



# 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

February 9, 1989

Meeting was called to order at 7:55 p.m. EM, GG, AM and EN were present. JM came into the meeting after the Oak Knoll discussion.

### Oak Knoll - Road Bond

Richard Galuza and Philip Skyzat present a road bond to the Board for Oak Knoll Estates.

EM states the amounts to be included are \$1500, \$850, \$16,857 for the road plus the paving estimate.

GG indicates the total amount with the 15% inflation factor is \$22,000.88.

R. Galuza points out there is \$22,822.67 in the passbook which they are presenting to the Board.

AM states that the applicant had enough in the passbook at the last meeting.

EM explains that even though he did have enough at the last meeting, the Board still needed an estimate regarding the meets and bounds and spreading. EM states the applicant is presenting Baybank passbook in the name of Richard Galuza for Oak Knoll in the amount of \$22,821.67, Account number 160-55573.

EN makes a motion to accept the above-referenced passbook. AM seconds the motion. Vote of 4 in favor of accepting the passbook.

EM instructs Clerk to take the bankbook and signed withdrawal slip to the Town Treasurer. He asks if the applicant is also presenting a Form G.

R. Galuza indicates that Town Counsel, Lee Ambler prepared a Form E-1 for them.



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EM explains that Form G is for the lot releases and Form E-1 is for the release of the covenant.

AM states that Form E-1 is not signed. It should have been signed by Town Counsel and Town Treasurer. The Board will not hold up acceptance of the covenant but the form should have been signed first.

EM indicates that Board members should sign the Form G.

AM instructs the Clerk to put a note on the Form indicating that it was prepared and approved by Town Counsel even though he did not sign it yet.

B. Lord states that the applicants should get a signed form back from the Board.

Board members sign Form G and the Certificate of Release.

EM states that there is a public hearing concerning Silver Heights drainage revision at 8:00 p.m.

Lucien Collin, Vice President of Rosenfeld Corporation requests that the Board wait 15 minutes since their engineer is a little late.

EM reads Notice of Public Hearing.

Eleanor Carriere, abutter questions if there are any plans showing the revisions which she can look at.

EM explains that the plans will be reviewed once the engineer arrives.

AM makes a motion to continue the public hearing for 15 minutes. EN seconds the motion. Unanimous vote of 5.

GG removes himself from the public hearing concerning Silver Heights since he intends to purchase a house from the developer.

### Evergreen Construction - Site Plan Discussion

EM states that the applicant has already put in the foundations even though the site plan has not been approved. The applicant would like the Board to expedite matters since bad weather is coming and he wants to put the buildings in. P. Herr indicated there are a lot of questions pertaining to the drainage system. They have a storm drainage recharge system which works like a septic system design.

AM states the applicant's anxiousness has nothing to do with the



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weather.

EM indicates that the applicant does not want to wait until the next meeting. The applicant requests that the Planning Board send the Building Inspector a letter indicating that he is at risk for putting the buildings up. He understands that no occupancy permits would be issued until the drainage questions are answered.

AM does not believe the Board should set a precedent by allowing the applicant to go ahead with his buildings.

EM agrees, especially with the problems which came up last year at the other sites in the area. This is an 11 - 12 acre parcel. P. Herr believes the Town Engineer should look over the drainage system. In addition, the applicant has provided insufficient calculations for an unusual drainage system. He agrees that it should be referred to the Town Engineer.

AM feels the applicant should go through the same routes that others do.

EM questions if any Board members want to recommend approval so the applicant can put his building up.

All Board members are in agreement that the proposal should be referred to the Town Engineer.

EM explains that the developer feels the Board is tying him up.

AM questions why he put in the foundations without a letter at risk.

### Mechanic Street Building

EM indicates that there is a building on Mechanic Street, 1/4 mile from the center of town, next to Stearns which did not come for site plan review prior to being built because they had under 20 parking spaces. However, there is now a sign out front which states that the property is available for a restaurant or donut shop. EM believes they will need additional parking now. Clerk is instructed to send a letter to the Zoning Agent regarding this problem with copies to the Board of Selectmen and Town Counsel.

AM questions where it says they need more parking for a restaurant.

EM explains that it is indicated in the bylaws.

### Silver Heights - Public Hearing



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### Drainage Revisions

GG removes himself from the hearing.

Lucien Collin introduces Joseph Calagione; the engineer who will explain the drainage revisions.

J. Calagione presents and explains the original drainage plan. They had intended to take the water down through Silver Lake Corporation land and build a retention basin on the property. The overall drainage is the same in the revised plan. However, instead of taking it off site, they will put in leaching catch basins along the back of the property line next to Silver Lake land. They will leach it back into the land right along the property line.

EM questions why they will do this.

J. Calagione explains that an easement would be needed since they do not own the land out back. It is easier to do it this way.

EM questions if it is easier or better in the long run.

J. Calagione states it will be better.

JM questions what the maintenance will be.

J. Calagione explains it will be minimal. The leaching catch basins are concrete. He does not expect any problems with the leaching chambers. Drainage from the street will come in. There are 18 4 x 4 chambers which are grouped together. There is a header pipe at the top with 4 outlets which string into 18 galleys. It is not a single structure. There will be 3 feet of stone around the whole excavation and 10 foot wide width.

EM questions if all 18 string along the property line. He also questions if they run downhill from the roads.

J. Calagione explains they all run downhill. They are lower than the edge of the road.

EM spoke with P. Herr. He suggested these changes since an easement could not be reached with the owner of the property out back. He questions if the Town Engineer has reviewed the revised drainage system.

J. Calagione does not know.



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EM suggests they run the plans by the Town Engineer as a back up.

JM questions which way the drainage will flow.

J. Calagione states that it will still flow toward Silver Lake property.

JM questions if this will relieve the existing problems.

EM questions if there is a way to back up and bring the water another way.

J. Calagione believes there has been some improvement in the area. It should remain the same.

EM opens questions to the audience and explains that anyone with a question should raise their hand and state their name and address.

Eleanor Carriere, Dorothy Avenue, likes the idea of getting rid of the retention pond because she feels it is a safety hazard for children in the area. She questions who will clean the drains if they get clogged. She questions if the Water/Sewer Dept. will clean them just as they clean the street drains.

J. Calagione explains that the flow is usually clean and will not back up since the catch basins will clean out the sill. The drainage system has been designed for the 100 year storm. Water will flow out and down the old area. The town has access to get in if they have to.

EM explains that the town cleans the catch basins in the street once a year. However, these catch basins will catch the sill and only water will be coming through. The crushed stone and filter fabric will keep the surrounding soil from getting in. If they do get clogged, the town will have access. These catch basins are different from the ones in the street.

Cynthia Wyatt, 16 Dorothy Avenue, questions who will be responsible if a pipe breaks.

EM never heard about a drain pipe breaking like that. If it did, it would be treated the same as a street drain. The town will have an easement to maintain it.

J. Calagione explains they will have an 81-P plan if the drainage revisions are approved. They will have a 20' easement.

EM questions if they will do away with the retention pond.



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J. Calagione states they will no longer have a retention pond but Silver Lake may use one in the future.

EM indicates that is a dead issue for this proposal.

EN suggests they obtain a second opinion from the Town Engineer.

EM states the Board will not hold up approval. However, the applicant is instructed to return with the easement and paperwork.

L. Collin indicates he is agreeable to approving with conditions.

AM questions if the Town Engineer is aware that the Board will be sending over plans for him to look at.

EN makes a motion to conditional approval of the drainage revisions pending Town Engineer's review and approval.

AM asks W. Arcand if the Board can refer information to the Town Engineer for him to look over.

W. Arcand indicates that is what he was hired for.

E. Carriere understands that there are 18 proposed catch basins. She questions if the regular catch basins are already in the street.

J. Calagione explains the 18 catch basins are in a cluster, grouped together. All the regular catch basins in the street are still there.

EM explains they are not doing away with any catch basins. The 18 are in a cluster in the back. Ms. Carriere is advised to contact EM if she has further questions after the hearing is closed.

EN makes a motion to close the hearing. JM seconds the motion. Vote of 4.

EN makes a motion to approve the revised drainage system with 18 leaching chambers subject to review by the new Town Engineer. JM seconds the motion. Vote of 4.

EM advises applicants to bring the calculations and plans relating to the system directly to the Town Engineer.

J. Calagione questions how the Board will sign off on the revisions. He can bring in the original plan with two signature blocks.



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EM states that would be fine but it should also include the revision date.

### Meadow Wood Condominiums

### Discussion regarding an extension to the Special Permit

AM abstained from the discussion and decision.

John Rabe and Leo Blair are representing Meadow Wood Condominiums.

EM reads letter from John Rabe of Meadow Wood Limited Partnership, dated January 27, 1989 requesting an extension on the special permit. The letter indicated the extension is requested in order to continue working with the Water/Sewer Commission to utilize a central sewer for the project which would be in the best interest of the town. They will agree to the same provisions which the Board approved last year.

EM also reads January 20, 1989 letter from the Water/Sewer Department which stated that the extension for Meadow Wood should be granted so they can tie into the public sewer. They also stated that this would be in the best interest of the town.

JM questions why they can not built without the sewage.

L. Blair indicates they had originally designed a packaged sewage treatment plant. However, the Water/Sewer Commission informed them that tying into the sewer would be preferable.

J. Rabe indicates they will need a minimal amount of sewage to run the plant.

EN questions if they have the sewage plans.

J. Rabe explains they are working with Weston and Sampson to tie in to the public system.

EM question if they are the same people who owned the property when the Board was addressed previously. He questions why there is a for sale sign out in front of the property.

L. Blair states that the property has always been owned by the same people. Lancer Lutz from the Blakely Company who had represented Meadow Wood Condominiums Limited Partnership before the Board is now very ill and will not be appearing. Design Science who has also been before the Board on their behalf is their consulting engineer.



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EM states that 3 real estate people have contacted him relative to the property.

L. Blair explains they are trying to sell individual condominium units, not the entire project.

EM questions if the project would be built if the sewer line was not there.

EN states the Board wants something to go by in order to grant an extension.

JM believes that waiting for the sewage line is good cause for an extension. The bylaw says the Board can grant an extension for good cause.

EM states the original plan's approval was not based on public sewage. He questions what the change will do to capacity.

J. Rebe explains they are working with Weston and Sampson since the designs have changed a number of times. They always planned on the flow going downhill from the site. There is no way they will be near full capacity.

EM questions if everyone else in the vicinity will be able to tie in afterwards.

JM believes the Board should check with the Water/Sewage Commission and Town Counsel to make sure it is legal for the Board to advance the construction dates one year.

EN questions if they will change the build out rates.

JM states they will build the same 50 units per year. They want to make sure they do not build 150 all at the same time. They may need to have a public hearing to change the dates for the special permit.

EM states that last year's letter of approval was prepared in advance through Town Counsel. He questions what will happen if the sewer line does not come in April as expected.

L. Blair indicates that if it is the Board's decision, they will put a sewage treatment plan on-site. It would be less expensive for him than waiting. However, the Water/Sewer Commission does not want them to do that. They asked them to wait.

EN questions the cost of the units.





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L. Blair indicates they will be in the \$135,000 price range.

EM does not think an on-site treatment plan will work. It does not work across the street at Crestview Commons. Their engineer came in and said it would work but the retention does not work either. That project is only 100 - 200 feet from them.

EN states the original price of the units was higher.

J. Rabe explains the prices will start at \$135,000 range and go up to \$165,000.

EM questions what their alternative would be if they are not granted the special permit. It would require town meeting concept approval to revive it. That would not be fair to the developer.

EN states that he is not against granting an extension. However, he would like more information from Weston and Sampson.

EM questions when the extension runs out.

J. Rabe states it is March 19, 1989.

L. Blair explains that their plans have not changed at all.

EN would like to see something regarding the capacity of the sewer line flowing down south.

EM explains the Board does not need to see the figures, just how it ties in. He questions if the line which they intend to tie into is already there.

J. Rabe states there will be an extension at their cost to the line down Center Street which will run down toward S. Bellingham.

JM questions if they are one of the companies that kicked in for the Town Engineer.

EM indicates that is correct. The Board does not have a problem with the company. They just want to ensure everything is o'kay.

J. Rabe explains that people will be able to tie in from S. Main Street to their property.

EM questions if the line is in between their property. He also questions if their request for an extension has been referred to Town



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Counsel.

J. Rabe indicates that Mr. Ambler has not seen their request. However, he has been in attendance at the Water/Sewer Commission meetings and did approve the Water/Sewer Commission's letter before it was sent.

EM explains the Board just wants to make sure that everything is covered. He questions if they had a public hearing for the last extension on the special permit.

J. Rabe states there was no public hearing.

EM suggests they come in on February 23, 1989 at 7:45 p.m. under general business. They should forward everything to Town Counsel before the next meeting for his review. Their request for an extension will be under advisement.

### Stallbrook - Preliminary Plan

Dave Dankens will discuss the preliminary plan which was submitted on November 21, 1988 and revised per the fall Town Meeting. There will be three lots formed in three phases which will include retail and two industrial buildings. Lot 1 has frontage off Hartford Avenue. Odd lot 2 has frontage off 495. Per the 11/88 Town Meeting they had to reconfigure the lot because of the shape issue. They could not make lot 2 work. They had initially planned to have driveway access through phase 2. They considered making a subdivision road and discussed this with P. Herr. P. Herr said that phase 2 frontage was o.k. They will seek two waivers regarding subdivision roads. The requirement states it should be 350 ft. They have 125 ft. and 250 ft. They do not want to build a cul-de-sac. The pavement width for a definitive plan is 35 ft. They will have 30 ft. They are here to get the Board's input in order to modify their plan prior to moving on to the definitive plan.

EM questions location of lot 2.

D. Dankens states it has stand alone use. It is still to be determined whether it will be used for office space. The whole area is zoned industrial.

EM states there is a problem at the entrance since the road curves. Trucks will have difficulty getting in.

D. Dankens explains they intend to address those issues at site plan review. They will discuss cueing.

EN questions site distances.



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D. Dankens states that the buildings will be set back so site distances will not be impaired.

EM asks who owns the property across the street.

JM asks if the preliminary plan is on file.

EM states it is in the file, dated November 21, 1988.

D. Dankens explains they resubmitted the preliminary plan after the Town Meeting.

EM states the road has to be part of the subdivision process in order to divide the subdivision road layout.

EN questions the amount of traffic.

D. Dankens explains they did a survey on N. Main St. They are working with the town to produce a traffic study. They will submit to get the EAR through.

EN questions the location of the shopping center.

D. Dankens states that the radius is tight but this will not be a safety issue. An internal circulation problem will have to be solved.

EM questions if the road will go straight through the shopping center.

D. Dankens explains there is a parking field in there. It is more efficient to make a ring road. The plan is driven by phase 2. They will put a median at the entrance with a light. Therefore, the cars will wait at a cue.

EM questions how that will compare to Franklin Village.

D. Dankens explains they have a geometry problem there. People travel at too high speeds. The road changes from three to two lanes quickly. They will encourage the development on the other side of the roadway to line up with theirs.

EM questions how they will get in and out of lot 3.

D. Dankens explains they will have access off of 126. There will be one driveway under easement.



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EN questions what will happen to the historical cemetery.

EM states the applicant has offered to fence the cemetery in.

EN questions if the parking lot will be around the cemetery.

D. Dankens states it will stop along the slope. They can not go near the wetlands.

EN questions if they have to subtract the wetlands from the usable land.

D. Dankens responds that they meet the 30% impervious requirement.

EM questions if they will need any special permits.

D. Dankens states they will need 2 special permits. One will be for phase 1 to allow commercial complexes of 30,000 square feet which will be submitted in a few weeks. The other permit will be for hazardous waste and for the generation of sewage greater than 15. P. Herr told them they could incorporate these two into one permit.

EM questions if a major commercial complex requires Town Meeting approval.

D. Dankens states it requires Planning Board approval.

B. Lord states it only requires special permit approval of the Planning Board.

EM points out it may be good to know who the tenants of the major commercial complex will be prior to the hearing.

D. Dankens states they can attempt to do that.

EM states they will need water resources special permit and hazardous waste and major commercial complex special permits. P. Herr feels it would be better to split them 6 months apart.

D. Dankens believes that P. Herr recommended they be split into 2 and 1 since they are so different.

EM questions if the commercial complex will come first. He also questions if they intend to connect with the back of lot 3.

D. Dankens explains that it is not possible to make that a road because of the wetlands.



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EM questions how much land there is before Farm Street. He questions if someone could put a road in at a later date.

GG does not believe it is possible because there are 1400 feet of wetlands.

EM explains that 495 runs right along side of the property. He questions which changes P. Herr suggested.

D. Dankens states P. Herr's suggested changes of a lower cul-de-sac and bringing the subdivision road right up to the lot have already been incorporated.

EN questions the location of the road.

D. Dankens explains they will have 1 to 2 entrances off the roadway into the driveway. They will have one turn for truck traffic only. It will technically be a subdivision road but it will act more like a driveway.

EM states they will need three waivers regarding access, curve radius and site distances. He does not know if they can waive the safety factor.

D. Dankens questions if the Board can waive it if their engineer can prove it will not be a speed factor.

AM states they will have to prove that to the safety officer.

EM states the light will make a difference with the site distance and visibility. He does not know if they ever waived the site distance. The Board can not allow a substandard situation knowing that it will be a problem.

D. Dankens states they will get a larger scale drawing and submit it to the various town agencies.

EM questions how much time they will need.

D. Dankens states it will be two to three months before they come back with a definitive plan. They intend to widen Hartford Avenue. They will also knock down the crest of the hill near the cemetery.

EM questions if the old road in front of the cemetery can be widened or taken out. He questions who owns the road.



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D. Dankens will investigate the road. There is a crypt outside of the cemetery.

GG states they would not be able to widen the road any way.

EM states there is a problem on Hartford Avenue, near the Stallbrook School and going into Medway.

D. Dankens explains they will put up signals and indicator lights which will make people aware.

EM questions if lot 3's road is under the power line easement.

D. Dankens states there will be no road, only a driveway. They will provide a circular plan for truck traffic on a continuous loop.

EM states they should contact the Board when they are ready to come back again. They should also forward an extension for the preliminary plan of 5 - 8 months. There are no real big problems, but the Board must make sure the plan is safe. Lot 3 is not even part of the subdivision. They could call it an 81-P.

D. Dankens explains they wanted to show how the whole subdivision works together.

EM questions if they intend to have access under the power lines.

D. Dankens states that is their intent.

JM questions what the plan looked like prior to the bylaw regarding the lot shape factor was passed. He does not believe there was anything wrong with the original plan.

EM explains it did away with lots which have 3 sides and no back. The applicant will have to check with the utility company first regarding the utility easement. They are concerned about the traffic hitting the towers.

D. Dankens explains that phase will be slower because of the amount of work required with the utility company.

EM states they must work with the sewage commission regarding capacity.

D. Dankens explains the sewer line will come up Hartford Avenue by gravity and tie in. There will not be a problem with capacity. They are working through the legalities of allotment.



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EN believes it will eventually be a big problem because there is only so much capacity for tons of sewage which goes through.

EM states the Board is relying on the Water/Sewer Dept. to oversee that. He questions if they will send a letter of extension to the Planning Board.

D. Dankens states they will send the letter and submit the revised preliminary plans.

Bob Fishman, Counsel for Stallbrook states they can not extend for 7 months. They would like to proceed on the plan which they are showing tonight. They would like to go right into the definitive stage rather than having further discussion at the preliminary stage. He requests the Board act on the preliminary plan now.

EM states the Board would act against the plan now since it does not meet the regulations. The Board could act on the revised preliminary or the definitive once they submit it.

B. Fishman explains they would like to avoid going over another preliminary plan. He requests the Board act on the preliminary plan and indicate the reasons why it is disapproved.

EM would like to discuss this with P. Herr first. Most developers do not want to get disapproved. The Board can waive the pavement width but not the radius and safety factor.

D. Dankens states a 7 month extension would be June 21, 1989.

EM questions if that would give them enough time to get the definitive plan ready.

D. Dankens indicates it would be enough time to work up the definitive. They will work off the plan as a definitive even though it has not been approved as a definitive.

B. Fishman is unclear if they can grant more time. They can give more time to act but they can not get more time to submit the definitive.

EM states they can submit the plan as a definitive at the 7 months to lock it in. They can then revise them and come back with the real plans. The applicant should contact the Board when they are ready to come back.

B. Fishman will send a letter of extension. He questions the rules and regulations regarding subdivisions.



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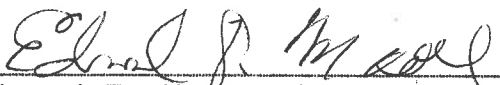
EM states they should check with P. Herr. He does not recall the exact changes but there were changes regarding the major commercial complex.

### Submission

B. Lord submits an application for a Special Permit for a Back Lot Division for Carl W. Nuissl and Land, Inc. along with the Plan of Land, list of abutters and a check for \$50.00. Public Hearing is scheduled for March 9, 1989. Clerk is instructed to prepare Notice of Public Hearing.

Members review correspondence.


Meeting adjourned at 11:00 p.m.

  
Edward T. Moore, Chairman

  
Glenn E. Gerrior, Vice-Chairman

  
Emile W. Niedzwiedek

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Anne M. Morse

  
John P. Murray