – Jay Talerman**

Town Counsel Jay Talerman provided an update of the Planning Board's responsibilities when reviewing proposals. JT explained to the Board how to deliberate about the proposal once the public meeting has been closed. Discussion should be focused on how to craft a Decision based upon the facts presented by all parties. The Board must take into consideration all reports, peer review comments, comments from the Town's different departments, and anecdotal evidence from abutters or residents. Anecdotal evidence from abutters and residents is real evidence and should be considered.

The Decision must state the reasons why the project was approved or denied using the evidence presented and the findings based upon that evidence. The evidence (reports, etc.) should be on the record and should be named in the Decision as to what the negative impacts would be and the regulation that it would violate. The Board should thoroughly review the evidence presented and should question all reports, the data contained within, and the conclusions drawn from that data by the applicant, engineer, or traffic engineer.

JT strongly urged the Board to take their time discussing and contemplating their vote once a public hearing has been closed. A Special Permit decision has to be made within 90 days of the close of a public hearing. JT recommended that the Board vote to instruct the Town Planner to draft an approval/denial. This draft should be discussed in detail at the next meeting to be sure the findings and conditions in the Decision support the approval or denial. JT reminded the Board members that they cannot discuss the Decision outside of the meeting. If a Board member changes his/her mind before the Decision is signed, a new vote can be taken and this can be done multiple times. The vote becomes final when the Board votes to sign the Decision and the Decision is signed and filed with the Town Clerk.

JT also briefly explained the do's and don'ts of the Open Meeting Law and provided some examples of what would and would not be a violation.

Because two Board members are absent from this meeting, JT will come back again to speak to the full Board about this information.

**Miscellaneous:****General Business:**

- ☐ **ANR's**
- ☐ **As-Built Certifications**
- ☐ **2/25/16 Minutes Signing**

**BTS: Motion to sign the February 25, 2016 Meeting Minutes.**

DJT: Second.

Discussion: None.

Vote: 3-0. Motion Carried. (BTS, DJT, BWL)

- ☐ **Sign Vouchers**

**BTS: Motion to sign the Vouchers.**

DJT: Second.

Discussion: JK explained the vouchers and payroll.

Vote: 3-0. Motion Carried. (BTS, DJT, BWL)

**BTS: Motion to adjourn.**

BWL: Second.

Discussion:

Vote: 3-0. Motion Carried. (BTS, DJT, BWL)

Meeting Adjourned at 8:40 p.m.

Minutes Accepted on: 3/24/16  
(Date)

Jean Keyes  
(Prepared by: Jean Keyes)

Brian T. Salisbury  
Brian T. Salisbury

William F. O'Connell Jr.  
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Peter C. Pappas  
Peter C. Pappas

Dennis J. Trebino  
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Bruce W. Lord  
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