

**BELLINGHAM PLANNING BOARD**

**P.O. BOX 43**

**BELLINGHAM, MASSACHUSETTS 02019**

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

**MINUTES OF REGULAR MEETING**

**APRIL 27, 1995**

Meeting commenced at 6:45 p.m. All members were present but EN and Associate Member William Wozniak came in at 7:30 p.m. Planning Board consultant, Philip B. Herr, was also present.

**DISCUSSION WITH W.S. DEVELOPMENT**  
**RE: HOME DEPOT PROPOSAL**

Bob Fraser, W.S. Development, Vice President of Development, Chestnut Hill, explains that they were joint venture partners on the Stallbrook Marketplace. They have identified site boundaries and have a main anchor tenant - Home Depot which was originally going to be close to the entrance. They flagged the wetlands, reconfigured and have repositioned the building to the rear of the project. They are working with a traffic engineer. The throat angle coming in is not deep enough for vehicle cueing. He introduces engineer Roy Smith from Sumner Schein. They will deepen the throat to reduce the size of the retail to 232,750 square feet from the original 242,000. They will provide for 5600 feet of retail space in the front of the project for restaurant use. They are trying to create ample parking in the front with less on the sides. They are still awaiting comments from Home Depot. They want to ensure that there is ample parking and circulation. The width of the entrance will be 50' modified as a connector to the rear of the parcel.

AM asks how wide Stallbrook is.

Roy Smith responds that it is 30', 2 lanes in each direction.

B. Fraser states that they can't do the drainage until they have the footprints. They have to wait for more comments from Home Depot for further detail. They have MEPA scoping comments. An archaeological artifacts study will be done on the back portion of the property. They want to come before the Board on May 25, 1995. They have a May 31, 1995 target date for the Environmental Impact Report. They will be attending an ICSC Convention for leasing retail development in Las Vegas on May 15, 1995.

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PC asks the size of the store.

R. Smith responds that it is 137,50 square feet.

B. Fraser already has interest in a toy store retailer for 37,000 square feet.

R. Smith explains that they have 3 alternatives for sewer. One is they could go over the bridge toward Stallbrook which is infeasible for a force main for that whole distance and is the most expensive. Two, they could go down Hartford Avenue and N. Main St. which is the option they are looking at since they can hook up commercial development with laterals and obtain help with the impact fee. The third option is out of their control since it entails an easement through the abutting property.

B. Fraser refers to a municipal lift station. They will talk about the sewer alternative next week.

R. Smith has put in calls to the Charles River Treatment Plant but peak flow exceeds the design capacity.

PC believes they are supposed to expand.

R. Smith notes that is not for another 6 years.

EM asks if the Home Depot will be the standard size store.

B. Fraser responds that it will be essentially the same. He requested they have a green canopy instead of orange to coordinate the architecture of the center. Home Depot builds their own store. He tried to interact with the state to obtain a double left hand turn but it did not happen. They will coordinate the lights with the other lights.

R. Smith states that they will be coming in on May 25, 1995 for a special permit for a major commercial complex.

P. Herr asks how quick they need a decision.

B. Fraser responds they are trying to get on line with MEPA in September 1995, build the pad in November with the building done in time for a spring opening. The binder for the parking lot will be in the fall with the final and striping done before the opening. They are dealing with a financial institution.

P. Herr is concerned that MEPA may ask for something which conflicts with the special permit.

Dick Marks, Esquire, explains that they will file at the end of May

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and probably obtain a draft decision mid July.

Denis Fraine asks what happens if this Board acts prior to MEPA and they come up with a different finding.

D. Marks responds that is their risk.

P. Herr indicates that the off site traffic mitigation is a major special permit concern. They have to be consistent with the Conservation Commission interests.

R. Smith explains that they are filing a Request for Determination at the same time as the special permit. They want to make sure that the delineation of the wetlands is agreed upon. Notice of Intent filing will take place shortly thereafter.

P. Herr asks how pedestrians will get on site since that is an issue which the Board has been concerned about historically.

B. Fraser will have a sidewalk crossing.

D. Fraine notes that the town is investing a quarter of a million dollars with Chapter 91 for sidewalks.

B. Fraser has an 11 x 17 drawing which they will use for their lease plan for the Las Vegas Convention to market the site. They haven't marketed the site yet even though they have Home Depot on board.

P. Herr reviews the plan and states that it is like the development across the street. Stallbrook did a really good job on the lighting design but McDonald's screwed up with a gross violation of the town's rules. If he owned the site he would be livid at McDonald's because of the diminution of the site at night with lights that glare. They may want to put something in the special permit to cover the lighting.

B. Fraser says their Director of Community Centers, Al Rocco, works on the traffic issues.

P. Herr refers to the issue of signage down the road.

B. Fraser hasn't addressed that on this plan. They will have a highway sign.

P. Herr notes that they can't replicate the Attleboro Home Depot sign under the Bellingham Zoning Bylaw. He asks if they will buy the gas station.

B. Fraser may already own it. They are conducting a title search

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to evaluate environmental reports. The bank did assessments. They will do geotechnical work and may need more borings.

D. Marks would like to get a sense of how many meetings may be required.

EM responds that it depends on how accurate they are with the information. They should have a preliminary review of the plans with P. Herr and obtain his comments prior to coming in.

D. Marks asks if they can start at the June 8, 1995 meeting provided that they meet with P. Herr prior to the meeting and then continue to June 22, 1995.

EM states they can have a walk through on the 8th and answer a lot of the residents questions. They can expect a big turnout at the start of the hearing.

R. Smith will submit by May 24, 1995 for the June 8, 1995 hearing.

**HICKORY HILL DEFINITIVE SUBDIVISION**  
**PLAN ENDORSEMENT**

The 20 day appeal period has passed.

Normand Gamache, Guerriere & Halnon, presents the covenant which will be recorded along with the plan.

EM states that there is a question relative to the lighting. The lighting on the plan is shown underground but the power company wants them to go above. He asks how they can do that now. They also prefer a street light at the end which he has no problem with. The change is for street lites plus overhead utilities.

N. Gamache explains that the profile shows a cross section of the road 30" below grade.

P. Herr wants him to bring the profiles to the next meeting so the Board can have a full set.

PC moves to sign the plan. RL seconds. Vote of 3 (EM, RL and PC). AM abstains.

B. Wozniak joins the meeting at 7:35 p.m.

Members sign plan.

EN joins meeting at 7:40 p.m.

**81-P SUBMISSION**

Al Florentz submits an 81-P for Rogers Street. The dotted lines are the old plot numbers for Parcel A and B.

AM moves to sign the 81-P. PC seconds. AM discloses that she has done work for them in the past. Unanimous vote of 5.

**4TH AVENUE DISCUSSION**

A. Florentz explains that this is the plan that the Board looked at the last meeting. He came in off 5th Avenue. They will finish the asphalt and stone drive.

P. Herr states they are asking if the Board determines that the frontage is adequate. It look alright to him.

EM indicates that this will come back as an 81-P plan.

A. Florentz notes that the plan won't show the grading on it.

**6TH GRADE SCIENCE PROJECT**

**STEVEN CONLEY, NATHAN GRISWOLD, MATTHEW PINEAU**

Boys are students in Mrs. Cary's 6th grade class at Macy School doing their science project by visiting town boards to talk about their concerns with too much development. They make a presentation to the Board together. They are concerned about animals which are destroyed because of construction. They ask the Board to stop building in wooded areas. Residential is better than industrial zoning. Maple Street should be rezoned for residential. The town could build in an area with land around animal habitats. They encourage cluster building which would leave more space.

Board members congratulate the boys on a job well done and were impressed with their concerns and informative presentation.

**ZONING BYLAW AMENDMENTS**

**SITE PLAN REVIEW PROCESS**

Clerk reads notice of public hearing.

EM notes that these Bylaw Amendments were proposed by the Building Inspector. He reads description of the change which would allow for a site plan review which requires less information than a complete Developmental Plan Review. He reads letter from Lee Ambler, Esquire, Town Counsel, dated April 10, 1995 wherein he comments on each of the proposals. His difficulty with regard to Section 1431 is that it requires a significant process for any non-resident development increasing total floor area which alters a parking

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facility serving a non-residential use and containing ten or more spaces. It would seem that we should not necessarily require this process for applications which would otherwise appear to be somewhat automatic, and which would meet all existing zoning requirements. Section 1432 makes arrangements from materials which are required for review to be submitted to the Building Inspector who transmits them to the Planning Board who considers them at a meeting and reports its findings in writing to the Building Inspector prior to the date on which he must act on the building permit. Failure to do so shall be construed as a lack of objection. It would be better utilized if there was a specific timeframe in which the Planning Board has to report prior to it being considered to be a constructive approval. He suggests that a schedule of fee referenced in Section 1431 should probably be included in the By-law.

P. Herr thinks that L. Ambler is saying that the idea is wrong but he does not have a legal objection. He doesn't understand why the Board is doing it. This proposal adds another process because there has been concern that things are getting missed. This is not a regular site plan review. L. Ambler's objection is not a technical one. This may be burdensome to some people. Building Inspector J. Emidy and the Planning Board were concerned that some things were being missed. When the Building Inspector refers it to the Board, he will be given a date.

EM believes that this will take the pressure off the Building Inspector. The plan will go to the Building Inspector first so he can determine if it is a complete submittal.

P. Herr notes that the clock starts the minute it is submitted to the Building Inspector. The Board will have to act quickly - probably deciding the same night.

Building Inspector John Emidy joins the meeting at 8:15 p.m. He believes that it will cover any type of alteration to a parking facility. The term used should be "Inspector of Buildings" rather than "Building Inspector".

AM thinks there will be pressure to get the plan to the Planning Board.

J. Emidy indicates that it will have to go to zoning first.

RL moves to recommend the site plan review revision proposed Bylaw Amendment to the Town Meeting. AM seconds motion. Unanimous vote of 5.

P. Herr will revise to "Inspector of Buildings".

**HOME OCCUPATIONS**

EM continues to read L. Ambler's comments with respect to Home Occupations wherein he states that Section 4112 appears to be an unreasonable standard when reference is made to "disturbance to any abutter or the neighborhood...". He asks if this means that if any abutter or anyone in the neighborhood were to object to same, and allege a disturbance then the special permit would have to be denied? There is also no designation as to the extent of the neighborhood, and no designation as to the extent of the neighborhood, and conceivably one should talk in terms of the number of feet from the proposed premises and/or a standard such as abutter to abutters. Section 4112(c) talks in terms of exterior parking of a commercial vehicle which may, to some extent, be best referred to by way of reference to the parking provisions of the existing Bylaw.

J. Emidy explains that this Bylaw is a result of the technological changes with people doing more with home computers.

AM believes that people are already doing it.

J. Emidy refers to those that are broadening out with more computer services such as a mail order business.

Jerry Mayhew from the audience asks J. Emidy if people who are authorized for businesses in the home with a certificate from K. Harvey are transferred to the Assessor's office and taxed as a business.

P. Herr points out that right now people just do it. He doesn't understand L. Ambler's comments with respect to Section 4112. There are two things (1) concern about using more than 1/4 of the floor area or employing other people and (2) commercial vehicle getting a special permit from the ZBA provided it doesn't make a hazard, a judgment which will be made by the ZBA.

J. Emidy notes that heavy trucks are not allowed in a residential neighborhood.

PC moves to recommend approval for Home Occupations to the Annual Town Meeting. EN seconds. Unanimous vote of 5.

**ACCESSORY APARTMENTS**

EM states that L. Ambler questions who polices it and checks over the accessory apartment.

J. Emidy polices it with a certificate of occupancy.

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EM reads L. Ambler's comments wherein he states that as a matter of policy he has concerns as to whether or not this is beneficial to the Town of Bellingham by way in permissibility. It will permit petitioners to create projects in which there are residences constructed with accessory apartments in a general nature. With reference to the Certificates of Compliance being recorded at the Registry of Deeds, perhaps in the development requirements under Section 4131 there should be some obligation to record the special permit with the Registry of Deeds. Section 4131(d) might better read as follows: "The Board of Health must have documented to the Board of Appeals that satisfactory provision has been provided for sewage disposal". He appreciates the limitations in Section 4132(b) but it would appear to be a difficult matter to police. A family member who may be paying rent or an elderly or handicapped person who pays rent would not be authorized under these provisions because they are boarding and lodging or other commercial use? If one is paying rent by the definition, it has to be determined to be a commercial use. He asks if a Certificate of Compliance would be required under Section 4133(d) if there was a conveyance or transfer between husband and wife or from a husband and wife to themselves under another legal entity, to wit: a real estate trust in which they remain as beneficial owners of same. We must reconcile 4132(b) with 4133(a)(ii) in which one talks about housing at unusually low costs, but still would be a boarding and lodging so that the two would require some form of reconciliation.

P. Herr states that the part most concerned about is if the unit is not used for a building but for lodging or other commercial use. It may not be worth struggling with in this town. It is a nonissue in this town because there is no student housing. He could take out Section 4132(b) which makes reference to charging rent. L. Ambler did have a good suggestion with switching the order of the sentence.

J. Mayhew thinks it is clear the intent of the article is for the town's benefit but there are tax ramifications for this. It is understandable for someone to want to take care of a sick relative. But if there is a renter producing income there would be a difference in taxation.

P. Herr states they will try to regularize with notification to the Assessor's office.

EM asks what happens if an apartment is built for a grandmother who then dies and the apartment is rented to someone else.

AM asks what the likelihood of them really monitoring this.

J. Emidy responds that it has to be inspected every three years. A lot of people come in for in-law apartments.



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EM notes that L. Ambler said that this would make every subdivision a duplex.

J. Emidy indicates that anyone who adds on to bedrooms has to increase their septic systems.

P. Herr notes that a lot of communities do this but there are almost no applicants.

B. Wozniak points out that Franklin has a Bylaw like this but they can't have a closed door from the apartment which would separate the two units. Relatives wouldn't mind being open and having only one exterior door.

J. Emidy further notes that the maximum amount of increase in floor area is only 5%.

AM could separate her house but it would look shabby with stairs up the side. With a single entrance it would be much more attractive and still look like a single family.

J. Emidy does not know if they would want to do that because they would need two means of egress if there was a kitchen upstairs.

Mr. Benoit, Squire Lane, from the audience, indicates that the word dwelling is referred to here but the word garage is not here. One could probably convert garage space. He asks if an attached or detached garage is considered part of the dwelling.

EN states that the garage is still part of the dwelling.

B. Wozniak asks what happens for houses which are sewerred.

J. Emidy replies that it does not apply but they do have to increase the septic with more bedrooms.

P. Herr can add item f to Section 4131 to state that there will not be a new separate exterior entrance for the accessory unit but it will have to be done as a floor amendment.

RL thinks it should be passed over and worked out better.

P. Herr is concerned that if it is not done now they may not do it. The two changes are easy. The motion should say that Accessory Apartments are approved for recommendation with two revisions: (1) Add item f to Section 4131 that no new separate exterior entrance will be added for the accessory unit and (2) delete item B in Section 4132.

PC moves to recommend Accessory Apartments with the two revisions

stated above. RL seconds. Unanimous vote of 5.

**81-P SUBMISSION**

Bruce Lord submits an 81-P for a lot on Littletree Lane purchased by FREDAP Realty Trust because there was no access and this establishes boundary lines. There is no frontage since this is a landlocked parcel. He is buying to gain the lot out front. He has a purchase and sale agreement for the lot out front. The lot is pre-existing.

P. Herr asks why the Board should sign this plan since there is no frontage.

B. Lord responds that the property was purchased in tax title and dates back to 1874. The owner was unknown.

P. Herr states they are creating a new lot with property in Blackstone.

B. Lord states they are creating a lot for the town that sold them the land.

EM notes that they need a line at the Bellingham line for Parcel A and B. There should be a block on the plan for the Blackstone Planning Board to sign.

P. Herr does not understand why the developer wants to have a drawing which does not show a property line.

B. Lord will take the plan back and have a property line put on.

Mark Horan from the audience lives in the house which abutts the property which is being purchased. He has concerns with the road bordering his house on two sides. He does not know if there is sufficient access and wants to be notified.

EM explains that there will be a public hearing if the subdivision comes in. Abutters will be notified by certified mail.

**ELM ESTATES**  
**DRAINAGE CONCERNS**

EM reads letter from Donald DiMartino, DPW Director, dated April 24, 1995, wherein he states that he visited the site and found that the concerns of the residents are justified. It is evident that the run-off from behind the homes out to the east side of the street is not effectively reaching the catch basin designed to collect this water. Instead, the water is running from the rear of the houses out onto the street in an area north of the catch basin

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where the curbing has been removed. This run-off may be causing damage to the already poor roadway surface. He visited the site on April 21st during a rainstorm at which time the run-off did not appear to be at a very high volume or rate. It seems the water flow itself would not cause erosion damage to the paved surface. However, the wet condition causes the subgrade gravel to lose its strength, therefore allowing vehicle traffic to further crack the poor road surface. There is a catch basin located off of the road on the east side of the street. It appears this basin is designed to receive the run-off from the ditch located in the back of these houses. Mr. Gagnon should reopen the ditch as soon as possible to allow the water to once again reach the intended basin. Once the water reaches the basin it will run into the drainage system and allow the gravel to dry out. Mr. Gagnon and he discussed the situation at the site. Mr. Gagnon said that he had filled the ditch in one location at the request of the buyer of that house. He also said he would reopen the ditch once the wet spring conditions abated. He leaves it to the Board's discretion as to when the repairs must be undertaken. Most of the existing roadway surface is in very poor condition and major repairs will be needed on the majority of binder course of pavement before this roadway can be completed.

Clerk to send a letter to Mr. Gagnon asking him to come in at the May 11, 1995 meeting at 8:00 p.m. with a copy to Mr. and Mrs. Driscoll, residents of Bellstone Drive.

EM went up to look over the site today with PC. The catch basin is raised so the water would have to jump in to get there.

PC refers to the binder which needs work.

**REZONING AMENDMENTS**  
**DEPOT STREET**

EM explains that this article was co-sponsored by the Planning Board and the Industrial Development Commission (IDC).

RL, Chairman of the IDC and member of the Planning Board, will make the presentation. He explains that the Economic Development Task Force, of which he was a member, put together a proposal to expand the tax base through growth.

PC removes himself from the discussion because he has heard it previously at other meetings.

RL continues to explain Opportunity Bellingham. Depot Street is an area zoned suburban and agricultural and abutts Wethersfield but there is significant wetlands that would border the property. The roads are already improved with access to rail, gas and sewerage.

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The parcel is in single ownership and has relatively good access to 495. Maple Street is south of 495. It already has industrial subdivision approval waiting to be developed. A protective berm will be constructed buffering the upper scale housing. Three-tenths of Maple Street will be improved. All the roads will be internal with minimal industrial traffic effecting Maple Street. There is already industrial traffic with Somerville Lumber and an auto salvage operation at the end of Maple Street. Road improvement will make it viable for industrial development.

EM explains that there are two different issues here. Maple St. is not co-sponsored by the Planning Board.

RL is providing all the background during the early stage of he discussion. He will open the discussion for Depot St. only.

EM explains that the location for the Depot St. rezoning is past the Cogeneration Plant, past Box Pond Road, all owned by one person on both sides. The street is widened and improved already.

Denis Fraine, Town Administrator, indicates that there is significant industry there with the major power plant. They don't want to encourage any more residential development.

RL states that they purposely left out a buffer along Wethersfield.

EM indicates that anything which goes in there will have to come before this Board for a site plan review.

Don Martinas, Maple Street, asks about the type of industry which could be put in.

RL responds that there is no industry right now because it is not zoned properly. The Master Plan calls for rezoning property which is ready to be developed. The object is to stimulate development.

D. Martinas does not want to see tin buildings.

EM refers to the parcel as large and chances are better for development.

AM indicates that the site plan review controls lighting and drainage issues.

EM explains that the rezoning blocks residential housing development. Houses take from the town but don't give to the tax base.

AM moves to recommend rezoning for Depot St. from suburban and agricultural to industrial. RL seconds motion. Unanimous vote of 5.

MAPLE STREET REZONING

RL explains that there is already industrial subdivision approval which requires a berm to protect the upscale housing. The roads will be improved for 3/10ths of a mile with an internal road. There will be 100 acres of industrial development without disturbing the scenic road of Maple St. The golf course will still be under the suburban zoning. All members of the Economic Development Task Force went onto the IDC, implementers of a report presented to the Board of Selectmen submitted two years ago. Two major parcels of land were purchased by a trust which has interest in developing the particular area. The voters will have the last say for the Maple St. development. This will be the last chance to change to suburban zoning or forever live with residential.

D. Martinas asks the Board to clarify the difference between suburban and industrial zoning.

Board members respond that suburban is 40,000 square foot lots with 150 frontage, residential is 20,000 square foot lots with 125 feet of frontage and industrial is 20,000 square foot lots and 125 feet of frontage.

RL believes that it is cost prohibitive to develop Maple Street. They would develop frontage lots with 125' frontage. People involved are in the fire wood and logging industries.

EM asks how many 81-P lots there would be. He saw one - all the rest are developed. Maybe there would be two but all the frontage has been used.

RL points out that the wedge piece is owned by a different parcel. The suburban zoning allows residents or golf courses.

Steve Racicot, abutter and member of the Conservation Commission, asks the Board to explain what is meant by 81-P.

EM explains that there is frontage on the existing road which is allowable in the zone. No subdivision has frontage to build 2 - 3 deep in back.

Ralph Martel, asks what happens to the industrial land.

EM responds that it will no longer be industrial land if it is rezoned.

R. Martel will lose money. Mrs. McGilvray bought her property because it is industrial zoned. Does she sue the town for the loss? They would be rezoning for speculation.

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Mrs. McGilvray bought her property because it is industrial.

RL refers to the overall Master Plan. The voters will decide once and for all.

EM states there are 3 Master Plans. One is the Economic Development Master Plan prepared by P. Herr. Two is the market profile prepared for the IDC by Framingham State College. Three is Opportunity Bellingham prepared by the IDC. He refers to the costs of housing and having one child in the school system. Most families have more than one child. They will have a negative if they go with residential. Developing industrial land is a priority for the town. In the past, most development has been residential with low to middle families which produced a greater tax burden. They want to broaden the tax base.

RL notes that is why they are recommending the Depot St. rezoning. They should look at it all as one big issue. They are not looking to decrease the industrial land.

EM thinks they should keep what they have and create more instead of giving some up.

John Wozniak, from the audience, points out that RL is making this presentation as a member of the IDC and a member of the Planning Board which is inconsistent with him making the presentation.

AM indicates that the Board specifically said that they would not co-sponsor it.

J. Wozniak has clients who purchased property on the other side of 495 and purchased it because it was in an industrial zone. They have a kennel operation and took a dilapidated piece of property which is now a viable business. This proposal would negate the viability of their operation and business.

RL points out that would only be on resale.

EM also notes that they would have 100 homes complaining about them. They may need another school, more firemen, policemen and more taxes.

D. Martinas does not think that 200 homes will impact the schools. There could be 400 children. They need a new school anyway.

B. Wozniak states that 200 times \$3000 is a lot of money which produces a negative number.

EM indicates that 495 is down from 140. Two of the Master Plans and Market Profile were done by professionals and one was done by

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volunteers. If it is rezoned it will not change further down. The golf course will not go away. The change will amend around the middle where the power lines are. The 1985 Master Plan called for road improvement, rezoning where Somerville Lumber is and a town water line. He has trouble going against the studies.

AM reads letter from Maplegate Realty Trust, Leonard French, dated April 25, 1995, wherein he states that he was surprised to hear about the rezoning since he was not notified. He spoke with D. Fraine who suggested that he come to the hearing. He wishes to list in writing the Maplegate Country Club concerns and reasons against any rezoning of this land. 1. Why the landowners being effected by the proposed rezoning not at least given a courtesy notice pertaining to this matter so they could voice their opinions prior to the hearing? 2. Why should the Town of Bellingham devalue the land on the east side of Maple Street by creating split zoning of land parcels which lay in the towns of Bellingham and Franklin. 3. Maplegate Country Club has recently acquired additional interest in land abutting the course and is negotiating for other parcels of land so as to further expand its golf course, but could run into some problems if the land is rezoned to suburban because it would then not have as broad usage for golf course recreation as it now has with the land being zoned industrial. Maplegate Country Club has made a profit the last three years it has been in full operation and has every intention that the ownership will remain in the French family for years to come. The club objects to any change in zoning.

EM explains that the landowners were not notified because it is not required under Massachusetts State law.

RL states that the golf course is allowed in suburban zoning.

Art Piturso, Stonehedge Road, agrees that Bellingham needs industrial land but not all industrial. They have to maintain the integrity of the town. Voters rezoned Maple Street to a scenic road. There is plenty of land at the Home Depot end. He thinks that the town should have some areas nice to drive down.

D. Fraine realizes that there were professional studies done for Maple Street north of 495 but it is not conducive to 495. It is a beautiful wooded area which shows clearly competing interests. In the long term they would have to develop residentially. Suburban zoning requires one acre lots. There is no access to 495. They were interested in flipping the industrial from Maple Street to Depot Street.

R. Martel asks how they can guarantee there will be no low income housing.

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EM responds it is not proposed now and is not possible under industrial zoning but is under suburban zoning.

S. Racicot understands that industrial land brings in more money for the town.

EM indicates that it brings in more money because it doesn't add to the school population and tax equipment.

S. Racicot asks what protection the Planning Board can offer to the homeowners of the 50 - 60 homes in the area from the heavy industrial traffic.

EM responds that Somerville Lumber only uses 140 and does not come from the other end of Maple St.

S. Racicot asks if there is any way to close one of the street to industrial traffic.

PC states that Town Meeting will decide this.

EM further states that the education of children is paid for by nonparents, older people, business and industry. Every other town including Franklin and Milford are having problems with too much residential development. He is 100% in favor of more industrial land.

S. Racicot asks what the abutting Franklin land is zoned.

EM responds that it is zoned industrial.

S. Racicot believes that Franklin industrial can access through Maple Street.

EM notes that Bellingham cannot rezoned Franklin's portion. Mr. Mayewski can develop his industrial land at the end of Stonehedge Drive. They can access industrial land through an accepted town street.

RL points out that the rezoned land would prevent Franklin from accessing.

EM states it would not prevent them from subdividing on a street.

P. Herr notes that the street has to be approved by the Planning Board but does not have to be accepted.

Leonard French, owner, Maplegate Golf Course, owns property back to the golf course to Maple Street and Pine Street back to the river. He has no intention of changing anything and wants to leave it as



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a golf course but he is against the rezoning because it will devalue his land and will create more problems for him when he wants to change his mortgage.

D. Martinas's biggest concern is the integrity of the street which is important to him. He lives right across from Mr. Hill's field. There is tremendous truck traffic on the road and he is concerned with the safety of the road. He is not trying to deprive industry or the Riverview Park development.

EM explains that the Planning Board held public hearing for a new industrial road to go in through the fields. The street will be blocked on both ends and there will be a T.

P. Herr states the integrity of the piece off Maple St. will be protected. The through street will go to the west. There will be no industry to the front of Maple Street but there will be a buffer. Similar protection may be provided to the north of 495 if they looked to the willingness of the landowners. If they rezoned to suburban, they may lose the integrity.

EM indicates that the Planning Board has more protection with industry because everyone requires a Developmental Plan Review or a special permit which they can't do with a subdivision. If it meets the rules and regulations, the Board has to approve it whether they want to or not.

RL points out that any residential development could be internal also with 3 major cul-de-sacs. This requires 2/3 vote at the Town Meeting to pass.

S. Racicot states that the south end of Maple Street has been widened and fixed. They can widen from 495 up 1.5 miles but it is still a narrow street.

EM states that the town made Blackstone Street no trucks and thinks they should do it to that end of Maple St. The Board of Selectmen can adopt that regulation and the state DPW has to approve it as well.

S. Racicot wants to be offered the same protection as with industrial.

Jerry Mayhew applauds the way the meeting is being handled with the interaction between the Board and the audience. The people will make the choice.

EN moves the close the public hearing. PC seconds. Unanimous vote of 5 to close.

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AM moves to disapprove recommendation of the Maple Street rezoning proposal from industrial to suburban. EN seconds. Vote of 4 for disapproving recommendation with 1 (RL) for recommendation.

**SILVER HEIGHTS****STREET ACCEPTANCE**

AM abstains from the discussion.

David Pagnini, Esquire, explains that he came before the Board in January 1995 with the As-Built at which time everyone agreed to recommend for acceptance. They went before the Board of Selectmen with the plan but a revision was needed because the Assessor's office showed a drainage easement which runs the length of 8 more lots. He is here tonight with the April 18, 1995 plan revision. Selectmen asked them to come back to the Planning Board with the new plan.

EM reads letter from Donald DiMartino, DPW Director, dated April 24, 1995, wherein he states that he, D. Fraine, Mr. Rosenfeld and Mr. Collins, his field operations supervisor, met at the site of this development. They reviewed the status of the project, the condition of the drainage swale, and the wetland replication area. It appears that the swale has not been disturbed by the development and Mr. Collins indicated that the only action performed in the swale was the removal of rubbish and debris. The road drainage on the site discharges south of Geordan Road. All driveways slope toward the street and most roof downspouts discharge onto the driveways. The majority of the backyard areas slope towards the street. It appears that little if any increased runoff will enter the swale from this new development. D. Fraine will contact the Conservation Commission to verify their acceptance of the site, but it is his understanding that they have already signed off on this development. The roadway condition, curbs and sidewalks are in excellent condition and he recommends acceptance of the streets.

D. Pagnini asks the Board to notify the Board of Selectmen that the plan as revised showing the entire drainage easement has been presented to the Board and is acceptable. He asks the Board to refer to the other letter of recommendation previously sent to the Selectmen. Entire drainage easement is shown on the plan revised April 18, 1995.

RL moves to recommend street acceptance for Silver and Geordan Avenues based on the revised plan. PC seconds. Vote of 4 (EM, EN, RL and PC). AM abstains.

**RAWSON FARM****STREET ACCEPTANCE REQUEST**

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Bruce Lord, Esquire, presents the As-Built plans. Property is located off Hartford Avenue with 31 lots in the development. Everything has been done according to the specifications. He refers to Donald DiMartino's letter to the Board of Selectmen wherein he states that the road needs to be pitched and hits drainage with a puddling surface problem.

AM indicates that the road has no crown.

B. Lord states that it does have a crown. They installed bluestone in the road but there is no asphalt in the driveway. It drains to the pavement and they put in a berm to keep the water back. The work will be done after the Town Meeting. The town presently has a \$32,000 bond of which \$3200 will be required for this road work. There is plenty of security to cover the completion of the work.

EM reads letter from Donald DiMartino, DPW Director, dated April 27, 1995, wherein he states that he visited the subdivision with Mr. Britton. They discussed the work necessary to correct the problems. The major concern was the puddling of water in the cul-de-sac and at many of the driveway entrances. Mr. Britton will consult with his engineer to determine the extent of pavement needed to eliminate the problem in the cul-de-sac and the driveways. Some type of driveway apron should be placed at each unpaved driveway entrance, at the paved drive to house #5, and the single paved drive which services the three houses on the hill. He suggested some type of berm or apron be constructed with the goal of keeping all rain water which runs down the street gutter in the street. Ideally, the apron should extend to the back of the sidewalk at which point it should be 3 or 4 inches higher than the gutter. There are 9 driveways that need work and about 1/3 of the cul-de-sac. A \$3,500 dollar amount has been discussed as security for this work, an amount which he feels is sufficient. He has every confidence that Mr. Britton will complete all work requested of him.

It is out of line to accept a street which is not right.

AM asks why they should accept something which is incomplete.

P. Herr points out that lots of towns accept street which are lousy with betterments. There is a bond there to make sure that the work is completed.

B. Lord states that the old Subdivision Rules required release of the bond but this one doesn't.

P. Herr refers to Section 3253 release of guarantee of full security.

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AM thinks it would make the Planning Board look bad to accept a road which is not done.

B. Wozniak asks where the liability is if the town accepts the road.

AM asks why they should set a precedent with accepting a road which is incomplete.

P. Herr asks when the work will be done.

B. Lord responds it will be finished in the summer. The Board changed the standard of what they had in the past. Everything that D. DiMartino talks about is not in the requirements.

P. Herr reads from Section 4478 where it states that the driveways end at the road strip.

B. Lord is leaving it at that level. They will berm so the water will not go into the driveways.

AM moves to disapprove recommendation for street acceptance for Rawson Farm. RL moves to approve recommendation. EN seconds AM's motion based on the 9 driveways and 1/3 cul-de-sac which need repairs based on the letter of April 27, 1995 from D. DiMartino. Vote 4 against recommendation and 1 (RL) for recommendation.

**81-P SUBMISSION**

Clerk presents 81-P submission which was mailed to her by Janice Hannert, Fafard representative for property on Maple Street but no original was forwarded, only copies of the plan.

EM reviews the plan and determines that the applicant is freezing zoning for these two lots in case the property is rezoned at the Town Meeting. If it gets rezoned, this will freeze zoning for 3 years. The Board cannot act because they do not have the original.

P. Herr states that the Planning board can act tonight and just sign the original at the next meeting.

Clerk to advise Ms. Hannert that the original must be brought in for signature.

AM moves to approve the Fafard 81-P. PC seconds. Unanimous vote of 5.

**THE WOODLANDS CUL-DE-SAC**

EM explains that the Board sent a letter to Mr. Mayewski relative

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to the incomplete cul-de-sac and he failed to respond.

Clerk to send another letter advising Mr. Mayewski that the Board wants to hear from him by May 11, 1995 or proceedings will begin to take the remainder of his bond.

**CHESTNUT HILL CONDOMINIUMS**  
**DRAFT DECISION REVIEW**

P. Herr will change the dates to conform with the actual dates of public hearings and publication for the notice of public hearing.

B. Lord advises that 4 of the units will be handicapped or accessible.

P. Herr explains that accessible means they can get in and can get equipment to tack on.

B. Lord states that two units in Building 5 will have elevated foundations but will not be handicapped accessible.

P. Herr indicates that there will 6 - 2 bedroom units, maybe 5 since they removed 1 building. 1 of 5 will be fully equipped. That was in the previous decision and he will add it back in to this draft.

B. Lord clarifies that there will be 2 fully handicapped and 2 handicapped accessible.

P. Herr asks if a condition relative to price should be included in this decision.

EM will keep it in but they can take less. He notes that building 5 is under construction. The fence will be up before occupancy on the 3rd building.

B. Lord agrees that the fence around the detentioin area will be in prior to any occupancy permits. The fence in the other residential areas will be in prior to occupancy on Building 5.

P. Herr will revise the draft decision and send it to Town Counsel Lee Ambler for his comments.

B. Lord notes there is a change to the Developmental Plan because the number of units is not consecutive.

Board will sign the Developmental Plan approval letter at the same time as the special permit decision.

EN moves to adjourn the meeting at 11:25 p.m. PC seconds. Vote of

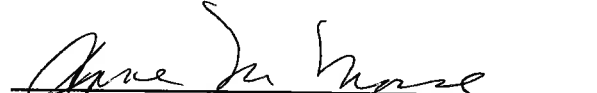
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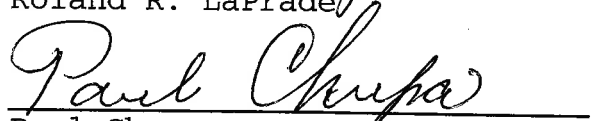
4 to adjourn. AM not present.

  
Edward T. Moore, Chairman

Emile W. Niedzwiadek, V. Chair

  
Anne M. Morse

  
Roland R. LaPrade

  
Paul Chupa