



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

EDWARD T. MOORE, CHAIRMAN
GLENN E. GERRIOR, VICE CHAIRMAN
EMILE W. NIEDZWIADK
ANNE M. MORSE
JOHN P. MURRAY

MINUTES OF REGULAR MEETING

January 12, 1989

Meeting was called to order at 8:00 p.m. All members were present.

EM reads letter dated November 29, 1988 from Maplebrook Condominiums requesting a signed copy of the site plan. EM explains that the Board only has one copy of the site plan which can not be released. If Maplebrook Condominiums wants to submit another plan, the Board will be happy to sign it.

Nuissl Estates

EM reads letter from Attorney Bruce Lord requesting an extension of time for action on Nuissl Estates. The owner would like the extension to explore the use of the property in another configuration, such as a backlot subdivision. They would like to leave the present submission on the table until a determination can be made relative to other potential plans. The backlot subdivision would apply to one house, one lot and one driveway. EM questions if the applicant would return to this project if the special permit does not go forward.

B. Lord indicates that is correct.

EN questions if they pass the test for a backlot subdivision.

B. Lord states they had originally designed it as a backlot, but there was a problem because the main lot had been sold.

EM explains in order to get a backlot, they must have an additional lot plus 50 feet. They only had 50 feet at the time.

AM makes a motion to extend the time for action on Nuissl Estates to April 30, 1989. GG seconds the motion. Unanimous approval to extend.

JM makes a motion to continue the hearing to April 13, 1989 at 8:00 p.m. EN seconds motion. Unanimous approval to continue.

EM states the Board will discuss N. Main Street Plaza site plan since



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Evergreen Construction is not in attendance yet.

N. Main Street Plaza Site Plan Discussion

AM and JM were not present during this discussion.

B. Lord indicates that M. Gregoire, the town's Building Inspector is not present at the hearing because he has been hospitalized for bypass surgery.

EM questions what the name of the development is. Someone told him it was called Pine Hill.

B. Lord explains there has been a a reduction in density in the site plan. He further states there is nothing in the basement which would allow it to be used for office space.

GG questions if there are glass doors up front.

B. Lord explains there are glass doors but there is no septic system in the basement. It could not be used for office space without getting that done.

JM questions what it will be used for.

B. Lord explains the applicant will use it for his own storage.

EM points out the property is presently advertised. If a tenant needed the septic, the applicant could put it in.

B. Lord states a separate permit was submitted to the Building Inspector for the porch. There is nothing underneath. It is just like an addition. The porch does not affect construction since it is distant enough from the lot lines. The proposed retaining wall was supposed to be put in by the contractor. A fence was put in instead. The applicant will put in the retaining wall. The building is set back from the road.

EM states the building was built to the other site plan.

B. Lord does not think so. He believes it was built to the site plan which the Board approved but certain things in the plan had been ignored. They moved the parking lot back 5 feet.

GG indicates the distance between the street and the building was shown on one plan and not the other. The old plan shows an extra wide alley.



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B. Lord states that it shows the same width.

EM states they cut off the corner of the building. The foundation should be in the right plan. It was put in according to the original development.

EN questions if the applicant is using the two entrances.

B. Lord indicates he has been. The catch basin is put in for the drainage. The applicant meets the parking requirement for what was built. He has the required number of parking spaces. He did not build the other parking. Two leaching fields need to be put in. The applicant needs to put in the parking and complete the drainage.

EN questions if they need another permit.

B. Lord states they do not as long as it complies with the zoning. The plaza opened in November. Construction was stopped and they did not complete the back parking. They also cut out two leaching pits.

EN questions how they catch the drainage if they do not have the leaching basins.

B. Lord states that everything goes through one catch basin.

EM states the guard rail and curbing was not put in.

B. Lord indicates the retention did not get done.

EM questions if the plan indicates a leaching basin piped to a stream or a catch basin with a leaching pit.

B. Lord states it is drawn differently. The leaching basin got approved.

William Arcand, member Board of Selectmen, explains the leaching basin is dry like a cesspool.

B. Lord states that is what got approved, but a leaching catch basin was put in.

EM states there should also be leaching galleys.

B. Lord questions where they are supposed to go.

GG points out they should be right back to the catch basin.

EM indicates the Building Inspector has the same 3 pages of plans.



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B. Lord states there is no leaching galley indicated on the plans. The Building Inspector did not believe he had the final plans.

EM questions what Mr. Lord is proposing. -----

EN points out the grease trap is a great concern. He questions how it is run and where it goes.

B. Lord points it out. It was approved by the Board of Health and inspected at the time of installation.

EM states that the catch basin, pipes and the drainage is wrong.

B. Lord states the drainage pipes go to the catch basin off the roof. The difference is they built a one story instead of a two story building. Therefore, there is not as much runoff. It is essentially the same thing.

EN states it was changed because there is no drainage.

EM does not believe that going from a two story to one story building made a difference.

B. Lord explains there is not as much downflow as with a two story.

EM states there is the same amount of water.

B. Lord agrees but states it does not have as much force.

EM questions what they will do about the problem.

B. Lord states they will put in a headwall and leaching basin. He is here to explain where they stand. The building is where it should be. They have already discussed the turnaround. The catch basin will be brought up in the spring. There is no problem with water build up. Two catch basins are not there, but one is there.

EN states the Planning Board spent a lot of time on this plan and now the whole building has been changed.

B. Lord explains they dropped a story so there is less density.

EM states the Planning Board can live with the building but not the drainage.

B. Lord states the Building Inspector has the right to approve the site plan. He did approve the plan like this. The drainage is no problem



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right now. They will put in two more leaching catch basins and a headwall.

EN questions why the Planning Board goes through site plan review if the Building Inspector can override the Board's recommendations.

B. Lord states that site plan review should be enough, but the Building Inspector has final authority.

EM explains the Building Inspector was here at the time of the meeting. He questions if Mr. Lord is saying he decided to change the recommendations later and forget about the curbing and the fence.

B. Lord states the Building Inspector did not think he had the correct site plan. He is not saying that he waived the detention basin or the wall.

EN questions where the retaining wall is on the site plan which got approved.

B. Lord states it is on all the plans.

EM states it is not on all plans. The building was built to the plans which did not get approved.

GG states the second entrance appeared after the fact. It was not in the initial plans.

B. Lord explains that overall what has been constructed does match the plan which was approved, but it is incomplete. The leaching catch basin is missing as well as the retention wall, the headwall. He believes the building is in compliance.

EN states the change from a two story to a one story is a major change.

B. Lord does not believe reducing the density of the building is a major change.

EN states he is in favor of a law which would require an applicant to come back before the Board if they change the building.

EM states that he called P. Herr to discuss this site plan. P. Herr pointed out that the problem is not with the building because the Planning Board does not approve the construction or the materials. The problems are with the drainage, the retention walls, curves, retention pond, proper catch basins, screening and grading.



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B. Lord states the building was not completed even though occupancy was given.

EM believes the building was built wrong. The pavement and parking is incorrect.

B. Lord states the parking is about 5 feet in further than it should be. The applicant will comply with that.

EM states the Planning Board can not say it is right until it is done right.

B. Lord states that no one said the building was complete. They can not correct the curbing because of the winter problem.

EM points out they knew about the problems last spring.

B. Lord indicates the changes are not major changes. They can be fixed during the course of construction.

EN states the porch will probably be enclosed.

EM states it is a problem because it is not supposed to be there.

B. Lord indicates it is an addition.

EM states you were supposed to be able to drive around the building.

B. Lord states it is possible to drive around the building. It was built essentially the same as the plan which was approved. It is incomplete, but it is not in violation.

EM points out it is in violation because of the screening, detention wall and parking.

B. Lord states the applicant can put in cement blocks.

EM states they should wait until the spring and put in grass like they were supposed to. The Planning Board does not want any more occupancy permits issued until these problems are corrected.

B. Lord did not think any further occupancy permits would be issued now. The applicant has had problems with the builders. The changes are not huge and will be corrected.

EM points out the Planning Board will have no problem recommending additional permits when the property looks like the plan which was approved.



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EN questions who will be doing the work now.

B. Lord does not know and states that is part of the problem.

Evergreen Construction Site Plan Discussion

John Riel, is before the Planning Board representing Thomas Clark of Evergreen Construction. The site plan is for Williams Way, lots 9A and B for 3 separate buildings.

AM questions if the Board reviewed this lot before.

EM states this lot was previously before the Board under ASDI. It was approved but it was never workable. EM questions what this lot is called.

J. Riel states it is lot 9, A and B, Williams Way. The deed reads 9 A & B.

AM states it is all lot 9.

EN questions if they will have a subdivision.

EM states they do not have a subdivision yet, but it looks like they might.

J. Riel explains the plan is for three buildings: a 60 X 70 two story office building, a 40 X 50 storage shed and a 80 X 100 garage which will be used by the applicant.

EM questions what the road will be.

J. Riel states it will be a private drive.

AM questions if they have enough frontage for this many buildings.

EM states that he asked P. Herr about that and he said they can have as many buildings as they want on one lot for industrial purposes. The questions he has are about the road and if they will require a subdivision.

J. Riel states it is a private drive and one lot.

EN questions what would happen if the lot was sold.

AM points out they are calling it A and B.



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EM questions if there are two different deeds or if they are called A and B combined.

AM believes that A and B refers to two lots.

EM states that only one lot has frontage.

GG questions if the property will be used by Evergreen Construction.

J. Riel states it will be and explains the site plan further. He questions what the requirement is for a lot.

AM states it is 125.

EM questions where the 155 feet of frontage is.

J. Riel states it is on the other property line and points out the radius of the curve.

EM questions if the driveway is included in the frontage. They have 25 feet of paved driveway. He questions the size of the water line.

J. Riel states it is 6 inch.

EM questions who okayed that.

J. Riel states it is already put in. They already have a permit.

EM knows the water line is in. The Water Department would not okay at less than 8" for houses. He questions how they received approval for a 6" line for this project. The Fire Chief has to approve the size of the water line as well. He questions how big the buildings will be.

GG explains the 8" water line would decrease volume.

J. Riel states the two story office building will be 4200 square feet.

EM questions if an office building is allowed in an industrial zone.

J. Riel states it is allowed if it pertains to the business. The storage shed which is 40 X 50 will hold tools.

AM states the Fire Chief asked the Water Department what he can do about the water line now since he received the plan after the water line was put in. EM reads letter from P. Herr, dated January 10, 1989. Mr. Herr indicated the applicant's and designer's addresses were incompletely shown on the site plan, the number of parking spaces is



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inadequate, landscaping or screening is not shown for parking and loading areas, they will require a special permit for parking on the Algonquin Gas easement, no outdoor lighting is shown, the retention areas are not shown on the topographic plan, there are no drainage calculations for the two retention areas, and the catch basin off Williams Way to the north of the site is drawn unclearly.

J. Riel states they have corrected the applicant's and designer's addresses on the plan.

EM states they will have to apply for a special permit for the reduced parking. There are not enough trees in the plan. Applicant will have to apply for another special permit to park on the easement. There is also no outdoor lighting shown on the plan. He questions if they followed the bylaw to prepare the site plan.

J. Riel states they did.

EN questions if the building conforms to the noise law.

EM questions the use of the buildings.

J. Riel states it will be a truck garage, office building and storage shed.

EM states the plan does not show hydrants. They must correct the plan. He thought the problems would be fixed tonight since P. Herr sent them a copy of his letter. EM reads letter from Clifford Matthews, Chairman of the Conservation Commission, dated January 10, 1988. The letter indicates the following questions which must be addressed: calculations to insure adequacy of drainage including retention basins, details must be provided relative to the possibility of contamination, details must be provided relative to a 42 parking lot run-off and details must be provided for retention ponds, catch basins and interconnect mechanisms.

EN questions if they will be storing hazardous materials.

J. Riel states they will not.

EM points out the applicant is in the construction business and will store materials such as ajax, oil and others which will have to be listed. The applicant's trucks say hazardous material on the side. The Fire Chief would want to know exactly what these materials are. EM reads Board of Health interdepartmental communication, dated January 12, 1989 which states that soil testing would have to be completed at the septic system locations. Massachusetts DEGE will not permit a discharge from a M.D.C. Gas Trap, written information should be



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provided regarding the solid waste disposal, and additional information regarding the storage in the storage shed must be provided. The Board is preparing a response to the applicant's request for information relative to the storage, treatment or disposal of hazardous waste on the site. The Fire Chief also prepared a letter which is in the mailbox at the Town Hall. Essentially, the Fire Chief questioned the size of the water line as well as the calculations for the water pressure and volume, especially with the type of material they will be storing.

J. Riel explains they will have sprinklers.

EM states they are talking about more than sprinklers. He drove through the site yesterday. One foundation is already in. He questions where the easement for the gas line is.

J. Riel states it is at the edge of the tree line. The buildings were layed out recently.

EM states the Planning Board might want the Town Engineer to take a look at the buildings. Clerk is instructed to send a letter to the Town Engineer asking him to go up and look at the foundation, especially the second one with relation to the gas easement. A copy of the letter should be sent to the Building Inspector. The Town Engineer should be informed that the Building Inspector has the site plan so he can look them over.

J. Riel brought seven sets of the plan to the Building Inspector and sent one to P. Herr.

EM questions if they will make a subdivision road.

J. Riel states it is not the applicant's intention to continue with the public road. He wants the entire facility on one lot.

EM is concerned because they could subdivide later. The road would not be built to subdivision standards.

J. Riel suggests the Planning Board put a condition to approval that the lot could not be divided up.

EM states it may not even be big enough to subdivide.

J. Riel states the septic system is being presently designed.

EM questions why the foundation is in the ground before the site plan is approved.



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J. Riel explains that everyone is in a rush. It is at the applicant's risk. If it is wrong, he will take it out.

EM states that nothing should start before the site plan is approved.

J. Riel states they can have a revised site plan by February 9, 1989. The biggest thing they have to get is the perc test.

EN states they will not have enough time since they do not do perc tests in the winter.

J. Riel believes the perc tests usually run from December to May.

EM does not think they will have enough time to respond to all the issues.

EN suggest they schedule the next discussion for February 23, 1989 at 1:00 p.m.

J. Riel will call if it is completed sooner and arrange to get on the calendar for February 9, 1989.

EM does not want the buildings to be in before February 23, 1989. They need two special permits which they must apply for. The special permits require a public hearing. Clerk is instructed to begin a site plan file.

Oakwood Apartments

EM reads interdepartmental communication from Ed Wirtanen, Health Agent, dated January 12, 1989 relative to the Hydrogen Peroxide treatment at Oakwood Apartments. Mr. Wirtanen indicated the Board of Health will review and monitor the hydrogen peroxide treatment. P. Herr advised him the treatment did not require Planning Board approval or a special permit. Clerk is instructed to file this under Oakwood Multifamily.

Discussion Regarding Files

EM states the new Planning Board file cabinets are in the Town Engineer's office.

EN questions who will have access to the files.

EM states the Town Engineer and the Planning Board will have access.

EN is concerned because he does not want anyone other than the Planning



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Board to have access to the files.

EM states the Town Engineer is hiring an assistant who may work with the Planning Board Clerk to organize the files.

Williams Way - Lot 12 Discussion

William Arcand, member of the Board of Selectmen, is before Board speaking as a concerned citizen. Mr. Arcand's property abutts the above-named property. He questions if anything is happening with this lot.

EM reads letter from the Planning Board to the Town Inspector, dated August 1, 1988. The letter refers to an official complaint registered before the Board relative to heavy damages sustained by abutters during a severe rain storm on July 27, 1988. Planning Board members AM, EN and EM conducted a field review of the property at that time and were concerned the problem initiated from the industrial sites on lot 12. In the letter, the Planning Board requested a report from the Town Inspector indicating which industrial sites on Williams Way had site plan reviews and which did not as well as all industrial sites whose work was incomplete with regard to grading, drainage installation, pavement/sidewalks and landscaping.

W. Arcand states the building was not occupied when the letter was sent but someone is in the building now even though no occupancy permit was issued. He questions what response the Board received relative to the August 1, 1988 letter.

EM states the Planning Board did not receive a response. The Building Inspector said he never received the letter.

W. Arcand explains this is a big problem. No one should be in the building until the problem is corrected. He feels this is a zoning violation because the building is up. It does not met the requirement for the parking lot in the back. Three-fourths of the parking lot is on his property. He suggests the Planning Board send a follow up letter to the zoning agent.

AM states the Building Inspector should receive a follow up letter also since the building is occupied without a permit.

EM states the building is in violation since it is occupied without a permit. If they do have an occupancy permit, then it is a zoning violation.

W. Arcand explains the problem occurred during the storm when the gravel went onto his property and his gravel went to his neighbor's



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property. His neighbor's property was under three feet of water. The property is not in compliance.

JM questions if the damage occurred during the torrential rain storm.

AM states that it did.

EM states the detention pond leaked.

EN questions if the owner did anything about the damage.

W. Arcand spoke with the owner who said the damage was an act of God.

EM instructs Clerk to prepare a follow up letter to the Building Inspector and Zoning Agent questioning whether an occupancy permit was issued and if not, why the building is occupied without a permit. Clerk is also instructed to check the Planning Board files for a site plan file on Williams Way, Lot 12.

W. Arcand states the property has not been inspected by the Fire Chief either.

GG remembers the applicant coming in for a site plan review. The plan was not correct but they never came back.

W. Arcand would like the follow up letter sent to the Zoning Agent, Building Inspector with a copy to the owner.

B. Lord states the Planning Board can require the owner of the building to come before the Board.

AM states they do not know who the owner is.

W. Arcand points out the building is leased by someone other than the owner.

B. Lord states the owner is Ken Brown of Colonial Fence on Williams Way.

EM instructs Clerk to send a separate letter to the Building Inspector stating that a site plan was not received. The Planning Board would like to know if the building is in compliance and if occupancy permits were issued.

Silver Heights

GG excused himself from this discussion.



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Lucien Collin and Ron Gomes, representing Rosenfeld Company are before Board to discuss a design change to the drainage system.

JM questions if the changes will require a hearing.

EM does not know. He will discuss it with P. Herr after the Planning Board hears the proposed changes.

R. Gomes states the original route was to drain to Dorothy, route to a headwall and out of the site. They had to obtain an easement from Silver Lake Development to channel it through. They also would have had to build the basin to the size originally planned by Silver Lake. They ran into technical problems. Silver Lake was concerned relative to water running through the site if they decided to develop their property at a later date. They are also concerned with the intersection where the drain lines connect. They are proposing to eliminate the headway to flow over the property line. They will regrade the area and direct the water. They will put in a surface catch basin and the rest will be allowed to go undetained. They will continue the Dorothy and Florence Street drainage. There will be two drain manholes on the opposite end of the lot with a series of 4 X 4 20 - 25 leaching cubes.

EN questions if it will be underground.

R. Gomes states it will be underground a couple of feet.

EN questions how far the drainage will be from the abutters. With the original drainage proposal, everything flowed to one.

R. Gomes explains originally they had proposed drainage which was not detained on site and went downstream. Now they will detain it up stream on their own site. It will come down site and flow to two points. They will put in a drop inlet catch basin to eliminate the swale. Originally everything was let loose overland.

EM questions how the Planning Board will know if it is more than 10%.

R. Gomes is preparing detailed drainage calculations.

EM explains the Planning Board must give notice of a public hearing prior to acting on the drainage changes. He does not want anyone to think the Planning Board is making changes without a hearing.

R. Gomes states the drainage will still be detention because the leaching water will be put into the ground artificially.



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EN states that many abutters to the property are happy because they have not had to pump their cesspools.

R. Gomes states that previously the people downstream were most affected. These changes will not affect them. He does not know what the calculations are for sure. He wanted to make sure the concept was acceptable first. They perced last summer but nothing would hold the presoak. It is all sand and gravel.

EN states they will have to apply for a public hearing.

L. Collin will talk to his attorney tomorrow to apply for the hearing.

EM explains the change will be an amendment to the subdivision. The public hearing will be for an amendment to the drainage system.

R. Gomes states they might have to come back before the Board because they will implement the dry sewer at the same time.

EM states the Board did approve the concept of the dry sewage.

L. Collin states they are hoping to have the elevations by next week.

R. Gomes states he is trying to get plans registered at the Registry of Deeds. The plans were signed off by the Board of Appeals but the Registry will not accept them unless they are signed by Planning Board members. The Planning Board already signed off on the roadway for the subdivision.

EM would like a copy of the plan if the Planning Board signs.

R. Gomes will leave a copy of the plan with the Town Clerk for the Planning Board.

EN makes a motion to sign the plan, AM seconds the motion, Unanimous vote of 5. (GG returned to the meeting to sign this plan).

Public hearing scheduled for February 9, 1989 at 8:00 p.m. Applicants are instructed that the notice of public hearing must be advertised on January 26 and February 2, 1989. Applicant's attorney, Marc Engel, will contact the Planning Board Clerk to make arrangements for advertising the notice of public hearing and notifying the abutters.

Correspondence and Bills

EN makes a motion to accept minutes of October 13, October 27, November 10, November 17, December 8 and December 15, 1988. JM seconds motion. Vote of 4.

EN makes a motion to sign the above-mentioned minutes. GG seconds motion. Vote of 4.


Members sign bills from Crowley Office Supplies and Hobbs and Warren.

EM reviews correspondence regarding the Stallbrook extention to February 7, 1989. EM will contact applicant to discuss extension.

GG makes motion to adjourn meeting. EN seconds motion. Vote of 4.

Meeting was adjourned at 10:30 p.m.


Edward T. Moore, Chairman


Glenn E. Gerrard, Vice-Chairman


Emile W. Niedzwiadek


Anne M. Farris

John P. Murray