

**BELLINGHAM PLANNING BOARD**

**P.O. BOX 43**

**BELLINGHAM, MASSACHUSETTS 02019**

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

**MINUTES OF REGULAR MEETING**

**JUNE 13, 1996**

Meeting commenced at 7:10 p.m. All members were present. Associate Member Richard Dill was also present.

**BUILDING INSPECTOR INTRODUCTION**

New Building Inspector Stuart LeClaire introduces himself. D. Fraine asked him to come to the Planning Board's meeting every second Thursday. He will be happy to discuss any concerns which the Board has.

Board members thank him for coming in.

**PROPOSED CHARLES RIVER CENTER**

Robert Frazier, WS Development is present along with Andrew Zelmeyer, Esquire, Goulston & Storrs. They are here to familiarize the Board with what they submitted to MEPA under the Environmental Notification Form. He points out the approximate site of the Charles River Center. It is a 50 acre site along Hartford Avenue/Rt. 126 across from the Stallbrook Center and abuts 495. They surveyed the site and it was flown to get the topographical information. Guerriere & Halnon are working on the boundary information and the wetland flags. There are a lot of wetlands. 20 acres of the property was previously given to the Core of Engineers for flood control. The balance is predominately upland but they are getting more information from Guerriere & Halnon. Sumner Schein is the civil engineering firm. They will get additional information and put it together to see how it works. He presents the plan which was filed with the ENF. The entrance is proposed across from the Stallbrook entrance. He realizes there are traffic concerns and they are talking about what improvements will be made. There will be a dedicated turn at Stallbrook coming easterly. Westerly there will be a dedicated lane turning into

## MINUTES OF PLANNING BOARD MEETING

JUNE 13, 1996

the center with two thru lanes. They also propose a double lane ramp off 495 to free up the traffic. This is very preliminary. A theater will be their main anchor which they look at as positive relative to traffic because it is an off peak generator of traffic except for Saturday. They will also have a strip center with a number of different retailers. There will be no Bob's Stores at the Crossroads Center since they put their expansion program on hold. Toys R Us pulled their building permit and will start construction. Petsmart and a big party store will complete the center. Home Depot will be opening on July 28, 1996. A lot of work will be done off site so there will be some traffic congestion until it is done. Pizzeria Uno will start construction in July 1996.

EM asks about the outparcel.

R. Frazier responds it will have similar use to Pizzeria Uno - a restaurant but they don't know what yet. There can't be another entrance off 495 directly into the center. They would need an act of Congress in order to get a slip off the highway into the project.

EM looks at the plan and comments that it appears that the whole parcel will be paved.

R. Frazier notes that it is hard to tell what it will be configured like right now. There are wetlands and Spring Brook goes under 495.

RL asks if they went to the Conservation Commission.

R. Frazier did go to set up the site walk.

George Holmes, Conservation Commission member, advises that they came before the Commission late last night with Frugro Specialists to set up the meeting. There was some discussion about the Water Resource Area which is of concern. The Commission would like to see them adhere to the Water Resource Bylaw. It appears they will have more impervious material than the Bylaw permits at 30%.

R. Frazier estimates they will have between 70 - 80%.

EM asks how they can do that.

R. Frazier will apply for a special permit. All the land which was taken by the Core is not available for this site. They intend to file their special permit within 30 - 60 days. They can't tell the percentage or ratio now. They don't know what they will end up with for circulation, store parking or if the tenants will want their own dedicated parking. They are not sure what the percentage will be now but this plan shows 70 - 80%. They will study the traffic situation. The scope is the same as what they have at Crossroads.

## MINUTES OF PLANNING BOARD MEETING

JUNE 13, 1996

EM believes it will require two special permits - one for Major Commercial Complex and one for Water Resource District.

R. Frazier replies that is correct.

EM believes this is a similar size to Home Depot but that didn't have a brook and Water Resource area.

R. Frazier indicates this was a gravel pit which was stripped at one time.

EM believes there is a lot of vegetation there.

George Holmes refers to the wetlands protection with the 100' buffer zone. They need to decide how much they will need to protect the wetlands. They don't want to make the same mistake as with Home Depot with between 6 - 10 feet between the road and the wetlands.

RL believes there is a definite problem with the wetlands when he walked the site.

R. Frazier points out that the Army Core took some of the wetland.

EM states they were looking to protect the Charles River rather than the tributary.

AM asks about the sewer capacity.

R. Frazier responds that it was secured for the site by Varney within the last several months. They filed to secure 60,000 gallons but the project will use less around 27,000 gallons.

Barbara Jerrior, Varney, agrees that sewer is not easily available. They filed two permits, one of which was approved. D. DiMartino called her about using some of the capacity for the classrooms at Stallbrook.

R. Frazier will put the plans together and apply for the permits.

AM asks if they will go to the Conservation Commission first.

R. Frazier has to determine where the lines are, then they will plug it in with the 100' buffer zone.

EM indicates it is hard for the Board to waive the impervious coverage Bylaw without the support of the Conservation Commission.

A. Zelmeyer, Esquire, notes their engineer will provide the recharge data.

## **MINUTES OF PLANNING BOARD MEETING**

**JUNE 13, 1996**

RL would like to work closely with the Conservation Commission on this project.

B. Jerrior points out that the Army Core of Engineer did the land taking from Varney. The site is on the 100 year flood line. They left less where they wanted the road to go. There is a jog which leaves access to the back property.

R. Frazier explains that the Army Core took more than what they need for the flood plain issue.

### **HIXON FARM ESTATES DEFINITIVE SUBDIVISION PUBLIC HEARING**

AM explains the error in failure to notify 5 abutters which was made by the town. The public hearing will be opened and continued to the next meeting.

Clerk reads notice of public hearing.

EM explains that the developer still intends to build clusters. Nothing has changed.

Clerk notes they are here for a Definitive Subdivision with a survey for Hixon Street to identify if and where improvements may be made.

Mary Ann Meyer, from the audience, asks if the land is being rezoned.

EM responds in the negative - only Town Meeting can rezone land. There are wetlands in the back.

RL points out that most of the wetlands were deeded to the town and Conservation Commission.

PC advises that the Conservation Commission sent the Board a letter indicating that the donated land protects the water down there.

EM believes the cluster is the better proposal. He moves to continue to June 27, 1996 at 8:30 p.m. WW seconds. Unanimous vote of 5. The survey of the road and engineering work is being done if the town ever needs it to improve the road.

Andy May, Farm Street, asks if the Planning Board has jurisdiction to make sure there aren't too many homes built to protect the water supply.

RL responds that is what the Master Plan is doing.

AM explains that the Board doesn't have as many controls as one would think. They do have to make sure it is developed within the Regulations and the laws.

## **MINUTES OF PLANNING BOARD MEETING**

**JUNE 13, 1996**

A. May indicates that Franklin's condition now is what concerns him.

EM points out that the Board can't stop development.

### **MINUTES ACCEPTANCE**

RL moves to accept the April 25, 1996 and May 9, 1996 minutes with a correction to the April 25 minutes on page 8. Under D. Fraine's comment it should say legally "contracted". EM seconds. Unanimous vote of 5.

### **PINECREST DEFINITIVE SUBDIVISION CONTINUED PUBLIC HEARING**

AM reopens the public hearing and asks if the Board has received anything from the Safety Officer.

Clerk responds in the negative.

A. Florentz did give him a new plan 4 - 5 weeks ago. He told R. Gagnon that it would meet it if the road was at the top. This new plan gives that to us.

Franklin Pond, engineer, put the road on the high side of the lot. The detention/retention basin is in the same location. They changed the road from the easterly side of the lot to the westerly side. The elevation is at 90 to 98. The reason why they did it that way before was because the road was already excavated. It will be all downhill. The grades of the road meet the town's standards. Lot 1 is raised higher and is filled up and slopes 8' across. Any water from lot 1 will go to the swale and directed to the basin. Lot 2 will go into the basin. They will have 2 catch basins at 1+25 manhole and a catch basin at the end of the cul de sac. There will be an overflow structure and 6" pipe opening to 2" size. They will have .1 cfs discharge and no discharge at least during the 25 year storm.

RL believes this assumes that the basin is empty which may not be the case during the spring time. A drainage easement across the adjacent property may be appropriate.

F. Pond states they will keep the .1 cfs discharge and keep the extra ½' storage in the basin. It will take a long time to dry out the basin given the soils.

RL reads item #2, Amory Engineers letter, which states it is a "lengthy process". He believes they are saying it does not drain well.

F. Pond indicates there is ground water at the bottom which still goes through the sides.

WW states what doesn't leave the basin could overflow during the springtime. He refers to #3,

## MINUTES OF PLANNING BOARD MEETING

JUNE 13, 1996

Amory Engineers letter, which states "will be discharged if the water is there".

F. Pond refers to rain versus snow. They can provide additional capacity.

EM explains that the Board asked Amory Engineers to study the plan and review it. He reads P. Herr's comments, revised date June 13, 1996 relative to technical issues. Relative to Adequacy of Submittals: 1. No indication of existing tree cover, or the location of outstanding individual trees. 2. The erosion control plan gives no indication of the location of stockpiles or spoil areas, temporary drainage systems, or sediment basins. 3. There is no description of brush and stump removal measures. 4. Lot numbers are not shown in circles. 5. Water gates are not shown, except in the legend. Substantive compliance: 41. General Guidelines. Given the submittal omissions, he cannot determine compliance regarding minimizing disturbance of existing vegetation, removal of mature trees, and disturbance of wildlife habitats. There is a clear catch-22: the submitted plan is apparently inferior to the non-subdivision alternative, to which approve of this plan is effectively a pre-requisite. 42. Streets. 4224. Site distance, Intersection sight distance of 200 feet is required in both directions. Police Safety Officer to determine compliance. 4257. "Balanced" grading. Excavation greatly exceeds fill, so the design apparently is not "balanced" as required. 4259. Grading. Last sentence requires the grading to "prevent surface water on the street from draining onto private land except at designated ponding areas or at appropriate drainage easements." Not yet shown to be met: see discussion at 4322. 43. Stormwater management. 4322. No altered discharge onto property of others without permission. He defers to Walter Amory's view expressed in his letter of June 12, 1996 at item 3, which notes that an easement "may be appropriate", but not categorically than it is necessary. 4342. Detention basin depth to water table. He defers to W. Amory's view expressed in his letter which seems to imply that the required standard is not met. 4348. No information regarding detention basin maintenance arrangement. 45. Other improvements. 4513. Wheelchair ramps not shown.

EM states #41 refers to the variance for the driveway which may be better than the street. He asks if the required standard is met or not. What needs to be done for Amory to say the standard has been met?

WW understands they may not be putting in the subdivision, but what happens if they don't get the variance?

AM reads letter from Board of Health, dated June 3, 1996 referring to testing done in the detention basin.

EM indicates that the front lot needs two test holes done not in the basin.

AM believes this is telling the Board they need two percs.

## MINUTES OF PLANNING BOARD MEETING

JUNE 13, 1996

AM reads letter from DPW Director D. DiMartino, dated June 13, 1996. General comments: This proposed subdivision adds a small dead end road, a large cul de sac, a large detention pond and a dead end water main, all of which will need to be maintained by the town once the street is accepted. He urges the Board to suggest to the developer that a zoning waiver be applied for to allow the construction of a single family home in the rear. Water Works: The connection to the existing main in Harpin Street should be shown on the plans and should be by tapping sleeve and valve. A gate valve should be installed just before the hydrant. The plans should indicate the size of existing pipe in Harpin Street, which should be 6" at its location. The size of the proposed water main must be 8". The developer will be required to pay the connection fees related to this work before tapping or connecting to the main on Harpin Street. The next nearest hydrant should be noted on the plans. The water service tap to service lot #2 should be made as far as possible from the end of the main. Sewer System: No sewer is available to this property. Road work and Drainage System: A street opening permit must be issued from this office for the work on Harpin Street. All work in the existing street must be done in accordance with the Bellingham Street Opening Specifications. He recommends the Board consult with a professional engineering firm to review of the drainage and runoff calculations for drainage system sizes. The detention basins should be designed with maintenance in mind. Most important in this consideration is the need for maintainable slopes on all dike type embankments. The slopes on any dike embankment should be give to one to allow mowing and maintenance. An access road should be provided from the paved roadway to the spillways for maintenance and cleaning. The existing dike/berm has very steep slopes and no space at the top of vehicle access for maintenance of the slopes or the spillways. He suggests it be required that all ponds and temporary collection means be installed before the top soil is stripped from the entire site. Any portion of the proposed drainage system that is used for temporary erosion and sediment control, must be thoroughly cleaned before the street is accepted.

EM believes the Amory's letter is very clear relative to #3 discharge onto adjacent property. Flooding the neighbor is not allowed. The only issue Amory has is the 6" discharge pipe onto the neighbor's property.

F. Pond will eliminate the whole structure from 1.1 - .1.

EM states they need to prove they are not increasing the runoff.

F. Pond is trying to eliminate the discharge from the site.

EM indicates that collecting it and holding it back is wonderful except if it doesn't work.

RL doesn't feel there is a problem with the site distance from the top of the hill.

F. Pond refers to P. Herr's "balanced grading" note on the plan. Amory is implying a 6" outlet pipe.

## **MINUTES OF PLANNING BOARD MEETING**

**JUNE 13, 1996**

AM calls for questions from the audience.

Leo Remillard, lives across the street and is concerned about the front of his house so asks where the septic is going.

A. Florentz responds it is going out front.

L. Remillard asks if they will be knocking down all the trees.

A. Florentz responds in the affirmative. They will cut and fill.

L. Remillard asks how far back the house on lot 1 is from the street.

A. Florentz responds it is quite a way facing Harpin Street.

Eugene Reckertt, 97 Harpin Street, is concerned about the slope of the land for the drainage of lot 1 and asks how far back the house will be.

L. Remillard states they should have shown which way the house went.

E. Reckertt refers the proposed fence along the detention pond. He would like to see trees and bushes extended all the way to Harpin Street as a boundary.

EM moves to continue the Pinecrest Definitive Subdivision to June 27, 1996 at 9:15 p.m. WW seconds. Unanimous vote of 5.

### **HERITAGE PINES PRELIMINARY SUBDIVISION**

EM explains for the record that he won't be taking part in the hearing because he is an abutter and is taking part in an easement. He removes himself from the discussion.

Bruce Lord, Esquire, represents the owners, Mr. and Mrs. Wilson for the proposal located on S. Main Street across from Harper Blvd. The area is zoned residential 20,000 square foot zoning with 120' of frontage. There is acreage in the back. They propose the roadway out to S. Main Street 40' wide. The proposal is for one single cul de sac with 10 lots off it. It was previously submitted in the late 60's several times. It was submitted as a 14 lot subdivision which couldn't be done once the wetlands were determined. This is a 10 lot subdivision with a straight road. It will be sewered from the Potter Drive Pumping Station with an easement to the Moore property and Archdiocese of Boston. They will not need septic. The smallest lot will be 38.50 and the largest 67.35. The lots will be larger than required with most having 120' frontage. All the lots meet the requirements. They complied with the Regulations. They will have town water and town sewer. He discusses the proposed retaining wall for which they intend to talk with the

## MINUTES OF PLANNING BOARD MEETING

JUNE 13, 1996

neighbors to see what they want done. Sewer across the wetlands has Conservation Commission issues. They will go before them when they submit the definitive.

AM reads P. Herr's memo dated June 13, 1996 wherein he states that the plan appears to meet the submittal requirements for review. The plan was submitted after the recent revisions to the Subdivision Regulations and might want to reflect those changes such as in the street cross-section. It appears that the proposal will be able to meet the substantive requirements of both zoning and subdivision regulations. There are two initial areas of concern. Attention should be paid to the retaining wall grading at the S. Main St. access in order to minimize the impact of roadway construction on the adjacent occupied properties. It is likely that construction of the retaining walls will require easements. Likewise, the proposed sewer will require easements over a number of properties in order to access the existing town pumping station at Potter Drive. The proposed sewer alignment will also require Conservation Commission approval as it impact two wetland areas.

B. Lord advises that they have reserved sewer capacity. Mr. Wilson paid for it two years ago so it was reserved and the capacity is there. This is a straight forward plan which was designed to comply with the Regulations.

WW notes there are no details relative to the retaining walls.

B. Lord will talk with the neighbors first to figure out what is best to do.

D. Nielson, engineer, explains they will use the standard Highway DPW walls with stone and mortar cap on top but they will talk with the neighbors first.

WW asks what the drop is.

D. Nielson responds it is 4 - 5'.

B. Lord advises there are neighbors on the other side of the wet/swamp area but they are away from other housing. L. Ambler is an abutter.

RL moves to approve the Heritage Pines Preliminary Subdivision for 10 lots. PC seconds. Vote of 4 (AM, RL, PC and WW). EM abstained from discussion and is not present.

WW asks what happens if they don't get the easement from the church.

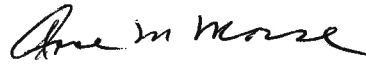
D. Nielson explains they already have contacted them. Those things will be resolved.

Mr. Wilson will talk with the abutters to determine if they want walls or if they want the property leveled off. He will clear up the brush.

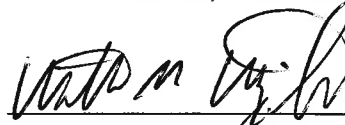
**MINUTES OF PLANNING BOARD MEETING**

**DECEMBER 21, 1995**

RL moves to adjourn at 8:55 p.m. PC seconds. Vote of 4 (AM, RL, PC and WW). EM not present.



Anne M. Morse, Chairman



William M. Wozniak, Vice Chairman



Roland R. LaPrade



Edward T. Moore



Paul Chupa