

**BELLINGHAM PLANNING BOARD**

**P.O. BOX 43**

**BELLINGHAM, MASSACHUSETTS 02019**

**EDWARD T. MOORE, CHAIRMAN  
EMILE W. NIEDZWIADK, VICE CHAIRMAN  
ANNE M. MORSE  
ROLAND R. LAPRADE  
PAUL CHUPA**

**MINUTES OF REGULAR MEETING**

**JUNE 23, 1994**

Meeting was called to order at 7:40 p.m. All members were present. PC joined the meeting at 7:55 p.m. Planning Board Consultant, Philip B. Herr, was also present.

**PINE GROVE ESTATES II PLAN ENDORSEMENT**

RL makes a motion to sign the plan. AM seconds motion. Vote of 4 to endorse plan (EM, EN, AM and RL).

P. Herr checked the revised plan and could not find a datum reference for the elevations.

R. Truax, engineer, responds that he just labeled it USGS on the benchmark.

P. Herr notes that the Board needs security before releasing the plan.

EM explains that no plans will be released until the applicant comes in with a covenant. The Board is signing the decision today but the 20 day appeal period will not be up for another few days. The plans can be released after the 20 day appeal period if no appeal has been filed and only after a covenant has been presented to the Board.

EM reads letter from D. DiMartino, dated June 2, 1994, relative to pressure sewer acceptance for the town sewer system. The installation of individual building sewer pumping units with header pipes is acceptable with no bond, security or indemnification to the Town. The work must simply meet the requirements of the sewer specifications. The individual building pumping units will be constructed on the private property of the building and will forever remain the property of the property owner. The portions of the header pipes that are installed in the Town's right of way, or a proposed town right of way, will become the property of the town. This is similar to any water pipe installed in a town right of way or proposed town right of way.

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**CENTERVILLE ESTATES PLAN ENDORSEMENT**

P. Herr checks the plan to ensure that they have been dated for the most recent revisions.

PC joins the meeting at 7:55 p.m.

RL makes a motion to sign the plan. EN seconds motion. Unanimous vote of 5 (EM, EN, AM, RL and PC).

EM reads conditions of the decision.

P. Herr indicates that the applicant should present two covenants one of which will place the restrictions on the first two lots and will not be released. The other covenant will be released.

EM states that Town Counsel must review the covenants prior to the Board's acceptance.

P. Herr points out that a vertical berm will be on the sidewalks.

**SUBMISSION**

Emile Gareau presents an 81-P, Form A for Locust Street which is 1,000 feet from Pulaski Blvd.

EM asks what lot it is taken out of.

E. Gareau responds that it is all 34 acres.

EM questions the zoning.

E. Gareau responds that it is suburban.

P. Herr looks at the plan and does not see any problems with it.

AM makes a motion to approve the 81-P for E. Gareau. RL seconds. Unanimous vote of 5 (EM, EN, AM, RL and PC).

Members sign plan and \$10.00 fee is paid.

**FERNANDO'S RESTAURANT, 90 MENDON STREET**

Steve Lozzi, manager of the restaurant, drew up a sketch of what they have done to the parking lot.

EM notes that the sketch does not give the dimensions.

S. Lozzi explains that the employees park to the back of the building. They always had a driveway to come around. The parking

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area is already there and is shown on the sketch. It is approximately 60'. The driveway comes from the parking lot down around the building to the back yard. Some of the waitresses were getting stuck when it rained so they brought in gravel and crushed the bank.

EM asks how big it is.

S. Lozzi responds that if they really crushed the cars in, they could get between 12 and 15 cars in the back. Someone called the town and thought that they were doing major removal. They thought that their contractor came to the town to show what they were doing. They will resurface that parking area. The contractor will come every Monday until they are done.

EM notes that the question is whether or not this generates site plan review.

P. Herr indicates that this is not a new building and is not an addition to a building. It does not appear that it removes vegetated ground cover for more than 20,000 square feet. The area appears to be 60' x 30'. He reads the Bylaw which refers to a substantial alteration to the parking facility of 10 more spaces. He explains that they are not required to have more parking spaces unless they enlarge the building. He does not feel that it needs a Developmental Plan Review.

EM instructs Clerk to send a letter to the Building Inspector indicating that this does not meet any of the 4 considerations in the Zoning Bylaw relative to DPR.

S. Lozzi points out that in the future they may want to expand because they own more land.

P. Herr believes that it would be a good idea to bring it in first to run it by the Board with more detail.

**CLAIRE'S COVE**

Richard and Carol Dill, 369 Lake Street are the applicants. He explains that the land is located at the back of Roland Arcand. They are seeking permission to build on the lot. He points out the existing lot and barn. They want to break it into two lots with a proposed paper road. Last time they were here, they discussed using the road as a right way.

EM indicates that the lot is 5 acres. How do they know that they will not one day come back to put 8 lots in.

P. Herr states that the Board could stipulate the number of lots

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later. He states that there are at least 3 ways to get a second lot. There is one exactly like this in Blackstone which is currently in court because the owner changed his mind and decided to make a third lot.

R. Dill explains that the original plan showed the parcel broken into 3 lots.

EM asks how the town can protect itself. There are wetlands in there. They could not construct a street and the Board could not allow it as a backlot because there is not enough frontage.

B. Lord states that the ZBA is currently being sued about a subdivision similar to this which has zero frontage.

P. Herr points out that this will have frontage on Claire's Way. The problem is that they may come in later and say that they want more lots.

EM states that the subdivision would be for two lots but if they sell at a later date someone may come in and ask for more since there are 5 acres.

R. Dill explains that it is their intention to build the house facing Lake Street. They are trying to purchase land from Marsha Crook's to place their driveway on Lake Street. The road would not be used but it would give them frontage. He does not know if the Crook's land can be sold because the grandfather stipulated that it only be used for a farm.

P. Herr states that the question is whether or not the Board should encourage these people to sink more money into this. Instead of going the subdivision route, they could go to the ZBA for a variance because they only want one house. That would not open the door for the other lots. They could also put annotations all over the definitive plan that neither lots one or two can be divided.

EM notes that the Board would still have to hold a subdivisiioin hearing even if they receive the variance.

P. Herr agrees but they would not have to create the funny road. He refers to Cutler Street which had no frontage. This has frontage. He suggests that the Board members go down and look over the parcel.

EM has been there. It is a little narrow dirt driveway which curves. He would think that the variance is the better way to go.

R. Dill asks what they would be seeking a variance for.

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P. Herr responds that it would be a frontage variance but they may not be entitled to it because there is no hardship. The preliminary plan is a perfectly legal plan. They could add that there be no further subdivisioin of the lots without amendment to the subdivision plan.

EM does not know about approving a paper street.

P. Herr states that there are 3 choices right now. They could withdraw, the Board could approve the preliminary plan tonight or they could wait until the next meeting so members can become better familiarized with the parcel.

EM is concerned about the notation that would be put on the plan. It would have to be on the definitive plan.

B. Lord states that they could tie it specifically to the waiver of the street frontage.

RL makes a motion to approve the preliminary subdivision plan for Claire's Cove. AM seconds motion. Unanimous vote of 5 (EM, EN, AM, RL and PC).

C. Dill states that the road centerline is 369 feet.

Clerk reads letter from the Safety Officer, dated June 15, 1994 stating that there is no problem with the site distances for this proposal.

**FREDAP ESTATES DEFINITIVE SUBDIVISION PLAN ENDORSEMENT**

AM abstains from this discussion.

B. Lord explains that he came in with a plan on March 10, 1994 but it was not correct. He presents the corrected plan tonight for endorsement.

PC makes a motion to sign the plan for FREDAP Estates. EN seconds. Vote of 4 (EM, EN, RL and PC). AM abstains.

EM asks about covenants.

B. Lord responds that there will be no road and no improvements so no covenant is needed.

**CRESTVIEW COMMONS DISCUSSION**

EM reads letter from Town Counsel, dated June 20, 1994 relative to Crestview Commons stating that it is the opinion of his office that the special permit for Crestview Comons has lapsed. He cites

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Section 4423 of the Bylaw which clearly indicates that "a Special Permit shall lapse upon transfer of ownership or...". He further states that it is apparent and obvious that a number of transfers have taken place since the original application for the special permit. There are "Stop Work" orders issued by the Town with insistences of enforcement by the Planning Board. He refers to letter from the Planning Board, dated April 7, 1988, a copy of which he attaches.

EM did explain to Town Counsel that the Board agreed to ask the Building Inspector to remove the stop work order. He reads letter from the Board to the Building Inspector, dated June 6, 1994, stating that at the meeting of May 26, 1994, the Board voted to approve Attorney's Bruce Lord's request on behalf of his client, the owner of Crestview Commons to remove the stop work order restriction. The Board stipulates that no occupancty permits will be given until the Developmental Plan Review is approved, no additional paving will be done, no additional buildings will be built and there will be no increase in the impervious surface. The Board agreed to remove the stop work order solely for the developer to conduct rehabilitation work on the premises.

B. Lord intends to show that the detention basin is not in the place it is shown on the plans. He is looking for direction for the special permit and the developmental plan as well. They would like to resubmit reports which are nontechnical. He does not think that traffic has substantially changed.

EM asks if they will come in with the same plan.

B. Lord responds that it obviously has to change. The drainage is clearly wrong but there is nothing wrong with the buildings. The septic has been retested and is on the way to being approved by the Board of Health.

P. Herr asks the number of units.

B. Lord responds that there will be 30. 12 were almost ready when the project was abandoned.

EN asks if the rehabilitated units will still remain condos.

B. Lord responds in the affirmative. The only real variance will be to the retention pond which will be made into a detention pond because it clearly does not work.

EM asks P. Herr if he foresees any problem with the same traffic study.

P. Herr responds in the negative. The Board has already been

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through it. It is not clear how they will solve the drainage problem.

EM indicates that the town will have to hire an engineer at the developer's expense to review the drainage on the town's behalf.

B. Lord will submit the developmental plan with the special permit so they can be heard back to back.

**DISCUSSION DALPE'S GOLF COURSE**

B. Lord explains that plans for Dalpe's 9 hole golf course will be submitted next month. He shows the existing building with a variation to the deck and parking lot.

RL states that the garage which is under the deck was not there before. It is really a carport with the roof used as a deck.

B. Lord will be coming in with the developmental plan next month. It requires a developmental plan because of the parking lot.

EM suggests that B. Lord give a copy of the plan to P. Herr tonight so he can review the plan.

EN asks if the golf course should be shown on the plan.

B. Lord responds that the property is too massive to show it all at once. The golf course is not on this property.

EM asks if creating ponds and fertilizing grass in Water Resource District I is allowed.

B. Lord will submit the plan to D. DiMartino for his comments. He thinks this is a better use than gravel pits.

**MINIATURE GOLF/DRIVING RANGE, MECHANIC ST.**

EM and AM abstain from this discussion

EN replaces EM as Chairman.

Michael Aucoin, engineer, presents a plan for the Musco lighting which shows the miniature golf area and contains information relative to the size of the lamp fixtures and locations relative to the golf pads. Another plan shows the fixture direction. The lighting will meet the Bellingham Zoning Bylaw. Upon completion of installation they will submit the read out to show that it meets the Bylaw.

PC asks if the lighting will interfere with the neighbors.

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M. Aucoin responds that it will not. The fixture on the lighting will be shielded to 180 degrees. He shows the plan and the driving range.

P. Herr states that the paperwork says that the fixture type sizes and light levels will meet the Bylaw but he asks what 108.2 ft. candles means.

M. Aucoin indicates that they eliminated the berm lighting in the driving range. They have 4 poles shown. Musco lighting will design the poles, directionals and angles. They will take the lamp reading to ensure that it meets the Bylaw.

P. Herr asks how high the lights will be.

EN states that the poles are 45' high.

M. Aucoin has a note on the plan showing them at 40' for the driving range. Height and location is shown with poles at 45' and lights at 40'.

P. Herr points out that this is an industrial district. Luminaire less than 90 degrees cut off from the vertical can have 40' high luminaire with shielding provided results are not more than 3' candles off site. He does not see anything which shows that the fixtures are the type 3 type. He also does not see anything which shows the lighting less than 3' at site.

M. Aucoin agrees that no occupancy permit be given until that is shown.

P. Herr thought that the purpose of the lighting condition was for them to bring in the drawings showing exactly what the lighting would be.

M. Aucoin states that they could show under 3' candles underneath the property line.

P. Herr is surprised they do not have an illustration about what the luminaire is.

EN asks if he will revise the plan.

M. Aucoin could easily show the revisions on the plan. They will meet the below 3' requirement.

P. Herr states that this plan shows the foot candles up to the edge of the property line. They are proposing 3' at the property line.

M. Aucoin could extend the lamp candles and call it a revised plan



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which will be submitted as of this date.

EN asks if they are changing the fencing.

M. Aucoin responds that instead of an 8' fence, they will have 6' but will still be using black vinyl. The fence is shown as 8' on the plan. The fence is for frontage along the road. He refers to the 45' netting which will go down to 25' in the back.

EN notes that minor changes need to be documented on the plan. He asks if the Bylaw will allow alterations of 25' back netting and 6' fence on the plan.

P. Herr indicates that the only problem is why they are not building what is shown on the plan.

Planning Board members have no problem with the 6' fence in the frontage.

M. Aucoin will redraw the revisions and present it to Clerk.

P. Herr states that there are two issues: the luminaire type and the 3' candles.

M. Aucoin states that the plans will show the angles of the light.

P. Herr indicates that they would be doing all this at their own risk. The lighting would be put up at their risk. There is nothing which tells them that they cannot do it. He suggests that the Board send a letter to the Building Inspector with the revised plan stating that the applicant submitted additional information regarding the lighting. The Planning Board has no objection to installation of the lights provided that monitoring is done prior to occupancy.

RL makes a motion to send a letter to the Building Inspector. PC seconds. Vote of 3 (EN, RL and PC). EM and AM abstain.

M. Aucoin will revise plan and forward two copies to Clerk.

**CORRESPONDENCE/GENERAL BUSINESS**

Clerk reads ZBA decision for Coleen Dowd which was denied because the applicant does not meet the required site distance of 300 feet looking towards Franklin. The ZBA fees that this variance would be a detriment to the public good.

EM reads letter from Donald DiMartino, dated June 1, 1994, relative to Shores at Silver Lake. He states that at the May 25, 1994 Town Meeting the Town accepted a mandatory sewer connection bylaw. The

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bylaw requires all buildings serviced by town sewer to connect within 36 months, or risk the possible loss of their ability to connect. The Board of Water and Sewer Commissions had previously voted to hold 280,000 gpd of sewer flow capacity for the existing buildings in the north and central areas of town. This leaves only 20,000 gpd of available capacity for new construction and development. Section 3425 (b), of the Zoning Bylaw, states "Developments making unusually large demands on service capacities should not be allowed to pre-empt smaller developments from gaining a fair share of that capacity." The Board of Water and Sewer Commissioners voted to return to deposit check for \$5,000 and not approve the sewer extension permit application, which requests 33,000 gpd in sewer capacity for a 100 unit development.

EM reads letter from Clifford A. Matthews, Conservation Commission, dated June 7, 1994, to Janice Hannert regarding Shores at Silver Lake, stating that the Conservation Commission voted at their May 25, 1994 meeting to deny an additional extension for the Order of Conditions for the proposal. The denial is based on the fact that no activity has taken place in areas that were permitted under the original filing in the eight months since the Commission granted the last extension period. The Commission sees no good faith attempt to continue work on the project. Fafard Company may refile in this configuration or any alternate layout.

**WETHERSFIELD I, 349 CAROLINE DRIVE LOT RELEASE**

AM makes a motion to sign the lot release. PC seconds. Unanimous vote of 5 to release (EM, EN, AM, RL and PC).

Clerk notorizes lot release request.

**MINUTE ACCEPTANCE**

RL makes a motion to accept the April 14, 1994 minutes. EN seconds. Vote of 3 (RL, EN and AM).

RL makes a motion to accept the April 21, 1994 minutes. EN seconds. Vote of 2 (RL and EN). AM and EM were absent from this meeting and GG is no longer a member.

EN makes a motion to accept the May 12, 1994 minutes. RL seconds. Unanimous vote of 5 (EM, EN, AM, RL and PC).

**BEECHWOOD ESTATES**

Clerk explains that she received a call from Hanewich Law Offices asking about lots in Beechwood Estates. It was explained that lots 5, 6, and 7 were combined into lot 7a. However, only lot 7 was released from the covenant. The question is do they have to come

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in and request release of the other lots.

P. Herr responds that they have to request release of lots 5, 6, and 7 combined as lot 7a.

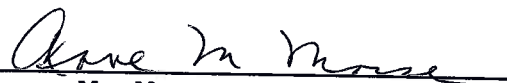
**COUNTRY CLUB ESTATES II**

A resident a Rome Avenue phoned Clerk asking if the Board granted approval for Rome Avenue to be extended. Board members review the plan and determine that no extension for Rome Avenue was granted. However, property owners on the other side may be considering development.


AM makes a motion to adjourn at 9:55 p.m. EN seconds motion. Unanimous vote of 5 to adjourn (EM, EN, AM, RL and PC).

  
Edward T. Moore, Chairman

Emile W. Niedzwiadek, Vice Chairman

  
Anne M. Morse

  
Roland R. LaPrade

  
Paul Chupa