



# 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

July 27, 1989

Meeting was called to order at 7:45 p.m. All members were present. JM came in at 9:00 p.m.

Board's consultant, Philip B. Herr was also present.

### Submissions:

Bill Brisson submits a Form A for Park Street. He explains they are reconfiguring because the soil samples showed it would be better to avoid the wetlands.

EN questions if it is before or after the bridge.

B. Brisson states it is before the bridge.

EM states it is from Park Street to enter Street.

EN questions if Dousson's own all of it.

B. Brisson indicates that is correct.

EN questions if there is swamp.

B. Brisson explains there are wetlands near the river.

EM explains this is a Form A to create 4 lots.

GG states it is a porkchop shape lot.

P. Herr states that this probably does not meet the lot shape factor.

EM explains the lot shape factor bylaw was voted at the annual town meeting of May 1989. The town has not received a response from the Attorney General yet.

B. Brisson indicates that all 4 lots passed perc tests. They could



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build on ~~4~~ lots. It makes sense not to build near the wetlands.

EM states they will have to do it another way.

B. Brisson questions what the rule is.

P. Herr explains the square perimeter of the lot divided by the lot area can not exceed 22. It definitely does not meet the requirements. It is clear from inspection of the plan. They have a number of options. They could apply for a variance on the frontage.

B. Brisson explains it was done this way because it makes sense environmentally.

P. Herr states this illustrates what the new law is about.

EM states the Board can not act on this. He understands that the applicant does not know the new law. The lot would have to go to the Zoning Board of Appeals, but it would be a newly created lot. He does not think it would pass because there is no hardship.

B. Brisson questions the law for a backlot.

EM points out they must have 50' of frontage.

P. Herr states they might be able to do it with double square footage.

EM explains they must request a special permit by the Planning Board. It would require a public hearing.

### EVERGREEN CONSTRUCTION

David Teachout submits a Form A on behalf of Evergreen Construction. He explains it is located on Williams Way in Park 140, at the very end of the cul-de-sac. It is the same lot which was approved by the Planning Board in a subdivision.

EN states the buildings were put up without permits.

EM questions the reason for doing the Form A. The lot lines are in the same place.

D. Teachout explains the site plan is in the approval process. They are doing the Form A to free the zoning use for 3 years. They are stabilizing the zoning use regulations.



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P. Herr states it will take time to look at this. They could not get an immediate response.

EM indicates the Board will not act on this now because the site plan is in litigation.

D. Teachout points out that nothing has changed.

EM states there is no reason to do the Form A because the lines are in the same place.

D. Teachout explains they are doing it because the zoning might change.

EM states it would take a town meeting vote to change the zoning.

D. Teachout states they want to freeze up the zone for 3 years. They consider it protective zoning.

P. Herr explains that approval of the subdivision keeps the zoning for 8 years.

EM states the Board can not sign the Form A because the site was developed without permits. The buildings are already in.

D. Teachout states the Board's rules require they put the structures on the plan.

EM states they were illegally put in. He suggest Mr. Teachout talk with Town Counsel and come back at the next meeting.

### LAKEVIEW ESTATES - CONTINUED PUBLIC HEARING

EM reopens the public hearing.

B. Lord representing Lakeview Estates for Attorney Roberti, explains they are in the process of redesigning the area. They want to redo what is there. Lakeview Estates and Shores at Silver Lake are both involved in the process. They request a continuance of the public hearing. The sewage is not yet available. They want to incorporate it into the subdivision.

EM questions when this subdivision began.

Clerk states the application is dated November 6, 1986.



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B. Lord explains this is affordable housing. P. Herr caused problems when he insisted they have another access at another meeting.

EM questions if they have any letter to document support from the other town boards. They should show some progress.

B. Lord states it is an internal restructuring plan which went before the affordable housing committee.

EM questions if it went before the Water/Sewer Commission.

B. Lord states they are waiting for the final drawings. They have not taken them to the Water/Sewer Commission until they know where they are going. They are willing to give an extension. It is to their benefit to do so. He suggest a 90 day extension.

EM thought he made it clear they must get something on a warrant for a town meeting or the Board will not continue.

B. Lord explains they have had problems designing it and making sure they have access. It is a wetlands problem. The area had to be reflagged. They will come forward with a plan within a short period of time.

EM states it will be time for them to throw in the hat if they do not come forward with a plan or something real by the next meeting.

P. Herr questions what that means. The Board can turn down and reject it stating that the plan is disapproved because they failed to demonstrate means to provide adequate access but it would come back at a later date under the old subdivision rules and regulations. That would benefit the applicant. The alternative is for the Board to approve it with an expiration date. It would expire if things were not done. This would invite litigation. Reasonable stipulations are a way to bring this to a head. The Board could do it at the next meeting. He can draft language between now and the next meeting a month from now.

EM states the Board will continue this hearing to the next meeting.

P. Herr states that grandfathering would not apply.

B. Lord states they want to comply with the regulations down the road. They may want to incorporate options for better affordable housing. They are close to doing it now. They should be able to get something together in 30 days.



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P. Herr states part of the problem is that progress is on hold because HUD budgeted little money for affordable housing. The money is severely limited.

B. Lord explains that is part of what they are trying to work out.

EM questions if the developer will do it with his own funds.

B. Lord responds that he will not. Part of the problem was caused by the state budget problems.

EN makes a motion to continue the public hearing to August 24, 1989 at 10:00 p.m. GG seconds the motion. Vote of 3.

## BEECHWOOD ESTATES - ROAD BOND

AM arrives at 8:20 p.m.

Sylvie Michelutti submits an 81-P for Beechwood Estates. They built both houses then noticed they could not put in the driveway. They changed the lot line 10 feet so they could put in the driveway.

EM questions if that line is the only change.

S. Michelutti indicates that is correct.

AM makes a motion to sign the Form A. GG seconds the motion. Vote of 4. Members sign plan.

EM indicates it might be a good idea for them to give the Building Inspector a copy of the plan.

S. Michelutti will do that. She usually gives a copy to the Assessor's Office.

S. Michelutti submits a Form E for Beechwood Estates Road Bond.

EM still does not see the estimate. He reads letter dated July 10, 1989 from the Highway Dept. He questions were the estimate is.

S. Michelutti submits letters from the Water Dept., Highway Dept., and LaRusso.

EM reads letter from LaRusso indicating the total amount of \$2869.77.



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AM questions if they are doing the road lot by lot.

S. Michelutti responds that they did the first 2,000 feet and bonded the whole thing. Now they want to do 200 feet of one lot. She submits the passbook and signed withdrawal slip.

EM indicates they added another \$350.00 to the passbook.

S. Michelutti states that was added to cover the estimate.

EM instructs S. Michelutti to change to amount on her submittal letter to \$3667.09 and initial the change.

AM indicates that the estimate still says refining.

EM states it is supposed to show labor.

S. Michelutti explains they have the original quote from 1988. The refining prices changed.

EM states the letter from LaRusso should say they will pass so many feet with labor.

S. Michelutti states they are saying there is not much increase from the original quote.

AM points out that the seller has not signed the original quote.

EM states it does not reflect labor costs.

S. Michelutti indicates it was included in the prices. The Board has the same one in the Planning Board file.

EM states it was not signed.

S. Michelutti states the one in the Board's file must be signed. She may have pulled one from the file which was not signed.

GG feels they are snowballing the town. There is no way the job can be done for that amount.

EM states that no one wants to act on it. He questions if the base coat is down.

AM questions the original bond amount.



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S. Michelutti indicates it was \$33,000 for the 2,000 feet.

EM questions the amount for completion of the 200 feet of roadway.

P. Herr questions how much money was added.

EM indicates it was \$3600. He questions if that amount is sufficient if the town has to take it to get the work done.

P. Herr states it should include the 5' sidewalk, berms, finished coat, rough seed and grading, meets and bounds. At \$18.00 a square foot, it does not sound realistic that they could get it done.

EM explains the binder is down. The drainage is also in. He questions if it is realistic for the topcoat.

AM states it is possibly realistic with today's market.

P. Herr questions if the total security is adequate enough to cover the whole thing.

S. Michelutti states they have deposited almost \$38,000 for 2200 square feet.

P. Herr indicates it comes to about \$17.00 a foot.

GG questions how many houses are built now.

S. Michelutti responds it is 5. They only have 1,000 or 1,200 feet to go. There were 3,500 all together.

EM states they have no finish on the 2,000 feet which has been done already.

S. Michelutti indicates that is correct. She has a letter from the Highway Dept. which indicates it is adequate.

EM reads letter from the Highway Dept. which states that they agree with the refinery quote.

AM makes a motion to accept the passbook for the 200 feet. EN seconds the motion. Vote of 4.

NEW ENGLAND COUNTRY CLUB - COVENANT



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GG removes himself from the meeting.

Jeff Sousa, submits the covenant regarding Leo Dalpe for the Board's signature.

EM reads letter from Leo Dalpe, dated July 27, 1989 indicating his approval of the covenant.

B. Lord, representing Leo Dalpe, indicates there is no problem with this.

EM states the letter from Mr. Dalpe indicates that the stonewall barrier is sufficient to mitigate the affect of the lights from his home. He releases the town, New England Country Club from future claims resulting from the headlights. EM questions how tall the wall will be.

J. Sousa indicates it will be about 3 1/2 feet tall.

B. Lord states that is only part of the barrier. It is not completed.

JM enters the hearing at 9:00 p.m.

EN makes a motion to sign the partial release of the subdivision covenant. AM seconds the motion. Vote of 4.

### SHOPPES AT CITY LIGHTS - PUBLIC HEARING

Clerk reads Notice of Public Hearing.

EM explains the procedure for a public hearing regarding presentation, Board members questions, consultant questions and audience questions. Audience is instructed to raise hands and identify themselves prior to asking a question.

B. Lord will make the presentation on behalf of Howard Fafard. John Noonan, who is in charge of Bellingham projects for Fafard is also present. He explains this is a retail shopping plaza for phase 6 of the Riverview Park subdivision. They designed 420,000 square feet of retail space from Hartford Avenue south to the rear of the property to area adjacent to Varney property. The project is designed in 4 phases. Phase 1 will be 211,700 square feet, phase 2 is 72,000 square feet, phase 3 is 48,000 square feet and phase 4 is 87,600 for 420,000 square feet total. They propose 2100 parking spaces which are variable. This is not a site plan. They attempted to put detail on the plan. This is actually a concept plan. It is subject to change when the site plan is









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submitted. It enters off Hartford Avenue with a 4 lane entrance which extends the entire length. It is part of the Bruce Campbell study. They are willing to follow the reserve traffic method for the property in the plan. They are willing to go along with the Bruce Campbell plan. They will attempt to maintain access. They designed the project along the line. Their attempt to have cluster buildings will return to the old city street format. They meet the criteria for a major commercial complex with the 25% rule. The southern intersection will have 17% build up. The northern intersection will have 28% build up. At the intersection, there will be 45% build up. The numbers were provided by B. Campbell & Associates. They are involved in the study with the town. The zoning for the property is business with the remainder industrial. The outdoor lighting will be no higher than 25 feet as required by the bylaw. They will comply with the banks and vegetation. The project provides good site lines. They put the parking closer to the stores to reduce the amount of walking. They attempted to bring the shopper up to the various stores. Pedestrian traffic will be at a minimum because of the design. This project is clearly in line with the social economic means of the town. It will provide a number of jobs. He presents Table 11 which is the cost sharing estimate for Nordblom, Stallbrook and Fafard. It shows the expected increase for traffic. This project will generate traffic but it will also help alleviate some traffic problems at the same time. They will have a gas line and electric line. It is designed to work with on site sewage facilities. It is not practical to have the sewage cross 495. The project works well with the neighborhood. It complies with MEPA and the town Conservation Commission. The potential fiscal impact will be a large benefit to the town of Bellingham with jobs, large tax producer and it will generate services necessary to the town. It is a unique development - not the standard shopping plaza proposal. They want to maintain the subdivision road. The developer built a similar plaza in Milford. It works successfully there.

EM questions the potential tenants.

B. Lord states that no tenants have committed at this time. The process is lengthy. They are still involved in the MEPA approval. They are still a few months from leasing.

P. Herr states that phase 4 is the only part which is not included in the Riverview subdivision for phase 6. It is an isolated lot. It is not connected with no frontage. 1987 zoning is applicable to the site. The southern portion is zoned suburban. The traffic is limited to a 25% increase. The Planning Board does not have the authority to waive the parking. It is clear they should waive the zoning and allow them to come in under the current zoning when it gets acted on. The law



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stipulates they can waive the grandfather rights. All new zoning would have to be complied with. It is confusing.

EM states it would benefit the town to use the new traffic mitigation bylaw. The applicant can not pick and choose. They would have to give up all of the 1987 rules and go with the 1989 rules.

B. Lord has not brought in the subdivision plan to be signed. They will make sure the roadway is in the correct place. They will waive the Zoning bylaws up to the present time. It will bring all rezoning into effect. The alternative would be their withdrawal of the subdivision plan which would wipe out what they did before. They would resubmit again. It would be better for them to waive it.

EN questions if they will withdraw their subdivision plan.

P. Herr explains that is alternative to waiving.

B. Lord indicates they can waive their rights. They will file a waiver with the Registry of Deeds when they file the plan. The plan is not on file now.

P. Herr states this project will be twice the size of Stallbrook and twice the size of the plaza on S. Main Street. It is four times larger than the largest thing under construction. It is the largest retail center ever proposed. It raises questions regarding marketability of retail use. They are two story buildings. The southern end might turn out to be office buildings. The applicant is reserving flexibility. There is a significant consequence to having office use in place of retail use. There is less average daily traffic and more peak hour traffic with office use. The question is whether or not the Planning Board can accomodate the flexibility. There is nothing wrong with it.

EM states they should figure it at the extreme.

B. Lord indicates it is presented as retail use. It is their intention to have a shopping place with retail use. They do not intend to have office space. If they did present it as commercial, the buildings would have to be shown on the site plan.

EN questions what happens if they get additional acreage. This phase was approved and it all ties in with the industrial proposal.

B. Lord responds that this phase stands alone. It is not impacted. It will tie in if the road is put all the way through.



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P. Herr states it is a very detail drawing but not a very advanced design. The written narrative is for a different design. Written narrative encourages pedestrian traffic but the parking areas are hostile. They have dead-end parking spaces.

EM points out there are no foot paths between the buildings.

P. Herr states it is not a very advanced design. As it moves, it depicts they will loose parking. They also present confusing works regarding sharing of street improvements to Route 126. He commends Fafard, NDAI and Nordblom for the work which they are doing together to resolve the traffic issue. However, the suggestion is for a different formula.

Makram Megalli, Town Engineer, states the applicant is reserving his rights.

B. Lord explains they are attempting to show the problems with Hartford Avenue. 65% of the traffic in the Campbell study is not generated by the three developers. It is generated by other things. Therefore, the town will benefit from the three developers reaching a solution to the problems on Hartford Avenue.

P. Herr indicates that their narrative shows a different share for the costs of improvements. They use the reserve capacity method. B. Campbell uses the fair share method. He questions if they are willing to go with the fair share method.

B. Lord states they are committed to the agreement whatever it turns out to be. They are willing to comply.

EM questions if they agree to pay their share when it is determined what it will be.

John Noonan, Fafard, states that the 3 developers will use 33% of the capacity. 66% is outstanding which will be part of the existing traffic and future traffic which is not yet generated.

EN questions if the town will end up paying the portion of the traffic which the town will be liable for.

EM states it is being worked out between B. Campbell, the town and the 3 developers.

P. Herr indicates there is no way the town will pay for the 66%.



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J. Noonan states there will be unused capacity eve after the 3 developers are on line. It is unfair for the town to expect the 3 developers to pay for the future traffic which will be generated by other proposals.

EM indicates that they asked the town to work with them to apply for grants. The developers will incur costs above and beyond.

EN feels the town will eventually have to pay for it. The 3 developers say they will pay for everything. He thinks they should have to pay for the whole thing.

EM questions if they have been to any of the other town boards.

B. Lord states they have not.

J. Noonan spoke with the Water/Sewer Dept. and the Fire Chief today.

EM questions the amount of water this development will use. Will it use more than Stallbrook.

P. Herr responds they will not use more. The development is not a user of water. It is a intensive generator of traffic.

EN questions sewage.

B. Lord indicates it will all be on site.

EN makes a motion to continue the public hearing to September 14, 1989 at 8:00 p.m.

EM asks Jim Reger of Country Club Estates II if he would mind if the Board heard the rezoning hearing first since the hearings are running late.

J. Reger does not mind waiting.

### REZONING HARTFORD AVENUE

### PUBLIC HEARING

### PETITIONER JOHN CURLEY

EM opens the hearing and explains the hearing procedure for the presentation and questions. He explains the Planning Board is not rezoning the land. That would have to be done at a town meeting. The applicant is here to try to get the Planning Board's endorsement. The



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purpose of this public hearing is strictly for recommendation to the town meeting. He explains that notification of abutters was not a requirement for this hearing. However, the Board felt that abutters notices should be sent out so the abutters would know what was going on.

B. Lord, representing Mr. Curley, explains that the parcel is in north Bellingham, near the Medway town line. The area is owned by Mr. and Mrs. Curley. He explains that the red highlighted area on the plan is presently zoned commercial. The front of the striped area is business and the back is agricultural. Rezoning would provide the landowner with one zoning.

P. Herr questions the use now.

B. Lord indicates there is one residential home, the Curley home, on the southeast corner of the property now. They would like to develop the rest for commercial uses. The land is landlocked now. Agricultural use is not feasible. They want it zoned one zone. Rezoning the land to commercial would allow the owner to develop the land in a reasonable fashion.

AM questions the area outlined in yellow.

B. Lord indicates it is residential.

EM questions the purple area.

B. Lord indicates it is industrial.

JM questions the proposed use.

B. Lord indicates there is none. Mr. Curley is at retirement age and would like to do something with the land. He will market it once it gets rezoned. Now it is zoned strangely. The striped area is not useful. The applicant can not sell it as agricultural because it is not accessible.

P. Herr questions the physical qualities of the area in back.

B. Lord explains it has been used as pastureland for a number of years. It is rocky and wet in the back. It goes up and back towards the high land. It is not wooded.

P. Herr states the topography of the map shows it as flat. The Conservation Commission shows it as wetland.



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EM reads letter dated July 26, 1989 from the Conservation Commission which indicates that fill was placed within the 100 foot buffer zone. It was not compacted and it is not clean fill. The town health agent indicated it could constitute a health violation.

B. Lord explains the area filled was surveyed at the time. It is outside of the buffer zone. The applicant is not aware of the town's concern since he never received any notification on this.

John Curley explains that before he put a sign up for fill wanted, his daughter called and spoke with someone in the town. The person told her they did not need a permit. He is not filling in the wetland. Saturday morning he will push the fill towards his house. He is using it to pull up the grade.

EM states he should straighten this matter out before he pushes it towards his house.

J. Curley states it is all good fill.

B. Lord explains the dirt is on the high area on the front. The applicant is not pushing it from the rear to the side. It is not in the wetlands or the buffer zone.

EM points out that it does show wetlands on the map.

P. Herr indicates that is correct. He looked at the town wide map and it did show wetlands.

EM states there are houses which are residentially used in the commercial zone. Rezoning the agricultural portion would allow a much bigger impact on the neighborhood.

AM indicates that it looks like spot zoning.

B. Lord states they are looking to extend the commercial zoning.

JM questions how deep the property is.

B. Lord it is 200 feet and 400 feet on the other side.

EM states the problem is the impact to the neighborhood.

B. Lord states the problem is that the land is not accessible and it is very large.





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JM questions how much of the parcel is zoned commercial.

B. Lord indicates it is 2 acres.

JM states that rezoning the rest of the parcel business would not add much more.

EM indicates it will add 12 acres. It will have a big impact on the neighborhood.

B. Lord states the neighborhood abutts the commercial area.

AM points out it abutts only on one side.

EN states they would need 400 feet of access to get into the back.

JM states a plaza would upset the whole neighborhood.

Pat Leweland, Stone Street, states that every resident of every house which abutts the property are here tonight. They are all interested. The hill on the property is wetlands. When it rains he gets ducks in his sideyard. It comes down from the back. The property in the back is soaking wet. It is mosquito haven. It is all wetlands and runs downhill to all the houses. The houses across the street are even lower.

EN states that it must run now too.

P. Leweland states that it does at times. They now have trees and woods to absorb it. If they put in cement, the residents will have a river.

Norm Swichter, Stone Street, has 2 sump pumps running now. His neighbors also have sump pumps. If they develop the property commercially, the runoff will have to go someplace. They have an intermittent stream at the back line of Stone Street now. The drainage goes into an 8" pipe which dumps into Hopping Brook and to the Charles River.

EM points out that this lot fronts Hartford Avenue. Stone Street was built in the wet area.

B. Lord explains that the town engineer is in the process of designing a drainage system for Stone Street.



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EM explains that no matter what is developed in the area, the town has a bylaw which states they can not increase the runoff more than 10%.

AM states the applicant would have to submit calculations for the drainage before it can be built.

N. Swichter states his house was the first to be built on Stone Street. Wally Frank did the digging. There is a clay bank down the middle of the street. Water will not pass from the west side to the east side. That is why he runs 2 sump pumps 12 months a year. There is no place for the water to go.

Pat O'Donnell, Old Wide Lane off Farm Street. He directly abutts Curley's land. The applicant tried to perc the parcel for residential but it would not perc because of the wetland. He questions how they could built a commercial property.

B. Lord points out that part of the property has perced. They have not made an intensive attempt to perc the whole property.

P. O'Donnell feels that the abutters should know exactly what they are doing.

AM explains there is no way the applicant could get a building permit without a perc test, no matter what the zoning is.

B. Lord explains that changing the zoning does not change the requirements relative to percs, wetlands, etc.

Pat O'Donnell has a nice yard and enjoys sitting in it.

Leo Drapo, Stone Street, states the Curley's have been good neighbors. He would probably do the same thing if he owned the land. He goes to work at 7:00 a.m. and has a hard time getting out to Hartford Avenue now. He feels that a store, retail area or a theatre would generate more traffic.

B. Lord states that most shopping is open from 10:00 a.m. It would therefore miss the morning traffic house. It would not be a generator of morning traffic.

EM explains that once it is rezoned it can be used by anyone who purchases it.

B. Lord states if it is developed residentially, they would still have to go through the subdivision process. If it is developed commercially,



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there would be a site plan review. The Board could require a barrier so the abutters would not look out at a parking lot. There are ways to alleviate the problems.

Mary DeLorm lives across the street from the Curley's, next to the Cumberland Farms. She states the red area on the plan shows that the parcel is zoned commercial, but it is not all commercial. The majority of the parcel is residential.

EM explains it is zoned commercial, but used residentially.

Joe DeReo, Stone Street, bought his house because Stone Street is a dead-end. It is a quiet residential area. He is worried about noise, fumes, smoke and unauthorized access. A commercial development would bring the resale value of the property down. The quality of life would go down also.

Paul DeSimone, Stone Street, is a Medway resident. He questions why they do not rezone the front piece agricultural instead of the back piece. People would rather see houses than a commercial complex.

B. Lord would like to summarize. He respects the opinions of the neighbors who turned out to oppose the rezoning. There has been a slow influx of commercial development on Hartford Avenue to 495. The neighbors are fooling themselves if they believe their neighborhood will remain the same whether or not this parcel is rezoned. He compliments the abutters who showed up at the hearing.

P. O'Donnell states the abutters notice was not clear.

EM states it was not a requirement. The Board asked the applicant to notify abutters. The law says they only have to advertise in the newspaper. The abutters notices were sent at the applicant's expense.

Norm Swichter states that the notice was Greek. They could not understand it.

P. Herr indicates it is a point well taken.

JM makes a motion to close the public hearing. EN seconds the motion. Vote of 5.

EM explains there will be a special town meeting the end of August 1989. The abutters should attend whether or not the Board recommends rezoning.



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JM feels that rezoning the land would not benefit the neighborhood. He understands the plight of the neighbors and can not recommend rezoning at the town meeting. The applicant could built condominiums or houses.

AM seconds the denial of recommendation.

EM states the applicant could not built condos. He would need 20 acres. He only has 14.

Unanimous vote of 5 not to recommend rezoning on the town meeting floor.

### COUNTRY CLUB ESTATES II CONTINUED PUBLIC HEARING

JM removes himself from the public hearing.

Jim Reger states that the Town Engineer requested additional drainage calculations. They added two new catch basins at the Town Engineer's suggestion. The catch basins will be north on Benelli Street and west on Benelli Street. He talked with W. Arcand and there will be no problem. Street names have been approved by the Fire Chief. Acorn and Walnut are the street names. They are looking for approval with conditions. They will put whatever is required on the plan. He refers to July 20, 1989 letter from the town Engineer regarding manhole stations. The road is already in. The gravel has been sitting for 2 years. It is not really in fill. They will use pipe 150 for drainage pipes. It is all reinforced concrete pipe which meets the rules and regulations of the town. They should obtain water and sewer approval. Perc testing will be done by the Board of Health. He walked the area with the Conservation Commission. There is no problem with the road. Two lots have wetlands so the Conservation Commission requires hearings for them.

EM reads July 26, 1989 letter from the Conservation Commission regarding two site visits. The letter indicates the applicant was incorrect in assuming that the Order of Conditions applied to this subdivision. They must file a Notice of Intent prior to working on this subdivision regarding identification of the wetlands, 2 cul-de-sacs and replication for the wetlands lost during the construction of a house on Empire Circle.

J. Reger states that he asked to file an amended Notice of Intent for the existing Order of Conditions. There is no problem with the road itself. They have surveyors out right now. Item number 7 had to do



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with the 40' takings at the entrance which opens to a 50' taking. The pavement continues on. He talked it over with the Town Engineer before the meeting.

P. Herr indicates the applicant has responded to all of the issues raised.

AM questions if the catch basins will alleviate the problems - if it will help Empire Circle.

J. Reger indicates there will be no drainage impact. The drainage actually comes from Empire Circle to this road. It will not help Empire Circle, but it will not hurt it either.

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

EM would like to see the Conservation Commission conditions to see if they overlap.

GG states it is up to the Conservation Commission to enforce the Notice of Intent.

P. Herr states there are standard conditions on the approval form which would apply. They should also include written notice be provided by the Town Engineer that the plan has been changed and submittal of a written copy of the Notice of Intent.

EM questions waivers.

J. Reger explains they will have sidewalks on one side and underground utilities. There is no waiver regarding the pavement width.

Jeffrey Germagian, Hyper Realty Trust, for applicant, states that Massachusetts Electric will look at the wiring. There is wetlands in between the 2 cul-de-sacs. They may have to run the wiring overhead if the Conservation Commission will not allow them to bury the cable. They will have a loop there to connect to the cul-de-sacs.

AM states they need a waiver to do that.

EM questions if they plan to provide street lights.

J. Germagian indicates they do not. He questions if the Board requires street lights.



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EM states they usually have street lights at the entrance and the cul-de-sac. If they have no pole or wiring, they will not be able to put in street lights later on if they want to.

J. Germagian will get the waiver for overhead now so they will not have to come back.

EM indicates the waivers are for sidewalk on one side, overhead wiring and cape cod berms.

P. Herr states that the decision for approval of the conditional plan should state that it must be presented for endorsement within 6 months.

EN makes a motion to approve subject to 2 conditions, written verification from the Town Engineer regarding the plans and written notification of the Notice of Intent and 3 waivers. GG seconds motion. Vote of 4.

EM instructs Clerk to send a copy of the Conservation Commission letter and Town Engineer letter to the Building Inspector.

EN questions if they will file a list of conditions when they file the plan at the Registry of Deeds.

AM indicates that is correct. They must file a Notice of Intent and certification of compliance when it is closed.

P. Herr questions if they will have security or covenant before endorsement.

### EVERGREEN CONSTRUCTION

#### SITE PLAN REVIEW

David Troast, Land Planning, on behalf of Evergreen Construction, explains that he has 4 pages of plans. The first two pages cover the overall site plan. Page 2 has the topography which he took from J. Riel's plan.

EM questions why they have 2 different elevations.

D. Troast showed the buildings and everything on the site. They will have a complete drainage facility and retention/detention pond. Page 3 is the detail sheet for the tank facility with gas and oil traps. Page 4 shows the drainage with detention. There will be 2 structures on the site; a proposed metal building and storage facility.



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P. Herr states that the project has been further completed since they were in at the last meeting. They should retain the word proposed for the buildings.

D. Troast indicates that the whole lot will be fenced.

EM states there will be no need to fence in the retention pond if the whole lot is fenced.

D. Troast indicates that the proposed metal building will be used to store new drums for the business. The tank is a clarification facility. The applicant is in the process of obtaining permits from DEQE and the town to store the antifreeze. The detail drawing shows the tanks and the drums. There will be 126% of storage for the tanks. DEQE requires 110%. It is more than adequate. The system will have gate valves with a high volume system and an alarm. There will be plenty of backup. There will be a catch basin drainage system. They will have two gas and oil traps and floor drains. They will have a two catch basin structure with a baffle inside the catch basin to allow water to filter through. The detention pond will be sized for the 100 year storm. The pond will hold 33,500 feet of retention. They did 2 soil tests and 2 deep hole tests. 2 perc tests showed an excellent rate at 2 minutes per inch. They will have an oil baffle in the detention pond. If the tanks rupture it will still hold anything which is around it. They will have a berm around it to protect against spill. He gave P. Herr the drainage calculations tonight. He will get them to the Town Engineer.

P. Herr never saw anything like the isometric drawing on page 4.

D. Troast explains that the CAD operator did it that way. It is a misleading drawing. It is showing what the oil baffle will look like in three dimensions.

P. Herr questions if they will pave with big paving blocks.

D. Troast states they will use 40 lb. stones.

P. Herr questions the pipe size of the drainage pipes between catch basins 1 and 2.

D. Troast responds they will have 12" for the pipes on page 2 and 12" from catch basins 1 to 2.

P. Herr indicates that the plan has come a long way, but the Board can not act on it tonight. He does not see any contour lines for the



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parking area. He questions if that means it is basically flat.

D. Troast indicates that is correct.

P. Herr states it must be a low point, but there is no drainage facility. It is clearly going downhill.

EM questions if the new building will just be used for the storage of drums. He questions if there is any problem with putting a condition that the building just be used to store new drums.

D. Troast can not answer for Mr. Clark, the applicant.

EM would like to hear from the Town Engineer and P. Herr after they have had a chance to review the drainage calculations. Discussion is rescheduled to August 24, 1989 at 10:30 p.m.

### CEDAR HILL ASSOCIATES SITE PLAN REVISION

Ed Clemons from Whitman and Howard, explains that his client, the applicant, asked for changes from the approved plan. He called P. Herr to go over the changes. The Board approved the plan with the roadway at the end of the building. The client wanted a circle around the building. They eliminated the parking lot and put it at various locations at the back of the building and sides. They will have the same amount of parking spaces and the same amount of pavement. The building will be moved back to accommodate the parking and pavement.

EM questions if the retention will be on 2 different lots.

E. Clemons responds that everything is the same.

P. Herr indicates this is an improvement over the other plan.

GG makes a motion to accept the changes. JM seconds the motion. Vote of 5.

EM states that the same conditions still apply with the revised site plan.

E. Clemons questions what he should submit.

EM indicates the Planning Board should have one copy of the new plan as well as the Building Inspector. They should reference the July 7, 1989





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revision date. He should make it clear that it is a different plan. Clerk is instructed to prepare a letter to the Building Inspector.

E. Clemons will drop off a site plan to EM.

## SILVER HEIGHTS

### DISCUSSION RE: APPROVAL FOR DRAINAGE

EM reads letter dated July 27, 1989 from Attorney Maria Krokidas requesting a withdrawal of their application for approval of drainage revisions.

EN makes a motion to rescind the vote to approve the retention pond for Silver Heights. AM seconds the motion. Vote of 4.

EM indicates that the motion should be allowed to be withdrawn without prejudice.

JM makes a motion to allow withdrawal without prejudice. EN seconds the motion. Vote of 4.

EM explains the applicant received an easement from Fafard for the original proposal for off-site drainage. Clerk is instructed to prepare a letter to the Town Clerk regarding above.

Mail/Correspondence

Meeting adjourned at 12:30 a.m.



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Edward T. Moore, Chairman

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

Emile W. Niedzwiadek  
Emile W. Niedzwiadek

Anne M. Morse  
Anne M. Morse

John P. Murray