

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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MINUTES OF REGULAR MEETING

JULY 27, 1995

Meeting commenced at 6:40 p.m. All members except RL and AM were present. New Associate Member Richard Dill and Board's consultant, Philip B. Herr, were also present.

CROSSROADS HARTFORD AVENUE RETAIL CENTER
DEVELOPMENTAL PLAN REVIEW

Dick Marks, Esquire, introduces, Bob Frasier, Developer, Doug Benoit, Sumner Schein, Robin, Vanesse Hagen and Bill Heming, Land Architect. They worked out the language for the major commercial complex special permit with the Planning Board consultant and hope the Board will be able to sign it tonight. They had a meeting with Don DiMartino to discuss the sewer which is the major open issue. They want to put the pump station in on the Harkey land on N. Main St. They have continued discussions with the abutter to gain access. The discussions have been very cooperative and they will probably sell all the land but there is a significant title question because the land is in trusts. The two alternatives are to put the pump station on N. Main St. if they get the land or if they are not able, they intend to run it down 126.

Doug Benoit, Sumner Schein, explains that this is the same plan that the Board saw at the last special permit hearing. They are looking at two different sewer alternatives and a force main down Hartford Avenue to Caroline Drive. The green delineates what D. DiMartino would rather not do. The red shows a gravity to force main to N. Main St. Both alternatives allow the gravity so it can pick up residents down the line. Either way it will be a benefit to Caroline Drive. They met with D. DiMartino and went over the capacity issues. They talked about the other alternative. The red alternative is the best if the land is not available.

D. Marks is working on the title problem. If they are able to resolve the issue, they will come back to modify the special permit and developmental plan to install the access and widen out the stores. They thought it was premature to come in now because the land is not secure yet. Their goal is to begin construction on Home Depot in the fall and open in the spring and to seek approval

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without the second access. They will come back with a revised plan if they are able to obtain the land. They may also want to enlarge the proposal to pay for the land.

EM believes that it is feasible with the additional access.

D. Benoit notes that there are some problems with a gas easement and wetlands going through the land.

Roy Smith, Sumner Schein, further explains that the finish grade for Home Depot is at 250. The Varney parcel will need its own pump station anyway because they will pump directly to the gravity line since they are 20 - 30' lower.

Bob Frasier, WS Development, notes that D. DiMartino is concerned about the Farm Street area near Larry's because Spring Brook goes through and there are wetlands. D. DiMartino thought they were locating the lift station as far as 126 to pick up the residents. There are no surprises as far as the wetlands and grading is concerned.

D. Benoit distributes their responses to Amory Engineer's comments and items. The gist of it is that they concur with 95% of the recommendations and will revise the plans accordingly.

P. Herr refers to comment #3 which deals with the depth and steepness of the detention basin. Amory said it should be shallower. The developer's engineers think that their design is better than Amory's alternative.

D. Benoit explains that when they first filed their ENF with MEPA, the detention basin was in a large upland area and proposed to cross Spring Brook with a culvert and emptying upland on site but it is in a WRD II as delineated by the town. They thought it was best not to fill the wetlands to cross the culvert. They made the ponds bigger by 5' and with 1 - 1 rip rap rather than 3 - 1. It will be surrounded by a fence so there will be no safety issue.

D. Marks states that it was his understanding that there was no problem with a 1 - 1 slope. They will ask for a waiver from the Rules and Regulations for the depth and side slope.

EM explains that part of the reason they require the depth is a safety factor. The deeper it is, the less safe it is. He asks if there will be less of them because they are going deeper.

D. Benoit responds that they originally proposed one. There will be two ponds which will act as one because of the culvert.

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EM questions if 3 ponds which are deeper is better than one big pond which will be located way off site.

B. Frasier identifies two issues. One is the wetlands and the other is the archaeological study. They have made accommodations to put the road through for the future access to the Varney property.

EM thinks that one big pond to the left will have no impact on the road. He thinks they should find out if they can get there.

Roy Smith, notes that the drainage was designed to reduce the amount of mature trees impacted to the undisturbed area. By relocating the pond to this side out of the WRD, there is less of a health hazard to the drinking water and less impact to the trees. It is upland, not lower. They will reduce the amount of stream waterway and stream impact. If the detention is located on the other side it will impact Spring Brook. All work is outside the wetland buffer as delineated by their environmental consultant. They would have a pretty substantial culvert design for the 100 year storm.

P. Herr reads comment #3d relative to the dyke design and the current design. It is 5 feet versus 22.5 feet. It is a complicated question relative to the consequences of the brook. He does not think that anybody wants to impede their progress. He suggests that someone speak with the Conservation Commission, Amory engineer and Don DiMartino so the Board can think about a waiver.

EM states that the Board cannot act without hearing from the people who deal with these issues.

D. Marks will bring examples of other basins at other retail establishments which have operated safely for years.

EM would rather see one big one instead of 3 little ones. There is a problem with setting a precedent.

D. Benoit will walk through the plan. There will be a 103,000 square foot Home Depot building with a 28,000 garden center. There will be an 8,000 square foot freestanding building in the front which will be a restaurant or a bank. The strip center will have retail A through E for a total of 233,000 square feet. The parking fields in the center will be accessed from the proposed driveway which will have 4 lanes coming in 50' wide pavement. There is enough room in the future to provide for the back area. Their plans keep it open for a 50' roadway and that is why they split the detention pond. It is the logical place to get to the back to limit the amount of wetland impacts. They will have parking in two directions with 466 on one side and 600 perpendicular to Home Depot for a 1066 total. The 4 to 6 parking ratio meets the requirements.

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The green areas show the proposed landscape islands. There will be two trees on each island. The proposed lighting won't be on the islands. They propose 40' high poles with a .5 minimum foot candle along the property lines. 25% of the fixtures (one out of four) will be left on for the main building and security purposes.

R. Smith, indicates that part of D. DiMartino's comments had to do with flow tests along 126 suitability. They will be tapping two mains on Rt. 126 and Hartford Avenue and loop the system in behind Home Depot. This helps the town and them so fire service will be able to get in. If they are able to buy the abutting parcel there will be another tap at N. Main St. which will make 3 tap locations for the site. They will interconnect the loop system at Hartford Avenue and N. Main St. They will have hydrants 250 - 300' in accordance with the regulations. They will have fire service and domestic service for each tenant. They will have 1" services for each tenant subject to change with each tenant's requirements.

D. Benoit refers to the drainage plan again. The grading was done to try to balance the site. They will have a retaining wall along the back by cutting the high areas. The grades slope away from the front of the building with a 2% handicap access. They will have catch basins and double catch basins at the locations of the low points of the parking lot to collect the water to the detention culverts and detention basin. They will install grit and sand chambers to catch the sediment and oil (baffle catch) prior to going into the catch basin. Each catch basin will have a baffle to catch the oil at each of the 3 pumps. They will all have oil traps and cast iron hoods which catches oil caught in the catch basin. The general maintenance program is for the sumps which are full of sediment and have to be cleaned out two times a year. The detention basin and grid have to be cleaned out two times a year. The overall stormwater system has been designed for the 100 year storm. The catch basin has been designed for the 25 year storm. There will not be a lot of runoff. The soil is very pervious and that is the reason why there is so much volume. There will be a 4" orifice located 6" above the bottom of the pond. The second stage will have a V notch to discharge above the 4" orifice and will work simultaneously. There will be two emergency spillways for each pond. If the pond is higher it will flow right into the structure.

EM asks for P. Herr's comments.

P. Herr has reviewed the plans and conveyed concerns. He has not heard an answer as to whether or not the lighting meets the standards.

R. Smith explains that they propose type 3 fixtures 40' light height with less than .5 candles.

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P. Herr states that they have identified the manufacturer's name and model number but the real issue is glare. There is nothing in the drawings which says that it meets it.

R. Smith indicates that they have added a note to the plans.

P. Herr would like to see the cut of luminaire.

EM asks if the sign issue has been settled.

P. Herr believes that they will come back with more information.

D. Marks expects they will need a variance for the sign. They will ask for two waivers. One is for the parking which will be beyond 300' from the building that it serves and two is the landscaping is not consistent with the requirements.

P. Herr explains that the number of trees is smaller but larger than what is at Stallbrook. The number of shrubs meets the requirements. This was more thoughtfully designed than Stallbrook. Approving this is consistent with what has been done in the past.

D. Marks questions what issues they must respond to.

P. Herr states that they will need to ask for a waiver from the subdivision requirements relative to drainage. The Board is not ready to consider that tonight because they want a clarification of the issues on the drawings. They need to get together with Amory's Engineer, Conservation Commission, D. DiMartino, himself and a member of the Board.

B. Frasier explains that they filed a Notice of Intent which is before the Conservation Commission. They will file their final EIR to the state. There are a lot of issues relative to the future access and archaeological finds. This puts them into an unlimited timeframe. They want to keep on time because there are a lot of other agencies that they are trying to address. They do have retaining walls specifically designed to stay out of the wetlands. All the detention basins will have 6' fences to deter people from climbing over or crawling in. They will be secured chainlink fences. There are no 6' fences at Stallbrook where there are larger ponds.

D. Marks understands that this is not something out of the ordinary. They will come back with examples. One is Emerald Square Mall.

B. Frasier states that it is designed to residential rather than commercial standards. They would like to move as quick as possible to go ahead with the Conservation Commission and MEPA.

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James Haughey, Safety Officer, notes that the 22 feet is kind of steep. The Police Dept. only has one car at that end of town. It will be hard to police it.

R. Smith explains that the pond is not 22' deep. It is 10' deep with a 22' retaining wall.

PC thinks it is a good idea to get Amory, P. Herr, Conservation Commission and D. DiMartino together to work out the issue before the next meeting.

P. Herr notes that all of the other points made by Sexton (Amory Engineers) can be easily reconciled.

Barbara Geria, Varney Brothers, asks if there will be any impact to the abutting lowlands and if there is any other monitor other than cleaning the detention out every two years to keep oil out.

R. Smith responds that the intent of the existing runoff is equaling or reducing runoff to the abutting properties. They will have primary and secondary measures as determined by their environmental consultant including a hood and sump, oil and grid chambers which they have agreed to provide and detention ponds.

B. Geria heard him say that the soil is very impervious. When they pave the runoff, will go to the detention pond? Flooding doesn't happen now.

B. Frasier explains that if anything comes out it will go to Spring Brook to the Charles River. They are on the upstream to the side of the brook.

EM thinks that the Conservation Commission should look at the site.

R. Smith states that the Conservation Commission has jurisdiction for any wetlands and waterway. They are bordering the vegetated wetlands. With the alternative there would be a significant impact to the wetlands around 5,000 square feet. The Subdivision Rules and Regulations ask to reduce that.

D. Marks asks when the Board will act on the special permit.

P. Herr thinks that the language is fine.

EM states that they need to have Town Counsel review the draft before the Board can sign.

P. Herr notes that they must have 4 members present who were part of the hearing.

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EM states that if Town Counsel says it is o'kay they can sign the decision at the next meeting.

WW moves to continue the Developmental Plan Review meeting to August 24, 1995 at 7:00 p.m. PC seconds. Vote of 3 (EM, PC and WW). RL and AM absent.

ALGONQUIN INDUSTRIES
CONTINUED DEVELOPMENTAL PLAN REVIEW

Jeff Ballou, engineer New England Construction Co., Inc., presents the plan which shows the pre-existing nonconforming covered loading dock where the new shipping area is.

EM states that covering it doesn't make it a building.

J. Ballou points out the existing building and the pre-existing nonconforming which came about when they rezoned across the street. The DPR was continued so they could go to the ZBA to obtain a special permit to allow them to enclose the loading dock. There is an existing paved area. They will square the building off with a two story addition and fill in the dead corner. He points out the footprint of the existing building. Their biggest concern was covering the loading dock and the crane.

P. Herr asks if the meeting was readvertised.

Clerk responds in the negative. It was continued from March to June and then to July because of the ZBA decision and 20 day appeal period.

EM notes that the ZBA gave residents better notice.

J. Ballou indicates that future parking was already approved. The Fire Chief made them pave and that is why it is labeled this way.

P. Herr asks if there are any proposed changes to the parking.

J. Ballou responds in the negative. What exists is what is there right now. There are 85 spaces existing and they do not intend to build more.

P. Herr asks if they will change the access parking by filling in.

J. Ballou states that they will not. All the asphalt is existing at the loading docks.

P. Herr states that the 20' sideyard is sufficient for this district. There are trivial changes.

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PC moves to approve the Algonquin Developmental Plan. WW seconds. Vote of 3 (EM, PC and WW). RL and AM absent.

HIXON FARMS

CONTINUED SPECIAL PERMIT PUBLIC HEARING

Steve Donatelli, Shea Engineering, presents a letter signed by developer Robert Stockton, requesting a continuance to the Board's August 24, 1995 meeting.

EM reads letter and explains that a special permit requires the vote of 4 members of the Board and since only 3 members are present, they are unable to go forward at this time.

PC moves to continue the public hearing to August 24, 1995 at 8:30 p.m.. WW seconds. Vote of 3 (EM, PC and WW). RL and AM absent.

P. Herr asks if they are looking at the Hixon Street measurements. He hasn't heard anything. It would be nice to have some information available beforehand as to whether or not the Board can expect them to make improvements in the public right of way.

HIXON STREET

81-P SUBMISSION

Steve Donatelli submits an 81-P for two lots on Hixon Street.

P. Herr believes that this is part of what the question is relative to the road.

S. Donatelli points out a 50' roadway easement for both of these lots. They show it could be built if anything further goes on with this property.

Robert Stockton, applicant, explains that they already have approval for lot 5. They are making a modification to adapt to the cluster zoning. This has nothing to do with the cluster.

S. Donatelli notes that originally lot 5 was in the rear. They extended the line and brought it out. The property lines along the road stay the same. The land is provided for the road to come in. This is separate from the cluster. He can still have these lots.

PC states that if the cluster is approved the developer will have to put in the 50' road to get to the cluster.

R. Stockton states that the 50' wide easement is at the end of his property.

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P. Herr indicates that the issue is whether there is adequate access to the property.

R. Stockton notes that one lot is left with 56 acres in it.

PC moves to approve the 81-P for two lots for Robert Stockton. WW seconds. Vote of 3 (EM, PC, WW). RL and AM not present.

CHESTNUT HILL CONDOMINIUM
DISCUSSION RE: BUILD OUT RATES

EM reads letter from Bruce Lord, Esquire, dated July 27, 1995, requesting permission to make a small change on the approved Developmental Plan for Chestnut Hill Condominium prior to filing it at the Norfolk Registry of Deeds. Because of the requirements of Fannie Mae, they would request they be allowed to add the words Phase 1, Phase 2, Phase 3 and Phase 4 on the Plan within each of the four buildings. This will in no way affect the construction as established in the special permit, but will allow the developer to obtain Fannie Mae financing approval quicker.

WW asks if it will change the timeframe for buildout.

B. Lord responds that it is not changing anything.

PC moves to approve the change. WW seconds. Vote of 3 (EM, PC, WW) RL and AM absent.

PINE GROVE ESTATES II
REQUEST FOR LOT RELEASES AND PERFORMANCE BOND POSTING

Denis Etzkorn, on behalf of developer, DELA Construction, presents Guaranty Price Estimate from the Bellingham DPW for a suggested bond in the amount of \$53,450.00 as well as Form G Certificate of Release to release lots 1 through 8 inclusive.

Clerk reviews file and determines that there is no covenant but there is a letter in the file signed by developer, Joseph Delapa, agreeing to provide a covenant prior to the release of lots.

P. Herr asks if the bond amount includes contingencies and maintenance.

Clerk advises that a Form E-1 Performance Bond should also be completed.

P. Herr suggests that they may want to change the wording on the form from 24 to 12 months or they have to add \$3,000 to the bond amount.

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PC moves to sign the Form G and for EM to hold it until all the required documents are in place. WW seconds. Vote of 3 (EM, PC and WW). RL and AM absent. Amount of bond agreed upon is \$53,450 if the developer agrees to the 12 months term agreement for completion of the work.

Clerk to send a letter to Town Treasurer advising her of the Board's vote relative to the bond amount.

SHORES AT SILVER LAKE PUBLIC HEARING
SPECIAL PERMIT 49 TOWNHOUSES

EM reads letter from Janice Hannert, Fafard representative, dated July 18, 1995, requesting a continuance of the public hearing to August 24, 1995 since all members would not be present for tonight's meeting.

PC moves to approve the continuance to August 24, 1995 at 9:30 p.m. WW seconds. Vote of 3 (EM, PC and WW). RL and AM absent.

HICKORY HILL
PERFORMANCE BOND REDUCTION REQUEST

Maurice Morin, 23 Scott Street, presents a Guaranty Price Estimate completed by the DPW relative to the Hickory Hill performance bond. wherein a bond in the amount of \$36,750 is suggested for this project. Mr. Morin disputes some of the items listed by Don DiMartino but was unable to speak to him prior to the meeting because he was out of town. It is his opinion that the required amount should be \$26,700 rather than the \$36,750 suggested by the DPW. He received 4 bids for sidewalks at \$3,500 but D. DiMartino listed \$5,000. He received prices for topsoil and seed at \$1,000 but D. DiMartino put in \$4,000.

EM advises that this is a bond reduction request from the original bond of \$53,000 to be decreased to \$36,750. The remainder of the bond is to be released to Mr. Morin.

WW moves to reduce the bond amount for Hickory Hill from \$53,000 to \$36,750. PC seconds. Vote of 3 (EM, PC and WW). RL and AM absent.

NAPLES ESTATES - CENTER STREET
DEFINITIVE SUBDIVISION PUBLIC HEARING

Clerk reads Notice of Public Hearing as published in The Call and The Milford Daily News

EM advises that no bond, road or utilities are required for this subdivision. A variance from the frontage requirements was

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received from the Zoning Board of Appeals.

P. Herr states that the question is whether or not the Board judges the access to be adequate for the lots. He doesn't think they need to waive anything.

EM asks if there will be lot releases with no covenant.

P. Herr indicates that there is nothing to release. He proposed to amend the Subdivision Regulations to deal with this type of plan but it didn't happen. He would have suggested that this plan carry a note on it. The plan should show a notation of the frontage requirements which have been granted.

EM reads waiver granted from the ZBA as annotated on the plan.

P. Herr states that the Planning Board will do the same thing. The Planning Board waives for the Subdivision Requirements. The ZBA waives for the construction requirements.

EM reads notes on the plan.

PC moves to approve the Naples Estates Definitive Subdivision. WW seconds. Vote of 3 (EM, PC and WW). RL and AM absent.

Clerk to prepare decision and edit the standard form to conform to this situation (no waivers, bond, utilities are required). Decision to be given to EM as soon as possible to obtain signatures and record with Town Clerk.

DISCUSSION WITH AL FLORENTZ

RE: MELLON STREET SUBDIVISION (MILFORD AND BELLINGHAM)

Al Florentz went to the Milford Planning Board for this proposed subdivision which has access in Bellingham even though most of the road is in Milford.

P. Herr advises that the regulations say that they must compare the two regulations and meet the more demanding of the two.

A. Florentz asks about maintenance of the road.

EM asks who is plowing it now. It may be Bellingham.

A. Florentz states that Milford asked who will maintain that piece of the 50' road.

P. Herr responds that the Town of Bellingham will be obliged to maintain it but they will probably make a swap. They are probably worried about school buses which have to go out of town to pick up

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the school children.

A. Florentz believes that the School Dept. is working out that question.

P. Herr suggests that Mr. Florentz look at the Subdivision Regulations where there are words which exactly deal with this issue. There is a 50' layout. He asks how wide the pavement is. Do they propose to take the dirty Milford stormwater and bring it into Bellingham?

A. Florentz indicates that it will go into the Charles River.

P. Herr believes that they may have to deal with the Bellingham Conservation Commission.

A. Florentz states that the kids will have to go to Milford schools.

GENERAL DISCUSSION

Clerk refers to memo from P. Herr to John Emidy, dated July 12, 1995 relative to the Stallbrook/McDonald's lighting.

P. Herr advises that the Stallbrook lighting still doesn't comply. D. Fraine felt that it would be a good idea to negotiate with them to improve the architecture of the building. He looked at the building and likes the building better the way it is. D. Fraine rather see rough concrete block rather than the stucco.

Further discussion follows relative to the Market Basket signs which are not in compliance. He did go up before the meeting and took a bunch of pictures of the site.

Richard Dill asks what the problem is with McDonald's.

P. Herr explains that the fixtures to the back of the property shine out onto the street. The Board has been trying to get the problem corrected for two years.

EM brings the Board up to date relative to the sign review committee. He attended a meeting which he felt was not very productive. There was a lot of discussion relative to policing and taking signs down when a business goes out of business. John Emidy was not in attendance but should be involved. There was also a lot of time spent discussing what constitutes a sign or a temporary sign and the different types of temporary signs. The Sign Committee has continued the meeting for another time when J. Emidy and D. Fraine can attend.

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P. Herr suggests that the group may want to produce a list for the things they would like to see in a revision. They could collect sign bylaws from other communities now and review them rather than later when it is harder for his office to put something together and it sometimes comes out looking like a camel.

PC believes that every town has a problem with signs.

P. Herr states that each town has different cultures. He distributes Subdivision Regulation Technical Revisions which have to do with frontage waiver subdivisions like Naples Estates. Both were proposed to be dealt within the Subdivision Regulations with Form A Plan Access Rules. The Board could turn down Hixon Farms based on the current regulations but it doesn't meet the current case law. What they have now could prevent Hixon Farms but it doesn't conform to the court cases. The handout would let them have less sufficient road but less house lots too.

Clerk advises that a resident of Wrentham Road has phoned her relative to the noise at the Coachmen's Restaurant with bands playing all night on the outdoor deck.

P. Herr refers to Section 3200, Noise Bylaw. He suggests that the woman may want to go to the ZBA if she is not satisfied with J. Emidy's response.

P. Herr indicates that the conglomerate owner of the New England Country Club held a meeting with him. They intend to build single family homes but less of them. They are concerned about the zoning running out. They hired Ron Ash and Associates, the same firm who did the original plans and were well prepared for the meeting with their engineer and attorney. He expects they will be contacting the Board shortly.

Members sign invoice for annual membership dues in the MAPC and Clerk's pay voucher.

PC moves to adjourn the meeting at 9:55 p.m. WW seconds. Vote of 3 (EM, PC and WW). RL and AM absent.

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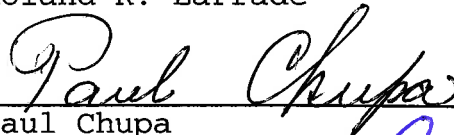
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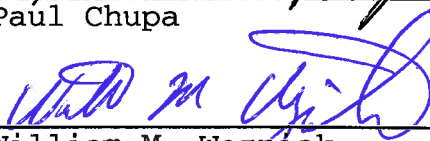
Edward T. Moore, Chairman

Anne M. Morse, V. Chair

Roland R. LaPrade



Paul Chupa



William M. Wozniak