



# 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

April 13, 1989

Meeting was called to order at 8:10 p.m. GG, EN and AM were present. EM and JM came in late. GG acted as chairman until EM arrived.

### NUISSE

GG reads letter dated April 13, 1989 from Bruce Lord requesting a continuance of the public hearing to April 27, 1989 and an extension of time to April 30, 1989.

EN makes a motion to continue the hearing to April 27, 1989 at 8:45 p.m. and grant an extension to April 30, 1989. AM seconds motion. Vote of 3.

### SUBMISSION

Stan Fabian, representing John Shepard, presents an 81-P to extend a lot.

GG questions if the shed is on someone's parcel.

S. Fabian indicates it is the garage and shed.

GG states they are extending the lot line. Parcel A is conveyed to John Shepard. They are extending the lot line to increase the frontage.

S. Fabian states they are increasing the lot size to 2380 square feet.

EN questions if it has frontage.

S. Fabian replies that it does not.

EN makes a motion to accept the 81-P. AM seconds. Vote of 3.

S. Fabian presents \$10.00 fee for one lot. Members sign plan.

EM came into the meeting.



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John Consiglie requests the Board resign a plan since it was smudged. The Registry of Deeds would not accept the plan. The plan is for a parcel of land on Melon Street in Bellingham, originally dated January 21, 1988.

Members sign plan.

### LAKEVIEW ESTATES - CONTINUED PUBLIC HEARING

GG reads March 27, 1989 letter from Attorney J. Roberti on behalf of the applicant. The letter requests the Board grant a continuance for an extension of time to April 28, 1989 and continuance of the public hearing to April 13, 1989.

EN questions if they will need another extension 3 months down the road.

B. Lord states they want the extension because they are in discussions with the town on how to deal with the property and the problems of access. They would like it held until they determine what the town wants. This request is partially on behalf of the town and partially by the applicant. They would like it put on hold until September 1, 1989.

EM indicates they need a reason to extend and points out they may need to place an article on the warrant.

EN questions if they appeared before the Affordable Housing Committee on Tuesday.

B. Lord indicates they did, but for a separate issue.

EM states the Board needs an extension showing the need and benefits of gaining an access road. They need to find out if the road benefits the town.

EN questions why they need 5 months.

B. Lord indicates it will take until September 1, 1989 for them to know exactly where they are going.

EM states the Board will continue the hearing to see if they get the road. They are meeting Tues. with the traffic engineer the town hired.

EN makes a motion to continue the hearing to July 27, 1989 at 8:00 p.m. AM seconds motion. Vote of 4.



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EN makes a motion to grant an extension to August 28, 1989. AM seconds. Vote of 4.

### STALLBROOK MARKETPLACE - SPECIAL PERMIT PUBLIC HEARING

EM explains to Dave Dankins that 4 out of 5 members of the Board are present. The Board could postpone the public hearing for 15 or 20 minutes if they do not want to go ahead until 5 members are present. It is their option.

D. Dankins indicates he will wait.

Clerk reads notice of public hearing.

EN makes a motion to continue the public hearing for 20 minutes. GG seconds motion. Vote of 4.

### IV 5 WORD MINISTRIES - DISCUSSION

Dean Slyl and Henry Neveaux request clarification from the Board relative to the requirements for the Zoning Bylaw relative to whether or not frontage is required for a backlot parcel.

EM questions the property's use.

D. Slyl states they want to buy an 8 acre parcel with a house.

EM questions where the frontage is.

D. Slyl states it would be 115 with a backlot of 50 feet.

EM questions if they would own both parcels.

H. Neveaux indicates that they do not own either parcel now.

D. Slyl points out the zone line is 200 feet.

EN states the zoning is suburban and agricultural.

EM questions where they will build the house.

D. Slyl states they want to build a church. They would like to know the use is allowed with a backlot. They could get 200 feet and 150 feet here.

EM states they will lose a side with the lot requirements.



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- D. Slyl indicates it is only 15 feet. They will tear the garage off.
- H. Neveaux states they will make a backlot to situate the church.
- EM does not know whether or not the use is o'kay.
- GG suggests that P. Herr clarify.
- D. Slyl states they can meet the 200 feet frontage.
- EM explains they could do it through an 81-P since churches and schools are exempt from zoning.
- W. Arcand, Acting Building Inspector, looks at the plan and states they are exempt as long as they comply with the backlot and have an access drive.
- GG questions if it matters whether or not it is double wide.
- W. Arcand responds that is up to the Planning Board.
- EM explains they can apply for a special permit for a backlot. They must comply with site plan review and must fit sufficient parking. They must have an engineer draw up the site plan.
- L. Neveaux states their objective is to make sure the lot can be subdivided.
- EM states it could be for a house but does not know otherwise.
- D. Slyl the backlot bylaw reads only to measure.
- EM will contact the Board's consultant and check with him on whether or not they could use the bylaw for single family homes.
- D. Slyl states they would use up 200 feet for a road with a Form A.
- EM states the parking spaces are determined by the square footage of the church.
- EN questions if that is the only building they intend to put up.
- L. Neveaux responds that it is.
- EN questions the house and the garage.
- L. Neveaux explains that will be the parsonage where he will live with



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his wife and two kids.

EM requests they send a sketch to P. Herr and Associates. They should show the backlot subdivision with the square footage.

D. Slyl states the use is allowed to meet the size and parking.

EM states site distance depends on the traffic it will generate.

EN explains it is the distance to see in both directions.

D. Slyl points out the hedge and large 4 foot in diameter trough.

Clerk gives H. Neveaux Mr. Herr's address.

JM arrived at meeting.

### STALLBROOK MARKETPLACE - PUBLIC HEARING

EM opens hearing for a special permit for a Major Commercial Complex. He explains how the hearing will be conducted.

Dave Dankins explains that National Development Association with Varney Brothers will be developing the property. It is a 138 acre parcel which will be developed in 3 phases. He introduces their development team. The 138 acres are near 495/126. At the preliminary subdivision they indicated that Phase 1 for Stallbrook Marketplace would be 60 acres. They have subdivision grade roadway access on lot 2. The project under consideration is Phase 1 at Rt. 126 and Rt. 495. Wetlands are to the north. They have 36 buildable acres. They tried to anticipate questions regarding the tightening and set back. Section 1500 of the bylaw is evaluated for the impact of the project. The Planning Board will evaluate the impacts on the area, circular siting, lighting and slopes and grading. The project began 1 1/2 years ago. They went through the MEPA process and the state signed off on traffic, wetlands, drainage and sewer. The building will be 240,000 square feet in an L shaped fashion. The parking field will be in the middle with the wetlands in the back. They will have storm water detention. 100,000 square feet of the building will be for a proposed supermarket, 50,000 square feet will be used for proposed home improvement business with the remainder in specialty stores. They anticipate 5 cars per 1,000 square feet. The traffic entering from 126 will be free flowing traffic. Rt. 126 northbound coming off 495 will go by the cemetery. They are proposing a driveway. MEPA conducted an environmental impact analysis. They will be widening from the northbound ramp to the cemetery. There is a problem with horizontal geometry at the cemetery. They will pull back the stone wall and flatten the curve. The traffic will be able to see better. They are proposing signals with a 4 lane



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cross section. The traffic will come off and cue. They worked closely with the Town Administrator and planner relative to the district 6 agreement plan. They also worked with B. Campbell, Traffic Engineer. Minor takings will be needed to allow the roadway to be built. For the utilities, they will have municipal sewer and water. The 2 10" and 12" water lines have been tested by the Conservation Commission. They will have 1300 gallons per minute and 72 lbs. per square inch. It will be more than enough.

They will hook into the town sewer at Maple Street and Hartford Avenue. It will be constructed at cost and will combine gravity and force. The main will run into Hartford Avenue and existing manhole. 16 houses along Hartford Avenue will have the option to tie in. They are working with the state on this and will submit to the town for a local sewer permit. The green line on the plan indicates the wetlands and drainage. They are staying away from the wetlands and working with the upper portion of the property. They do not exceed 30% impervious coverage in Water Resource District I. The storm water will go to the manholes and leaching system. It will bleed out to the wetlands if the leach pipes overflow. Phase I heading toward to Charles River has been studied by MEPA and they are satisfied. They will work with the Planning Board relative to the parking areas once they get to the site plan review process. The fiscal impact of the project will include a number of temporary jobs for construction and 250 permanent jobs for Phase I, the retail operation. They have satisfied the bylaw and have worked with the town and state agencies. They look forward to moving on to the site plan review.

IN questions if the other project has approval to tie into the capacity. The capacity is already used up. He is concerned the gallonage will be used up before the citizens of the town have the opportunity to tie in. What happens if they run out of water.

D. Dankens indicates the town has approximately 300,000 gallons. They will need 40,000 gallons a day for the project. This phase will use 15,000 gallons a day.

IN questions what will happen if someone is left out and is unable to tie in.

D. Dankens explains the local sewer commission is on a first come, first serve basis.

IN would like the residents taken into consideration. They have waited years and the capacity has been reserved for them.

D. Dankens states they are designing a safe system which meets



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engineering standards.

EM explains that EN sits on the Affordable Housing Board. Property was denied because they said they had the capacity but did not. It is under appeal now. The Planning Board needs to hear from the Water/Sewer Commission to find out if there is sufficient capacity. There are two different types of capacity. The gallonage per day which the treatment plant handles and the capacity of the pipe which carries it. When capacity is added, they need to dig up the road to put in a bigger pipe.

EN states it is his prime concern that the citizens are able to tie in.

EM states the Wethersfield area is waiting to tie in. The Board needs to hear from the Water/Sewer Dept.

EN questions if they will put in on site sewer if the capacity is used up.

Dankens indicates the town could go to the Charles River to purchase more gallonage.

EM states that no one wants on site sewage. He questions how they would get the gallonage to the project even if they could buy more capacity.

EM reads letter from the Town Engineer dated April 4, 1989, a copy of which was sent to all Boards. The letter indicates that the plan is available at his office for inspection and he would like comments from the various town agencies. EM indicates that the Boards will be answering this letter. EM questions if they have been before the Conservation Commission yet.

D. Dankens responds they will go back before them after they get into the site plan review process.

EM states the other Boards could be waiting until the site plan review. The main purpose of this is for a major commercial complex.

EN states they have to go to town meeting.

EM states they used to have to go to town meeting.

JM points out they were going to change that, but never did. He questions who the proposed home improvement tenant will be.

D. Dankens indicates they have nothing to announce at the moment.



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JM questions if they will need to take some land for the proposed 4 lane road.

D. Dankens explains they will take an easement through the town over the property. They will compensate the individual landowners.

Bob Fishman, attorney for applicant, indicates they have had discussions with 3 - 4 landowners. They will handle the compensation. It is actually a formal action by the municipality.

D. Dankens explains it is not technically a private taking but there will be no public cost. They only need to take a minor strip.

EM questions if this will benefit both developers,

D. Dankens states that Phase I stops at the Johnson property. It does not go that far. In Phase I, they can not pull the roadway together because of the cemetery and grades. They will let the road bend out and fill in. Yes, it will benefit both developers.

JM questions if they are conducting a traffic study with the town.

D. Dankens states they are proposing improvements south on 126, toward N. Main Street. Phase I was studied by MEPA. They are working with the town's traffic engineer to study the existing problems. They have not worked out the actual design.

EM indicates they will be meeting on Monday with the traffic engineer.

EN states the access road will be on 126. He questions where Fafard's property is.

EM states it is on the other side of 495.

D. Dankens points out they have no interest in the property south of 126. They are only interested in the southeast quadrant.

EN states they do not want the roads to be stagnant.

EM explains that a time frame will be developed at some point relative to the traffic study. Monday's meeting will be an informational meeting.

EN points out the problems with site distance and accessing the development on a curve.

D. Dankens states they will pin down those issues on the site plan. It will affect the location of the subdivision road. They are working on





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the definitive subdivision road and will resubmit plans to the Planning Board.

EM states that will be addressed at site plan review. The Board must definitely hear from P. Herr on this.

D. Dankens indicates that they met with P. Herr relative to the roadway plans, 40' scale site plan and subdivision plan.

EM questions if he had any suggestions or changes.

D. Dankens responds that P. Herr was in agreement relative to the location of the buildings and set backs. P. Herr had a number of comments on smaller issues which will be addressed at the site plan review process.

EN questions when he spoke with P. Herr last.

D. Dankens spoke with him at the meeting on Monday and a week before that.

EM asks for questions from the audience.

John Dugan, 6 Deerfield Lane questions the amount of traffic and hours that the stores will be closed.

D. Dankens does not have specific numbers. Bill Roche may be able to address that. They would like traffic improvements between the southbound ramps and the cemetery. The stores will operate 6 days a week from 10:00 a.m. to 9:00 p.m. and a half day on Sunday.

J. Dugan questions if they will have double roads, southbound from 495.

D. Dankens responds that there will be a 4 lane road going northbound. The southbound traffic will bleed back in.

JM questions if the southbound traffic studies will include the 4 lanes.

D. Dankens explains there will be a 4 lane cross section which will bleed back into a 2 lane cross section.

JM questions if any of the studies propose widening.

D. Dankens states no, not with the Phase I scheme. Bruce Campbell has not made recommendations yet.

Bill Roche, Vanesse Hagen, Traffic Consultants, indicates they prepared



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an environmental impact report and suggested improvements of going from 2 to 4 lanes and installing signals at southbound and N. Main Street. Minor widening can be accommodated within the right of way. Bruce Campbell is re-examining the traffic situation now to include Fafard's subdivision. They need signalization and turning lanes.

EM explains that B. Campbell, NDAI and Fafard are working with the town to coordinate the traffic. They want it to work for everyone, not just one project. They have not received any answers yet. They only had one meeting. The traffic issue is the main concern of the town. The town will benefit once the traffic situation is improved by the developers. The traffic mitigation bylaw states the developers will pay for the improvements.

D. Dankens states there are 3 major landowner's in the area who are contributing money for the study.

EM points out the town is fortunate that all the developments are going in at the same time.

John Arcudi, 303 Hartford Ave., questions where Phases 2 and 3 will come into Hartford Ave.

D. Dankens points out Phase 2 on the plan. There will be 2 office buildings which will access along the same road, Rt. 126. For Phase 3, they will put a driveway under a New England power line. The driveway will come out east of the cemetery.

EM questions if they can have power lines in the middle of the parking lot.

D. Dankens explains they have been working with New England Power Company. they will raise the power lines and make the grade uniform. They can not build under the power lines but they can park under it.

EM questions if the improvements are for Maplebrook or Stallbrook.

D. Dankens states the special permit only covers Phase I. They will request widening for Phase II's roadway.

EM states this is only Phase I. He questions if Phases II and III will require major commercial complex public hearings.

D. Dankens states it is only required for retail use. The other phases will be for industrial use. Additional improvements for 126 may be needed in Phase I.

J. Arcudi is concerned they will be creating a bottleneck. An office



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building in Phase III will create another 300 - 400 cars in the morning.

B. Lord states the majority will be going to the interstate.

J. Arcudi points out there is nonstop traffic for the cars coming down 495.

B. Lord states they will be installing traffic signals which will provide breaks.

EM states they discussed improvements all the way to Maple Street at Monday's meeting with the traffic engineer.

B. Lord states they are looking into the smaller portion of the traffic which goes by his house from the north. It is not desirable to widen it to 4 lanes all the way to Maple Street. The traffic consultant will look at that. Signalization will help provide a natural break in the traffic stream.

EM states the traffic study may demonstrate a need for another interchange at Maple Street. They may need an access road to go over Maple Street.

J. Arcudi states that would leave his house in a median.

EM states it would not be around him.

EM indicates that the lighting issues will be discussed at site plan review. The Planning Board needs to hear from P. Herr and the other Boards. The public hearing can be continued to the first or second meeting in May of 1989.

EN makes a motion to continue the public hearing to May 25, 1989 at 8:00 p.m. GG seconds motion. Vote of 5.

EM states the applicant should call the other Boards to follow up.

B. Fishman indicates the extension for the preliminary is up June 21, 1989. He would like to continue that to May 25, 1989 as well.

EM questions if May 25th would give them enough time. EM reads letter from Robert Fishman, dated April 13, 1989, extending the preliminary subdivision to May 25, 1989.

### RESERVOIR ROAD VARIANCE DISCUSSION

B. Lord indicates that a variance was requested two years ago. The



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bank has since foreclosed on the property. The bank is the new owner, not the person who did the damage.

EM explains the builder built the house too close to the road. He applied for a variance which was denied. It was not a hardship. The bank foreclosed and now they want to apply for a variance.

B. Lord states the developer's surveyor measured wrong. The bank is asking the Board will allow them to go back before the Zoning Board.

AM questions how they could qualify except for financial hardship.

B. Lord indicates the circumstances involved would allow the Zoning Board of Appeals to give the bank the variance.

AM states the Board must substantiate why they are sending it back.

EM explains the Board must waive the two year requirement in order to send it back.

J. Lord states they could move the foundation but the topography leaves a backdrop. There is no backyard. They are working with the Conservation Commission.

EM states the Board would not send it back if the original applicant were requesting it.

EN makes a motion to waive the two year waiting period due to new owner, slope of yard and the fact that the Conservation Commission is working with the bank to trade land which will benefit the town.

EM explains that unless the Board puts reasons in, the Zoning Board of Appeals will question why it is being sent back. The house can not be moved since it would create a hardship due to the topography.

Am seconds EN's motion. Vote of 4.

Clerk is instructed to send a letter regarding above to the Zoning Board of Appeals with a copy to B. Lord.

### PLANNING BOARD REORGANIZATION

Clerk opens nominations for Chairman.

AM nominates EM. EN seconds nomination.

EM nominates GG. GG abstains this year.



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JM nominates AM. EM seconds. AM declined nomination.

Nominations are closed.

Vote of 4 to nominate EM Chairman.

EN nominates GG for Vice Chairman. JM seconds. Vote of 4.

AM nominates JM Secretary of the Board. EM seconds.

GG nominates EN. EM seconds. Vote of 4.

EN makes a motion to reappoint Valerie DeAngelis Clerk of the Planning Board for the next year. AM seconds. Vote of 5.  
Mail/Correspondence/Bills

Clerk is instructed to send letter to Attorney Healy for Cedar Hills with a copy to the Building Inspector indicating there is no reason to withhold occupancy permits. Letter should state that the Board received a letter from the Building Inspector stating that the berms are in place as requested by the Board. The Board now feels there is no reason to withhold occupancy permits provided it was built according to the site plan which was approved. Clerk is instructed to reference the plan which was approved.

Meeting adjourned at 11:00 p.m.

\_\_\_\_\_  
Edward T. Moore, Chairman

*Glenn E. Gerrior*  
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Glenn E. Gerrior, Vice-Chairman

*Emile W. Niedzwiedek*  
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Emile W. Niedzwiedek

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Anne M. Morse

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John P. Murray