



OK

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

Meeting was called to order at 7:45 p.m. AM, GG, EM and EN were present at the start of the meeting. JM came in at 8:04 p.m. Board's consultant, Philip B. Herr, was also present.

SUBMISSIONS

John DeSimone, presents an 81-P, Form A, for a parcel of land on Maple Street. It is 300' from the intersection of Pine Street.

EM asks where Pine Street is.

John DeSimone states that it is before Pine.

EM asks what is in between.

J. DeSimone states it is one lot with 350' to the intersection of Pine Street.

AM asks what the zoning is.

J. DeSimone responds that it is suburban. The original parcel had parcel B3 cut out as a single family. A small sliver is conveyed to John and Deborah Clancy. The remainder is parcel B1 with frontage. This is a pre-existing lot.

EN states that parcel B1 does not have frontage.

J. DeSimone states that it has 150' of frontage with the curve and the bend.

EM states that was already divided on the other plan.

J. Desimone states that the parcel exists on the previous plan.

EN asks if it abutts Sullivan.

J. DeSimone responds that it does.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

EM asks if the parcels are owned by the same people.

J. DeSimone responds they are not. The parties are Barbara Clancy who owns the whole parcel and John and Debra Clancy.

GG makes a motion to sign the B1-P for Maple Street for Mr. Thomas Dexter. EM seconds motion. Vote of 4 to sign (AM, GG, EM and EN).

GG states that it has the frontage and the lot size. They are adding to the parcel and not subtracting.

GENERAL DISCUSSION BEAVER BROOK ESTATES BOND AND ROAD COMPLETION

Wilfred Arcand, Highway Dept., states that the Planning Board sent a letter to the Highway Superintendent asking them to complete the street. The letter did not say anything about sidewalks. The Highway Dept. does not have a copy of the plan. Without the plan, they cannot do the sidewalk.

GG states that Mr. Daigle knows what was approved. The Board does not waive sidewalks.

AM indicates that Gene Corriveau called her and said that the subdivision was complete. He is holding the remainder of the bond.

Clerk explains that she met with the Town Treasurer today. He stated that he has a letter from the developer's attorney from a year ago. The letter states that the developer went bankrupt and a withdrawal slip was enclosed so the town could take the bond to complete the road. Anything remaining must be returned to the developer. Mr. Corriveau wants to know if the road is complete. He wants the Planning Board to direct the Highway Dept. to inspect the road. If there is further work to be completed, they can use the remainder of the bond.

AM states that the Highway Dept. can get bids to finish the work.

W. Arcand asks if she is talking about Water Street.

AM indicates that is correct. The as-built has not been done and



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

the bounds have to be set.

W. Arcand states that is up to the Planning Board and not the Highway Dept.

EM points out that the meets and bounds have to be completed in order for the bond to be released. In this case, no one is going to ask for release of the bond because the developer went bankrupt.

AM asks if it is up to the Planning Board to contact an engineer to do the as-built.

EM states that the Board would not give back the money unless that work was done.

AM instructs Clerk to send a letter to Mr. Daigle with a copy of the Certificate of Approval asking him to seek bids for the completion of the subdivision road.

AM states that a berm is required as well.

A copy of the Certificate of Approval for Beaver Brook Estates was presented to Mr. Arcand.

W. Arcand states that the Certificate requires a cape cod berm on the other side of the sidewalk.

P. Herr states that the important things like sidewalks, street signs, loam and seeding and curbing have to be done more than the meets and bounds.

AM would like to hear back from the Highway Dept. on what needs to be done to complete the road.

JM enters the discussion at 8:04 p.m.

GENERAL DISCUSSION WITH DON NIELSON MAPLE STREET SITE PLAN

Don Nielson states that after the last meeting, he did send a plan and information to P. Herr for his comments and review as instructed by the Board. Mr. Herr was asked to determine whether



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

or not the plan comes under Development Plan Review. He talked with the Building Inspector regarding the plan. Mr. Emidy felt that he did not have jurisdiction over this because the building is being built in the Town of Franklin. He talked with the Tree Warden regarding the trees on the site. The history of the site is that it was extended through 35' of Maple Street. It is a large track. 495 came through and lopped off access to Maple Street. In exchange for land takings the state granted New England Power Company and the owners a 40' right of way for access to the site and they created a gravel road. That left a 28' curb cut with granite curbing. Mr. Cobb and his wife acquired the property through a business transaction. They want to build a small building on the site. They will disturb 15,000 square feet of vegetation in the Town of Bellingham. The roadway exists now. They will widen it to 19 - 20' width drive. The building will be 4000 square feet with 10 parking spaces. They will have an access point and circular rotation for vehicles to go in and out. They have drainage swale and detention with a septic system on the property.

AM asks if they will use Bellingham water.

D. Nielson responds that the property will have a well on the site.

AM asks about fire, waste and municipal services.

D. Nielson indicates that the building is in Franklin but comes off a Bellingham road. He does not have anything in writing to present to the Board relative to municipal services. He would imagine that the towns would work together.

EM asks what the intended use of the building is.

D. Nielson refers to Mr. Russell Cobb to respond to that question.

Russell Cobb explains that he is in business as a land clearing contractor with tree trucks.

D. Nielson explains that they have a couple of cutters and trailer trucks that haul chips.

EM asks which section of the bylaw states that if a section of a



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

parcel in a neighboring town is in Bellingham, the entire parcel is treated as if it were in Bellingham.

P. Herr commends Mr. Cobb and Mr. Nielson for coming to the Board with this. They could have gone ahead without coming to Bellingham. He does not know if Mr. French from Maplegate Golf Course was obliged to come for Developmental Plan review.

D. Nielson did the site plan for Mr. French as well. In that case, they did disturb more than 20,000 square feet of vegetation.

P. Herr feels they are being straight forward. He discussed this with Town Counsel. There are a lot of parcels in town where this could happen up and down Maple Street. It is important for the town to behave the same on this one as on the others which may come forward. Section 2140 is the section of the Bylaw which applies. The fact that the driveway easement lies in Bellingham is a legitimate concern. There is concern about the adequacy of the driveway, headlights and curb cuts. They have no business dealing with the building, parking or the well for the building. The only thing which is before the Planning Board is the part which lies in Bellingham. He reads from Section 2140 which states that if part of a parcel which is in another town is also in Bellingham, the entire lot is treated as if it were situated in Bellingham. The question is whether or not they look at the whole lot or the portion which lies in Bellingham. They can look at the whole lot for the purpose of determining if a review is necessary. There is a great deal of land on the Franklin side owned by the Garelicks. People are concerned about accessing through Bellingham. There are several things they can do. It is legitimate to judge the Bylaw for more threshold to include parking so they would have to go through the process. They should change the Bylaw to make it clear one way or another. He drafted amendments to Development Plan Review but did not bring them tonight. He will bring them one month from now. They should clarify the issue. Town Counsel did not review this in any detail. They had a discussion over the phone. Attorney Ambler was concerned about setting a precedent which would deny the Board's ability to review others regarding the town line.

EM states that S. Maple Street has the same situation on both sides. One of the amendments discussed for Development Plan Review was to waive the Developmental Plan Review (DPR) if



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

necessary, but the Board did not act on it yet. He asks if the entrance road has the screening requirements.

AM asks if they will be clearing the entrance.

D. Nielson responds that the entrance is already there. They have a 28' curb cut left by the state. They do not need any more. There are saplings which are 1 - 2" high. They cleared cutting them down with the Tree Warden. The 4" caliper trees will remain. They were flagged and marked by the Tree Warden.

P. Herr notes that if they were acquiring the easement now, one could argue that the site distance is not there. The use is allowed in Franklin and Bellingham. He does not have a quarrel with what they are proposing. The Board should revise the section of the Bylaw to clarify this situation. The drawings which were presented do satisfy the DPR.

D. Nielson went through the checklist for DPR before submitting the plans to P. Herr.

EM asks if they will pave the road.

R. Cobb responds that he would rather not.

P. Herr states that they do not have to pave the road. It is not a road, but a private drive.

EM asks if there is anyway they can require that the trucks go up Maple Street to 140 instead of down. Somerville Lumber agreed to do that.

EM makes a motion that the Board does not feel that DPR is required for this parcel.

P. Herr states that the Board may want to direct him to put language together authorizing the waiver requirements for everything on the lot regardless of whether it is in another town when it accesses through Bellingham.

EM states that his motion is that after reviewing the plan, the Board has determined that DPR is not required.

AM asks about the municipal services question which was raised by



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

the Board.

P. Herr does not think that the Board has the authority to deal with it.

AM notes that Mr. French addressed the issue. She thinks it should be a concern. She is aware that the towns have been working towards mutual aid for fire protection.

P. Herr notes that Cranberry Meadows which is in litigation had the same problem.

EM thinks that the litigation for that is all done.

P. Herr does not think there is anything the Board can do about it.

D. Nielson thinks that Franklin would respond if there were a problem because the building will be in Franklin.

EM states that his motion is upon review of the plan, DPR is not required since the building will be built in Franklin. The existing lot has an existing right of way which is a driveway.

GG seconds EM's motion that this does not require a Development Plan Review.

Unanimous vote of 5 that this does not require a DPR.

D. Nielson will keep the Board appraised of what happens.

EM makes a motion that P. Herr review the Bylaw to discuss an amendment. GG seconds motion. Unanimous vote of 5.

EN thinks that there should be a place on the application to fill in whether or not a plan was brought before a Board in the last 5 years. Someone may come to the ZBA with a problem on a house. They may have been before the ZBA for the same piece of land 3 years before. It should ask on the application if they ever applied for the same parcel. It could be put in the town's computer system. Something which may have been refused before, may come up and slip through.

AM thinks they should talk with the Board of Selectmen about



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

that.

P. Herr notes that Franklin found that this applicant was inadvertently filling in the wetlands. They decided to come here to find out if there was anything they needed to do for Bellingham.

STALLBROOK CENTER
SPECIAL PERMIT
MAJOR COMMERCIAL COMPLEX
DEVELOPMENT PLAN REVIEW
CONTINUED PUBLIC HEARINGS

AM opens the public hearings.

AM will start with the letters which were submitted to the Board by town officials to answer the questions which were addressed.

Ted Tye, National Development Associates, will go through the list of questions. They are here tonight with 3 specific actions: the Special Permit for Major Commercial Complex; the DPR; and approval of an Approval Not Required plan (81-p), which was held off from the last meeting. There were a number of issues the last time they were here. Their group and town officials met during the last month to discuss them. They had meetings with the Town Engineer, P. Herr, Town Counsel and others. They were asked to consider the Cemetery Committee who are direct abutters. They had a meeting with the full Cemetery Committee and reviewed the plan in detail. The Committee was pleased with the development and felt it would discourage dirt bikers. They reviewed the grading. They feel it will be beneficial to them because it will eliminate trespassing to the property. The applicant agreed during construction to call the members of the Cemetery Committee to meet at the site to discuss the fence which will be needed. The Committee asked them to pass along to the Board that they have no objection to the proposal.

EM notes that the last time this project was before the Board, the Cemetery Committee was looking for a complete stockade fence.

T. Tye states there is a steep grade there. If it is needed, they will provide the fence. After the grading is done, they will all go out and walk it.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

EM asks if at that time, the Cemetery Committee feels that a fence is needed, will they do it?

T. Tye responds that they will.

T. Tye states that they have had several meetings with Makram Megalli and Donald DiMartino of the Water/Sewer Dept. They have no conflicts with the utilities. They have a letter from the Town Engineer stating that the DPR decision should have a condition that final constructions plans will be subject to review and approval by the Town Engineer and Water/Sewer Superintendent. They have reviewed the plans at this time, but will look at the details when the final construction plans are done.

AM indicates they will go back before they get their building card.

T. Tye notes that they have put into the decision the requirement that they have to go back to the Town Engineer and the Superintendent prior to building. The Planning Board also asked if they had sufficient water supply. They addressed that at the meetings with the Town Engineer and the Water/Sewer Superintendent. They said there would be no problem. They were granted an Order of Conditions from the Conservation Commission. The Board asked them about the trees on the site regarding what would be taken and left. They prepared a plan. They asked IEP to go out in the field and locate the trees on the site which were 8" in diameter or greater. Out of 130 acres, they have 22 developable acres. The remaining 110 acres will remain untouched. There are no existing trees of 8" in diameter in the parking areas. This plan does not show the strip of trees on the other side of the fence which is owned by the state. It shows trees on their side. There is a significant tree buffer on that side. It is difficult to say how many trees will be left because of the grading and construction. There are 8 trees for which it is their intent to do their best to save. There are a number of trees which can not be saved. The trees along the slope of the cemetery can not be saved. They are developing 22 acres. 40 - 50 trees will be affected. They will try to maintain as many as possible. The number of trees affected is similar to a single family house lot. Of the trees there are a number of oaks, white pines which they would want to keep. There are also blackcherries and black locusts which are less significant.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

There is a minor impact to the few existing trees on the site. 110 acres will be left intact and not developed. The next issue had to do with pedestrian access on the site to the roadway coming out. F. Herr commented that they should add sidewalks from Hartford Avenue to the parking lot area. The site was primarily designed for people to drive there. The town has no future liability regarding the common drainage and maintenance items. They incorporated language in the special permit which says that all utilities have to be constructed prior to the opening of the store. They will have the appropriate maintenance agreements developed and submitted to the Planning Board prior to opening. The biggest issue has to do with traffic. We all heard the residents of Deerfield Lane regarding the existing traffic problems. They met with a group of people led by D. Fraine. The result of the discussion was a letter from D. Fraine to the Board dated today. The goal was to find a way to bring the traffic so they can take a left to Deerfield Lane and the southbound ramps at 495. The existing problem needs to be addressed. They discussed with D. Fraine developing a responsible design and engineering improvements at the intersection and signal. It will be done in conjunction with all the engineering which will be done on the project. The developer will be responsible for working with the town for funding sources for the improvements. There is a specific fund for high hazard funding. This would be eligible for that funding. Another possibility is working with the MBTA involvement to build a station in town. Chapter 90 money available for this type of project. This would be an appropriate project to target for those funds. They will go out and do the engineering and design. They can not explore the funding until they do that. The developer also agreed to provide funds up to \$10,000 to utilize a safety officer at the time that the center opens to keep the light operational. The fund will be used at the discretion of the Bellingham Police Chief to be used during the period of time before the improvements are completed. That is what D. Fraine's letter covers.

AM reads a paragraph from Attorney Robert Fishman's letter dated September 19, 1991, which states that it is important to point out that the applicant's agreements in this matter are based upon the express assumptions that the extension of the sewer at Hartford Avenue by the applicant represents its total commitment for sewerage and that no sewer privilege fee will be assessed by the Water/Sewer Commission. The applicant is meeting with the Water/Sewer Commission on Tuesday to resolve this matter.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

T. Tye states that the letter which he is referring to is a subsequent letter. It was dated today.

Clerk states that the letter probably went into the mailbox after the mail was picked up. Clerk makes copy of D. Fraine's letter, dated September 26, 1991.

T. Tye indicates that they met Tuesday with the Water/Sewer Commission. Whatever happens with them is separate from what happens here. They are clear that their jurisdiction is different. They rely on their good judgment in working with them to determine the fee.

AM asks if this means that if the Water/Sewer Commission does not waive the fees, that the traffic signalization will not get done.

T. Tye responds that is not the case. He wants to separate the two issues. This would not affect the traffic.

AM asks if P. Herr has any comments relative to signals at the southbound ramps.

P. Herr states that the key issue is as far as the Planning Board is concerned they are assured that the engineering will be done and that the construction of it will get done one way or another. If they are lucky it will be paid for fully by the developer or hazardous locations fund or the MBTA or somebody else. If worse comes to worse, Chapter 90 funds will be used. One way or another what the Board was looking for at the last meeting for safety point of view is going to be provided.

EM does not think that is what they just heard.

P. Herr indicates that what they just heard was an obsolete letter.

AM will read the follow up letter. She reads letter from D. Fraine, dated September 26, 1991. He states that he and the Town Engineer met with Ted Tye in an effort to resolve the issue of traffic mitigation on Hartford Avenue and the signalization of the southbound ramp. He lists points which were presented and agreed to by the Board of Selectmen including (1) that the developer will be responsible for the design and engineering of improvements to include the signalization at the southbounds



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

ramps, (2) the developer will work with the town in an effort to obtain funding for the construction of signals at the southbound ramp. In the event that the state or federal funding is not obtainable, the town will utilize its Chapter 90 Funding for this project. Point (3) states that the developer shall provide an allowance of up to \$10,000 for the Town of Bellingham's use in providing a traffic officer at the intersection of the southbound ramps and Deerfield Lane. Such allowance may be utilized any time subsequent to the opening of the shopping center, but no later than the installation of a traffic signal at the subject intersection. Determination of the need for a traffic officer shall be solely at the discretion of the Chief of Police. The letter further states that the Selectmen feel comfortable with this arrangement in that it resolves an existing problem at the intersection of Deerfield Lane and the southbound ramp at minimal cost to the Town (DPW District 6 estimates the cost of the signals to be \$110,000 - \$125,000) without a need for appropriate, in that Chapter 90 funds can be utilized for this project. The Board of Selectmen support the developer's traffic mitigation measures and look forward to the development of this project.

P. Herr states that the town is assured of getting the system that they want. The obligations of the developer are incorporated in the draft special permit decision.

JM asks what the Chapter 90 Funding is.

P. Herr explains that it provides state aid which can be used with matching funds of the town. The problem is if they spend it here, they will not get it to spend elsewhere. The Selectmen are ready to commit the funds to the intersection. If this was approved one month ago, they knew it would have been congested and now it is being mitigated.

EM asks about the timeframe, how long it will take.

D. Fraine responds that the town has Chapter 90 funds on hand well in excess of what is needed. It does not require Town Meeting approval. The funds can be used on primary roads. Having the traffic officer there will give them a chance to pursue alternate funds first. One way or another, they will have an officer there. The Board of Selectmen made a commitment to signalize that intersection. They will tie it in as closely as



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

possible to construction of the site and the other signals.

EM asks why they will wait 1 - 2 months before they put it in. They should have no occupancy permits granted until that light is in.

JM thinks there is enough committment from the developer and the Board of Selectmen to move to do it.

EN asks how this will effect other developers coming in there.

D. Fraine responds that could result in a pay back.

P. Herr refers to the formula worked out for the off site improvement for the Shoppes at City Lights development.

EN states that if part of the mitigation is doing the engineering, will the Chapter 90 funds take care of the rest.

P. Herr states they may get a better source. There is a formula for Shoppes. If Shoppes is constructed, the funds could be used for the lights but it can be used for other things. They are using a formula now. The off site costs for this development are comparable and this developer argues they are greater than Shoppes.

T. Tye indicates their costs are \$1.50 per square foot and \$3.35 including sewer.

GG explains that the last time the Board met, someone came in with a plan for a coffee to go express building at the entranceway to Shoppes. He is going to lease the land from Fafard.

P. Herr indicates that will costs them \$1.50 per square foot.

EM asks how different this shopping center will be from the Franklin shopping center.

P. Herr responds that it is not as bad as Rt. 140.

EM states they are building a shopping center with 2 sets of lights. He does not understand why they can not put the other set in.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

D. Fraine states that they are going to put the other set of lights in.

EM points out that no one said it as a condition to the special permit.

D. Fraine indicates that the Selectmen have made it their own condition. There are restrictions with the Chapter 90 funds. They have to advertise, bid and consider minorities.

GG thinks EM should come out and say that he wants them to pay for the lights.

T. Tye thinks they have put a feasible solution on the table. They are responsible for paying a proportionate share of the issues which they create. They are paying 100% of what is on their side. The other side had an existing problem. They are paying a proportion for the problem in engineering costs, costs to help the town and \$10,000 for a traffic officer. It is not in the Board's prerogative to ask them to pay 100%.

GG thinks the third set of lights should be submitted as promptly as possible. He asks if they will do it at the same time as the other lights.

T. Tye responds that is their intent.

AM states that they delay will be the town's in looking for alternate funding.

D. Fraine explains that they want the opportunity to see if they can find funding other than the Chapter 90 funds.

EM asks why it is not done as a reimbursable situation. The developer is willing to do the work and get reimbursed by the town as the funds come in.

T. Tye indicates that they have spent a lot of time working out this agreement. They do not want to renegotiate.

AM is comfortable with this and feels that it will get done.

EM feels that it will get done only if it is part of the special permit.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

GG asks how many thousands the developer will be spending with the engineering costs.

T. Tye responds it is \$40,000 - \$50,000 with \$10,000 for the traffic officer. The intersection is a problem. They will make it worse but they are putting their share into it. ??

AM asks if there is any possibility that the Chapter 90 funds will not be available.

D. Fraine responds that they have \$242,000 in 1990 Chapter 90 funds in addition to the \$200,000 for 1991. It can only be used on primary roads.

AM asks why they are seeking other funds.

D. Fraine explains they could save the Chapter 90 funds for another project. The town still has last year's Chapter 90 funds.

AM asks if the state can take back the money.

D. Fraine can show the Board a contract between DPW and the town.

AM reads letter from the Safety Officer, Sgt. James Haughey, dated August 29, 1991 stating that he and Lt. Ayotte met with William Roache of Vanasse Hangen Brustlin, Inc. on August 22, 1991 regarding the traffic improvements for Stallbrook Center. In addition to the traffic improvement originally proposed, they recommended an advanced flashing warning sign on Rt. 126 and keeping all landscaping materials away from the project driveway, so as not to obstruct the view of motorists. Mr. Roache concurred with these recommendations and agreed to incorporate them into the proposal for the project. With the addition of these improvements, he feels that safety concerns have been sufficiently addressed. AM also reads attached letter from William Roache to Sgt. Haughey stating that they will add to the plan an advanced flashing warning sign on Rt. 126 westbound to advise motorists of the traffic signal at the project driveway. This sign will be located approximately 1,000 feet east of the project driveway in conformance with the Manual on Uniform Traffic Control Devices. They will also make sure that all landscaping material be located so as not to obstruct the view of the motorists entering or existing the project driveway.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

T. Tye states that those changes have been incorporated into the plans and the language is included in the special permit.

AM reads September 26, 1991 letter from the Town Engineer, Makram Megalli, stating that he and Mr. DiMartino, Water/Sewer Superintendent, met with the project's engineer the week ending September 20, 1991. They are in receipt of the latest set of plans delivered on September 25, 1991 and he spoke with Mr. DiMartino on September 26, 1991. A preliminary review of the latest plan suggests compliance with most of the concerns. However, for a project of this size, more time will be needed to have a thorough review of technical engineering issues. It is his recommendation that upon answering all other issues to the satisfaction of the Planning Board, the Board may approve the project with the stipulation that prior to issuance of the building permit, the plans shall be approved by the Town Engineer and Water/Sewer Superintendent. AM reads September 6, 1991 letter from the Fire Chief, Richard Ranieri, stating that he has reviewed the plans as they relate to water distribution, looping of water mains, and emergency access which were two items he raised during the plan review. The revised plans appear to address both of those issues. Therefore, he is approving these drawings and endorses this project for the best interest of the town. AM reads September 11, 1991 letter from Donald DiMartino, Water/Sewer Superintendent, stating that the town water system is in need of additional supply wells. However, there is no moratorium on development, and if the water pipe is available to the developer, they can not deny his request for service. The 13,000 gallons per day is about 1% of their average daily pumping rate but only about .46% of their pumping capacity. AM asks for questions from other Board members.

P. Herr refers to the issue of pedestrian access. Where the developer proposes putting a sidewalk does not do anything. There are a number of young people in walking distance of the stores. There is a sidewalk on the bridge. There is de facto gravel on Hartford Avenue. Kids will walk so they should have access to the site. A sidewalk full length of the frontage may not be reasonable. They should have a way onto the site from the 495 side and the cemetery side. He is concerned that the reconstruction of 126 will make it impossible for people who now walk. People do walk along there and he would not want to see anyone get hurt.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

T. Tye states that the point is a good one. At the corner of the site of 495 they can provide direct access into the shopping center. They can put a walk into the parking lot area. Because of grading, they will not be able to walk into the site from the cemetery. He has no objection to creating a pedestrian access.

AM asks if it will be gravel.

T. Tye responds they will probably pave it. Marion Presley, their landscaping architect is here to answer questions. The plan contemplates 105 new trees with 566 new shrubs. The shrubs are not shown on the plan but the trees are shown. They sat down with the major tenants and looked at the landscaping. They concluded that the landscaping is reasonable for this type of development. The main concerns of their anchor tenant are visibility, safety of the customers and visibility from the highway. He asked Marion and Sumner Shein to check. There are more trees here than usual for this type of development.

P. Herr states that the Bylaw requires more than 105 trees on the site.

T. Tye indicates that the bylaw has a factor of 4 greater than what they have.

P. Herr notes that is far greater than what is shown on the plan. There are 2 kinds of planning. One is between the parking area and the street and the other is within the parking area. There is a formula which comes up with 400 trees rather than 100. If the Board feels this is appropriate, they should attend to the Bylaw because there is a disparity in the language. The trees are shown in rows 80' apart. Most are green ash which will never spread more than 40' and will not likely meet. The trees back along the building are honey locusts which are used in places for people to see through since they have little foliage. The rows of trees are separated by 3 aisles with double loaded parking. Many communities require 1 tree per 8 cars. The Bylaw did not contemplate solitary trees spaced 80' on center. This is a judgment call by the Board. The developer is providing larger trees than what the Bylaw requires. That trades off a lot in terms of numbers but it is not four times. He has no quarrel with the shrubbery. There will be a substantial space between what is shown and what the Bylaw says. The Bylaw does give the Board discretion. If the Board approves of this, they should



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

change the Bylaw. The Board has to decide if it is o'kay to limit trees so the building will be highly visible or the buildings will be screened from the street and the parking lot will be shaded.

EM asks if that has to be done through a waiver.

P. Herr responds it is not a waiver. It is a determination which is part of the DPR and is appropriate to the circumstances.

EM asks if there is a tremendous amount of difference in the costs for more trees.

GG responds it would be about \$60,000.

EM notes that would be about what is needed for the third set of traffic lights.

T. Tye explains that the Bylaw requires very low light. The poles will cause less disruption in the parking area. The Zoning Bylaw has probably not been tested on this type of center. The trees are reasonable for this type of center to fulfill their requirements for visibility, safety and maintenance.

GG asks if P. Herr looked at the lighting.

M. Presley explains they were interested in allowing lighting since most shopping will be done in the dark, especially at Christmas time. They will not have the trees cutting off the light levels.

GG asks if there are lights in between the trees.

M. Presley responds that there are.

JM asks if the trees are evergreens.

M. Presley responds they are deciduous.

JM states that the time of year will not hurt the visibility.

M. Presley explains that the trunks do. When they mature, there will be a vertical trunk in the parking lot.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

GG states that they could put three times the amount of trees and it will not hurt visibility. He notes that Franklin Village probably has 30 trees in the whole parking lot. He thinks it looks great.

EN notes it will be one big parking lot.

GG believes that is the intent of it.

Steve Kent, Deerfield Lane, has no objection to anything which he heard today. He does have one concern regarding the signs at the mall main entrance. He suggests they have 40 - 50' poles with a carved wooden sign lit from the ground. He asks if they will have a 100' pole in the buffer trees with the shopping center name on it.

T. Tye explains that there are 2 signs shown on the plan. The town's Zoning Bylaw relative to signs is more restrictive than most. The Bylaw calls for 100 square foot signage which allows a 10' x 10' sign. That is a small sign for this type of shopping center.

AM notes there is a 35' limitation.

T. Tye states they will have a sign at 2 locations. One will be right at the entrance and one will be out on the highway. It will be in the same location as the wooden sign which is there now. The state right of way runs along the edge of the property. He does not think that the sign will be offensive. There will be no glare. It will be an eternally lit sign.

EN refers to the Bellingham Plaza where there are signs on the building.

AM does not think there is anything in the Bylaw regarding the 35' restriction. She was mistaken.

T. Tye thinks it will be 20 - 35' at most.

M. Presley notes that they added more lights.

P. Herr indicates that there is a height restriction on lights which will prevent one from seeing at a great distance.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

JM asks about the relationship between trees to lights.

GG states that the trees will be blocking the lights.

P. Herr states that the trees are shown at 80' on center. They could change to 60' on center and it would not change the lighting. He states that the plan does show trees on water mains and fire hydrants. Something will have to budge with respect to that down the road.

T. Tye states that it is normal in the field for the Town Engineer to be involved in the details. He assumes that if they do not work them out to the satisfaction of the town, they will not open.

P. Herr asks if they will put a pedestrian walk along the reconstructed Rt. 126. There may be enough room to walk along there, but a sidewalk may be too much.

W. Roache notes that nothing along the curb line is changing. The roadway is wide enough. It will be restriped and widened. The curb cut or grade will not be changed.

P. Herr asks if people will be able to walk near the entrance as they walk now.

W. Roache believes that it will be pretty much the same. They can not get by the cemetery now. They will be pushing the wall back and regrading. They have not done the engineering details yet. It is reasonable to grade better than it is now.

P. Herr states that there will be a significant number of people walking in.

JM thinks they should ask for a sidewalk.

W. Roache explains that now the cemetery wall is almost to the edge of the road. They will be pulling the wall back 6 - 7'. They can grade. Right now there is not an area to walk on this edge of the road. There is no path and no sidewalk now. There is a wall. One could come up the walk along the cemetery road and through. There will be a space between there. It can be graded so someone could walk along, but it is not a sidewalk area. One could walk along the driveway through the cemetery.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

EM notes that the gate to the cemetery is locked.

T. Tye states that it may not be necessary to bring the sidewalk to the entrance. They can incorporate in the plans to pick up a sidewalk into the parking area.

JM thinks that is suitable.

P. Herr believes that seems fair as long as there is enough space.

Kim Todd, Deerfield Lane, asks if they will pave the sidewalk or leave it as gravel. She is concerned about kids on bikes wiping out.

T. Tye responds that they will pave it since it can be easily maintained.

AM calls for a 5 minute recess at 9:50 p.m. to give Board members the opportunity to talk with D. Fraine regarding the funding.

B. Fishman, attorney for developer, states that they have prepared a special permit decision which Town Counsel has reviewed and approved as a matter of form. They also prepared a certificate of approval for the DPR which P. Herr has reviewed. They are also asking the Board to sign a Form A, Approval Not Required plan.

T. Tye thinks that sidewalks on the cemetery side would have limited value but they will build them if that is what the Board wants.

B. Fishman reads a paragraph which he will add to the special permit decision stating that the applicant will provide paved pedestrian access to the parking area from the bridge at 495. A separate issue is that the applicant will construct sidewalk on the northerly side of Hartford Avenue near the cemetery.

EM refers to Section 5 in the special permit decision. He asks what L. Ambler's concern was.

B. Fishman refers to page 6, number 5 of the special permit decision. At some time lot one will be purchased by the major dept. store. At some point there will be two different owners.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

The lender has asked that the special permit applies to each. L. Ambler asked them to make a change on page 4 regarding utilities. The applicant will submit evidence to the Planning Board that lot 2 is obligated to maintain common access to the driveway, utilities and detention basin prior to issuance of an occupancy permit. L. Ambler wanted one parcel's obligation to do it.

EM asks about the agreement between the buyer and seller.

B. Fishman states that the lot has to maintain obligation of a private cross easement agreement. It complies together and separately.

T. Tye notes that it is likely that the dept. store will own its own building.

D. Fraine refers to the traffic concern. He has a good feel about the commitment to get the work completed. He has copies of agreements between the town and state in excess of \$400,000 which can be used for the improvements. Chapter 90 money is already on hand and already allocated. They will have an answer relative to the other available sources within a short period of time. They will get the lights there.

EM asks if the Board of Selectmen voted to do that.

D. Fraine responds that they did. Planning Board members were there when they voted to get the lights in.

EM states that the Selectmen are committed to push for the lights.

AM asks about a start date; when they would be opening.

T. Tye responds that the major tenant is anxious. They will start some construction in the fall. The store will open next fall, no earlier than September 1, 1991. It would be realistic for them to start the later end of the fall and not open any sooner than one year.

AM states that would give ample time to research other grants.

D. Fraine indicates that they will know about other funds within 6 - 8 weeks. Chapter 90, agreements with the state, are available



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

right now.

EM would feel better about the developer doing the lights. It would get done quicker and they would not be tearing up twice.

T. Tye explains that as soon as they get the design developed, the town will be able to look at the alternative fundings. The first item on the critical path is to proceed with the engineering of the off site improvements.

AM asks if they can guarantee they will do the engineering for the lights at Deerfield Lane at the same time that they do the engineering for the other lights.

T. Tye responds that they have already agreed to that.

GG asks if the developer would put the lights in if they knew they would get reimbursed.

T. Tye is not sure they can get reimbursed. That side does not involve major digging up of the road.

W. Roache explains that it involves edge of road work of the south side ramp. DPW's estimate was \$110,000 to \$125,000.

JM makes a motion to close the public hearing. GG seconds motion. Unanimous vote of 5.

P. Herr explains that two motions will have to be made. One is to approve or disapprove the special permit and the second is for DPR.

B. Fishman explains that everything which the Board discussed is included in the special permit with the exception of the sidewalk which he has handwritten.

EM asked if the addition which the Town Engineer asked for has been included.

T. Tye responds that is included in number 4 for the Development plan decision.

EN asks if the trees will be 60' on center instead of 80'.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

GG thinks that is a plus in their favor. They did increase the size of the trees and have taken the lighting into consideration.

EN thinks that the Board may need to amend the Bylaw.

EM notes that the Bylaw was changed relative to this only 2 years ago.

JM makes a motion to approve the special permit for major commercial complex for Stallbrook Center with the applicant adding a provision for pedestrian access to the project on the southside a sidewalk over the bridge over Rt. 495 and on the north side from the main entrance to the cemetery. The second set of lights will be worked on.

B. Fishman notes that the provision for the second set of lights is already in item 4A of the special permit decision.

GG seconds motion. Unanimous vote of 5.

EM asks if the Board has heard from everyone regarding the DPR.

P. Herr points out that M. Megalli asked to see further details as the project progresses.

B. Fishman notes that is included as a condition in item number 4 of the DPR decision.

EM makes a motion to approve the DPR for Stallbrook Center. EN seconds motion. Unanimous vote of 5.

Applicant presents a Form A, 81-P plan for Stallbrook Center.

EM asks if it meets the lot shape factor.

P. Herr responds that it does.

GG makes a motion to approve the 81-P, Form A. EM seconds motion. Unanimous vote of 5. Members sign plan.

B. Fishman asks about the procedure.

P. Herr states that the Board will endorse the plans and transmit a plan to the Building Inspector along with a note that there



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

will be changes. The slip occurs with the Building Inspector.

Members sign Certificate of Approval for DPR for Stallbrook Center.

Clerk stamps "Approved Bellingham Planning Board, September 26, 1991" to each page of the Development Plan. 3 sets are stamped for the applicant, Board and Building Inspector.

B. Fishman will have two additional copies of the Development Plan forwarded to the Clerk for distribution to the Town Clerk and Town Engineer. He will have his secretary insert the new paragraph relative to the pedestrian access and sidewalk into the special permit decision on page 5. He will forward a new page 5 to Clerk for insertion into the decision. At that time the old page 5 can be discarded. Clerk can then bring the decision to the Town Clerk so the appeal period can commence.

Members sign Stallbrook Center, special permit decision.

MAPLE STREET REZONING

P. Herr distributes handout. The real question is who do they give notice to in advance.

EM believes that AM and D. Fraine should coordinate a meeting with the people who own property.

AM thinks they should invite them for an informal discussion with the Board.

JM notes that there may be a lot less people who are concerned about this than we think.

EM asks about Depot Street.

P. Herr responds that is independent. All of the land is Varney's. The next step is up to him.

AM states that she talked with D. Fraine and told him that the Board feels that Varney is the one who should come forward if he wants to do anything.

P. Herr believes they have done what they were supposed to do.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

SEPTEMBER 26, 1991

He will go with revisions to DPR. He refers to the tiny pocket of land on the back half of Mitch LaPlante's and his neighbors. There was a discussion regarding a possible zoning change some time ago.

GG refers to a sign on the lawn of Assumption Church. He asks how they can get rid of it.

P. Herr will work on the sign Bylaw.

AM instructs Clerk to send Norm McLinden a letter welcoming him as the alternate member to the Planning Board. He should be asked to attend all special permit public hearings. All agendas should be sent to him as well.

EN makes a motion to adjourn the meeting at 11:30 p.m. JM seconds motion. Unanimous vote of 5.

Anne M. Morse, Chairman

John P. Murray, Vice Chairman

Emile W. Niedzwiedz

Glenn E. Gerrior

Edward T. Moore