

**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. WOZNIAK**

**MINUTES OF REGULAR MEETING**

**NOVEMBER 15, 1995**

Meeting commenced at 7:25 p.m. All members were present. Associate Member Richard Dill was not present. Board's consultant, Philip B. Herr, was also in attendance.

**NORTHEAST ACRES PERFORMANCE BOND POSTING**

Bob Ballarino would like to determine the amount of bond to be posted prior to setting it up with the Town Treasurer.

EM reads letter from DPW Director, Donald DiMartino, dated October 31, 1995 with the Form J, Guaranty Price Estimate. He noted recommended additions and adjustments on the right side of the form and recommends a security of \$25,250.00.

B. Ballarino indicates that R. Traverse completed the paving company estimate which is under Stonegate Construction.

EM points out that the R. Traverse estimate is for a total of \$19,429 with D. DiMartino's estimate at \$25,249 which includes the As-Built and 10% contingency until the road is accepted.

WW asks if the developer has any problems with that amount.

AM discloses that she has delivered fill to this developer and has done a small amount of work for him and therefore, abstains from voting.

PC moves to recommend the \$25,250 bond. WW seconds. Vote of 4 (EM, RL, PC and WW). AM abstains.

B. Ballarino to bring in passbook in his name and Town Treasurer with a completed Form E1.

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Covenant is found in file and a copy given to B. Ballarino.

### **SHORES AT SILVER LAKE CONTINUED PUBLIC HEARING 49 CONDOMINIUMS CENTER/CROSS STREETS**

EM reads fax from Janice Hannert, Fafard representative, dated November 15, 1995, requesting an extension of the hearing on the special permit application for Shores at Silver Lake to December 28, 1995 and an extension on the decision until January 15, 1996. They are reviewing the potential for modifications to their application requiring additional time for their analysis.

Discussion to hold one meeting in December due to holiday season. P. Herr can come to the December 21, 1995 meeting

WW moves to hold the December meeting on December 21, 1995. RL seconds. Unanimous vote of 5 (EM, AM, RL, PC and WW).

RL moves to continue the Shores at Silver Lake public hearing to December 21, 1995 at 9:00 p.m. with approval for the extension to January 15, 1996. WW seconds. Unanimous vote of 5.

### **MINUTES ACCEPTANCE**

RL moves to accept the October 12, 1995 minutes with a correction on page 3 for the name Mostek's Hardware. AM seconds motion. Vote of 3 (AM, RL and WW). EM and PC were absent from that meeting.

### **DALPE GOLF COURSE**

EM reads letter from Attorney Bruce Lord on behalf of his clients Leo and Germaine Dalpe, wherein he states that the Dalpe's request that the Planning Board allow the deferral of the construction of the extended parking area for the restaurant and golf course until May 1, 1996, so that an occupancy permit may be granted by the Building Inspector to allow use of the premises for up to one hundred persons. The reason for the request is that Mr. Dalpe broke his hand and is not likely to be able to operate the necessary equipment prior to winter.

Discussion follows as to whether or not the Board can allow him to amend the Developmental Plan Review requirement to show parking or put it off for a period of time.

P. Herr refers to Section 1422(e) which requires completion or receipt of surety for completion in a reasonable amount of time.

EM notes that the Board could send a letter to J. Emidy allowing temporary occupancy until May

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PC believes that their motion should depend on whether or not the Building Inspector would want to issue a temporary.

AM asks how much parking they are talking about.

B. Lord points to the plan and shows that it is 24 parking spaces.

AM believes that is 1/3 of the area required. They also have further expansion for full development.

WW agrees they already gave him some area without this even though he did need it.

B. Lord points out that occupancy is 200 and they are suggesting to limit it to 100 temporarily.

P. Herr asks how many parking spaces serve 100.

B. Lord responds that 50+ requires 100 seats.

EM thinks they are bending a lot of the rules.

B. Lord explains that Mr. Dalpe is doing all the construction himself and since he broke his hand, this is not an unreasonable request under the circumstances.

PC moves to grant a temporary building permit with fewer parking spaces. RL seconds. 3 nays for a vote of 3 - 2 against issuance.

### **BROOK SIDE ESTATES REQUEST FOR LOT RELEASE**

Clerk explains that she received a phone call from an attorney who is closing on Monday and requests lot release of Lot 4, Brookside Estates. Release and pertinent information including a copy of the 1965 covenant, plan and Request for Lot Release were faxed this evening. There are two files for Brookside Estates. One was done in 1965 and one in the early 1980's. The latter one applies to lots 9 and up. Lot 4 comes under the 1965 plan.

WW moves to approve the Lot Release for Lot 4, Brookside Estates, 5 Thayer Street. RL seconds. Unanimous vote of 5 (EM, AM, RL, PC and WW).

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### **PINE MEADOW DEFINITIVE SUBDIVISION** **COMPLETION OF ROAD WORK**

EM reads letter from Town Counsel, Lee Ambler, dated November 3, 1995, wherein he states that he contacted the developer to determine whether or not the work described was being contracted for or was to be completed within the foreseeable future, i.e., the time it would take the town to have it done independently. Mr. DaPrato informed him that there has been information transmitted to all abutters that the reason for the non-completion of the sidewalks was because the property owners have placed their mailboxes in the area where the sidewalk is to go and it is illegal for him to move the mailboxes. It is imperative that all persons who own property within the Subdivision remove their mailboxes and place them on the opposite side of the street where they belong, and then the sidewalks will be intalled where they are shown to be installed. He further indicated that the same contractor who will be completing the sidewalks will be doing the clean up and the fencing around the detention pond which is a two hour effort. The mailbox placement would prohibit the town from completing the work as well, therefore, it is imperative that residents move their mailboxes. Attorney Ambler will follow up on this matter with the developer in two weeks to determine whether or not the mailboxes have been moved.

Clerk also refers to two letters from developer. One, dated October 27, 1995, addressed to the Planning Board Chairman with a time schedule for completion of the remainder of the work. The second, is a copy of a letter from Mr. DaPrato to a resident of Brittany Road, dated October 31, 1995 relative to the installation of the sidewalks.

EM has visited the site and agrees that the sidewalks have been installed. There are fence poles around the detention pond but the fence is not there.

PC points out that the sidewalk berm might not be acceptable.

EM notes that D. DiMartino said that it was not built correctly. It was hand rolled instead of using a machine to roll it out. It takes the same amount of asphalt to do it either way.

WW indicates that it almost goes flat.

PC states that it was not put in with a berm machine. It was just rolled.

EM asked D. DiMartino about it and he said that it is not a curb like ramp. Instead, the sidewalk butts up to it.

B. Lord points out that the contract was for it to be built to specifications. He talked to the developer who was not aware of the way it was done.

WW thinks that it seemed like the contractor did not have a berm machine.

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PC believes that it should be up to D. DiMartino whether or not he accepts it.

### **EDWARD ESTATES DEFINITIVE SUBDIVISION** **CONTINUED PUBLIC HEARING 12 LOTS LITTLETREE/LAUREL LANES**

AM abstains from the proceedings and removes herself from the meeting room.

EM reopens the public hearing and explains the hearing procedure. There were questions hanging from last time relative to the wall.

RL recalls they were to determine if they could build without any waivers.

Bruce Lord, Esquire, representing the applicant, states that he will begin even though his engineer is not here yet. He explains that the plan as previously presented showed the road coming in the street after passing the Horan and Dalpe lot where the road would become 50' wide on the easement with 26' pavement. The concrete wall would elevate from 2' to 10'. The first lot, the Dalpe lot, would be expanded to 40,000 square feet with the addition of the parcel placement of the road because of the existing unit there. Their engineer has looked at and redesigned the road at the entrance and moved it away from the Horan property and it now curves to the north. They will have a 40' easement with 22' pavement eliminating the 10' with the changes. The roadway will be sloped 3 to 1 with a full berm to protect the water from going in. One problem of the concrete wall will be done away. The result is that they no longer have the requirement to cut more than 7' of fill. They are still 1 ½ beyond the level but the change is less harsh to the area. They eliminated the concrete pavement and reconfigured the road. They could have a 50' profile of the area without waivers. All the cul-de-sacs will be pulled back with no access to the neighboring properties. The only waiver will be for the fill. There were several issues in the letters presented and the protective covenant for Hillside Estates. Attorney Ambler agreed that the covenant is not an item over which the Planning Board has enforcement authority. He does not believe this is out of compliance with the covenants. The runoff to the Horan property has been taken away. They put in a full berm so the water will be kept away. There will be a catch basin on Littletre Lane. The Laurel Lane catch basin will be extended and there will be no increase in runoff. The Horan property presently has 80' of frontage on Littletree Lane which is an existing nonconformity. This makes the lot conforming by providing enough frontage. Mr. Horan had a restrictive covenant issue for no further extensions. By bringing back the cul-de-sacs and having a 40' wide easement, it is not extendable under the present regulations. Only if the regulations change can they extend.

EM asks if the 10' wall has gone away.

B. Lord explains that it was done by moving the roadway and using a simple slope grade which meets the requirements of the 3 to 1 slope.

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RL notes that the new plans show the cul-de-sac pulled back.

B. Lord went to the Conservation Commission last Wednesday night to show them the road as constructed with a 40' wide right of way which can't be extended.

WW asks what the site distance is at the entrance.

B. Lord responds that there is no problem with the site distance.

WW would like to know the number.

EM asks if the new plan was sent to Amory Engineers.

P. Herr hasn't seen the final plan either although he did see a plan Thursday of last week.

B. Lord responds that Amory was not sent a copy of the plan yet.

P. Herr indicates that this doesn't substantially change what Amory looked at.

EM states that they can't go any further at this point without the applicant's engineer being present. He calls for a recess to wait for the engineer. He invites the audience members to come up and look over the plan.

P. Herr notes that anyone can get delayed. There is no way the Board can act on these plans tonight since T. Sexton (Amory), hasn't responded and he hasn't had a chance to look at the plans. He suggests they entertain questions raised by the audience at this point.

EM calls for a 10 minute recess to wait for the engineer.

F. Gallagher joins the meeting and apologizes for his lateness. The Planning Board asked him to show a plan without the waivers. He met all the conditions with a 50' roadway throughout for a minor road. They can do it to meet all the conditions and change the roadway alignment to still create 12 lots. He points out the creation of a minor roadway at 50' throughout.

EM asks if this is feasible.

P. Herr believes they appeared to do it.

F. Gallagher points out the critical section of the roadway off Littletree Lane where the property drops. They can design the property that cuts and fills and meets the minor roadway. He puts up an overlay which shows the new alignment over what was previously submitted to give an idea of the difference. They can meet the criteria without the waivers.

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P. Herr asks the relationship to the wetlands. Do they move away?

F. Gallagher responds affirmatively, to some extent. They move the limit of the work 25' away from the wetland. Grading puts the toe of the slope as close as the retaining wall to the wetlands. There will be a 40' right of way throughout the project. The cul-de-sacs don't extend. The limits of the property prohibit that.

EM disagrees. It doesn't prohibit but it doesn't make it easy.

F. Gallagher believes that it discourages expansion. The lot lines for lots 9 and 10 are a line continuation of the centerline of the roadway. In order to extend the right of way, one would have to own both lots 9 and 10. It is the same case for the extension of lots 5 and 12.

WW asks if they could sell off a piece of each lot.

F. Gallagher responds that both lots are large enough that they could spare what is necessary, but if it was going to take place, they would have to come back to the Planning Board. Connecting to the throughway requires a 50' right of way. One would have to get both lot owners to agree to sell a piece of their land and then get the Planning Board to agree to approve it. The initial roadway has a 150' radius. The curve meets the design criteria for a lane with eliminating the retaining wall. It pulls the roadway far enough away from the abutting property and allows grading with a 3 to 1 slope.

WW asks about the existing house.

F. Gallagher responds that it stays because it meets the setback. The additional property added to the lot meets the area and requirement for 40,000 square foot lot and meets the lot shape factor.

EM asks if they will have the same number of lots.

F. Gallagher responds affirmatively. Lot 6 is oversized and gave some area to the duplex which required 40,000 square feet for a double lot.

RL asks about the access driveway for lot 1.

F. Gallagher responds that it is up and down. They can access and put in a driveway.

RL asks if this improves the access to lot 1.

F. Gallagher thinks that it probably does help somewhat.

EM calls for questions from the audience.

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Mark Horan asks how much setback there is from the duplex to the road at the nearest point.

F. Gallagher responds that it is 21.6 feet from the right of way to the corner of the house. The front yard setbacks from the corner of the house.

M. Horan notes that they would not have the 20' setback with the 50' right of way and would have to move the house.

F. Gallagher agrees. The house wouldn't conform to zoning. The 50' right of way is too close to the house.

M. Horan suggests moving the house and instead of having a 4 way intersection, they could form a T intersection with Littletree lane. They could do it if they move the house. They either need a waiver or they have to move the house.

B. Lord points out that they could move the the end of the subdivision with a 50' right of way.

M. Horan believes that no one knows who owns the piece in between. The only realistic extension is to the north to the Varney property and that could be done with a 40' right of way.

EM indicates that it would have to go to Town Meeting.

B. Lord explains that his client purchased this property at a tax auction. The Assessor's map shows it to the Blackstone line. A 40' wide easement has minimal damage to the area. They want to make the developer move the house out of spite.

EM notes that the 50' right of way only works if they move the house.

P. Herr agrees that it meets the Regulations but it is not a better plan.

EM indicates that moving the house was never mentioned when they said this plan would fit. M. Horan wants to move the road next to his neighbor.

M. Horan wants to put the road in the middle of the property so they don't have a 4 way intersection.

F. Gallagher states there are 107' from the point of curvature to the property line plus 80' to the very corner of the Horan's property. They are 147' from the centerline limit of the property.

P. Herr states they are about 120' offset. It would lessen the S curve but creates an S curve with the traffic pattern.



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F. Gallagher explains that the Subdivision Regulations favor a thru intersection because it is safer than aligning next to each other.

Residents call out that it would slow people down.

Ed Featherston, explains that with a T, one would have to go left or right to get out and will chose between Overlook, Littletree and Laurel.

M. Horan asks if they would still get 12 lots with a T.

F. Gallagher responds positively.

EM thinks they would lose one up front.

F. Gallagher points out that they would also end up with the same kind of retaining wall on the other side.

M. Horan asks why doesn't it require a fill waiver if the grade is the same on the north and the south.

F. Gallagher responds that he lengthened out the roadway so the cut is no longer excessive since it dropped 6' in grade. They are running more parallel to the contours so the steepness is not there.

EM understands that they don't have to fill as much.

F. Gallagher agrees but they are not proposing to do the one without waivers. They just submitted it for review.

EM believes they need to continue the meeting until Amory Engineers and P. Herr review this revised plan. The Board may also need an opinion from the DPW and Sgt. Haughey. The Planning Board grants waivers in the public interest.

F. Gallagher explains there is one single waiver because they will fill in excess of 7'. The 40' wide right of way with a curved entrance roadway fills 8.5 ' and cuts 7'. He doesn't know if it requires a waiver to go to the 40' lane.

WW asks why.

F. Gallagher responds that they always submitted with a 40' access.

P. Herr explains that it only requires a waiver if there is the potential for extension.

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B. Lord indicates that there is no potential for extension so it doesn't require a waiver. If they move the roadway up, they would ask for a major.

WW believes that if it is extendable to the north end, all the neighborhood traffic would go out that way in the future. They will go out the easiest and nicest way so he doesn't foresee this as a problem.

F. Gallagher explains that it was changed in light of the abutters not being in favor of extending. They were able to eliminate the retaining wall when the abutters pointed out that the retaining wall was unsafe.

? From the audience asks if it is totally gone.

F. Gallagher responds that it is. If they move to the T intersection, the retaining wall will go the other way, but they are not proposing a T intersection.

Dale Arnold, 41 Laurel Lane, agrees that it is true they can do it with no waivers but they would lose the house. 99% of the people in this room are more concerned about their kids. The present configuration brings the traffic right by his front door where his 5 year old plays. If the T will slow people down, it would be safer.

EM asks if the kids play in the street.

Residents respond "yes, that is the beauty of the neighborhood."

JoAnn Featherston, 54 Laurel Lane, brought up the issue of building in a developed area last time. She had 140 - 200 kids on Halloween night. Usually building is done in undeveloped areas. She is worried what will happen while construction is going on.

EM notes that there are other developments in town which are extensions of existing neighborhoods.

J. Featherston asks the status of the other development by this developer. Is it complete?

EM provides an update - sidewalks are in, fence postings are in.

J. Featherston asks if the town has accepted the road. Did the Board have to force him to do the work?

EM responds that it takes a Town Meeting to accept the road. The Board sent a letter to Town Counsel to get the work done but the developer did it in the meantime. Town Meeting votes to accept or not accept a road. That particular development has sufficient funds to complete the

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work. The Town was never threatened that they would not be able to complete the road. The Town now requires cash deposits to finish the road. There are some developments in town which may never get finished because they had letters of credit instead of cash bonds which were no longer honored when the banking crisis hit. The Board does look to protect the town.

J. Featherston comments that the Town shouldn't have to ride on a developer to finish his project. She is concerned about the danger this proposal presents to the kids in the neighborhood.

EM explains that the Board can't say they can't approve a subdivision because they don't like it.

J. Featherston thought Town Counsel said they could consider a developer's incompleted subdivisions. The Town shouldn't have to "ride his butt" to make sure the work is done.

P. Herr points out that is a moot point because the developer has in fact complied. He understands that her point is the Board should be vigilant. The Board doesn't have the grounds to say anything different to this developer than any others. This developer has cut it close with getting the work done but he has complied.

Mary Eta Willets, 17 Overlook Drive, asks about the timetable for commencement of work if everything goes through.

B. Lord responds that the road system would be in next spring when they would put the entire road in at once which would minimize the time factor. Within 2 - 4 weeks after the road system is in, they will start building and selling lots.

EM explains that the required timeframe is 2 years per the Certificate of Approval. It is no benefit for the developer to stretch it out since they lose money the longer it takes.

M. Willets notes that no one will be going up Littletree or Laurel Lanes during the winter months. They will all go to Overlook because it has the least slope. They now get 75 - 80% of the traffic. It is like a highway.

D. Arnold believes that the T intersection is safer since it slows people down and spreads it out and doesn't send everyone up Overlook.

B. Lord notes it would require two turns and cutting into traffic which would be more dangerous.

D. Arnold asks how it would be more dangerous.

B. Lord responds because it cuts into traffic two times.

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F. Gallagher agrees. More intersections create more traffic hazards.

Don Bell, 49 Laurel Lane indicates that they are proposing for the road to go straight through. Why don't they get approval with the curve?

F. Gallagher responds that the house would no longer meet the setback requirements. What they are proposing doesn't require more than 40' of right of way. They originally proposed the straight roadway with one small cuve to run along the Horan's property with a 10' retaining wall. Now it will still be aligned with Laurel Lane but the curve of the road will be pulled away from the abutting property.

EM asks for a motion to continue.

JoAnn Featherston points out that residents took time out of their busy schedules to come here tonight and they should be heard.

M. Horan requests that the Board ask the Safety Officer to meet with the residents to discuss this further. They want to know if he feels the T intersection would be better for the neighborhood.

WW asks what the reason is for not using the road with the loop.

F. Gallagher responds that it requires a variance from the Zoning requirements. He doesn't know if they can create a lot which meets the shape factor.

P. Herr explains that it creates poorly shaped lots which makes the road more curved than it needs to be to satisfy the requirements. It is not as good a scheme.

J. Featherston is concerned about the people who won't live in the subdivision who don't care such as trucks during construction.

EM notes that the Board can't deny based on that.

F. Gallagher explains that they can place restrictions on construction equipment in anticipation of that.

RL moves to continue the Edward Estates public hearing to December 21, 1995 at 8:00 p.m. WW seconds. Vote of 4 (EM, RL, PC and WW). AM abstains.

B. Lord agrees to extend the timeframe for action on this subdivision to January 31, 1995 and will send a letter stating that to the Board.

## **DISCUSSION WITH AL FLORENTZ RE: HARPIN STREET**

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AM rejoins the meeting.

Al Florentz explains that this is a proposed two lot subdivision off Harpin Street.

EM asks where the front of the lot is.

A. Florentz believes that they need an extra 50' frontage for a backlot but they only have 25'.

EM replies that they can't do it without a variance from the ZBA. The Board can't waive if they don't meet the requirements.

## **CUMBERLAND FARMS DEVELOPMENTAL PLAN REVIEW**

EM explains the hearing procedure.

Bruce Lord, Esquire, on behalf of Cumberland Farms, introduces Richard Etzold, Cumberland Construction and Mike Kelly, Legal Dept. for Cumberland Farms. He explains that this is an existing Cumberland Farms at Hartford Avenue and Pearl Street which has been there for over 25 years. It is a 4,200 square foot building which is divided into 3, 2 of which are leased. There is parking for 7 cars along the front and 12 cars altogether with 5 along the side. The pavement is wide open with no direction for traffic flow which is true all the way around. The property is wide open and there is no real berm. They would like to redesign the property and add gasoline pumps. They will take 1200 feet off the front of the food store and the rest of the building will no longer be leased. They will add gas pumps and there will be a curve installed at the road line where the curbs and corner will be defined. It would be a clear improvement to access to the area with landscaping improvement. They will have 3 gas station pumps installed with a dumpster in the back. There will be improvement of accessibility to the property with 3 entrances, one in front, one on the side and another in the front. They will have 7 parking spaces in the front with room for 5 in the back. They are asking that the parking in the back be waived. They will take away the other stores when they change it to a gas station. They will have a total of 9 spaces with 2 on the side.

AM asks if the spaces for the pumps are included in the total number of parking spaces.

B. Lord responds in the negative. The pumps and the store require 15 parking spaces. They are asking that they not be required to build out back unless it is necessary. The existing structure will be altered from 4200 to 3000 square feet. He refers to the landscaping plan with an 8' high fence out back. There is a 6' existing fence on the sideline. They will have arborvitae along the barrier with the house back there. The front island will have a grassy strip. They will have two entrances at the front of Cumberland Farms with a logo out front. There will be a self-service station canopy along the front of the islands as shown. The sign will be placed at the corner in towards the store with an existing sign. The sign will have two posts with Cumberland Farms

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and prices on it. The fire suppression plan was submitted to the Fire Dept. and the State Fire Marshall.

WW asks where the tanks will be.

B. Lord responds that they will be out front.

WW asks how the trucks will fuel.

B. Lord responds tha they will come in and back in.

WW points out that the tanks are awfully tight. He doesn't know how they are going to back in.

Richard Etzold notes that they are proposing deliveries to take place during off peak hours. There will be less traffic on the site to enable them to transport.

Sgt. Haughey, Safety Officer, asks what his role is. He understood that he should just be concerned with site distance. He doesn't know if he is able to voice his opinion.

EM replies that the Safety Officer has a valued opinion.

Sgt. Haughey points out that there is a Cumberland Farms self-service gas station at Fairlawn in Woonsocket off Rt. 126 where there is no parking out front. He is concerned with the parking out front and with the cars at the pumps. He didn't know if he was allowed to express that concern.

EM indicates that the Fire Chief raised issues with cars at the front with cars at the pumps at the same time. How do they get in and out? It is hard to believe that it fits and works.

Sgt. Haughey believes that the Fairlawn lot is bigger than the one in Bellingham.

EM has towed cars for accidents at this intersection. Moving the store back 16' helps.

B. Lord states that cars will have room to go in different ways.

PC asks the distance from Hartford Avenue to the pumps.

B. Lord responds it is 30'. There will be some channeling.

EM believes that one coming down Hartford Avenue will have to hit their brakes. It will give less room to get in. He reads letter from the Fire Chief, dated November 14, 1995, wherein he states that he has reviewed the plan which shows traffic flow and parking requirements of

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Section 4840 of the Zoning Bylaws. He has major problems with this plan. The main entrance to the facility becomes obstructed even with a few cars waiting. This will result in cars stopping abruptly on Hartford Avenue. This could result in an increase of motor vehicle accidents. With the layout of the dispensers, he feels the potential exists for dispensers to be struck by cars cutting through to go to the store itself. The access to either side of the dispensing area is inadequate and will further complicate or cause the above mentioned problems to occur. This space is only 10' from the dispensing apron to the curb. Should the Planning Board approve the plan, he recommends that the filling of the tanks occur when the station and store are closed. The plan depicting the tanker diagram while filling lines up into the parking area in front of the store poses a risk to someone backing into the gasoline tanker causing a major problem. He does not feel that he can recommend the self-service operation as presented. He feels that the site will be too congested resulting in problems both within the lot and onto Hartford Avenue.

B. Lord identifies the hours of operation from 5:00 a.m. to 11:00 p.m.

P. Herr explains that this needs several kinds of approval including Developmental Plan Review and Special Permit from the Board of Selectmen. It is important that people understand the difference between the two. The Special Permit is for the allowed use. The DPR is much more limited. They are asked to see if the way the use is arranged on the site meets the standard of the Bylaw for a general judgment. Safety does come under the Planning Board's jurisdiction but the Board of Selectmen have more power. It is unusual to go in this sequence.

B. Lord explains that the Selectmen have expressed a preference for this Board to act on it first because they want to see the finished plan, not the proposed plan. The spacing of the parking meets all the requirements. They have proper setbacks and it meets the requirements of the Regulations and suggested spacing. This is not an unusual configuration. He refers to a Cumberland Farms self-service station in East Greenwich.

EM asks what the suggested traffic flow is. Do they come in from the front?

B. Lord responds that they will come in the front entrance and go out Pearl Street.

WW would like to see where the standing vehicles are on the drawing. There are 6 sets of pumps and 6 filling positions.

B. Lord responds that there are 6 at the pumps and 12 vehicles waiting.

Richard Etzold affirms that there are 12 cars waiting to fuel with one nozzle on each side.

WW understands that they will have 3 pumps with the ability to pump on either side for a total of 6. Each island has 2.

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R. Etzold explains that one hose has multiblend.

AM asks about the lighting.

B. Lord indicates that there will be very little difference other than at the island.

WW thinks there is a big difference between the Mobil station which just came before the Board and this because this has food too.

B. Lord notes that this is not an unusual configuration.

WW thinks that it may be the size of the lot.

RL points out that there will be cars waiting on the Hartford Avenue side. The ones fueling will be sitting out the front of the store. They will cut off two intersections.

R. Etzold identifies the distance between the end parking spot and the end of the concrete pad as 24'. The pad is 28'(top to bottom) by 69' total (side to side).

AM asks if they will have diesel too.

R. Etzold responds in the negative.

P. Herr states that they have revised and revised the drawings with discussion taking place over many months. He sees this as a good faith best effort to get it to fit.

EM calls for questions from the audience.

Carla Doyle, 7 Pearl Street, abutts Cumberland Farms. There is concern about cars being cut off. Pearl Street is now a major cut thru to Franklin and it is like a freeway. There are a lot of kids in the first 7 houses. It is bumper to bumper traffic every morning and evening. She has to wait to get out of her driveway. This will have two entrances onto Pearl Street. They will lose the pizza restaurant.

EM points out that it is now wide open. If this goes in, it should cut down on the traffic because it will give the cars less room. It is impossible to back up and get out. The building would be smaller because they would be taking 16' off the front.

Robert Pinnel, 463 Pearl Street, asks how they will make milk and grocery deliveries. Will they back up across the parking lot since the loading zone is on the side? They neglected to show the telephone pole on their plan.



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Suzanne Dimestico, 10 Pearl Street, refers to the hours of operation as 5:00 a.m. to 11:00 p.m. That means they will be delivering gas after hours from 11:00 p.m. to 5:00 a.m.. A few years back when they were open 24 hours, trucks were keeping her babies up all night. They do not take the residents into consideration. Without the gas pumps, there is much traffic in and out. She walked there with her 3 small children and almost got run down by a man in a van. The truckers park anywhere including Hartford Avenue and Pearl Street.

R. Etzold attempted to funnel traffic. They will have coffee but traffic for the pizzeria will be eliminated.

S. Dimestico fought for years to enclose the dumpsters. The grates are not kept shut. Teenages hang around and there is a bus stop at the front of Cumberland Farms.

Victoria Lesbuns' husband manages the pizzeria which was established 12 years ago. What happens to their business and the people who eat at their restaurant.? There are a lot of people that her husband services. Traffic flow is another issue.

Lauriann Peralto has a terrible time getting out of Chase Street because of the hill. They get the overflow and her street is a turnaround. It is impossible to get out now.

Karen Ardow's biggest concern is where the fuel trucks back in from when someone whips around the corner. They will end up turning down Pearl Street and backing in. They have a number of letters signs by residents who are very concerned about the gas pumps.

EM suggests that they save them for the Selectmen.

P. Herr indicates that the Planning Board makes a recommendation to the Board of Selectmen regarding the special permit and should probably have a copy of those letters.

Clerk to make copies and return originals to residents.

Karen Ardow is concerned about truck traffic going through. There is a development in Franklin going up. More people will travel Pearl Street by adding this gas station. It is a disaster waiting to happen. Concrete trucks are going through all the time.

Lee DeLorman, 458 Hartford Avenue, lives to the right of this mess. He asks why Cumberland Farms needs a gas Station and why Bellingham needs another gas station. He counted 12 stations in town. His house is 58 feet from the fence and he has lived there for 22 years. They don't need storage tanks. Cumberland Farms is not a good neighbor. The fence in the back collapsed and they let it go. His fence was put up by the previous owner because they wouldn't put one up. Their cars and their customers cars hit the fence. During the last couple of years, they have repaired a couple of sections because he complained. He has trash blowing over the fence and

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people throw their empty cans of oil over the fence. The trash is strategically placed but never emptied. There are scratch tickets on the ground and cigarette wrappers on his lawn. Everyday he has to pick up their trash. One manager wanted it to look good and spent a lot of time cleaning up. Cumberland saves every buck they can. Trucks go back and forth across Hartford Avenue. Another major problem is the trucks park and double up.

AM will play devil's advocate. The trash is existing right now. Maybe this will clean it up. The truckers probably sit and eat their grinders.

Audience responds that they stop for lottery ticks and Cumberland coffee.

Karen Ardow indicates that it creates a backup with one entranceway.

Lee DeLorman notes that there are a lot of close accidents.

? points out that they don't plow the parking lot now and it will be worse with the pumps.

L. DeLorman indicates that they have an alarm system but don't want to spend the money to hook up to the police station so when the alarm goes off in the middle of the night, the neighbors have to call. That is the mentality of Cumberland Farms.

EM doesn't think that they can blame them for the truck drivers.

Carla Doyle explains that they all have traffic/safety concerns about Pearl Street and Pond Street in Franklin. The gas station will encourage and give more incentive. It is dangerous already. This will bring in more cars and 18 wheelers. There are all houses on her street.

Toni Piccarello asks if Cumberland Farms is still under bankruptcy. Is it in the wetlands.

EM doesn't think that the bankruptcy is pertinent.

P. Herr responds that it was in the wetlands but it isn't now. The existing Water Resource Bylaw was based on a map which was done years ago. The DPW prepared a study using state guidelines and state methods whereby the boundary distance changed and put sites in the district which were not previously in and vice versa.

S. Dimestico refers to a neighbor who put in an addition in 1988 and hit water at 5' down. All the houses on Pearl Street are built on slab. There is water if you dig down. The Charles River is right behind them.

Carla Doyle abutts the wetlands right next to Cumberland Farms.

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S. Dimestico suggests they redo the store and make it look nice. The gas station is unsafe. If someone lights a match in the wrong place, Mr. DeLorman could be dead in the middle of the night. Why do they need a gas station?

Andy May, Farm Street, loves the pizza restaurant and goes there 3 times a week. It is very difficult to get in and out of there because of the curve on the west side and the east side. People accelerate as soon as they hit the straight part. That is an additional factor since this is a fast piece of road.

Michael Lesbuns is the pizza guy. Cumberland is busiest between 4 - 5:00 p.m. There is no parking and he has no customers then.

B. Lord believes that the plan as presented complies with the Bylaw. They will present a traffic report at the next meeting. They will look at the configuration before they come back.

EM wants to see a configuration without the refueling truck backing in.

R. Etzold indicates that the tanker can turn in the driveway and back up for proper delivery.

Suzanne Dimestico reads from Section 3424 relative to access being safe, convenient and not disturb the abutting properties.

L. DeLorman asks about the size of the tanks times the number of feet to the property line.

RL responds it is 20'.

AM moves to continue the Developmental Plan Review meeting for Cumberland Farms to December 21, 1995 at 7:30 p.m. PC seconds.

S. Dimestico asks why the Board is continuing.

AM responds that the applicant requested the continuance and it is his right.

## **GENERAL DISCUSSION**

There will be a joint meeting with the Planning Board, Board of Selectmen, Zoning Board and Affordable Housing on December 11, 1995 to discuss comprehensive permits and the comprehensive master plan. The date was changed from November 27, 1995.

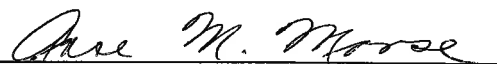
Members sign pay vouchers for November and December and stipend invoice for December.


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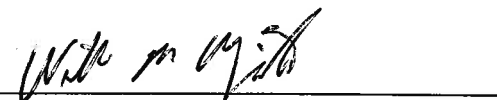
Meeting adjourned at 11:15 p.m.

  
Edward T. Moore, Chairman

  
Anne M. Morse, Vice Chairman

  
Roland R. LaPrade

  
Paul Chupa

  
William M. Wozniak