

**BELLINGHAM PLANNING BOARD**

**P.O. BOX 43**

**BELLINGHAM, MASSACHUSETTS 02019**

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WILLIAM M. WOZNIAK**

**MINUTES OF REGULAR MEETING**

**JANUARY 11, 1996**

Meeting commenced at 7:12 p.m. All members were present. Associate Member Richard Dill was also present.

**MINUTES ACCEPTANCE**

RL moves to accept the November 15, 1996 minutes as presented. WW seconds. Unanimous vote of 5.

**GENERAL BUSINESS**

Clerk reads memo from the ZBA dated January 10, 1996, relative to Roger Gagnon's property located at Harpin Street. Mr. Gagnon advised them that he had an informal meeting with the Planning Board regarding a two house subdivision at which time the Planning Board suggested that he come before the ZBA for a frontage variance on one of the lots. He said that the Planning Board would rather see the variance granted rather than a subdivision. Mr. Gagnon implies that even if the ZBA denies the variance he can still put in the subdivision because it meets all the criteria. The ZBA questions if the Planning Board can deny the subdivision even if it meets the criteria because of different reasons such as if the town really does not need a new road for a two lot subdivision. Their hearing has been continued to February 1, 1996 at 8:05 p.m. and they request a response prior to that date.

EM reviews the plan and states that clearly he doesn't have enough frontage and he can only do it with a variance.

WW remembers that it was sent to the ZBA to try and get a variance.

RL reads brief minutes from the November 15, 1996 meeting attended by Al Florentz on Mr.

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Gagnon's behalf at which time he said that he understands they need an extra 50' frontage for a backlot but they only have 25'. At that time, EM replied that he can't do it without a variance from the ZBA. The Planning Board can't waive if they don't meet the requirements.

EM agrees that it was sent to the ZBA because it didn't meet the criteria. He suggests the Board check with P. Herr at the next meeting prior to responding.

AM doesn't want the ZBA to think that the Board wants them to grant the variance.

### **DEER RUN PRELIMINARY SUBDIVISION** **PULASKI BLVD./PINE GROVE**

Erik Anderberg, Esquire, introduces developer and applicant Tim Jones, Gracewood Development Corporation and Bob Salvetti, engineer. They are aware of comments made by P. Herr and have revised the plan accordingly with reconfiguration of road A so it continues around a circle throughout the site. All lots fit the 90% rule.

AM questions the number of lots.

B. Salvetti responds that there are 35, 2 less than before.

E. Anderberg advises that the zoning is residential with the majority in suburban and will be serviced by sewer and water.

B. Salvetti indicates that the main line comes in from Muron Avenue with nothing on Pine Grove and will be collected through an easement.

EM explains the preliminary subdivision review meeting purpose and procedure to the audience. This is a public meeting and not a public hearing for purposes of discussion and review. At the definitive stage abutters are notified of notice of public hearing, it is advertised in the newspaper and posted at the Town Hall. This is the first of many steps.

E. Anderberg discusses access extension to Muron St. After talking with P. Herr, they tried to make the curve comply and take it out of the easement. For the remainder of the parcel, there is a 50' wide easement reserved to the Crooks family to provide access to the remainder of the Crooks property. It allows them to build the road. The right of way is for access to the property and egress. It requires acquisition of a piece of land from the Town of Bellingham for access. The new configuration puts the roadway within the 50' easement. It will require a waiver because the roadway will not be centered within the 50' wide right of way. The radius is tight.

B. Salvetti does not show drainage on the plan because he didn't have time. All easements will be shown on the new plan. This plan will have the same drainage as the one previously

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submitted.

AM asks about the lot shape factor.

B. Salvetti responds that they all meet it.

E. Anderberg further advises that a couple of them use the waiver provision.

RL would like to see Town Counsel look at how they get the 250' protection head for the well. The town well is right there. There will not be protection for the head if the road is in. The easement was to haul gravel.

EM identifies two questions 1) Can they use it for egress? and 2) Can they pave it?

PC indicates that there is no access through Pulaski Blvd.

EM thought they would be accessing through the drive-in.

B. Salvetti states that there is too much wetlands to cross it. There is one means of egress with 31 off Pine Grove.

E. Anderberg points out that there are 4 more on Muron.

Bill Yasick from the audience asks the width of the street. Two cars can't pass and there are 22 houses there now. The corner of Pine Grove and Muron is dangerous.

B. Salvetti responds that the pavement is 20' with a 40' right of way.

E. Anderberg advises that the proposed road will be built wider to subdivision standards to 26'.

EM states that they have to prove they can get there.

Tim Jones, developer and applicant, went over that issue with P. Herr. Pine Grove must have a minimum 20' width and it does.

EM asks what P. Herr said about the cul-de-sac.

B. Salvetti indicates that they both have a 60' radius but they were built off center even though the radius is the same.

EM addresses concerns relative to snow plowing with all the snow pushed to one side.

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WW believes that a right hand turn into the circle will be a harder right than going into other cul-de-sacs. It may be the same circumference but it is a harder right.

B. Salvetti indicates that the area and radius are the same.

EM asks where the sidewalks are.

B. Salvetti responds that they are inside the circle all the way around or half way around the curve.

EM asks if it will run around the outside.

RL does not think that lots 23 or 24 meet the 90% rule.

B. Salvetti responds that it was all done mathematically. All lots in suburban have 36,000 square feet dry. Residential is at least 18,000. 90% of the entire lot is dry.

EM calls for Board questions.

B. Salvetti advises that they will be continuing the Pine Grove Avenue name for the proposed continued road.

WW asks where the 2 lots are which were eliminated.

B. Salvetti points the location out on the plan. There were originally 37.

PC asks if P. Herr has received the new plans.

T. Jones will get them to him tomorrow.

EM calls for questions from the audience.

Burt Remillard, Pine Grove Avenue, asks what gives them the right to use town owned property to access their road. Town Meeting approval is required to use town property.

RL suggests they have Town Counsel check that out.

EM explains that they have a right of way but the question is whether or not they have the right to get in and out. How can they pave and put in drainage over the wellhead protection?

Bill Yasick, asks about paving over the wetlands for the new Pine Grove Avenue and Road A.

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B. Salvetti had it flagged by an authorized botanist. It is not in the wetlands.

EM asks if the Conservation Commission has looked at it yet.

B. Salvetti responds that they haven't.

B. Yasick asks why the applicant said it was at the Bellingham Drive-In in the application.

E. Anderberg explains that this property is in the same ownership as the drive-in and it is all one parcel now. They are only showing the part that they want to develop now.

EM advises that they are required to show all the land in one ownership. He asks what the 3 zones are.

B. Salvetti responds that Pulaski Blvd. where the drive-in is is business 2. Muron is residential and the rest is suburban.

B. Yasick asks about runoff and how drainage will effect Peters River. Retention will be on the right hand of Pine Grove.

B. Salvetti believes that it will probably not effect it.

RL refers to Arnold's Brook which goes down Peters River. There is an inadequate drainage pipe which goes down Pine Grove. Arnold's is a problem.

EM asks if they will have a retention or detention.

B. Salvetti responds that there will be 3 detention ponds off Pine Grove.

EM states that there is a bylaw which does not allow them to increase run off post development.

B. Remillard points out that the whole area is subject to flooding in the spring. He has lived there for 44 years. It is getting worse every year. One day of rain and Peters River overflows its banks. Two days of rain and their septic and backyards are flooded over. Buildings limit the land from absorbing the water. The flow from Peters River goes upstream to the town's wells and brings salt into the wells. If this is approved, homes, cellars, and yards will be flooded over.

PC asks if they can bring sewer up Pine Grove.

B. Salvetti can't.

EM states that there is no benefit to the surrounding neighborhood.

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B. Salvetti can't go through the middle of the pipe.

EM asks what it would cost to bring sewer up Pine Gorge. With all the questions relative to water runoff and flooding, the Board may want to bring in an independent engineer to look over the plans. He would work for the town but the applicant would pay for it at the definitive stage, not preliminary. There will be a second opinion.

RL states Arnold Brook overflows to Pine Grove Avenue and the water backs up to Wrentham Road.

AM advises that they need to file a Notice of Intent with the Conservation Commission to review this.

EM states that there is sewer on Muron already.

PC notes that it goes through the drive-in theater to Wrentham Road.

EM instructs Clerk to forward a letter to Town Counsel with a copy of the right of way and wellhead and ask him to review. Applicant to send plans to Lee Ambler with a copy of the revised plan to P. Herr.

B. Remillard points out that the property is landlocked by their own doing. The drive-in is not shown on the plan.

EM wants them to show it all as one parcel. They need two means of egress with that many houses. They show it all coming off one road now. They could have a road out to Pulaski Blvd. to split the traffic.

AM moves to continue to February 8, 1996 at 7:30 p.m. PC seconds. Unanimous vote of 5 (EM, AM, RL, PC and WW).

EM explains that the approval or disapproval of the preliminary plan has no effect whatsoever. It gives them time to improve it.

### **CROSSROADS RETAIL CENTER SPECIAL PERMIT** **HARTFORD AVENUE/495**

Clerk reads Notice of Public Hearing.

Andrew Zelmeyer, Esq., Gouston & Storrs, introduces the team including Bob Fraser, W.S. Development, Roy Smith, Sumner Schein, Dan Cleary, VHB, traffic engineer.

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Bob Fraser explains a lot of areas have changed on the plan. The Home Depot is their most current prototypical store on the plan.

Roy Smith gives size of the center at 270,000 square feet now and 233,000 before.

B. Fraser identifies 5,920 as a restaurant out front which will be Pizzeria Uno. They changed the plans to accomodate them. They put in a dashed line, shifted the entrance a little bit and added a double right turn lane out to line up with Rawson Road. They are working out an agreement with Gibbs Oil (Charter Station) since they expressed interest in a connection. They are working with them to grant land to the town for widening. They will have a dedicated left turn lane to the center with two full lanes. There will be no obstructions. They are providing a sewer stub through their property lines. They want patrons to access the station without having to go out and make a left. They also added a 6,000 square foot restaurant near the N. Main St. egress but they have no tenant at this point in time. He talked with P. Herr who commented that he was concerned about the 6,000 square foot restaurant. They received a DEP sewer connection permit. They filed a Notice of Project Change with MEPA. They received a special permit for earth removal. The town took 10,000 yards of loam from their site. They reconfigured the access drive in the parking lot. They are working with the two utility companies, Boston Edison on Hartford Avenue and Massachusetts Electric on N. Main St. for electric service. The leasing is going well. The building signage requires a variance and pylon sign requires a variance. They went before the ZBA. They tried to make a first class architectural design. Denis Fraine wrote a letter asking for a green canopy roofing in lieu of the orange for Home Depot and they agreed. Neighbors were concerned about glare but the building will be recessed so they won't see it. They try to make it attractive.

EM addresses the difference between this and WalMart/Market Basket is that cars can't get out of that retail center and accidents take place at McDonald's.

WW indicates that there is plenty of egress in - it's getting out of Market Basket.

Discussion follows relative to adding a stop sign so people can get out from the other stores.

RL refers to the secondary access and the difference between the light and egress.

Dan Cleary states that the signal significantly reduces the cuing so they won't have a 4 way stop sign.

RL is concerned about people getting out.

D. Cleary points out that the right turn gets more time. The right on red will overlap the green arrow to reduce the cue with additional traffic.

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R. Smith explains that there are wetlands, detention pond and municipal pump near the N. Main St. entrance. There will be a dedicated left hand turn. There is also an existing gas easement which they can't build on. Larry's is right across the street and there are 400' to the corner.

EM opens the Developmental Plan Review discussion to be held concurrently with the special permit. Clerk reads Notice of Review Meeting.

R. Smith received comments and plan from P. Herr today and has had a little time to address. The biggest revision has to do with the N. Main St. out parcel. P. Herr did not like the building out by the road. If they move the building, they can keep the square footage but will lose a little parking from 100 to 89 and would move them closer to N. Main St. and the secondary access. The other issue was the curve for which they did increase the radius. N. Main St. is now a 4 way intersection. They canoed an island to make it more of a T intersection. They also revised the Hartford Avenue out parcel. The square footage follows the permissible building line but it may be different. The revised permissible building line of Pizzeria Uno follows around the building. They added landscaping between N. Main St. and the N. Main St. out parcel. They will have a freestanding pylon sign and for some reason they did not include the landscaping but the landscape architect did add some now. B. Fraser will meet with P. Herr tomorrow to respond further to his comments. They have also responded to comments from Amory Engineers which he distributes to Board members.

Clerk spoke with Sgt. Haughey today who said that he thinks the new egress is great and he has no problem with the plan.

RL notes that the original plan had a right turn only for trucks. He asks if that is still the case.

B. Fraser responds in the negative. They had to change it in negotiating with Gibbs Station. They want people to be able to go into the station without going onto Hartford Avenue. They will have 2 right lanes before cuing which will not be long.

WW is concerned that people will use the back road to get out.

RL thinks that people will go out through Unos. They won't go back through the parking lot to get to the other egress.

Guy Fluette, Chairman, Board of Selectmen, points out that there are two lanes running behind the stores. He asks if speed bumps would help control it and get people to slow down like at the Franklin Village Mall.

D. Cleary responds that speed bumps are appropriate in some cases. He is not an advocate of speed bumps mainly because they are a headache for plowing and a liability issue with vehicle damage and problems with motorcycles. He can't recommend them particularly in the main



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traveled way. There will be a lot of traffic at the intersection but the stop control is workable. There will be access to the Gibbs Station and truck deliveries to the back of the site. The contingency is the monitoring situation and review if there are problems. If the town perceives it as a problem, they can call them back to change it.

EM is concerned about cars going across the double lanes trying to get in. They will be making a left in front of 3 cars coming out.

WW thinks it creates a potential hazard in the entrance area.

B. Fraser points out that this allows the town to get a piece of property to give access to the back. They are giving the sewer connection and access. If there is a problem one year out, they will come back and put in a raised median and a fixed right when going into the gas station.

WW indicates that one would only be able to get gas when going in.

EM wants to see it written.

D. Cleary states that there may be an impact to the Gibbs people if they realize they can't get the access.

B. Fraser is working with Gibbs to enhance safety to Rawson and Deerfield where there will be dedicated lefts. Gibbs is giving the additional land for more frontage. They can't build on the pipe line but can pave on the sewer connection.

G. Fluette agrees that two residential streets will benefit from the dedicated left turns. They will have nightmares with traffic if they don't.

EM notes that Deerfield has no effect from the Gibbs station.

D. Cleary can't do the left turns without Gibbs. They want people out of the through lane.

WW asks how one gets out after pulling in the Gibbs Station from Hartford Avenue.

D. Cleary responds they go through the back and out through the light.

Board members agree to a one year review of the access.

A. Zelmeyer points out that the Gibbs agreement is subject to the conditions that the applicant is subject to and the restrictions they are subject to.

Further discussion follows relative to the Gibbs access. D. Cleary refers to Windham Mall where

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it was a requirement to have the gas station internally accessed to keep the traffic off the main road. They are willing to say they will shut it off if it is not working.

RL agrees that what they are saying makes sense but asks what leverage the Board has after it has been built.

A. Zelmeyer points out that they agreed to a one year review with the Safety Officer last time.

EM refers to the problems at the McDonald's at Stallbrook Center.

B. Fraser's company does manage Stallbrook but they didn't permit it. The Gibbs deal is subject to this approval. If they do it now and tell them, they won't give them the land. Mass. Highway wants the dedicated left lanes and Bellingham wants them too.

EM has no problem with the left lanes but has a problem with the gas station internal entrance.

D. Cleary states that they risk losing Gibbs if they take away the internal connection.

B. Fraser will still give them access to the center.

D. Cleary is not talking about a significant amount of traffic from the Gibbs Station. Gibbs will have to come back to the Board since their building will be pushed back. They are working with them to give them more room on the site for parking.

Clerk reads comments from Fire Dept. Lt. Andrew Genereux relayed during a telephone conversation today. They did not see the one hydrant which is supposed to be behind Building D on the plan. The two hydrants which are supposed to be behind Home Depot were not clear on their plan. They have 4 indicated on the previous plan and want to make sure they are all there.


EM points out that Town Counsel received a large package with plans delivered today and has not had time to review for this meeting.

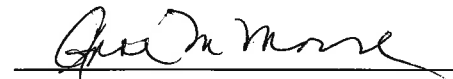
R. Smith presents revised plan for the Board's files.

AM moves to continue the Crossroad Special Permit and Developmental Plan Review to January 25, 1996 at 8:15 p.m. and 8:30 p.m., respectively.

A. Zelmeyer distributes their proposed special permit decision with conditions.

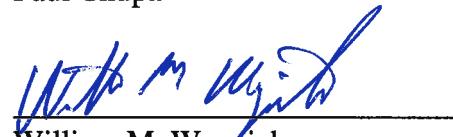
RL moves to adjourn at 9:40 p.m. AM seconds. Unanimous vote of 5.

  
Edward T. Moore, Chairman

  
Anne M. Morse, Vice Chairman

  
Roland R. LaPrade

  
Paul Chupa

  
William M. Wozniak