

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

**EDWARD T. MOORE, CHAIRMAN
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GLENN E. GERRIOR
ROLAND R. LAPRADE**

MINUTES OF REGULAR MEETING

APRIL 21, 1994

Meeting was called to order at 7:45 p.m. All members except EM and AM were present. EN acted as Chairman in EM's absence. Planning Board Associate Member William Wozniak and Planning Board consultant, Philip B. Herr, were also present.

81-SUBMISSION MAPLE STREET

Janice Hannert, Fafard, submits an 81-P, Form A, for two lots on Maple Street. She notes that it is the first lot up from 495. They are making two lots out of one.

EN believes that a house burned down on that location. He asks what is on the side.

B. Lord states that there was a horse farm on that location. He refers to a 65 unit dog kennel which may be placed on the property.

J. Hannert is not sure what the use of the property will be. They are selling the property.

GG makes a motion to sign the 81-P for Fafard on Maple Street. RL seconds motion. Vote of 3 (EN, GG and RL).

\$20.00 fee for two lots paid by J. Hannert.

RESERVOIR ROAD STREET ACCEPTANCE REQUEST

B. Lord indicates that the street acceptance request for Reservoir Road will be withdrawn. He found out that an As-Built for Cliff Estates (Cliff Rd. street acceptance request) was actually submitted by Attorney Neil Roche back in 1988 and has been in the Town Clerk's office ever since.

**PINE GROVE ESTATES II
DEFINITIVE SUBDIVISION
CONTINUED PUBLIC HEARING**

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EN reads letter submitted by Robert S. Truax, BLM Engineering Consultants, Inc., dated April 20, 1994 requesting a continuance of the public hearing for Pine Grove Estates II to May 12, 1994. He states that the additional time is necessary to address the issues presented by the Board and other boards in town.

RL makes a motion to continue the public hearing for Pine Grove Estates II to May 12, 1994 at 8:00 p.m. GG seconds. Vote of 3 (EN, GG and RL).

COLEEN DOWD DEVELOPMENTAL PLAN REVIEW
AUTO MECHANIC GARAGE

EN reads letter from Edward Shea, Shea Engineering & Surveying Co., requesting an extension to May 28, 1994 and continuance of the discussion to May 26, 1994.

RL moves to continue the Dowd Developmental Plan Review to May 26, 1994 at 8:00 p.m. with approval for an extension to May 28, 1994. GG seconds motion. Vote of 3 (EN, GG and RL).

ALGONQUIN INDUSTRIES
DEVELOPMENTAL PLAN REVIEW FOR ADDITION

Jeff Ballou, project engineer from New England Construction indicates that the footprint of the building is the same but the owner has added future parking to the plan. They will have a 6' high chainlink fence with vinyl slats to buffer between the residential neighbors. He refers to the hydrant location and the type two regulation lighting walpaks which they will have. He points out the existing dumpster location. The chainlink fence will come up to the corner. There are 30 existing parking spaces to which they will add 36 now with space for 20 additional at a later date. The total additional parking is 56.

EN thought that they needed a variance.

J. Ballou responds that they did originally because of the building footprint. They are 33' feet away from the residential zoning since they pushed the building back.

EN asks if the addition is still 12,000 square feet.

J. Ballou responds that it did get smaller. There are no wetlands so the Conservation Commission is not involved.

P. Herr explains that the rainwater will run straight down because there is no berm. It is hard to believe that it is not going to scour the pavement. It will erode the dirt and break up the asphalt.

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J. Ballou points out that the berm water will still be a sheet. There is pilestone which they will dig up before creating the rip rap area. They will dig up the big rocks to establish a buffer for the area. The water will go from the asphalt to stone. There is an existing problem at the corner.

P. Herr is surprised to see a chainlink fence rather than landscaping which is supposed to be used for a buffer. He wants to make sure that they are doing the right thing.

J. Ballou notes that there is a mixture of trees in there. There is a wooden fence now. They wanted a chainlink fence for security reasons.

P. Herr reads from Section 3534 of the Zoning Bylaw relative to buffers for district boundaries. He was surprised that this was omitted from the plan because they did discuss it on the phone.

EN states that they can have a fence but they have to put in shrubbery beside it.

P. Herr is concerned about the effect of the chainlink fence on the neighbors.

GG states that the Board could specify brown slats rather than green. He refers to the Dunkin Donuts landscaping which is not to specification. Without specifying the type of screening required, the Bylaw turns into a joke.

P. Herr indicates that it is the Board's authority to specify what they want.

GG states that they could have them put in 4 - 5' hemlocks spaced every 6'. The Board could make that a condition of approval.

P. Herr notes that the screening belongs on the residential side of the fence.

J. Ballou asks who would maintain the trees if they are put on the other side of the chainlink fence.

P. Herr asks what the function of the fence is.

J. Ballou responds that it is for a buffer. They were told at the last meeting to create a visual buffer.

GG notes that the tree line is a mixture.

B. Lord points out that the fence will keep the kids out.

J. Ballou indicates that there is a 6' wooden fence there now. The owner wants to take it down and put in the chainlink fence. The problem with the landscaping on the other side of the fence is who will maintain it.

P. Herr states that there is nothing in the Bylaw which gives the Board the authority to grant permission for a fence in place of the landscaping.

J. Ballou states that the owner wants to clean the area up.

GG states that they could require them to put in a tree every 10' spaced down the line.

P. Herr believes that they are creating a parking lot which is arguably too close to the abutters. Whatever they plant there will probably die because they are changing the grade in there.

GG specifies the buffering of the parking area 10' beyond the westerly parking pavement edge to the easterly parking line every 8', 4-5' in height with the fence. The trees are to be placed on their side of the fence. Only nursery grade trees are to be used. He believes that any property owner has the right to put up any fence they want on their property line. The fence should only contain brown slats.

P. Herr states that the lights in the plan is specified and he wanted the Board to be aware of the drainage situation.

GG makes a motion to approve the Algonquin Industries Developmental Plan Review with a chainlink fence with brown slates and 10' west of the pavement edge to the south side of the property line to the southeast corner 4 - 5' nursery grade hemlocks spaced every 8'. RL seconds motion. Vote of 3 (EN, GG and RL).

J. Ballou pays \$188.00 fee based on 56 parking spaces and presents 3 copies of the plan.

MECHANIC STREET REZONING

Clerk reads notice of public hearing.

B. Lord is representing Alfred DaPrato, petitioner, for the Mechanic Street Rezoning. Mr. DaPrato owns the parcel which is straddled on two different zoning areas; business and agricultural. They propose to rezone it all to Business 1 which is compatible in zoning. The owner would like to divide the lots but the only way to do it with the current zoning is through affordable housing. That would leave two acre requirements at one end and 20,000 square feet at the other end. They want to place the area all in one

zoning.

EN asks what is behind the property.

B. Lord responds that it is Maplebrook which is zoned agricultural.

P. Herr asks what is abutting to the east.

B. Lord states that it is a continuation of the same zones. There is commercial on 400' of Mechanic Street.

P. Herr notes that the drawing which was submitted earlier was different from this. Lot 9 is not part of what they are talking about rezoning yet it is shown as such on the plan. He is concerned about the ambiguity of the language of the article.

B. Lord explains that this plan is different because it shows the locust. The motion on the Town Meeting floor will be made on the basis of the plan which was submitted proposing rezoning for lot 8 only.

P. Herr points out that there is no meaning or changes to the language which deals with lots 5 and 6. The only piece to be changed is a part of lot 8. They are talking about putting lot 8 all in one single district. It is 400' back off the street.

B. Lord is showing the entire parcel owned by Mr. DaPrato.

P. Herr believes that the confusion arises with the article which shows lots which are not going to be changed. The scale of the Assessor's maps show business district and industrial district boundaries. Making this change leaves a nose of agricultural.

B. Lord did not add it up but assumed that it would rezone the whole area.

P. Herr states that the drawing should have shown the current zoning so they could see what they are dealing with. He asks what the zoning is for the property which abutts the parcel which is proposed for rezoning. It would be nice to know what they have in mind for future development.

B. Lord responds that it will be mixed use.

P. Herr asks if the zoning serves to buffer the parcel.

B. Lord states that as long as the zoning is there, the line divides it in fashion. He was looking to show the zones which are adjacent and the relationship to industrial.

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P. Herr suggests that the petitioner present a drawing at the Town Meeting which will make the rezoning clear to the members so they will not be confused.

GG makes a motion to close the hearing. RL seconds motion. Vote of 3 (EN, GG and RL).

RL makes a motion to recommend the article for Mechanic Street Rezoning. GG seconds motion. Vote of 3 (EN, GG and RL).

CENTERVILLE ESTATES
DEFINITIVE SUBDIVISION
CONTINUED PUBLIC HEARING

Paul Cutter, who is working with Bob Salvetti brought in a colored plan.

M. Staniscia states that the big question is the drainage.

GG asks how they will piece the property together since the guy next door will drop the grade down. What will happen if he changes the effect?

M. Staniscia does not know what the neighbor is trying to do. They picked the road up 3' in the low spot. This made the retention pond shallower.

P. Cutter explains that they raised the roadway grades to get the retention basin without a deep cut. Before it was 7' and now it is 4'.

P. Herr spoke with Mr. Salvetti. There are a number of small issues. The big issues are the storm drainage and the retention basin without an outlet. There is nothing in the Board's regulations which authorizes that. The Board would have to waive that but they would have to feel comfortable that it would work. The Board does not have any calculations on the volume. They do not know if the basin is large enough for any contingency. It has to work in the worst possible circumstance. They did have a report with the previous design but not with this revision.

P. Cutter explains that they did the perc test and deep hole test. They did the perc test this week on the back 4 lots. The first two lots will be sewered. They went down 20' and found no water. There is all good sandy material. The perc test came out at a 2 minute rate or less. There is good permeable soil.

M. Staniscia notes that there was a low spot so the pipe could not go higher. The road is higher now.

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P. Herr states that because they were picking up the stormwater at a low point, in order to get the gravity, the bottom of the detention basin will be pushed below. Now they are lifting the road to the left of the retention basin.

RL notes that last time they had only done the calculations for the 25 year storm.

P. Cutter thought it was designed to the 100 year storm.

P. Herr needs documentation and calculations.

P. Cutter can supply the information.

P. Herr states that the bottom of the detention basin is 2' above the water table.

P. Cutter can provide documentation relative to the perc test and the deep hole test.

P. Herr indicates that the Board could waive the requirement for the detention outflow.

M. Staniscia points out that there is a ravine in there.

RL is not an engineer and does not know if it is adequate. the Board does not know if the figures are adequate.

P. Herr states that there are a variety of remedies. He has not walked the site. At the expense of the applicant, the town could engage an engineer to look at the question. He does not want to be the expert to say that it is o'kay. This is a departure from what the Board has approved in the past.

EN refers to another problem. He reads letter from Sgt Haughey, Safety Officer, dated March 24, 1994 identifying the site distances. Looking to the south towards Franklin, the site distance is only 285 feet. Looking to the north towards the center of town, the site distance exceeds 300 feet.

P. Cutter can get the measurements for site distances.

GG suggests that they discuss it further with the Safety Officer.

P. Cutter will take a look at it to see if it is a vegetation problem.

M. Staniscia states that one can see as far as Stearns towards Franklin and then the road bends.

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P. Herr thinks it would make sense to meet with the Police Safety Officer to see what the remedy may be.

GG states that the question is whether or not the lot is suitable for a subdivision or suitable for one house. He owned a 17.5 acre site on Center Street which became a one house lot because he did not have the 400 feet site distance. He refers to the landscape plan which has no mention of the trees except the markings shown on the plan.

M. Staniscia indicates that the property is all gravel to a point. The back portion is all wooded.

GG states that they would probably place them every 40' but it does not say where on the plan.

P. Herr refers to the sewerage question. He asks if it is their intention to provide on site disposal on the back lots.

P. Cutter responds that it is.

P. Herr asks if they have discussed this with the Water/Sewer Dept.

M. Staniscia met with the Board of Health Tuesday. J. Emidy told him that there is no problem with the septic since Title 5 has not changed yet and might not change for another 5 months.

P. Herr had a meeting with D. Fraine, John Emidy, and the Water/Sewer Dept. The Water/Sewer Dept. is supporting and obliging cases like this. With the system downhill, the homes will have individual ejector pumps to use a common force main which dumps into the sewerage.

M. Staniscia read an article which said that Bellingham may not have the capacity.

P. Herr is confident that the capacity is there for these 4 houses.

P. Herr suggests that he speak with Mr. DiMartino. The lots would be more saleable if they were able to get public sewerage. They should try to see if it will work. He is surprised to hear Mr. Emidy's comments. He had a different opinion during their discussion.

M. Staniscia points out that the rules have not changed yet. They will provide the drainage calculations, talk to the Safety officer and talk with the Water/Sewer Superintendent.

GG also wants them to label the landscape plan.

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P. Herr refers to a large number of smaller issues which are mechanical and deal with the drawing completeness.

M. Staniscia states that Bob Salvetti has had trouble connecting with P. Herr. He would like to see everything which needs to be done said now.

P. Herr points out that the regulations were blatantly ignored. They were supposed to follow the book. The plan has a locust plan which is not to scale. The easement to the retention basin is not to dimension for the schematic drawing. There is nothing in the drawing to indicate the tree cover. The outstanding individual trees are not shown. They must submit in writing if public sewerage will not be proposed. They need to show an erosion control plan. There is no description of the brush and stump removal and where it will go. There is no registered engineer's stamp on the plan. The proposed monuments are not shown. The lot numbers must be shown in circles. The street numbers must be shown in squares. It must be certified by an engineer and land surveyor to town's standards. No street lights are shown.

P. Cutter notes that it is on the plan now.

GG confirms that there are two shown on the plan, one at the entrance and one at the cul de sac.

P. Herr further comments that the sidewalk location shown is inconsistent with the subdivision regulations.

RL prefers the grass strip.

GG does not like the grass strip because it does not get maintained.

M. Staniscia points out that the Highway Dept. recommends against the berm.

EN does not like the grass strip either.

P. Herr instructs them to put it adjacent to the curb for this development. The plan shows vertical molded berm, but the regulations call for a cape cod berm.

M. Staniscia prefers the cape cod berm, but the Highway Dept. prefers the other.

P. Herr notes that the Highway Director can not change the regulations.

GG and RL instruct him to put in cape cod berms.

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P. Herr states that the cross section 3/4" per foot should be indicated on the plan. The retention basin and ground water level at the 2' below base of basin must be shown. Calculations designed for the 100 year storm must be provided. There is a rule that the basin must empty within 4 days after a design storm. They must provide words that this is being satisfied. They must have a fence around it with a gate. They must also have a provision on how it will be maintained. It is the Board's regulation that the water main not be deadended. They must explain that there is no way to avoid that. They would have to loop if something else happened.

B. Wozniak asks if it is still considered deadended even though it has a hydrant.

P. Herr responds in the affirmative.

M. Staniscia indicates that Varney owns 170 acres in the back and has access to Depot Street.

B. Lord notes that access is better to the south side. It makes sense that if that property is ever developed, the property would tie in there to the cul de sac which would be extended. They must make a provision that the tie in can be made if a road comes in at a future date.

GG suggests they make the right of way bigger along the cul de sac to tie in later. They could make it a 50' cul de sac. The easement line must be made bigger by taking a few square feet off the properties to give a common boundary. The radius will carry in by making the circle bigger. It will mean that more property will be owned by the town.

M. Staniscia does not think that he should pay to give a guy access for free.

B. Lord notes that it is required by the Zoning Regulations.

P. Herr states that what they are showing with the reserve strip is explicitly prohibited. He refers to lot 3. Grading the lot must be continuously downhill at least a 2% grade. The house as drawn is sitting between two hills. He does not have 10' in either the front or the back. He may need to put in a retaining wall. He must put in a notation of what the trees are going to be.

GG wants to see nursery grade.

M. Staniscia indicates that there is a natural tree line at the back of the cul de sac.

P. Herr refers to sheet 3 which is the road plan. There must be a

notation regarding the private sewer. He thinks it is intended to be erased.

P. Cutter agrees that should come off the plan.

M. Staniscia understood that he had to provide the adjacent property owner access if the guy did not have access another way in. The abutter has access frontage on 140.

P. Herr reads Section 4213 of the Subdivision Regulations which states that access must be provided if the adjoining property is not a subdivision. He refers to the width of the roadway which must meet regulations. It will probably never get used but he thinks that they have to have a provision to get the water extended. The Board is not asking him to put in the pavement, but they can not block it.

GG points out that someone could buy lot 6 and extend the road from there.

P. Herr states that it is important to loop the water which increases the pressure.

GG makes a motion to continue the public hearing for Centerville Estates Definitive Subdivision to May 12, 1994 at 8:30 p.m. RL seconds motion. Vote of 3 (EN, GG and RL).

EN requests that Clerk revise the March 24, 1994 minutes relative to the caption for Centerville Estates. Change location of Pearl Street to Mechanic Street.

RL explains that he attended a meeting with Mr. DiMartino, P. Herr, D. Fraine and J. Emidy to discuss Pine Grove Estates II. They discussed utilizing a different system if the force main goes down. They would have a back up tank if the power goes out. They debated the size of the tank which could be from 60 to 1,000 gallon in case there is a power outage. They need a place to dump if there is a problem.

P. Herr further explains that the Water/Sewer Commission is adopting revised regulations to authorize this kind of system and may require it. They will put together a proposal for the Board to revise the present regulations. It will connect to the town sewer if required by gravity. The Board of Health may need to change their regulations. J. Emidy agreed that they would but was not sure that it was needed if the Water/Sewer and Planning Board change their regulations. These two subdivisions are the first ones to be effected by this since the town obtained sewerage.

EN states that all developers assure the Board that there is enough

gallongage for water.

GG points out that A. Rosenfeld is unable to close on some houses he has built because the sewerage has not been connected. The Water/Sewer Dept. told him that the line would be connected by Friday.

P. Herr refers to the capacity issue which was discussed in the newspaper. There is no question that it can be provided to the new few small developments, but the Shores at Silver Lake development is a different question.

EN asks about the town tying into Medway/Franklin and Woonsocket.

P. Herr responds that the Medway/Franklin line is the same.

B. Lord states that in 1983, they were told that the numbers were sufficient to meet the build out requirement needs to 2005.

EN notes that the area which has the least problem is South Bellingham where this is not an issue.

B. Lord states that Scott Hill should be diverted to the south instead of to Franklin.

B. Wozniak indicates that they can not divert and send to Woonsocket.

B. Lord believes that they could at a cost since it needs a force main.

P. Herr refers to the Split Lot Dimensional lot article. He put together some words to go along with the diagram which he provided. The last meeting with the economic development consultants went better.

RL points out that the next meeting for Economic Development Task Force will take place on May 10, 1994.

RL makes a motion to adjourn at 10:10 p.m. GG seconds motion. Vote of 3 (EN, GG and RL).

Edward T. Moore, Chairman

Anne M. Morse, Vice Chairman

Emile W. Niedzwiedek
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