

**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**

**SEPTEMBER 22, 1994**

Meeting was called to order at 7:38 p.m. All members were present. Associate Member William Wozniak was absent. Board's consultant, Philip B. Herr was also present.

**SUBMISSION**

Bill Halsing submits an 81-P, Form A for Constance Mahan, 45 Horseshoe Drive. He explains that the neighbor put his fence on their property. They want to transfer a piece of property to the lot. The frontage is the same. Lot 8 will become 23,000 square feet and lot 9 increased from 19,000 to 20,000 square feet.

EM reads notation on the plan which states that "Parcel 'A' is to be conveyed from lot 8 to become part of lot 9. Lot 9 will then have an area of 20,114 sq. ft. Existing buildings on lots 8 & 9 meet current zoning setback requirements."

AM makes a motion to approve the 81-P. PC seconds motion. Vote of 4 (EM, AM, RL and PC). EN not present for vote.

EN joins the meeting at 7:45 p.m.

Bradley Wright submits an 81-P, Form A for Country Home Builders for one lot on the southeast side of South Main St. He notes that it is George Whiting's property and it is located after the beauty parlor. It is zoned suburban and complies in every way. It has 150' of frontage and 40,000 square feet in area.

AM makes a motion to approve the 81-P. PC seconds motion. Vote of 5 (EM, AM, EN, RL and PC).

Bruce Lord, Esquire, explains that Burt Rhodes is prepared to complete the road for Bald Hill Estates. The plan calls for two sidewalks. The present regulations call for one sidewalk. One side of this development is deeded to the town for conservation. There is no need to put in one sidewalk. The letter of credit ran out. They would like to know if the Board will waive one sidewalk.

EM notes that there are houses on both sides. There is a long way where there are no houses. It is o'kay to waive the sidewalk for the right side going up through the circle. He asks if they are asking for a waiver for the left side.

B. Lord responds that they are. There is a question as to how many houses are buildable there.

AM does not think that there is a big difference.

RL points out that the ruling was still for two sidewalks.

EM indicates that it was at the time this was approved.

B. Lord states that they would like to complete this before the winter.

P. Herr does not think that this requires a public hearing because it does not affect anyone else.

EM asks if they will finish the road including the berms and anything else.

B. Lord responds in the affirmative.

AM makes a motion to waive one sidewalk on the west side of the Bald Hill Estates development with a cape cod berm on one side without the sidewalk. RL seconds motion. Unanimous vote of 5.

EM instructs Clerk to forward a letter waiving the sidewalk to the Highway Dept., Conservation Commission, Building Inspector and a copy to Bruce Lord.

Clerk explains that Rawson Farms resident Sharon Martinez phoned asking when the street lights would be put in and why the fence has not been installed around the detention facility next to her home. The development is very dark without street lights. One car has been broken into and one house has been broken into. The curbing near her driveway is messed up. The developer said that he would repair it when the street lights were put in and they put the second coat down. Her land is washing out into the street.

Board members respond that the road has to be accepted before they can petition the Selectmen to get the street lights.

B. Lord notes that everything has been sold.

EM asks why they are not completing the road. They could still put the road in now.

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**SEPTEMBER 22, 1994**

B. Lord responds that the detention is fenced. The road is finished. He will contact her directly to discuss the matter further.

AM asks B. Lord to contact Ms. Martinez to obtain a response before the next meeting.

B. Lord explains that they are in the process of completing the road. The main detention pond is fenced in but there are some drainage easements which are not fenced in.

RL makes a motion to accept the minutes of August 25, 1994. PC seconds motion. Vote of 4 (EM, AM, RL and PC). EN did not vote because he was absent from that meeting.

P. Herr did not attend the last meeting of the Economic Development Task Force. He asks for an update.

RL responds that they met with the Selectmen with an outline but they had not read it yet. They will have another meeting around October 11, 1994 when they will make a presentation.

P. Herr states that nothing was really decided.

RL indicates that the Selectmen had not read the report yet. The engineering firm has wrapped up. D. Fraine will present his recommendations to the Planning Board. It depends on the outcome of the next meeting. The issues will be brought up at that time and discussed further.

**RIVERVIEW PARK, PHASE V DEFINITIVE SUBDIVISION**  
**CONTINUED PUBLIC HEARING**

EM reads a letter which was sent to him by Edward M. Padden, attorney for Richard and June Hill, owners of the property, dated September 22, 1994, wherein he forwards copies of letters from Janice Hannert and the Planning Board relative to Riverview Park, Phase V. He understands that the hearing was continued to September 22, 1994. Mr. and Mrs. Hill have no objection to the approval of the referenced definitive subdivision. EM received a call from Mr. Hill noting that he is still in Maine and would be unable to attend tonight's meeting. He thought that Ms. Hannert from Fafard was going to attend tonight's meeting on Mr. Hill's behalf.

RL makes a motion to continue this hearing to 8:45 p.m. tonight to see if anyone shows up to act on the owner's behalf. AM seconds motion. Unanimous vote of 5.

**JACO, INC. DEVELOPMENTAL PLAN REVIEW**

FARM STREET ADDITION

EM opens the review meeting at 8:15 p.m. Clerk reads notice of review meeting.

Domingos Roda, Guerriere & Halnon, is representing the applicant. He explains that the addition is for 8700 square feet which will enclose a portion of the building. The grey on the plan shows the proposed addition. The existing portion is delineated by the slashed line. The addition and the alternative parking configuration is shown. The red line shows the existing pavement. There will be 9,000 additional square feet of pavement. The red line shows the old Farm Street and the actual pavement.

EM asks if what they are proposing for the building is shaded in.

D. Roda responds that the solid black line is the parking and access.

EM asks if it will be black topped.

D. Roda states that it will be paved. They will have 8,700 square feet of pavement.

AM asks about the lighting.

D. Roda explains that the only lighting will be on the building for the parking. It will be attached to the building.

A. Rossini further explains that the lights will be on a pole. There will be other lights on the building facing toward 495. The front of the building is really the back of the building.

P. Herr spoke with D. Roda and reviewed the plan with him prior to the meeting. There is one clear issue. There are 5 spaces that back out to Farm Street which is not consistent with the law. He does not know why they are there.

D. Roda states that the Bylaw requires that they have 5 spaces.

EM asks why they are creating a hazard.

D. Roda explains that they are trying to stay 20' away from the property line. They had to get 5 spaces to conform.

P. Herr asks Mr. Roda if he thinks they have exactly the number of spaces which the Bylaw requires.

D. Roda responds that he does, 99 spaces are required. Jaco will have no new employees and the parking spaces will not be used.

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**SEPTEMBER 22, 1994**

P. Herr does not understand why they are doing it then.

D. Roda explains that there are 94 original spaces. They needed 5 additional spaces with the creation of the 8,700 square foot addition. He does not think they are necessary either.

P. Herr states that there is no change to the grading at the front of the building.

D. Roda agrees. There will be no work on this portion of the building.

P. Herr refers to the landscaping rules. He asks what they are planning for the sideline and the street line. His recollection is that the building sits low relative to the road. Planting bushes may not be needed.

D. Roda states that the parking is 10' below the grade of the road.

Joan King, 123 Farm Street, presumes that the proposal is within the law of what they can do in an industrial zone. The only access for Algonquin and Jaco is Farm Street which is horrendous. She has recently retired and had no idea about the truck traffic. Over 100 trucks travel that road daily to get to the two businesses. Her house is 20' from the road. Jaco is a good neighbor and does not create noise. She thought there was going to be an access road for industries. She spoke with the Safety Officer who said that he cannot do anything to limit the trucks. She used to be on the Planning Board many years ago. She does not know why they need 5 more parking spaces. She thinks it means new employees. She thinks that the plant runs 24 hours a day. This is a little residential country road. Spot zoning happened. The business does not generate noise. However, noise is generated by trucks in order to conduct the business. It is hard to understand why they need the parking spaces if the addition is only for warehouse space.

EM does not think that they need to put the parking spaces in.

J. King asks how much more Algonquin and Jaco can keep increasing. The residents have no say in what is happening.

EM points out that the industrial zone exceeds all the way down Hartford Avenue where WalMart is.

J. King notes that the pictures on her walls shake when the trucks pass by.

A. Rossini explains that one of the reasons for the addition is to bring in more material at one time. Hopefully it will decrease the more frequent deliveries. The trucks do not go in with heavy

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**SEPTEMBER 22, 1994**

loads. It is their intention to minimize traffic as much as possible. He thought there was going to be an access road when he purchased the property.

EM indicates that a lot of times the noise from the trucks sounds two times as heavy because they are speeding.

A. Rossini notes that even if he moves out, someone else will come in and use the premises as a warehouse which will cause more trucks to travel that road. The access is not good. He wants the warehouse space to store more factory equipment.

EM asks if they will hire more employees.

A. Rossini discusses retraining employees to change the level of intelligence so they will not need to hire more employees.

P. Herr explains that he is saying he can get more production out of the same number of employees.

AM indicates that this is an industrial zone and there is nothing the Board can do.

P. Herr asks how many parking spaces there are on the lot now.

D. Roda responds that there are 94.

RL asks if the Board can waive the additional parking spaces.

P. Herr asks the square footage of the addition.

D. Roda responds that it is 8,700 square feet.

P. Herr states that it is basically storage space. The Bylaw requires one space per 2,000 square foot. That sounds like 5 more spaces is required.

A. Rossini is trying not to put anything on the Farm Street side. The fact that it is a warehouse is a good reason to waive the parking.

P. Herr states that the Board has the authority to determine if a smaller number is needed. They do not use what they have there now so it would be counter productive.

AM asks if the lighting is bothersome to the neighbors.

A. Rossini notes that the lighting on Farm Street is not changing.

P. Herr could not tell what the lighting is from the drawing. They

are only concerned with the Farm Street side. The other issue is drainage.

D. Roda explains that they propose a new catch basin be created in the low spot to flow into the leaching pit with two foot stone on either side. The rest of the parking area will flow into two trench drains.

P. Herr states that it is being piped to the edge of 495 and will go into the 495 swale. He asks if the Mass. DPW said it was o'kay.

B. Lord notes that they had to get Mass. DPW approval to do Rawson Farm.

P. Herr states that they are adding 10,000 square feet of impervious surface.

D. Roda indicates that they are replacing spaces. There are spaces there but they are reconfiguring them.

P. Herr asks about the series of dots shown on the plan.

D. Roda responds that they are cement posts. They are removed to the right in the middle of the parking area.

P. Herr states that they will have more than 40,000 square feet of impervious surface. They will either have to do a detention area or documentation as to why they do not need it.

EM points out that Rawson Farm showed documentation to the state and they allowed them to flow the drainage to 495.

P. Herr indicates that by adding a leaching basin and trench drain, they are redirecting the amount of storm water.

D. Roda states that now no drainage flows off the site. Some is contained in a leaching pit. They will be collecting it and directing it in a different direction.

EM asks how they will know what the flow will be.

P. Herr indicates that they should have submitted something to document it.

D. Roda states that now they have over 40,000 square feet and there is no drainage. It washes to 495 now. It has to all go downhill.

EM thinks that this should be improving the situation.

P. Herr does not think it will make it worse. They are saying that

the catch basin will offset what they are adding. The Board might want a written explanation that it is o'kay to do what they are doing.

EM asks how they will know that the catch basin is in.

P. Herr states that the Building Inspector will do that.

D. Roda indicates that they paved after the addition in 1992. Before then there was gravel.

P. Herr notes that it was approved on the basis that it would be gravel.

A. Rossini thinks that the Fire Chief wanted it paved.

EM indicates that it creates runoff and recharges because it is paved.

P. Herr states that there are a series of documentary issues. He had real trouble reading the drawing even though it was done by the same engineer. He had to pull out the old drawing which was cleaner.

D. Roda thinks that is because there is more information on the same piece of paper.

P. Herr's two issues include waiver of the 5 spaces and documentation.

AM makes a motion to approve the Jaco Developmental Plan Review provided that documentation relative to the drainage is provided to the Planning Board, Building Inspector and P. Herr with a waiver for 5 additional parking spaces on Farm Street. RL seconds motion. Unanimous vote of 5.

EN asks when they will bring in the documentation.

AM thinks that they should bring it in when construction starts.

A. Rossini will provide it in the spring.

P. Herr states that the Board's letter should state that the calculations must be provided before the issuance of building permits.

A. Rossini explains that they now utilize value added work programs. They have less employees now than before. They are about 60% of what they had at their peak. He further states that there have been some people working around the clock during the



last two to three weeks but it is the first time in a number of years.

RL thinks that they should look at changing the zoning on Farm Street.

**CHESTNUT HILL CONDOMINIUM (aka CRESTVIEW COMMONS)**  
**PUBLIC HEARING FOR SPECIAL PERMIT**

AM removes herself from the hearing at 8:47 p.m.

EM reopens the public hearing and explains that the alternate member is not here but EN is back. At the last meeting the Board referred this development to the Town Administrator to arrange an independent engineering review. Amory Engineers has been hired to review the matter for the town.

B. Lord confirms that Amory has been assigned to review the matter. They have questions. They have gotten into the review quicker than expected. He would like to continue the public hearing to the end of next month so they can do everything all at once. He requests that EN sit in as the 5th member even though the hearing has already started.

EM reads letter from Donald DiMartino, Water/Sewer Superintendent, dated September 20, 1994, wherein he states that he has reviewed the old plan and file for this development. Some of the water works systems has been installed and inspected. This includes water services pipes to units 1 - 6 and 7 - 12. The hydrants at station 4+00 and 6+10 are installed and inspected. He does not believe that the water pipe has been installed that would service units 13 - 18, 25 - 30 and 19 - 24 nor has the hydrant between these buildings been installed. His concerns are the elevation and close proximity of the units numbered 13-18 to the Town's Chestnut Street stand pipe, and the fact that no pipe loop is constructed. The high elevation of the buildings in relation to the elevation of the stand pipe may lead to problems of very low water pressure for these buildings. Ideally the pipe should loop through to the water main on Pheasant Hill Road to insure the quality of water to the buildings being serviced.

Clerk spoke with Cliff Matthews, Chairman, Conservation Commission, during a telephone conversation last night. Mr. Matthews has not seen the current plan but is familiar with the development. He explained that the developer hit ground water when the retention pond was dug and as a result, they did not dig down enough. If they channel the runoff into the wetland, it will enter the drainage at Pheasant Hill. He does not know if the Pheasant Hill drainage has the additional storage capacity. They would have to evaluate the Pheasant Hill drainage capacity first. They are

farther than 100 feet from the wetlands. He believes that the Conservation Commission should be officially consulted at this point. He suggests that the developer make a similar presentation to them at this point so they can give recommendations. The town boards should be working together on this. They may place conditions on the development which would be different from Planning Board requirements. He cannot be convinced that they would not be increasing runoff more than 10%. They will create an actual point of discharge. It may flood the wetlands and affect people half a mile away. They may end up having to build at least 2 - 3 retention areas instead of a detention area.

B. Lord notes that the plan was not submitted to the Conservation Commission because this is only a concept plan. It will be submitted to them during the Developmental Plan Review process.

Clerk also spoke with Fire Chief Ranieri who has no problem with the special permit plan but will be more interested during the Developmental Plan Review stage.

EM indicates that the applicant may want to consider reducing the numbers.

B. Lord responds that the plan was approved as it is before. Reduction in numbers reduces what can be done there. They are looking at the costs for drainage and finishing off the area including fencing around the development. They are all added costs.

EM thinks that the Board could reduce the numbers.

B. Lord came before the Board in April or May 1994 to discuss the relative validity of the special permit. The Board agreed that it was not necessary to submit the whole package. It is still justified since very little has changed since 1987. The numbers are still justifiable now as they were then.

EM points out that the validity of the information presented to get the special permit is in question.

B. Lord believes that the validity of the drainage is in question.

EM thinks that there needs to be a sub-plan.

B. Lord indicates that Amory Engineers has already looked at the drawing and has a list of questions.

EM explains that the problem is that this was a good plan before but all the natural vegetation is gone now.

**MINUTES OF PLANNING BOARD REGULAR MEETING**

**SEPTEMBER 22, 1994**

RL makes a motion to continue the public hearing for Crestview Commons to October 27, 1994 at 8:00 p.m. PC seconds. Vote of 4 (EM, EN, RL and PC).

Mr. Glaude, Partridge Trail, asks if the Board obtained the proposal for single family housing.

B. Lord will provide a plan depicting single family housing.

EM notes that there was no such plan found in the Planning Board files.

B. Lord refers to the problem with water pressure in Pheasant Hill. If looped as suggested by the Water/Sewer Superintendent, they could experience some increase in pressure coming through to the area of the cul-de-sac. Someone would have to give them an easement to do that. They are willing to do it if it would be useful for the people.

PC explains that it would be beneficial to both parties if they could loop. It keeps the water moving all the time and improves the water quality.

? from the audience points out that there are 4 trucks and dumpsters on location. He believes that rehab work is being conducted.

B. Lord responds that they are doing work to show some activity there. The FDIC put wafer board on the windows. The Building Inspector is aware of everything they are doing.

? has seen a plumbing outfit there. He believes that the developer is paying to get the gun started.

**RIVERVIEW PARK, PHASE V**  
**CONTINUED PUBLIC HEARING**

EM instructs Clerk to forward a letter to Mr. Hill and Janice Hannert, Fafard, advising her of the extended timeframe for this development which will expire at the next meeting on October 13, 1994.

EM explains that Mr. Hill is currently in Maine and was unable to appear tonight. He did speak to him on the telephone and a letter was forwarded from Edward M. Padden, Esquire, attorney for Mr. and Mrs. Hill, dated September 22, 1994.

EN moves to continue the public hearing for Riverview Park, Phase V to October 13, 1994 at 8:00 p.m. RL seconds. Vote of 4 (EM, EN, RL and PC).

**JACO DEVELOPMENTAL PLAN**

Clerk presents letter from Fire Chief which should have been read during the review meeting.

EM reads letter from Chief Ranieri, dated September 19, 1994, wherein he recommends that a fire hydrant be installed at the proposed north driveway entrance. He is requiring this hydrant due to the accessibility to the area as well as the fact that the existing hydrant near the southern driveway is too far from rear portions of the building. He feels that an additional hydrant installed as mentioned above will allow better serviceability of the complex for fire protection purposes. He has discussed this with the project contractor who saw no problem installing the hydrant.

EM instructs Clerk to forward a copy of the Chief's letter to Jaco indicating that the Board agrees with the Fire Chief and wants them to put in the additional fire hydrant. The letter of approval to the Building Inspector should also include a copy of the Fire Chief's letter with indication that an additional fire hydrant is necessary.

**GENERAL DISCUSSION**

Clerk reads official notice from the Building Inspector to Leo Dalpe, 230 Wrentham Road, dated September 16, 1994 citing the following violations: failure to call for inspection in a timely manner, occupying structure without occupancy permit, failure to work under conditions of permit, decorative material to be flame resistant, change of use without permit, with violation to Section 2400, Sportsmen's Club, Handicap access and toilet facilities. Another notice to Ronald Lussier on the same date indicates a violation for change of use and no occupancy permit.

Clerk advises Board members that the Coleen Dowd variance, 58 Mechanic Street, has been remanded from the Milford District Court back to the Zoning Board. Applicant is seeking a variance to construct a 3000 square foot commercial building.

Discussion follows relative to the Napoleon Pizza establishment which is going up across from the Town Hall. The Building Inspector gave the owner a building permit, but the owner is doing all the work at his own risk. Parking is limited.

RL asks how they can go from a grocery store business to a restaurant. He requests that the Building Inspector come into the next meeting.

P. Herr thinks that it is hard to believe that Crestview Commons

will be ready to come back in one month.

EM thinks that the Board should send a letter to the Building Inspector asking him to come in to discuss improving communications between him and the Board with a copy to D. Fraine.

P. Herr will discuss the matter further with D. Fraine before the letter is sent.

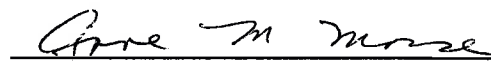
Clerk explains that a plan was submitted by Diamond Auto Sales for Developmental Plan Review.


Board members and P. Herr review the plan and determine that it is incomplete. Clerk to phone applicant to advise him that it is incomplete. Applicant may call P. Herr's office and speak with his associate, Joseph Carroll for further clarification.

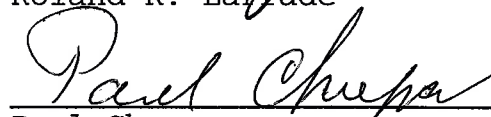
RL makes a motion to adjourn at 9:50 p.m. EN seconds. Vote of 4 (EM, EN, RL, PC).

  
Edward T. Moore, Chairman

  
Emile W. Niedzwiedz, Vice Chairman

  
Anne M. Morse

  
Roland R. LaPrade

  
Paul Chupa