



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

MINUTES OF REGULAR MEETING

MAY 14, 1992

Meeting was called to order at 7:45 p.m. AM, EN, EM and GG were present. JM came in at 8:20 p.m.

BROOK ESTATES REQUEST FOR FINAL APPROVAL DEVELOPMENTAL PLAN REVIEW

AM reads letter from Carolyn Todd, Secretary for Bellwood Condominium Trustees, dated May 10, 1992, indicating that she and other officers of the Bellwood Condominium Trust do plan to attend tonight's meeting. On May 9, 1992, she and other trustees met with Mr. Rosenfeld to discuss their open issues. She lists a number of issues which Mr. Rosenfeld agreed to correct. Per Mr. Rosenfeld, the landscaping of the other areas will be started on May 11, 1992. Mr. Rosenfeld has completed the rough grading of the unfinished Bellwood Circle road so that fire trucks may now get easy access to the full perimeter. Mr. Rosenfeld also informed them that the abandoned vehicles have been removed from the site. She also lists remaining issues which Mr. Rosenfeld is looking into. The meeting with Mr. Rosenfeld went well and since their letter dated April 15, 1992, his people have been working towards correcting their open issues. She thanks the Planning Board for their support.

EM thinks that this letter sounds like it comes from DAVNA since it is telling what they will do rather than what they have done.

Carolyn Todd, Secretary, Bellwood Condominium Trust, states that before the first letter to the Planning Board, there was no contact at all. They are getting some action now.

EM asks what painting and carpenter ants have to do with Planning Board issues.

C. Todd notes that they do not have anything to do with the Planning Board.

GG states that the sidewalks and erosion are the only Planning



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Board issues. He has no problem with signing off for final approval for the Developmental Plan for Brook Estates as long as Mr. Rosenfeld signs this letter noting as agreed per Planning Board meeting of May 14, 1992. His agreement to the letter will be noted in the minutes of this meeting. He has a new house and just spent \$1,800 to have it painted because the paint peeled off. That is part of a new house. His pipes have also rusted. He makes a motion to approve Brook Estates Developmental Plan for final approval with Mr. Rosenfeld's signature on the letter of Bellwood Condominium Trust, dated May 10, 1992, agreeing to the issues addressed.

EM seconds motion. Vote of 4 (AM, EN, EM and GG). JM not present.

H. Rosenfeld signs letter annotating "I agree to above" with date May 14, 1992.

Ed Marsh, Chairman, Bellwood Condominium Board of Trustees, states that Mr. Rosenfeld has indicated that he will do the work which he has promised. They are taking that in good faith. They realize that it make take a couple of months to complete the work which could hold up the building permits.

AM is hoping that he will complete the work in good faith.

GG instructs Clerk to prepare a letter to the Building Inspector with a copy to Mr. Rosenfeld indicating that the Board voted for final approval for the Brook Estates Developmental Plan. The letter should have the date of the plan on it.

EM notes that the residents of Bellwood are lucky that they were in the situation where they could hold Brook Estates up in order to get the work done for Bellwood. Some other condominium developments like Maplebrook were not so lucky.

GG states that the residents of Bellwood had an edge because this developer still wants to build.

JEANINE COBB
DEVELOPMENTAL PLAN REVIEW
MAPLE STREET

Clerk reads notice of public hearing.



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Bruce Lord, Esquire, is here representing the applicant. He introduces Don Nielson, Guerriere & Halnon and Russell Cobb, owner. The proposal is for a large parcel which straddles the Bellingham/Franklin line. It runs along the side of interstate 495. There is an easement granted because 495 divides access. The easement is for access. The Franklin Zoning Board of Appeals granted a variance to access the back part and the Bellingham Zoning Board of Appeals granted a variance for access to the front part. The Board originally saw the plan when the building was proposed in Franklin.

Don Nielson, Guerriere & Halnon, states that this is the plan which the Board saw 5 months ago.

B. Lord further explains that the owner decided to place the building in Bellingham. It will be a slab metal building with a paved parking area and a storage area. They propose a gravel driveway and are asking for a waiver for that. The driveway is not part of the parking area. He talked with P. Herr about this plan today. P. Herr suggested they pave the driveway to the line so the trucks will not take the gravel to the road and steer up dust. Under the Bylaw, the driveway does not have to be paved. It is a long stretch of driveway which will be accessed only by the company. It would be expensive to pave the entire driveway and the heavy trucks would damage the pavement. They propose to pave the storage and parking areas. The area is bounded by 495. There is a New England Power Company easement. It abutts the Tyndall property which is not built on and is heavily wooded. The area is isolated. There will be no removal of trees under the Scenic Road Bylaw. There are no wetlands disturbed. This is the same as what was previously proposed in Franklin.

AM asks what made them change from Franklin to Bellingham.

B. Lord notes that there are two reasons. One is that when they originally came in the Board voiced complaints over the fact that they would be accessing in Bellingham and paying taxes in Franklin because the building would be in Franklin. The other reason was because of an engineering determination since there is a better build out area in Bellingham.

AM asks if they intend to develop further in the future.

Russell Cobb, owner, indicates that they have no plans to develop



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further.

EM states that this looks like a two lot subdivision. There are two variances, i.e. one in Franklin and one in Bellingham. The Franklin lot is vacant. They could sell it tomorrow.

B. Lord notes that it is not subdivided.

EM further states that someone who would buy that would have to live with the dirt driveway.

GG notes that they would have to live with what is approved. It would be the next owner's problem.

EM asks how the land in Franklin is zoned.

B. Lord notes that it is industrial, common zoning. The power line moves through the middle. It is more imposing than is shown on the plan.

EM asks what the line on the left in light blue is on the plan.

B. Lord responds that it says zoned industrial. It is not a line. The septic plan has been given to the Board of Health for both towns. The Boards are presently looking at the details of the septic. The septic does go into Franklin.

EM asks what the pond is on the plan.

B. Lord responds that is the detention pond. The law does not require but they put it in to control the water for a reasonable flow. One question relative to developing in Franklin had to do with having the septic in Franklin.

D. Nielson notes that there are wetlands in Franklin. They need to control the water before it goes down to the wetlands.

EN asks how much water will be in the detention pond.

D. Nielson responds that there will be 2 to 3' for the 100 year storm.

EN asks the difference between a retention and detention pond.



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D. Nielson responds that retention goes into the ground and detention has an outlet.

B. Lord believes that this is a straightforward plan.

EM has no problem with the detention pond because this is an industrial area. There are no houses around it.

AM reads letter from the Board of Health, Ed Wirtanen, Health Agent, dated May 13, 1992, noting that the plans for Disposal Works Construction permit for the portion of the proposed sewage disposal system in Bellingham were received on May 6, 1992. They are presently being reviewed for compliance with 310 CMR 15.00, The State Environmental Code, Title 5, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage and the rules and regulations of the Board of Health. The Board would request that information be submitted on the method of collection and disposal of rubbish during construction and operation of the proposed metal building be provided to our office. The proposed facility must conform to the State environmental Code as well as the State Plumbing Code and the local requirements of both Bellingham and Franklin Boards of Health prior to the approval for the building permit for this proposed storage and office building.

EM notes that the Board of Health has not approved the septic system yet.

B. Lord responds that they submitted the septic system to them for approval. They are looking at the complete septic plan, not just the development plan.

AM reads letter from the Water/Sewer Dept., Donald DiMartino, Superintendent, dated May 11, 1992, wherein he states that the plan indicates a 12" x 8" tapping sleeve valve and box, approximately 530 feet of 8" water pipe, one hydrant, and a 1" service line connection. He would like the hydrant tee to be an anchoring type of tee. They will be requiring a 5.8" x 3.4" meter for more accurate flow registering; therefore, the use of a 1" service line may not be necessary.

D. Nielson states that they will have an 8" water line with a hydrant and gate valve. They propose to tap into the 1" to the building.



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EN believes that 1" is small.

D. Nielson notes that it is only for the bathrooms.

Clerk notes that P. Herr, the Board's consultant, called her with comments this afternoon. Mr. Herr stated that he reviewed the plans with Attorney Bruce Lord today. The applicant has a variance for the frontage and that is great. They propose not to pave the driveway part of the parking lot. The Board has the right to waive that if they want to. The applicant is also proposing a detention basin. The drainage from the unpaved road will go to the detention basin. The drainage from the paved parking area will go to the detention basin and drains on the applicant's property in Franklin. The applicant is not required to have a detention basin. The drainage calculations were not presented to him and he did not look at them. Someone should review the drainage calculations. There is also a question about lighting because there was nothing on the drawing.

B. Lord explains that Mr. Herr does have the drainage calculations but he did not realize it at the time he met with him. The problem is that they no longer have a Town Engineer since he is at the filtration plant. The lighting is shown on the plan but he and P. Herr did not realize it.

JM joins the meeting at 8:20 p.m.

D. Nielson explains that this is a land cleaning company. The applicant cuts trees and sells it as mulch.

EM asks why the lighting is not shown on the plan.

B. Lord responds that the lighting is on the plan. P. Herr was not concerned about it. He just thought it was not on the plan.

EM asks if there will be a sign.

B. Lord responds that there is no sign.

EM asks how they should handle the drainage calculations.

D. Nielson gave them to B. Lord.

B. Lord submitted them to M. Megalli on the same day he did the



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distribution to everyone else. P. Herr has them. He really went to P. Herr's office to discuss Dunkin Donuts and not this development. They discussed this afterwards.

JM notes that before they had a Town Engineer, a large project would get reviewed by a consultant engineer.

GG further notes that the town had a lot of retention and detention ponds before there was ever a Town Engineer. He has no problem with approving for Developmental Plan Review with the contingency that the drainage calculations be approved.

EM asks how much of the parking lot will be paved.

D. Nielson responds it will be 20,000 square feet.

EM asks how large the building is.

B. Lord responds it is 5,000 square feet.

EM asks how much of the surface will be impervious surface.

D. Nielson responds it will be half of the Bellingham lot which is 3/4 of an acre.

EM asks if there will be a catch basin in the parking area.

D. Nielson responds that it is only a small section with 3 - 4 cars. It drains in the back lot where the trucks are.

Norman Bell, Maple Street, states that his house abutts the Tyndall's property. He asks where this will be in relation to that.

D. Nielson states that this is behind the Tyndall property. He points out 495/Tyndall and U.S. of America property.

N. Bell states that the Tyndall property abutts the furthest corner of his property.

D. Nielson explains that this is 1,000 feet from there.

N. Bell is concerned about the noise from the chippers.



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B. Lord and D. Nielson both point out that they will not be running here. There is no on site work. This is just a home base for storage.

EN asks where the water will flow.

B. Lord responds that it will flow to their own property in Franklin.

D. Nielson further states that it goes into the wetlands in Franklin which runs parallel to 495.

B. Lord notes that the only waiver is for the paving.

EM states that the Board never said it was alright not to have the driveway paved on Dmytryck's property on Farm Street. The issue now is they have a bylaw so they can waive that. They could not waive it before. He asks if they will have a catch basin at the entrance.

B. Lord responds that nothing is needed.

D. Nielson explains that the road is gutted. The entrance is formed with curbing and a paved lip.

B. Lord further indicates that there is a 15' drop which forms a natural drainage area.

EM has no problem acting on this contingent on the Town Engineer or P. Herr looking at the drainage calculations. He asks if the applicant would be willing to pay for an engineer to look at the calculations.

B. Lord will get someone to look at it - either the Town Engineer or P. Herr.

EM makes a motion to approve the Development Plan Review for Jeanine Cobb subject to the drainage calculations being reviewed and approved by either the Town Engineer or the Planning Board consultant. The motion is also in favor of granting a waiver for the unpaved portion of the driveway. The front portion from the sideline of Maple Street will be paved. Then there will be an unpaved portion and the back portion where the parking lot is will be paved. GG seconds motion. Unanimous vote of 5 (AM, EN,



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EM, GG and JM).

Clerk is instructed to prepare a letter noting the above vote to the Building Inspector.

EM asks if they left the paved portion unpaved, would they still need a detention pond?

D. Nielson states that the regulations require paving the parking area. In addition, it is reasonable considering plowing and maintenance of the parking lot. It would become a messy mudhole and there is increased runoff with gravel or stone.

EM was just wondering if it could be traded off.

D. Nielson responds that it can not.

Clerk notes that the fee has not been presented.

D. Nielson states that there are 11 parking spaces.

B. Lord presents a fee in the amount of \$53.00 for the Cobb Development Plan Review.

SOUTH ADMINISTRATION SCHOOL BUILDING REZONING FOR ANNUAL TOWN MEETING PUBLIC HEARING

AM opens the discussion.

Clerk reads notice of public hearing.

Mike Reed, School Business Manager and Henry J. Maisson, School Committee Member are here to explain this proposed rezoning.

M. Reed explains that they have various articles on for the Town Meeting for this building. The committee is working on selling the building or renting/leasing. They do not want to leave the building empty. They feel that rezoning would help them achieve that.

EN asks if anyone is interested in the building.

M. Reed did have a meeting with someone from the Dept. of Welfare



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from Boston, but they need a handicapped ramp and the second floor is not accessible. They want to do something responsible with the building. It is not zoned properly. If they get the zoning change, they will do whatever they can. They are asking that it be changed to business but the notice says commercial.

H. Maisson states that it will say business in their motion. The zoning has to be changed in order for them to do anything with it.

EM makes a motion to close the public hearing relative to the South Administration School Rezoning Article. EN seconds motion. Unanimous vote of 5 (AM, JM, EN, EM and GG).

EM makes a motion to recommend the South Administration School Rezoning on the Town Meeting floor. EN seconds motion. Unanimous vote of 5 (AM, JM, EN, EM and GG).

Denis Fraine, Executive Secretary/Administrator, joins the discussion.

GG wants to know how the town wants to rent this building out when they can not even maintain what they have. Town Hall is a disgrace and the Center School building is also. If this goes through, they should sell the building and unload it.

JM thinks that the building would make a nice park for the town.

GG notes that if he was a patient of a doctor renting space in that building, he would turn around and leave after seeing the building. It is an eyesore.

JM states that there is enough traffic down there. No matter what business goes it, it will be a horror show.

D. Fraine notes that the point is well taken.

JM thinks that it is a good idea for the town to try to make some money off the building rather than leaving it vacant.

EM points out that no matter what building goes in there, they will have to come back.

JM reiterates that it would be a nice place for a town common



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with trees.

H. Maisson notes that part of the problem is that the building has asbestos in it.

WATER RESOURCE DISTRICT MAP
WATER RESOURCE DISTRICT TEXT
PROPOSED ARTICLES FOR ANNUAL TOWN MEETING
CONTINUED PUBLIC HEARING

AM opens the continued public hearing. She explains the color codes of light blue and dark blue show on the zoning map which propose the Water Resource Districts 1 and 2. She points out the existing map in the back of the room. The Water/Sewer Commission asked the Board to put this article on for the Town Meeting to change from the other plan. The dark blue is District 1 and the light blue is district 2.

Paul Chupa, Water/Sewer Commission, is also present.

Donald DiMartino, Water/Sewer Superintendent, explains that there is presently a 4' separation from the level for earth removal. The state is beginning to recommend 6'. 4' is the absolute minimum. Franklin and Norfolk have 10' as the requirements. The Water/Sewer Board felt that 10', more than 4' would be better protection if a spill occurs in an earth removal operation which would possibly contaminate the water flow.

JM notes that if this bylaw goes through, one would not be able to put in a septic system. A lot of people would not be able to build on their land.

D. DiMartino states that the 4' to 10' gives a higher separation for final earth grade and historical high ground water.

AM asks what happens to someone who has a gravel removal permit if this change is adopted when they renew every two years.

D. DiMartino believes that the renewal would be grandfathered.

B. Lord states that they are grandfathered by use. They have the right to the permit.

Roland Lavallee asks what regulations this is promulgated under.



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D. DiMartino responds that there are no regulations. The members of the Water/Sewer Board felt that this would be better than the existing 4'.

EN asks if the article to change to 10' is for spring instead of historical ground water.

JM asks if there is a real good scientific reason to do this.

D. DiMartino responds that no, it is the feeling of the Board.

Frank Morse explains that previously when one was trying to establish the water table, one would use the rust line. There could be a deep hole in August with a 30' fluctuation of the water table. Certain soils have rust lines. Historical is not identifying.

JM reads the Water Resource District Text article. The text is pretty restrictive the way it was done. He asks if finding the rust line could take care of it.

F. Morse states that they could use the rust line but if someone upstream is draining and changing the water table it would change. Historical water table fluctuates from year to year. There has to be some kind of an adjustment. Someone would not be allowed to build a house with this change. They could put in a foundation but not septic.

JM states that it does exclude septic.

D. DiMartino states that the Water/Sewer Commission said they would like to see a 10' separation.

R. Lavallee asks where the 4' parameter came from. It used to be that someone doing gravel removal would dig until they hit water and then sell the land. The person who they sold it to would have to bring in a ton of fill. They have to meet the code requirements of Title 5. If there is a spill in an aquifer region, they could have 15' and it could still contaminate.

Phil Vadenais, from the audience, feels that there are enough regulations.

EM notes that Bellingham is one of the few towns with a Water



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Resource Bylaw. Adopting this would kill off half the town and make it unbuildable.

P. Chupa states that they could pass over this portion of the Bylaw Amendment and discuss it further.

GG does not want to make a recommendation.

P. Chupa does not care about the builders but they can wait until next year.

JM makes a motion for the Planning Board to pass over the Water Resource Text Article at the Annual Town Meeting.

EM refers to houses in the area on the right side such as Glenbrook Road. If the Water Resource Text is changed and these people have a problem with their septic which needs to be corrected, this Bylaw amendment might prohibit them from doing that.

P. Chupa thinks they would be grandfathered. What else could someone with a 50 x 50 lot do?

EN seconds JM's motion. Unanimous vote of 5 to pass over (AM, JM, EM, EN and GG).

D. DiMartino notes that the changes drawn on the zoning map were not done by him. He notes that wells at site #11 delineate zones 2 and 3 which coordinate to districts 1 and 2. The previous map had sketchy information and did not have detailed information. They are taking more detailed engineering data which was compiled. It makes more sense for the Water Resource District to be zones 2 and 3 from the representation. On March 8, 1989, DEP zoned well 11 in zones 2 and 3. They also accepted zone 2 and 3 for wells 2 and 3. This all makes up half the water supply. Zone 2 is shown in the dark blue. That means that for groundwater moving toward the wells, a drop of water will reach the ground water. The light blue means that rain which falls in the area will reach the wells. Runoff will go to the groundwater. These are engineering changes.

JM explains that what was all districts 1 and 2 will become district 1 in the new map and is expanded to part of 2.



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EM points out that the darkest bluest part is at the location of the dump.

F. Morse notes that the state approved that.

AM asks what the Water/Sewer Commission feels about this.

D. DiMartino would like to see the map adopted with an adjusted district 1, zone 2, because pollution to zone 2 can contaminate the water supply. There is stuff leaching in the well now.

P. Vadenais states that it has not reached yet. They can not prove that it will.

D. DiMartino agrees, he can not prove it.

JM asks what the water quality is.

D. DiMartino responds that it is generally good. There is corrosive water which ph can control. There are also green stains from the water. It is clean water for bacteria.

P. Vadenais points out that the water can not even be digested.

JM turns on his water some days and it is brown.

D. DiMartino points out that that depends on how long it has been sitting in the pipes. There is iron in water in the north. Iron is not a health hazard.

JM asks if copper is a health hazard.

D. DiMartino responds that it is going to be. It is tied with lead. There is copper in the water from the pipes. In 1986 lead was made illegal so they stopped using it.

JM asks if there is the possibility that lead is in the water.

D. DiMartino responds that there is the possibility. What they pump out of the well is good quality but what happens when it goes from the well to someone's house is another matter. It is standard quality water for New England.

AM asks how this Water Resource Map change will effect



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landowners.

D. DiMartino responds that any area which is now in District 1 will have to go for a special permit. There will be several prohibitions.

EM reads Section 4931, page 44, footnote (4) Individual sewage disposal systems designed to receive more than 110 gpd per 1/4 acre or 440 gpd on any one acre. He asks what the average house puts out in water usage.

F. Morse responds that a standard house uses 110 gallons per bedroom per day.

EM asks if that means that this bylaw change would prohibit a single family home.

D. DiMartino responds that yes, it could.

B. Lord states that they would need a one acre lot until they get sewerage in the area which would take care of the situation. They would not be able to build on a lot smaller than 40,000 square feet.

AM notes that this would make half of Bellingham unbuildable.

B. Lord points out that people are not totally aware of what is going on with this. Perhaps they should hold off since it will create a burden on the landowner. If the sewer was there now this would be o'kay.

P. Chupa states that they will never see sewers there.

F. Morse indicates that this change would mandate 40,000 square foot lots. Either they would have to put in the septic or an expensive sewer.

B. Lord notes that there is no way around it.

F. Morse asks if a developer were willing to put in the expensive sewer, would he be able to go with 10,000 square foot lots.

EM notes that this would be crippling all the people who own the little lots, but a hotel would be able to go in.



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P. Chupa asks if there is a mandate on this.

D. DiMartino responds that no, the state is not pushing them on this. It costs \$40,000 to do the zone 2 delineation. They have to support it.

P. Chupa states that it would be a sad thing if something happened to the water system.

JM does not think that it would be the guy who wants to build a house who would cause a problem. It is someone who puts oil into the ground.

F. Morse points out that the landfill is melting. It was not capped properly. The Board of Health has empty pockets. The state would have to come up with the money.

D. DiMartino states that when the Federal government mandates, the state has to follow.

F. Morse believes that the biggest problem is the dump.

R. Lavallee asks how this relates to the wellhead regulations.

D. DiMartino states that the bylaw is a model for the wellhead regulations. This map delineates zone 2 and protects with zoning rather than using the old map with new regulations.

B. Lord states that this is clearly something which the town will need in the future. The problem is that it will impact a lot of people because they are not provided with sewerage. They have to give the solutions. The people are not alerted to this.

AM agrees that the public is not aware of this. It will have a major impact.

EM reads from the Zoning Bylaw that the Planning Board would be the Special Permit Granting Authority but nothing would meet the criteria under the change.

R. Lavallee asks about the wellhead regulations. He understands that the map reflects the wellhead regulations. He asks if the acceptance of the map is necessary.



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D. DiMartino reiterates that the state is not pushing the town to do this.

R. Lavallee asks if the wellhead regulations are there.

D. DiMartino states that it is all in tack to go along with the model.

R. Lavallee personally thinks that this is a good thing. This is part of the state wellhead regulations and a step beyond. One can look at this in two lights. The question is the need for the map standpoint.

EM notes that in order to make changes to the proposed bylaw, they would have to have another public hearing.

R. Lavallee feels that if a regulation is no good, they should fix it. They should look at the bylaw in conjunction with it.

B. Lord states that there could be a waiver which would cost a developer \$2000 to \$5,000. They could tie into the sewer for an automatic waiver.

F. Morse has land which is zoned residential use with an established business which will grow and expand in the future.

B. Lord notes that would not meet the regulations now because it is a nonconforming use.

R. Lavallee states that they can not extend a nonconforming use.

AM thinks that the Planning Board should pass over this article at the Town Meeting.

EM asks if Mr. DiMartino thinks that the Water/Sewer Commission would be willing to pass over this article.

D. DiMartino has no interest in Bellingham. Franklin is in a worse position than Bellingham. He is in a torn position.

P. Chupa does not think there would be any problem with passing over it and studying it later on.

JM makes a motion to close the public hearing relative to Water



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Resource Map. EN seconds motion. Unanimous vote of 5 (AM, JM, EM, EN and GG).

EM makes a motion to pass over the Water Resource Map article. GG seconds motion. Unanimous vote of 5 (AM, JM, EM, EN and GG).

P. Chupa indicates that they can wait until the state forces them to do it.

D. DiMartino invites members to the open house at the filtration plant from 1:00 - 5:00 p.m. Sunday.

DUNKIN DONUTS
PULASKI BLVD.
DEVELOPMENTAL PLAN REVIEW
CONTINUED DISCUSSION

JM removes himself from the discussion since he is an abutter.

B. Lord explains that the last time they were in there was a question left open relative to parking since there are two lots involved. They recorded a cross-easement between the corporation owners for the small lot and the large lot. The easement is already in to let one lot use the other.

AM reviews the document and notes that there is a different name on it. She asks how the Board knows it will work when the ownership is changed.

B. Lord notes that it lists the book and parcel numbers with Burdon. Wasserman owns the Dunkin Donuts lot. Burdon owns Ames.

EM asks if this was recorded in Rhode Island.

B. Lord responds that no, it was recorded at the Norfolk Registry of Deeds.

AM wants Town Counsel to look at this.

B. Lord went to see P. Herr today regarding the changes. He refers to the landscaped area in the parking lot. It will be done with 12 new spaces added. He points out the parking. Most of the deliveries will be done with pickup trucks coming from the Woonsocket store.



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EN asks when the deliveries will be.

B. Lord responds that they will be at 4:00 a.m.

EN asks how that will effect the neighbors.

B. Lord responds that it will not. There is only one neighbor. They will landscape with a berm and two troubled spaces will be removed. They will have a 3' retaining wall which will have a 2 - 3' fenced on top. This was at P. Herr's suggestion to protect the neighbor. The engineer did not carry through that suggestion on the plan yet.

GG notes that it should be a 2 - 3' stockade or solid picket fence to keep the noise down. The minutes will reflect that the fence should be a solid type board stockade fence of 2 - 3' in height. He is still waiting for Mr. Wasserman to better define the entrance and exit.

B. Lord states that the owner will replace the signs there and put in something better. The pavement blends into the berm. They will do something to make it obvious where the entrance is.

EN thinks they should do something near the restaurant like put in a concrete block.

EM wants to make that part of a motion.

Clerk states that P. Herr called her this afternoon with comments relative to this proposal. He met with B. Lord to review the plan today. B. Lord told him that he has a legal document regarding access to lot 8 and use for both parcels, however, he did not see it today. The document says that they can park in lot 8 and access lot 8 while leasing lot 7. The Planning Board should see the document. The new drawings did not show lighting. They are on the building and one is in the rear. The Board should find out the specifications. In order to decrease the impact to the residential property to the west of Dunkin Donuts, there will be a retaining wall with an extension fence on top. The Board should get something in writing relative to this. B. Lord said there will be striping done in the parking lot which should not be done without considering the traffic patterns.

B. Lord points to the plan and shows members where the striping



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will stop. There was concern about cars going through. They will comply with Bellingham zoning regarding lighting which is not shown on the plan. The bylaw is very clear relative to lighting. The fence will take away the glare from the neighbor. They have not shown two lights on the building.

EM makes a motion to close hearing. EN seconds motion. Vote of 4 (AM, EM, EN and GG).

EM makes a motion to approve the Dunkin Donuts Development Plan Review contingent upon (1) a suitable stockade fence of 2 - 3' in height being placed on top of the retention wall between Dunkin Donuts and the residence behind it; (2) subject to the legal documents relative to the parking lot being reviewed by Town Counsel; (3) better entrance/exit signs being placed in the proper locations; (4) the abandoned entrance/exit at the corner of the parking lot near Bellingham Pizza be blocked by some form of obstruction to the sidewalk; (5) if they take out the maple tree on the southwest corner, they must replace it with a tree of 3" caliper; (6) the exterior lighting of the building must comply with Section 3200 of the Zoning Bylaw and directed into the lot and not away; and (7) the 4" white stripe must be eliminated in the areas entering into the Dunkin Donuts area and exit of the drive up.

EN seconds EM's motion. Vote of 4 to approve the Developmental Plan Review for Dunkin Donuts (AM, EM, EN and GG).

JM rejoins the meeting.

PLANNING BOARD REORGANIZATION

AM turns the chair over to the Clerk.

Clerk asks for nominations for Chairman.

EM nominates JM. EN seconds motion.

JM nominates EN.

EN states that he is on too many committees now.

JM would be happy to become Chairman, however, he asks if the Board would try to start the meetings at 8:00 p.m. at least for



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the next six months. It is difficult for him to get here at 7:30 p.m., especially at this time of year. It is embarrassing to come in late.

AM notes that the Vice Chairman can open the meetings and complete the general business.

EM states that anyone will understand why JM is coming late at this time of year.

Vote of 4 for JM to become Chairman (AM, EM, EN and GG).

JM thanks the Board for the vote of confidence. He asks for nominations for Vice Chairman.

EM nominates AM. EN seconds. Vote of 4 (JM, EM, EN and GG).

JM asks for nominations for Secretary to the Board.

G nominates EN. EM seconds nomination. Vote of 4 (JM, AM, EM and GG).

JM asks for nominations relative to the appointment of the Planning Board Clerk.

EM nominates Valerie DeAngelis for reappointment as the Board's Clerk. EN seconds reappointment. Unanimous vote of 5 (JM, AM, EM, EN and GG).

GENERAL BUSINESS

B. Lord states that the Board may want to reconsider the proposed article relative to a kennel. It would restrict someone living in a condo or duplex.

JM lives in a duplex.

EM thinks that it may be too restrictive.

BALD HILL ESTATES LOT RELEASE REQUEST

Clerk reads letter from Mary Ellen Hutchins, 34 Ann Marie Drive, Bellingham, dated May 11, 1992, stating that she is in the



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process of purchasing Lot #10 of Bald Hill Estates. In order to record this transaction with the town she has been notified that the Planning Board must submit a letter of approval to the Town Treasurer allowing the Treasurer to accept her bond in the amount of \$7,000.

EM makes a motion to release lot #10 for \$7,000 deposit to be placed in the escrow account held by the Town Treasurer. GG seconds motion. Unanimous vote of 5 (JM, AM, EM, EN and GG).

Clerk asks if members want to prepare a decision to be filed with the Town Clerk relative to the preliminary subdivision approval for Rawsons Farm.

EM does not think it is necessary since the applicant has already filed a definitive subdivision application.

Clerk reads letter from Lee Ambler, Town Counsel, dated May 14, 1992, relative to the draft decision for the revised definitive subdivision for Herthal Estates, asking that the Board review condition No. 4 relative to the Highway Dept. with the Board's consultant. It is inappropriate for the Board to make a determination and approval which is subject to an approval of another municipal agency, and that provision should be clearly described if it is to be a condition granted. The standard for the Highway Department's approval should be clearly spelled out and placed as a condition as opposed to the subjective approval of the department itself. Town Counsel advised Clerk that the conditions set forth in the original decision should be repeated in their entirety.

Clerk explains that P. Herr also reviewed the draft decision and had other comments. He stated that the covenant should be reviewed since the language of the covenant may not be applicable. P. Herr also did not think that much of the decision which was in the original decision had to be repeated. Obviously, there is a difference of opinion.

B. Lord states that the previous covenant becomes obsolete with the revised definitive subdivision. The applicant has to give a new covenant before the work can be done. The old covenant which refers to the plan and date it was approved is obsolete.

R. Lavallee suggests that the condition relative to the



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completion of work for Main Avenue should be included in the Form F covenant.

Clerk is instructed to write a letter to the applicant explaining that the revised definitive subdivision is not in effect until a new covenant documenting the Main Avenue work is presented to the Board.

Clerk reads letter from Lee Ambler, Town Counsel, dated May 13, 1992, relative to the motions which he prepared for the Board's proposed articles. He has not inserted motion for Articles 30, 31 and 32 which are by petition. He requests that the Board review Article 35 prior to a motion being made since the Board is asking for a definition of Sign, Portable, and yet there is no reference within the Bylaw to sign, portable, and therefore, the definition would seem inappropriate. He requests that the Board modify 3127 by adding at the end thereof, the words "but in any event not to remain in place in excess of six (6) months."

EM makes a motion in favor of adding the 6 months into the motion. GG seconds motion. Unanimous vote of 5 (JM, AM, EM, EN and GG).

Clerk reads letter from Gerard Daigle, Highway Superintendent, dated April 23, 1992 relative to Shirley Road. He states that Foreman Wilfred Arcand inspected the area at Shirley Road on April 22, 1992, and has noted that Mr. Brad Letourneau has indeed loamed and seeded the area of concern in compliance with the recommendations of the Planning Board. However, he notes that this area is still being trafficked and future damage may result.

EM makes a motion to accept the minutes of May 23, 1991. GG seconds motion. Unanimous vote of 5.

EN makes a motion to accept the minutes of April 9, 1992. GG seconds motion. Unanimous vote of 5.

EN makes a motion to accept the minutes of March 12, 1992. GG seconds motion. Unanimous vote of 5.

EN makes a motion to accept the minutes of January 23, 1992. EM seconds motion. Unanimous vote of 5.

EN makes a motion to accept the minutes of February 13, 1992. GG



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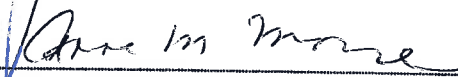
seconds motion. Unanimous vote of 5.

EM makes a motion to accept the minutes of February 27, 1992 and March 26, 1992. GG seconds motion. Vote of 3 (JM, EM and GG). AM and EN abstain since they were absent for those meetings.

EM makes a motion to adjourn the meeting at 10:44 p.m. EN seconds motion. Unanimous vote of 5.



John P. Murray, Chairman



Anne M. Morse, Vice Chairman



Emile W. Niedzwiedz



Glenn E. Gerrior



Edward T. Moore