

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

**EDWARD T. MOORE, CHAIRMAN
ANNE M. MORSE, VICE CHAIRMAN
ROLAND R. LAPRADE
PAUL CHUPA
WILLIAM M. WOZNAK**

MINUTES OF REGULAR MEETING

OCTOBER 12, 1995

Meeting commenced at 7:41 p.m. All members except EM and PC were present. Associate member Richard Dill was also present.

HILLTOP FARMS SITE PLAN REVIEW

Vice Chairman AM opens the meeting and reads comments from P. Herr, the Board's consultant, dated September 29, 1995, wherein he states that the plans do not call for new buildings, additions to the existing structure, or removal of existing vegetation. The parking area is to be reconfigured but the proposed configuration continues to meet the requirements of Section 3320 of the Zoning Bylaw. Therefore, the plan as submitted does not require Developmental Plan Approval but Site Plan Review. The plans fulfill the submittal requirements of Site Plan Review. More comments will be forwarded relative to the substantive requirements.

AM reads October 10, 1995 fax forwarded by P. Herr. He states that the plans as revised appear to meet all the requirements of the Zoning Bylaw provided that a special permit is obtained as required under Section 2400 of the Zoning Bylaw; no new lighting is to be installed, except that incorporated into the canopy over the pumps and fully shielded; and any new signs are in compliance with the provisions of Section 3100 of the Zoning Bylaw. He also has a "wish list" of things he believes the Board may not require but which would be nice. 1. There are no catchbasins in evidence except at the back of the property, so stormwater will continue to simply run across this property and the adjacent sidewalk into the street gutter. That would not be allowed if this were new construction. Perhaps the existing situation is not troubling, but if it is a problem, some means of controlling that runoff would be a benefit. 2. There is much more parking shown on the premises than is required, and much more circulation space than is needed. The amenities of the vicinity would be enhanced if some of that excess paving were repaced with grass and landscaping, benefiting everyone. That has been discussed with our office, and we would be glad to help with sketches if the applicant would seriously consider undertaking the

MINUTES OF REGULAR MEETING

OCTOBER 12, 1995

improvements which cannot be required. He also notes that this proposal, even without these last two elements, will enhance present conditions in several respects, and already includes improvements beyond those which the Town may require. The applicant and his designers deserve credit for their cooperation.

Bruce Lord, Esquire, representing applicant, explains that the Hilltop Farms Site Plan Review is to install a self service gas facility with the layout remaining as presently exists. There is a one story concrete building which was the former Marstex Hardward Store. He points out the parking area, parking out front and the entranceway. It is located on Pulaski Blvd. next to Pool Pro across from Essex Street. They want to install self service gas facilities and will have 4 slots of parking next to it. They intend to remove the parking out front and add a concrete walkway and plantings. It is a simple plan which meets all the requirements. He understands that the Fire Chief is concerned about the 7 vehicles standing. A safety plan will be submitted to the Board of Selectmen. They are aware that they have to obtain a special permit through the Selectmen for storage. They show 7 vehicles waiting but the Bylaw requires 2 for each gas facility. It should have said 8 on the plan instead of 7. It was a mistake on the plan so they changed the entrances to match the requirements. They changed the walkway so they moved the crosswalk away from the entranceway. Once the Site Plan is approved, they will go to the Board of Selectmen for the self service gas station and gas storage. The Selectmen won't approve the self service gas station until the Planning Board approves the Site Plan. There are no changes to the building and they are not paving anything.

AM asks about the tractor trailer mobility.

B. Lord indicates that they revised the safety plan. The original plan showed the gas truck driving in and sticking out. Now it will be backing up so it will be safer.

AM and RL point out that the tanks are shown a different way. The location is different from these safety designs for the Fire Marshall and the Board of Selectmen.

B. Lord responds that the site plan is accurate and these safety plans will be changed to conform.

RL asks what happens if there is a leak in the tanks.

B. Lord explains that they are fiberglass tanks.

WW asks what happens if there is a spill on top.

B. Lord indicates that they will have a grooved system for 25 gallons so the spill will

MINUTES OF REGULAR MEETING

OCTOBER 12, 1995

contained within the grooved system. It will be contained within the concrete area.

RL asks if it will be sloped away.

B. Lord explains that it will be sloped and contained within the area. The self service gas pumps don't have automatic nozzles.

WW notes that they can put the gas cap on a hold position.

B. Lord notes that the tractor trailer pulling in will be changed to backing in so it will not be sticking out to the driveway.

AM asks how it will get out.

B. Lord responds that it will pull right out.

WW asks how the driver would know what to do.

B. Lord responds that they will be instructed to do that. He suggests that the Board send a copy of their approval to the Selectmen.

AM asks why they need the rear driveway.

B. Lord responds that it is easy access. This is an unusual convenience store with a lottery business and keno and it requires more parking than one would expect. It has been in place for one year.

RL asks if the access was done when they redid that part of Mostek.

B. Lord responds affirmatively. They added parking and tore down the old hardware store. It is safer with the gas station because of the way and driveway and put into the pattern to eliminate the backout parking from the front of the store. The facility has been there for 40 years. This plan will work better.

AM asks if they will have signs.

B. Lord presents a copy of the sign which they will have. There is a catch basin on the property and water flows to the catch basin. From the front it goes to the catch basin on the street. They are not increasing the area so they shouldn't be adding to the situation. They are not changing any of the flow going that way. There is not a drainage problem in that area and it is fully developed. There is excess parking for the convenience store. They need the parking because of the nature of the type of

MINUTES OF REGULAR MEETING

OCTOBER 12, 1995

business. They are adding a few trees to increase the green area.

AM thinks that it might be nice to increase that for the neighbors.

B. Lord notes that there are no houses in there and no neighbors.

RL asks if the pavement is curved in back of the grass.

B. Lord responds that it is all paved. There is a dumpster and other facilities.

RL asks if the sign over the store meets the Bylaw.

Stephen Gurwitz, applicant, states that it was taken down today.

B. Lord notes that they will have the Sunoco sign with Hilltop Farms in the middle.

S. Gurwitz indicates that the canopy will say Hilltop Farms.

B. Lord is aware that the Fire Chief was concerned about gas transportation and the fact that it said 7 cars but it will be corrected to 8.

AM reads the Fire Chief's letter, dated October 12, 1995, wherein he states that it appears that the facility plans indicate compliance with almost all sections. The applicant has not received a special permit for the operation of a self-service station as required by Section 4870. He did review the self-service plan and found two items of concern. He is concerned with the way the gasoline tanker is off-loading into the proposed underground tanks. It appears that the tanker will be protruding into the driveway of the facility when off-loading. His concern is that the vehicle could be struck by entering and exiting vehicles. He understands that Mr. Lord suggested that fueling take place when facility and store are closed. This needs to be looked at and may be a possible solution. The self-service plan shows 7 vehicle standing positions which is contrary to Section 4840 of the Zoning Bylaws which requires 2 per filling position, equaling 8 spaces. He has not reviewed the self-service plans for compliance with 527 C.M.R.'s nor does he intend to do so until they are granted the license for store by the Selectmen in accordance with MGL 148, Section 13.

Discussion follows relative to the correct procedure and whether or not this proposal should have received approval from the Selectmen before coming to this Board. They have to spend a lot of money on the engineering in order to come here first.

B. Lord wanted to get the Site Plan approval first. It is still the same amount of work and engineering required in order to go to the Selectmen.

MINUTES OF REGULAR MEETING

OCTOBER 12, 1995

AM asks what they will say if the Selectmen say they don't want another gas station.

B. Lord would hope they don't do that. He refers to the traffic impact study, page 4, relative to Section 4840. There is sufficient space to move the vehicles. The Developmental Site Plan is a technical plan. The technical is done before the other input.

WW asks where the 7 vehicles are standing because he sees a traffic problem.

John Caito, engineer, points out 4 at the pumps, 2 queuing on one side and 2 on the other side.

WW asks how anyone else can get their vehicles in.

B. Lord notes there is room for 8 vehicles with ability to stand off the road.

WW understands but they are not supposed to block the traffic getting into the premises. 7 vehicles standing fits the plan but 8 doesn't. The plan submitted shows safety measure which the Fire Chief will take care of.

B. Lord will address that in more detail to the Fire Chief. The Fire Chief hasn't seen the new safety plan yet.

WW believes that the plan is showing the truck protruding into the driveway.

B. Lord explains that this is not a 24 hour station so they can plan deliveries so it takes place when they are not open. The Board of Selectmen will probably make that a condition. They can recommend to the Selectmen that 8 waiting spaces be shown.

R. Dill asks about the sign around the canopy.

B. Lord responds that there will be a freestanding sign at the SE corner. It is standard and meets all the requirements for Zoning. They are allowed 100 sq. ft. for a freestanding sign.

AM calls for questions from the audience. No one responds.

RL moves to recommend the site plan for Hilltop Farms with two stipulations. 1. is that it shows 8 waiting cards and 8 vehicles in a standing position as required by Section 4840. 2. Fueling take place during off operation hours. AM seconds motion. Vote of 3 (AM, RL and WW). EM and PC absent.

MINUTES OF REGULAR MEETING

OCTOBER 12, 1995

SILVER AVENUE STREET LAYOUT PLAN 81-P

Paul Atwood, Guerriere & Halnon submits the layout plan for the streets so Mr. Rosenfeld can have them deeded over to the Town. This refers to the original subdivision plan and is always done in recordable form.

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

P. Atwood presents 81-P Form and \$10.00 fee and explains that this establishes the roads as accepted and is signed as an approval not required plan.

AM discloses that she has done work for the developer in the past over 2 years ago.

Clerk presents letter submitted by David Pagnini, Esquire, on behalf of Silver Heights Development Corporation for Silver Avenue and Geordan Avenue street acceptance. He advises that the October 4, 1995 Bellingham Town Meeting voted to accept both roads as public ways. He requests release of the remainder of the performance bond in the amount of \$3,942.49 plus interest to Mr. Rosenfeld.

RL moves to release the remainder of the bond \$3,942.49 and reduce it to zero. WW seconds. Vote of 3 (AM, RL and WW).

SUBMISSION 81-P ROGERS STREET

Al Florentz, Bibeault Engineer submits an 81-P, Form A for Rogers Street.

AM discloses that this engineering firm does work for her.

A. Florentz indicates that Rogers Street is located off Scott Hill Blvd. The applicant purchased 3 lots with a house on it. He bought the property and put a new leach field on it but they couldn't perc in the back so they had to change the lines and made it 40,000 square feet which is legal with 153' of frontage. They had to do a new system.

AM indicates that it is suburban zoning.

RL asks if it fits the lot shape factor because it looks like it wouldn't.

AM reads Section 2590, relative to Lot Shape Factor which states it can't be in excess of 22.

A. Florentz states that it has 30 and is over the requirement. They are trying to make

MINUTES OF REGULAR MEETING

OCTOBER 12, 1995

the lot legal with suburban zoning.

WW suggests that he could make it a nonbuildable lot. They could still put the septic system on it and the lot can stay the way it is with the existing dwelling.

RL thinks that it is not a bad porkchop lot but they would have to go for a variance.

WW thinks they should keep the lot the way it is and make it a nonbuildable lot and keep it in the same guy's name.

AM indicates that the problem is that the nonbuildable portion could still be sold to a neighbor.

A. Florentz notes that the same people own it.

AM thinks they would be creating a problem because it could be sold.

A. Florentz could leave the lot the way it is and make an easement which would go with the lot. They are closing at the end of the month so they will probably go with the easement.

WW never saw an easement for a septic system.

AM notes that Ben Franklin has an easement on the Almacs property for their septic.

WW points out that the Town owns that land now. He thought there was sewer on Rogers Street.

A. Florentz indicates that there is water but no sewer.

DISCUSSION RE: HARPIN STREET

A. Florentz identifies the location of Harpin Street, near Pulaski Blvd. It is a 67,000 square foot parcel in residential 20,000 square foot zoning but only has 148' of frontage. The owner wants to put in a second lot in the back with one in the front.

AM asks if it meets the requirements.

A. Florentz responds that it will when the road is in. He suggested that the owner go for a backlot because he wouldn't want a road with one house.

AM notes that he would have to go for a zoning variance and show a hardship in

MINUTES OF REGULAR MEETING

OCTOBER 12, 1995

order to get a variance.

A. Florentz indicates that he already has one lot and just wants one more.

AM explains that he could come to the Board for a Definitive Subdivision or go to the ZBA for a variance but she wouldn't put in a road for two lots.

WW further advises that he would have to come back to the Board after they get a variance for 50' for a backlot subdivision.

GENERAL DISCUSSION

CARYVILLE CROSSING

Clerk reads P. Herr's letter to the Board dated October 2, 1995 advising that the Board does not have a role in reviewing the plans for the Caryville Crossing proposal. Clerk to send a copy of that letter to the Board of Selectmen asking them to schedule a meeting with the Selectmen, Planning Board, ZBA, and Affordable Housing. Copy of the letter to be sent to the ZBA.

ELM ESTATES

Clerk reads letter from Barbara Foss, dated October 5, 1995, who advises that Mr. Gagnon has not fixed the asphalt water barrier which was destroyed at the entrance to 14 Bellstone Drive.

Clerk to send another letter to Mr. Gagnon reminding him that the Board will have to take his \$6,100 bond in order to complete the work.

HIXON FARMS

Clerk reads Preliminary Decision letter to the Town Clerk with conditions addressed in the Hixon Farms Cluster Special Permit. RL moves to sign the Preliminary Decision. WW seconds. Vote of 3 (AM, RL and WW).

RL moves to accept the minutes of September 26, 1995. WW would like to read them first.

WW moves to send a letter to Mr. and Mrs. Horan requesting a copy of the videotape from the September 26, 1995 meeting which was recorded by them. The Board held a discussion prior to the hearing and the change of meeting locations to allow recording of the meeting with the stipulation that a copy of the tape be presented to the Board. RL seconds. Vote of 3 to send letter.

RL moves to adjourn the meeting at 9:12 p.m. WW seconds. Vote of 3 to adjourn.

MINUTES OF REGULAR MEETING

OCTOBER 12, 1995

Edward T. Moore, Chairman

Anne M. Morse

Anne M. Morse, Vice Chairman

Roland R. LaPrade

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Paul Chupa

William M. Wozniak

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