

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

MARCH 28, 1996

Meeting commenced at 7:06 p.m. All members were present. EM joined the meeting at 8:10 p.m. Associate Member Richard Dill and Board's consultant Philip B. Herr were also present.

BRIEF DISCUSSION WITH T. DEVITT RE: HIGH STREET REZONING

P. Herr distributes zoning map for High Street. The Board's Regulations request more information but they are not usually enforced. This map should have enough information.

T. DeVitt notes that P. Herr found that a piece of the property is suburban which he did not realize. It is too late to change the notice.

P. Herr points out that the notice says industrial and agricultural to agricultural. It doesn't say it will be changed to suburban. If they want to do that, they will have to change the warrant article and they would need a new public hearing.

RL suggests they exclude the suburban section.

P. Herr states they could still do it and leave the corner of the parcel suburban.

T. DeVitt thinks it would be easier. It would make more sense than continuing.

P. Herr indicates that they could increase the house lots with suburban but the notice doesn't give fair warning.

RL believes that he could do it if he readvertises.

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P. Herr does not know if they can change the warrant now. Fewer people may support it as suburban than agricultural.

T. DeVitt states that there is a lot of wetland in the area. With bigger lots, they can pick up frontage for 5 more lots. He asks what would be in the best interest of the town.

AM thinks it would be easier to see agricultural than suburban.

WW joins the meeting at 7:12 p.m.

T. DeVitt intends to present the argument that it is not an industrial area because of High Street.

P. Herr notes that all the frontage is agricultural.

T. DeVitt indicates that there is a substantial wet area. They will have to push the houses back because of the wetland and they can't build on the industrial in the back.

PINECREST DEFINITIVE SUBDIVISION **CONTINUED PUBLIC HEARING**

A. Florentz presents the distribution list documenting that the plans were sent to the Police and Fire Departments.

No comments were received from either department.

RL asks if they were able to get on the ZBA agenda.

Roger Gagnon, developer, responds in the affirmative.

A. Florentz points out that the drainage, sidewalks and Definitive heading are on the plan.

P. Herr explains that this is a 2 lot subdivision with a tiny street and a great big detention area.

RL indicates that the abutter, Ocean Realty Trust, was concerned about the detention area outlet which is going onto his property. Right now it sheets down onto his property.

F. Pond, engineer, explains that the reason the basin is big is because it is on 8 soils. There is no runoff during low storms. There is a retention area at the bottom. They could make it bigger by using 5 soils but they want to avoid that. It only comes off the top during the 100 year storm. 1.8 CFS comes off during the 100 year storm. The amount of pavement the street creates is the major portion of the runoff.

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P. Herr states there is a legitimate concern. The water goes through and is piped to the Ocean Realty Trust property. Now what sheets over will get concentrated in one place.

F. Pond could enlarge the basin to reduce or eliminate the discharge.

RL asks if the slope goes down to Ocean Realty Trust.

F. Pond responds in the affirmative. The ground slopes towards the property.

P. Herr asks about using devices.

F. Pond indicates that there is no room. They are only ½' above the corner of the property. Everything is higher. They can't get the water out so they would have to pump it out.

RL believes this does increase the concentrated runoff because it increases it at a particular point. They are not increasing the overall calculations but they are increasing at this particular spot.

F. Pond states there is .4 discharge during the 10 year storm and 1.8 CFS during the 100 year.

A. Florentz points out that the neighbors are in favor of a backlot subdivision with a driveway. They went to the ZBA and supported it but the ZBA sent it back to the Planning Board because they thought it did not meet the Planning Board's rules. There was a question with the siting of the house. The neighbors were happy with leaving it in the back.

AM states they are looking for the Planning Board to say that they can do it so they can go for a variance.

RL prefers to see the site done without the detention basin.

F. Pond can't sheet off the road.

P. Herr indicates there is concern about the Harpin Street site distance.

WW notes that the question is does it work as a subdivision. If it doesn't, they won't get a variance and this won't get built.

AM thinks it meets all the Rules and Regulations but she doesn't like it.

RL thinks it would make a nice single family lot.

AM thinks the lesser of two evils would be for them to go to the ZBA.

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P. Herr identifies two issues: the adequate site distance for Harpin Street and the discharge from the detention facility.

F. Pond can increase the size of the detention area.

P. Herr states that they could get an easement from Ocean Realty Trust but they probably won't give it.

A. Florentz indicates that the neighbors wanted the back lot left open.

R. Gagnon points out that if this plan is doable, they will get it done. They will put the road in if they can't get the variance.

RL thinks there could be a problem with school buses if there is a site distance problem.

P. Herr states that if the Safety Officer says it is not a problem, this gets cured. If not, this will not get built.

WW asks why they can't put the street in on the other side.

P. Herr responds it is because of the grading.

RL moves to continue to April 11, 1996 at 7:15 p.m. to obtain site distance information from the Safety Officer. WW seconds. Vote of 4 (AM, RL, PC and WW). EM not present.

PC notes for the record that he doesn't see anything else which would make it infeasible to do this.

AM doesn't want to send it off to the ZBA unless it absolutely meets the requirements.

P. Herr reiterates the issues are drainage and site distance.

CUMBERLAND FARMS DEVELOPMENT PLAN REVIEW DECISION

AM believes that P. Herr's draft decision says that it meets the criteria.

P. Herr explains that it says if the plan is changed by removing the 3 spaces to the side of the building and if there is not sufficient parking, they will add those spaces to the back and if they provide security for the spaces in the back to get paved, the Board could approve since they could readily make the changes to meet the criteria. Section 3200 is met. Section 3300 can be met but is not met with this drawing. If they make the changes, the Board could approve the site plan but they don't like it. It may not meet the requirements of the special permit. The Board could

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testify before the Special Permit Granting Authority which is the Board of Selectmen. The problems can't be cured here because it is under the Board of Selectmen's jurisdiction.

B. Lord indicates that they did revise the plans but they were left in the engineer's office. The question is if they expect the back to be paved, do they have to move the dumpster.

P. Herr thought the applicant said they don't need those spaces. The Board wants security to be sure the spaces can get provided if needed.

B. Lord thinks it can be approved because the subject 3 spaces are being moved. There was another question relative to the chart used to establish the traffic pattern.

P. Herr agrees they all use the ITE Trip Generation.

RL asks if there is a new standing parking diagram.

B. Lord responds that is under the criteria for the special permit. The Zoning criteria is for the Development Plan and the other is for the special permit. It meets the criteria for the Development Plan. Whether or not it meets the special permit criteria is up to the Board of Selectmen who hold a different hearing.

WW points out that the process is not complete yet.

B. Lord states that eliminating the 3 spaces and putting one in the back is not a major issue.

P. Herr suggests the Board reschedule to April 11, 1996. He will rephrase the decision and review the plan to ensure the changes are made.

RL moves to continue to April 11, 1996 at 7:30 p.m. PC seconds. Vote of 4 (AM, RL, PC and WW). EM not present.

P. Herr suggests they agree to a date on the plan so he can reference the drawing in the decision to avoid confusion. They agree to put in tomorrow's date.

Bill Doyle, from the audience, asks what the Planning Board looks at in the plan.

AM responds they look at the building, parking requirements. The traffic issue is before the Board of Selectmen. The Board is making recommendations to the Board of Selectmen in the decision.

B. Doyle notes they are paving over the septic system.

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P. Herr explains that the Planning Board decision is based on compliance with Section 3200 Environmental Controls and Section 3300 Parking. Most communities look at more things but this Board's purview is narrow. The Board may want to reconsider revising the Bylaw. There is no wording in the sections of the Bylaw relative to the safety of egress. The Board is not allowed to make a judgment relative to unsafe movements of traffic. That will be an issue with the Selectmen.

B. Doyle asks if the sidewalk will be shown on the plan. There are 70' from the front of the store to the sidewalk or edge of the road.

B. Lord will show the sidewalks on the plan. There are 82' from the front face of the store to the front edge.

B. Doyle points out that the store is not square on the lot.

AM suggests that these are issues which should be raised at the Selectmen's hearing. The Board will be sending along a decision which says that they have reservations about the safety and traffic.

Joe Mesechi, Pearl Street, asks why the Board is approving if they still have reservations and are not satisfied.

AM explains that this Board only deals with certain sections. The applicant has to go to the Selectmen for a special permit where traffic and safety will be addressed. They meet the Planning Board's criteria but the Board still has reservations.

WW further explains that the Board has to approve the Development Plan Review but they don't have to give a good recommendation. This should have gone to the Selectmen first.

P. Herr states that prior to April 11, 1996, they will clarify what it means to provide assurance for relocation of the dumpster, drainage issues and pavement. Written documentation should be provided. They should know whether or not they need the additional parking within one year.

PC would rather see them parking in Cumberland's lot than on the street.

B. Lord will provide a letter from Cumberland Farms agreeing to a one year review by the Building Inspector.

P. Herr will include in decision that parking, pavement, drainage will all be reviewed within one year.

Brief discussion with Guy Fleurette, Chairman, Board of Selectmen, relative to why this came to

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the Planning Board first. G. Fleurette states that the Selectmen were advised by Town Counsel that matters should go to the ZBA or the Planning Board first. He would be glad to look into the issue with the Planning Board.

SUBDIVISION RULES AND REGULATIONS PUBLIC HEARING

Clerk reads notice of public hearing.

P. Herr explains that Mr. DiMartino had a series of revisions to the Rules and Regulations.

EM joins the meeting at 8:10 p.m.

D. DiMartino refers to the crack sealant on page 2 which he wants to delete.

AM asks how it can be repaired without sealer.

D. DiMartino responds that they will cut out sections which are cracked and replace them.

Members agree to insert "areas which are cracked or deteriorated will be removed or replaced with 2" binder surface.

D. DiMartino refers to page 4, #3 relative to driveway stubs. He is concerned there will be a problem with passing it on to the owner who won't know that the work must be completed.

AM suggests they have it as part of the bond release.

P. Herr agrees there is the potential for a problem since the original developer may be long gone and the stubs may be put in the wrong place.

D. DiMartino advises that the homeowner is not aware of the paragraph.

P. Herr indicates that there is language in the Certificate of Approval for the Subdivision Rules and Regulations which will make the buyer's attorney aware of the requirement. They could have a separate covenant if the developer doesn't provide the stubs.

D. DiMartino states that they could put a curb in if they don't know where the driveway is. They could eliminate the section altogether. Section 428 tells them what must be done.

P. Herr agrees that Section 428 already requires it but the lot purchasers are not aware of the requirement. This puts it in the Certificate of Approval.

Board members decide to leave it in.

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EM suggests the town could hold the front two lots of a development to ensure that the road is completed.

P. Herr advises that legally the Board can't do that. The town doesn't want to get in the real estate business. Item 5 refers to the Massachusetts Handicap Access Board requirements of 3/8". The Massachusetts Highway requires 3/16" to foot. They are conflicting regulations.

RL refers to the cross-section of the street and asks if there should be cape cod or granite berms with a grass strip.

D. DiMartino points out that granite curbing is more costly. The DPW will use vertical curb whenever they can afford to. Granite is seven times more costly. He would rather see the grass strip because without it weeds grow up between the cracks in the sidewalk and it eventually breaks apart. Most people will maintain the front of their home.

P. Herr notes that the Board may want to reconsider the grass strip and the type of curbing because this hearing didn't provide notice of that change.

D. DiMartino wants to see the sewer in the centerline.

P. Herr can move it close to the centerline but not on it.

D. DiMartino explains that the idea is to have it hold to the middle of the street with drains on one side all the way, pipes on the other side all the way and sewer in the middle.

P. Herr indicates that to some engineers the requirement for Record plans is a problem since they are not set up with AutoCad. It will make it easier for the town and set a threshold for engineers. He will make a revision to Section 4265© and a minor revision relative to the location of sewer and two cross sections and bring the changes back the next time he is here.

RL moves to close the public hearing for the Subdivision Rules and Regulations. AM seconds. EM advises that the hearing is closed but the revisions will be discussed further when they are presented to the Board.

PINE MEADOW BRITTANY ROAD BRIEF DISCUSSION RE: BERM

D. DiMartino explains that the paving company can't put a cape cod berm over what is already there on Brittany Road but they can put it in front. The other option is for them to jackhammer it out but he doesn't see why they should cut it out. They can get the berm machine over where there is no sidewalk. They can come back and do the sidewalk 2" higher.

Board members agree to allow it to be put in front.

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EM asks if the detention area has been fenced.

D. DiMartino didn't look at the detention.

MASTER PLAN

Guy Fleurette, Chairman, Board of Selectmen discusses the Master Plan. The Selectmen would like to sit down with the Planning Board to look it over and decide how to go forward. He suggests meeting Monday, April 1, 1996 between 7:45 to 8:00 p.m. Jackie will contact members with exact time for discussion.

RL notes that it was agreed at the Master Plan workshop that there would be a follow up meeting.

GEORGIA-PACIFIC SPECIAL PERMIT AND DEVELOPMENT PLAN REVIEW

Steve Garvin, Samiotes Consultant, are the civil engineers for the Georgia-Pacific project on Maple Street. The existing conditions show pavement where Somerville Lumber had shown stonedust. He met with Bruce Saylick, the engineer who did the design for Somerville Lumber and went through his calculations. The calculations were very conservative since they considered this area impervious and paved.

P. Herr agrees that he made a conservative assumption since he assumed it runs off as if it is paved which left room for expansion. Somerville left 5 ½' freeboard above for the 100 year storm so there is plenty of capacity in the basin.

S. Garvin indicates that the 100 year storm is at elevation 220 and the top is at 226.

P. Herr asks if the 5 ½' freeboard will be filled during the 800 year storm.

S. Garvin responds that in the worst case, the overtopping will spill out onto Georgia-Pacific property.

P. Herr advises that it is not a public safety or property issue.

S. Garvin explains that they have gone through the Conservation Commission and the flagging was at the same point it was previously.

C. Samiotes further notes that there was wetland re-creation on the property.

S. Garvin states that the lighting plan is now final relative to placement and illumination of the lites which they added. They stay within the town's bylaws.

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P. Herr confirms that they clearly meet the standard. There are no other issues relative to development plan review.

PC moves the close the hearing. AM seconds. Unanimous vote of 5 to close (EM, AM, RL, PC and WW).

PC moves to accept the Georgia-Pacific Development Plan Review as presented. AM seconds. Unanimous vote of 5.

EM instructs Clerk to send a letter to the Building Inspector referencing the plans which should be stamped with the Planning Board approved stamp.

P. Herr advises that the drawings are a mix of dates. He suggests Clerk compile a list of the sheets with dates and forward to the Building Inspector to avoid confusion.

S. Garvin will provide 4 sets of plans, one each for the Building Inspector, Georgia-Pacific, Samiotes and Planning Board to be stamped.

GEORGIA-PACIFIC SPECIAL PERMIT

S. Garvin points out the Water Resource District which sharply cuts across the site. The impervious areas are not changed. They are not changing the septic which was already approved. They went through the Somerville Lumber list and provided a list of all hazardous materials even though some of it only incorporates 6% of the building.

Clerk to provide a copy of the list to the Fire Chief.

Tom Howard, Georgia-Pacific, who prepared the list, explains that the building is used for the storage of bulk materials. There is not anything which is typically considered hazardous.

P. Herr questions if it is clear how the floor drains and to where.

S. Garvin responds that the floor drains for building #2 go to an oil interceptor. There are none in building #1. There is a gas and oil separator for the drains inside the building.

RL asks if the buildings will have different use.

S. Garvin responds that the train goes through #2 and not #1.

P. Herr indicates that the current DEP regulations state there will be no floor drains in a Water Resource District including building floor drains.

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S. Garvin states that nothing is being altered.

P. Herr explains that after the separator, the floor drains end up in the detention basin. If the nasty things from building #2 end up in the pipes to the Water Resource District, is there some way to intervene?

Paul Burnham, Georgia-Pacific, advises that the drains are for a lubricant which is used in just a small amount.

P. Herr wants to know if there is an easy way to stop the flow in the event of a contingency.

C. Samiotes explains that the separator tanks which are there are not downstream from the runoff. Anything which spills inside the building will go in and stay there. Runoff is not downstream. There will be no flushing through of those tanks.

Bill Yasick, from the audience, asks how much the tanks hold and are they checked regularly?

C. Samiotes responds they are 2,000 gallon tanks.

B. Yasick asks if there will be any maintenance.

P. Burnham can't recall a situation where anything has ever spilled and he has managed a distribution center for 10 years. It would be rare.

B. Yasick asks about trucks being washed down onsite.

P. Burnham responds all their trucks are washed off site.

EM advises that responses from the DPW and Fire Department were read into the minutes at the last meeting.

C. Samiotes had the Order of Conditions issued by the Conservation Commission today.

P. Burnham asks about access to the tanks.

C. Samiotes responds there are manholes right at grade.

WW asks about the screening.

P. Burnham is going to personally walk the site with the neighbors once they get in after May 1996.

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EM wants to confirm that truck traffic will go to 140. That should be made a condition in the decision..

P. Burnham intends to do that.

P. Herr states that the Board cannot make that a condition because the special permit only deals with water quality. It is in the minutes.

AM moves to close the special permit hearing. PC seconds. Unanimous vote of 5 (EM, AM, PC, WW and R. Dill). Associate Member R. Dill voted on this special permit because RL was absent for the first hearing.

P. Herr will write the decision and reference the plan. He will send it to the Board for the April 11, 1996 meeting.

PC moves to approve the special permit and authorize P. Herr to draft the decision. AM seconds. Unanimous vote of 5 (EM, AM, PC, WW and R. Dill).

SHORES AT SILVER LAKE SPECIAL PERMIT

Clerk reads letter from Janice Hannert, Fafard representative, requesting a continuance to April 25, 1996.

Board members decide to continue to May 23, 1996 since AM will be absent on that date and this is a special permit which requires a vote of 4 out of 5. AM moves to continue to May 23, 1996 at 9:00 p.m. WW seconds. Unanimous vote of 5.

AM moves to grant an extension to June 6, 1996. PC seconds. Unanimous vote of 5.

J. Hannert advised Clerk that Richard Hill's extension for Riverview Park, Phase V is up for renewal on April 11, 1996. She wanted to know if she should request an extension on Mr. Hill's behalf. EM responded that is a matter between Fafard and Mr. Hill.

MINUTES ACCEPTANCE

PC moves to accept the February 22, 1996 minutes. WW seconds. Unanimous vote of 5.

DISCUSSION RE: ZONING BYLAW AMENDMENTS FOR TOWN MEETING

P. Herr prepared two articles which are on the Annual Town Meeting Warrant and sponsored by the Planning Board. They are Accessory Apartments and Tower Limitations. He spoke with Lee Ambler who thinks it is not a good idea for town policy but has no technical issues. Congress

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acted on regulations concerning tower limitations but there is concern for freedom of speech. It deals with chimney spires too. It doesn't preclude microwave towers which would have to go for a special permit.

WW asks if it precludes them in certain areas. Certain business areas in the town are used up.

P. Herr doesn't think it would hold up.

PC states that people like to have them in the highest points in town.

P. Herr indicates that churches would be subject to a reasonable restriction. Height is a reasonable issue.

R. Dill asks if the state regulates transmission lines.

P. Herr responds they do not but the FAA has rules relative to lights on them and the FCC has rules relative to limiting density but not height.

Clerk to advertise for Accessory Apartment and Tower Limitations Zoning Bylaw Amendments for April 25, 1996 meeting at 8:00 p.m.

DISCUSSION WITH BILL YASICK RE: SUBDIVISION ISSUES

Bill Yasick, Pine Grove Avenue resident, asks for clarification relative to subdivisions. He asks about the Deer Run proposal for 37 lots. Do the lots shown for the subdivision have to be truly buildable lots?

AM responds they have to be real lots.

B. Yasick points out that 7 lots are 90% in the flood plain.

P. Herr explains that it doesn't matter. They can build and elevate the first foot so they are one foot above the flood plain elevation. There are two issues, one is zoning if the flood way is within the flood plain. They can't put a foundation in the flood way without providing a compensatory cap but as long as they are out, they can build.

EM further notes that they have to be lots and meet the criteria on paper.

B. Yasick asks if a lot which is 100% in the wetland is not a buildable lot.

EM responds that it is still counted as a lot if it has the frontage.

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P. Herr explains that the conventional plan has to show real lots and has to show that 90% of the lot is not in the wetland. All the lots had close 90% requirements. Section 4320 requires that at least 80% of the lot area employed is in zoning compliance. Reasonably real lots don't have to perc.

B. Yasick requests copies of the minutes from the last meeting.

RL advises that he can have them as soon as they are read and accepted by the Board.

Requests for copies must be made in writing and the cost is \$.20 per page.

B. Yasick asks how he would go about getting a Bylaw which would stop anyone from opening up a dead-end to a thruway.

EM responds he would have to get a petition with a certain number of signatures and give it to the Board of Selectmen who will send it to the Planning Board to hold a hearing to decide whether or not to recommend it to Town Meeting. Streets open up unless a landowner owns all the land around it. It denies an owner use of his land because he needs an egress.

B. Yasick thinks it would lock the Deer Run developer into 12 houses.

EM advises that Chapter 40 which is a state law gives a landowner the right to subdivide his land.

B. Yasick doesn't want to deny, just limit.

EM thinks it is unlikely that such a Bylaw would pass.

B. Yasick thinks AM's solution of an emergency access was a better idea. It is a good idea to protect the existing residential neighborhoods and avoid bringing through traffic in. They don't have to open up Pine Grove to get two means of egress. They could come in where the drive in is away from Muron and Pine Grove and loop out the drive in.

EM thinks it is better to go out Pine Grove, Muron and Pulaski - the more roads the better.

WW notes they will get sewer down their street.

GENERAL BUSINESS

Board received a schedule for meetings with the FINCOM relative to the Bylaw amendments but Clerk to call and reschedule to April 30, 1996 since the Board will not be holding the last hearing until April 25, 1996.

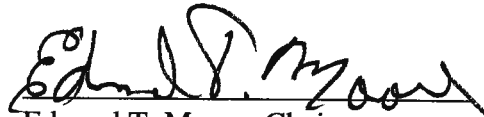
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P. Herr advises that Section 4322 requires that no discharge be allowed onto the property of others unless the property owner allows it.

Members sign invoice for P.O. Box fee and advertising expense for Rules and Regulations Revisions.

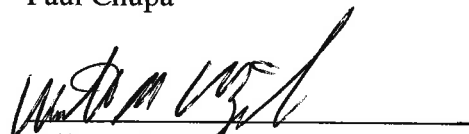
Meeting adjourned at 10:36 p.m.


Edward T. Moore, Chairman

Anne M. Morse, Vice Chairman


Roland R. LaPrade

Paul Chupa


William M. Wozniak