

Bellingham Planning Board
Town Hall Annex
Bellingham, Ma.

Regular Meeting - October 10, 1985
Members present - John P. Murray, Chairman
 • Glenn E. Gerrior, Vice Chairman/Clerk
 Emile W. Niedzwiadek
 Matthew P. Pytko
 Edward E. Moore

The meeting was called to order by Chairman Murray at 7:35 P.M.

Mr. San Clemente of Guerriere & Halnon presented a Form A plan for Renato Faini, Jr. on property off So. Main St. to change a lot line. As shown on the plan, Lot 1 and Parcel A to be combined, which Mr. San Clemente said would correct a 15 year error in the lot line by an engineer. On a Gerrior/Niedzwiadek motion the Board voted 4-0 to sign the plan.

At 8:00 P.M. Mr. Murray opened the continued hearing for "Cliff Estates". Attorney Roche representing Oakridge Construction Co. presented the revised plans. He said they made additions to the plan with permission of the abutting land owners to put up a barrier. Mr. Niedzwiadek asked what kind of barrier. Mr. Roche said a fence or whatever the board requests. Members reviewed the plan and discussed the buffer zone and what type of blocking that can be placed there. Mr. Gerrior suggested closing in the cul de sac with a concrete wall. Members agreed.

Also presented was a list of waivers requested by Oakridge Construction. They are requesting above ground utilities, cape cod curbing, sidewalk on one side of the street which was determined to be on the side opposite the poles, and the road will be treated as a lane and the pavement to be 26 feet. The Board added that a stone wall be constructed 3 ft. out as a barrier.

On a Gerrior/Niedzwiadek motion the Board voted 4-0 to approve the plans for Cliff Estates with the addenda that a stone wall be constructed 3 feet out as a barrier, and to grant the request for waivers as stated; above ground utilities, cape cod curbing, sidewalk on one side of the street which is to be opposite the poles, 26 ft. pavement.

Mr. Murray said after the decision is filed with the Town Clerk there is a 20 day appeal period.

Mr. Roche said they will need another extension to October 25 to act on the decision. Mr. Roche wrote the extension on the previous letter of extension.

They will return October 24, 1985 at 8:00 P.M.

8:30 P.M. Brad Letourneau came to discuss his lot behind Shirley Rd. He said the problem is it lacks the required frontage for a road, and he wants to build a house there. He said he got the 4 1/2 acre lot from Henry Barowski, former building inspector. He had an assessor's map which shows all the lots.

Mr. Murray suggested he see an engineer before doing anything and get an original map as that one could be from the 1960s. The Board agreed he should go before the Zoning Board also.

Mr. Murray reviewed the Back Lot Division Bylaws Section 2580 for Mr. Letourneau. He said they would contact Mr. Herr as suggested to find out more information and return at a later time.

8:45 P.M. Public Hearing at the request of David Arnold of Arnold Engineering, Bellingham for permission to return to Zoning Board on their petition for special permit for a day care center.

Attorney Michael Moultry of Milford is representing Mr. Arnold. He read a part of the Zoning Board's notice of decision denying the permit to build the day care center.

Mr. Murray pointed out that a hearing of this kind requires 4 yes votes out of 5, and since one of the Board members is absent, the petitioner has the right to postpone the hearing until there are 5. Mr. Arnold said to proceed.

Mr. Murray explained that if Mr. Arnold can demonstrate that something has changed, or the plans have changed, that is showing material change, or the persons applying are different, then the Board can vote whether to send him back to the Zoning Board.

Mr. Murray pointed out that the Planning Board cannot grant Mr. Arnold permission to do anything; such as whether or not he can build his day care center or see if there is enough parking for it. In this particular case it is not the Planning Board's function; therefore, Mr. Murray said he suggests that all comments be limited to whether or not there is substantial change in what he presented to the Zoning Board and in what he is presenting to us tonight.

Secretary read the hearing notice as prepared by Mr. Arnold.

Mr. Gerrior reviewed the list of abutters to whom notices were sent by the petitioners. Receipt record missing on Roland & Bernadette Roy and Gerard & Jennie Tetreault.

Mr. Murray requested a motion to postpone the "Crystal Springs" hearing until 9:30 P.M. On a Niedzwiadek/Gerrior motion the Board voted 4-0 to postpone the hearing until 9:30 P.M.

Attorney Moultry reviewed Chap. 40A Sec. 16. He expressed concern about proceeding in view of Mr. Tetreault not being present or perhaps not receiving notification, if he was at the previous meeting and if he had voiced opposition. Mr. Moultry asked if anyone knows whether he spoke in opposition to it. A woman replied that Mr. Tetreault was not at the day care center hearing.

Mr. Moultry offered that the hearing could be postponed so that any opposition Mr. Tetreault wishes to express could be heard.

Mr. Murray pointed out that the statute calls for just mailing out letters to the abutters and not be certified, and he further pointed out that it appears all of the interested abutters are present and does not see any worthwhile purpose in postponing the hearing.

Mr. Niedzwiadek said, in all fairness, this Board is only acting on whether Arnold goes back to the Zoning Board of Appeals. If so, then another hearing will be set up there and the same abutters will be notified and certainly should be there. He also pointed out that the Board is not granting permission to build anything.

No newspaper advertisement is required on this and Mr. Arnold said there was an article in the paper about this hearing.

Attorney Moultry displayed the plan previously presented at the Zoning Board hearing which was denied. He pointed out the Arnold Engineering building, Huron Avenue, and the proposed day care center. There was a proposal for 12 cars and that is what the Zoning Board felt was inadequate, plus they felt there was a traffic problem because of the proximity of the Arnold Engineering to the parking areas and parents dropping off their children. Traffic generated in the area would pose a safety problem. He pointed out a small future play area on the plan including a fenced in play area.

The previous petitioner was John DeDominici.

The second plan displayed by Attorney Moultry is Arnold's current plan. They show an enlarged parking area providing 23 parking spaces. They have added concrete walks, a drop off area for the children, where the cars come in, drop off, and not interfere with Arnold

Engineering Co. He pointed out an unpaved play area in the back with a wooden stockage fence surrounding that, and paved play area at another location.

In addition to this Mr. Moultry said the new applicant is Mr. Arnold.

Mr. Moultry said that, basically, is the presentation as far as the specific and material changes in the plan.

As a part of the summary, Mr. Moultry said the building itself is currently demolished, exterior and interior, and is awaiting renovation work. The exterior walls will be new white vinyl siding to match the existing building on the site, and new windows, doors, entrances will be installed, so that it meets the building codes that are issued by the Office of Children. The interior also will be rebuilt with new electrical systems, etc. to comply with the state requirements.

Mr. Murray reviewed the Zoning Board's decisions to deny. The Board feels that the changes have been addressed, regarding traffic flow and safety, adequate parking spaces, dropping off and picking up of children.

Regarding the lot being used by an adjoining business as a major concern, Mr. Murray noted that doesn't change. Mr. Arnold said that the people working for him walk on the new concrete sidewalks, and the traffic flow is the people picking up and dropping off their children. They are trying to eliminate as much traffic flow as possible.

The Zoning Board's observations regarding the plans for reconstruction of Crook's Corner and its effects on the traffic situation was discussed. That Board wanted to adopt a wait and see approach to the upcoming conversion to a better engineered crossing and it is very possible that upon completion of this reconstruction traffic may not be an issue or problem.

Mr. Murray said if the Board were to send them back, it may be a little premature because nothing has happened with Crook's Corner yet, and the ZBA could turn them down. Mr. Arnold said he did some research on Crook's Corner, and talking to someone close to the Crook's Corner coordinator, he was told that the traffic survey showed about 10,000 cars going through there daily.

Attorney Moultry said he feels the Zoning Board was leaning towards granting because they recommended the proper board waive the two year restriction until they hear the application and that is why Mr. Arnold is coming back with a better design within the two year period.

Mr. Murray noted that the Zoning Board feels that the day care center was more appropriate than any other type of business.

Mr. Murray said he does see changes and requested input from the Board and from anyone who wants to speak for or against.

Mr. Niedzwiadek inquired about what hours the day care would be open. Mr. Arnold said from 6:30 A.M. to 6:30 P.M. and the ages of kids will be 2 years to school age.

Mr. Gerrior asked about the arrangement of the parking spaces. The way the parking spaces are located you'd have to make a 120 degree turn getting into the space. Mr. Arnold said that would be corrected as the drawing wasn't to scale.

Elaine Riendeau of Muron Avenue said she is not against it and is happy to see someone with a proposal, but she said her concern is the children on Pine Grove and Muron Streets with the cars coming in and out of the day care center. She pointed out the hedges there would block the view of drivers coming out their place, and they would not

see those kids rushing to the school bus stop by the Beverly Club. Another abutter is concerned about the egress. He feels the egress should be off Wrentham Rd. rather than on Muron Ave. which is a narrow street and he finds it a safety hazard.

Mr. Arnold said he has no problem with removing the hedges and has no problem with putting the egress on Wrentham Rd. He said he wants to cooperate with the neighborhood as he is aware of the concerns, and said they could have a neighborhood meeting and work out some sketches.

Mrs. Gadbout said having operated a day care center for a year she can see some of the advantages and disadvantages. She pointed out that all of the children would not be out at the same time, especially at a learning center where things are going on at different times.

She said there was also some activity that would be held at times during the evening and inquired about that. Mr. Arnold said they were talking about having puppet shows at times. He also said they propose having a baby sitting course.

Mr. Murray said if this Board were to vote to send him back to the Zoning Board that there be the stipulation he meets with the neighbors before going back.

On a Niedzwiadek/Gerrior motion the Board voted 4-0 to close the public hearing.

Mr. Murray said based on the information presented with the changes necessary to go back to the ZBA, the new plans and new applicant, that they be granted permission to go back to the Zoning Board.

On a Niedzwiadek/Pytko motion the Board voted 4-0 to grant permission to Mr. Arnold to go back to the Zoning Board of Appeals with the stipulation he meets with the neighbors before going to the Zoning Board.

Mr. Murray reopened the continued hearing on "Crystal Springs". Attorney John Fernandes of Milford is representing Onallam Realty. Also present is Mr. Dmytrck, owner of Onallam Realty and Mr. Reger of Millis Engineering.

Attorney Fernandes said they were here to request the Board to continue this hearing for a period of time, hopefully to the meeting of November 14th if at all possible, because they need additional time to complete their meetings with the various boards and agencies that have to address this petition and advise the board, and he said he does not think it would be fair to the public, the applicant, or the board to hold the public hearing without the proper advisory reports.

Mr. Fernandes said they are still meeting with those boards; Fire, Highway, Water. There are concerns that those boards have raised that Onallam wants to address. He said they also spoke to Mr. Herr and he agreed that it would be a wise idea to seek a continuance. Fernandes said they have also scheduled a hearing with Mr. Herr.

In any event, Mr. Fernandes said that they are here to request a continuance and apologizes on behalf of the applicant to the Board and to the abutters who are present for any inconvenience that the request for continuance might cause.

Mr. Fernandes said the engineer is here and offered, if they are granted a continuance, to make themselves available, informally, to any of the abutters who may have questions that they can address informally.

Mr. Murray said it is up to the Board. Mr. Pytko said with all the people present we could hear as much as possible and continue it.

Mr. Pytko pointed out that the Board's full agenda for next month is a problem for scheduling.

Following a discussion, it was determined that the hearing could be continued to November 14, 1985 at 9:00 P.M. Mr. Murray felt there was no need to re-advertise unless the Board felt that certified letters should be sent out to the abutters again and if it should be advertised.

Attorney Fernandes said his opinion is that it would be sufficient just to continue the hearing and make sure the notice gets out.

Attorney Fernandes suggested that he and the developer and engineer could hold an informal gathering in the adjacent room with those interested parties present who wish to ask questions and obtain any information regarding this project before the continued hearing. The Board agreed.

One of the abutter asked if notices would be sent out because of the one month time period. Attorney Fernandes said they have a copy of the abutters list and he would send out the notices. The Board agreed.

On a Niedzwiadek/Pytko motion the Board voted 4-0 to continue the public hearing for "Crystal Springs" to November 14, 1985 at 9:00 P.M.

Attorney Fernandes and the abutters and interested parties present retired to the next room for their discussion.

Building Inspector Gregoire brought in a site plan on a proposed business off William Way in the Hood Industrial Park shown as A.S.D.I. - Opus. He wants to discuss the parking facilities on the area, which shows 29 spaces for employees and 5 or 6 visitor parking spaces. He said there is 21,000 sq. ft. of industrial space. The Board wanted to know if there would be adequate parking space for future use. Mr. Gregoire noted the area on the plan designating 65 additional spaces for future use. He will monitor this and return at a later time.

On a Pytko/Niedzwiadek motion the Board voted 4-0 to adjourn. Adjournment at 11:00 P.M.

Respectfully submitted,

Glenn E. Gerrior, Clerk