

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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MINUTES OF REGULAR MEETING

JANUARY 23, 1997

Meeting commenced at 7:03 p.m. All members were present. Planning Board consultant Philip B. Herr was also present. Associate Member Richard Dill was absent.

81-P SUBMISSION

Bob Lussier resubmits an 81-P for Hartford Avenue which was brought in at the last meeting. It was referred to P. Herr who talked to the attorney before it came to the Planning Board. P. Herr never saw the other drawings for the other 81-Ps and is not sure it is relevant. The question for the Planning Board is if it is a subdivision. In order to be a subdivision it has to create a new lot and it doesn't so it is not a subdivision but it is a complicated question.

EM questions the lot shape factor.

P. Herr responds the lot exists so it is not a relevant question.

RL asks when the house was built.

Bruce Lord, Esquire responds it was 4 months ago.

P. Herr doesn't think the house has anything to do with this issue. The lines exist and it is not a subdivision.

EM moves to sign the 81-P for Bob Lussier since it has sufficient frontage and square footage. PC seconds. Unanimous vote of 5 (AM, WW, RL, EM and PC).

OLD COLONIAL PLACE DEVELOPMENT PLAN REVIEW

Don Nielson, Guerriere & Halnon, introduces applicant and owner Ed Broidy from Boom Development and points out parking to the front of the building. They propose to construct a 5,200 building to the side of the property and propose a new entrance at the opposite entrance to the U.S. Post Office. Sgt. Haughey has no problem with it but would like an entrance in and only right turn out. The distribution of the parking will be totally over the whole parcel. They combined two lots for one overall site plan. The parking will be contiguous from one lot to the other. There will be separate septic. The property has its own leaching and subsurface drainage. The existing parking will be revamped and incorporated in except that some will remain as it is. They have 38 extra parking spaces since they propose 88 and only need 57. The second plan is the landscaping plan. The trees and shrubs are based on the square footage of the pavement. They propose screening the roadway with shrubbery. To the west will be a retaining wall which allows for grading access to the back of the building. They propose an extension to the existing 6' stockade fence. He spoke with P. Herr who has issues which will be addressed but he didn't have time for tonight's meeting.

RL asks about the 10' between the corner of the building and the lot line which includes the bulkhead.

D. Nielson responds it is a slab building with no basement with stairs off the back side.

RL notes they are taking 5' off.

D. Nielson states it is 8" with a slab for grading.

RL indicates there is 10' but the bulkhead takes off from that along the back.

Ed Broidy advises the building will have an inch or two difference. They can't have it completely the same height so there will be no backlash of water. There is no truck access to the back of the building. Fire trucks are usually kept 125' away so it will not be used for fire passage either.

RL asks what the road will be used for.

E. Broidy responds it will be not be used for anything except to abide by the setback. A rescue vehicle would come in the front.

Clerk reads letter from Thomas J. Guerin, Fire Dept. Deputy Chief, dated January 15, 1997 wherein he states they have two concerns. 1. That a fire hydrant be placed on this site with location to be determined by developer and the department. The only available hydrant is on the other side of Rt. 140, use of which during an emergency could cause hayrick with traffic and put firefighters in danger. 2. The ten foot space between the rear of the building and the proposed retaining wall is inadequate for the passage of emergency vehicles especially during winter months

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when snow plowing will cause this area to become even narrower.

P. Herr discussed the function of the driveway with Don Nielson. It will end close to Mechanic Street which could cause an extraordinary right turn. Only bikes will fit. Any lighting would cause trouble for the neighbors if it is used as an access. How important is it to have the access?

E. Broidy doesn't need it and could close it off. The whole facility can be serviced within 50' in the front. If the Board doesn't want asphalt, he can abide by that.

P. Herr thinks they should forget it if it is inconsequential since it is close to the houses.

E. Broidy would like to have maybe 4' in the back of the building so anyone who goes in the back will not step in the mud. He had no idea about the hydrant since he knew there was one on the other side of the street but will have to address it with the Fire Chief.

WW asks about deliveries to the building.

E. Broidy can very easily have them to the front.

Bruce Lord, Esquire, abutter, has a number of concerns relative to the property but is not opposed to the shopping plaza. When the plaza was constructed it was never finished. They constructed a stonewall on his property with a fence on top which the present owners don't maintain and the wall is eroding.

AM believes that is a civil matter which doesn't come under the power of this Board.

B. Lord notes that there are a number of residential properties several feet above this development. The berm will lead to problems. They need a wall with a fence along the top. The fence in the back of the proposed new building is eroding and he suggests that it be replaced.

AM asks whose land it is on.

D. Nielson responds that it is the plaza's land.

B. Lord refers to another problem along the frontage of the property since most of the granite curbing at Rt. 140 in front of the plaza is slanted since trucks come up and park in the front. The granite curbing should be raised. It is the town's property and is a safety issue for people.

PC believes it is state property.

B. Lord explains the problem is the visibility for the other side of David Road. Is there any way to open the visibility to the neighbor who is impacted the most? At the back of the building there

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should be a fence with a gate so the neighbors don't have to look at the back of the building. This is sitting in the middle of a residential area and they would like to make it compatible with what is there. The wall is starting to fall in. He would give permission for them to repair it.

EM leaves the meeting at 7:29 p.m.

B. Lord believes the building is too close to the property line and the owner doesn't have the proper setback. It is already in violation of zoning since there is no variance. They cut out too much. He would like the trash covered up in a screened area from the dentist and homes view. They should also have a clear delineation of the entrance with signage. A lot of people end up turning in his yard because they miss the entrance. Maintenance for the past 3 - 4 years has been abysmal with absentee ownership. The kids use the bulkheads for skating. The light bulbs are rusted. Landscaping is very little grass. He is looking for the protection of the neighbors. Something has to be done along the front with the curbing below grade. They should get a cut for visibility for the other side of David Road.

Sgt. Haughey, Safety Officer, measured 310' site distance which means he can see a full vehicle at 310' looking right going to the center of town. The problem is with people coming out since the 310' is on an incline. He recommends it be made an entrance only. If it does become an exit, he recommends a right turn only exit. The Post Office has an entrance only, not an exit. There should be proper signage with entrance and exit signs on David Road so people know it is a right turn only. Sidewalk repair on 140 to the center of town will be done. Vehicles do park in front of the plaza. If they do open up the entrance, vehicles will not be allowed to park there since drivers won't be able to see out David Road if they are parked there. He thinks the road is the state's responsibility. He is concerned if they make it a left turn coming out.

E. Broidy agrees with Sgt. Haughey to make it a right turn out only. He can do the signage with an in and right out only.

PC suggests they make the berm so people can't turn in.

Sgt. Haughey suggests they have a sign on the other side of the street saying no left turn.

RL asks whose responsibility it is to enforce the turning since this is a private developer.

Sgt. Haughey responds it is the Bellingham Police Dept. responsibility under Chapter 81, Section 9, Mass. General Laws. He refers to Dean Cooperative Bank where they made an entrance only which has resulted in one accident since it was done. It is enforceable by the town.

RL notes that a lot of people still come out of the entrance only at Dean Cooperative Bank.

PC agrees that people try to cut the light. There is no light in this case.

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Sgt. Haughey states it is a safer here with just an entrance only.

E. Broidy has no problem with what Sgt. Haughey has said. He will pay for the signs. He would like to have a right turn out only with the entrance. He doesn't want to be intimidated by a neighbor (Bruce Lord) who sent him a letter saying that if he does everything the neighbor wants, he won't be reported to the ZBA. He bought the property from the FDIC. He has maintenance men who keep the property in good condition. He has contracts with local people to do the work. He is trying to develop a piece of his property. He has nothing to do with what is on B. Lord's property.

AM believes the Board has the right to ask for screening for a residential property.

E. Broidy notes that B. Lord's zoning is the same. It is a pre-existing nonconforming use.

RL believes the owner is using B. Lord's property since it is paved.

E. Broidy agrees that 4' of it is asphalt paved. He doesn't want to encroach on B. Lord's property and will rip up the asphalt.

AM asks how bad the setback is.

E. Broidy responds it is 4' and feathers to nothing.

WW doesn't think they will be able to drive around the back of the building.

RL asks about the bulkheads.

E. Broidy does have a basement in the building which is existing. He has nothing to do with B. Lord's property and never made an agreement with him.

AM questions whether they need a variance because this is a pre-existing building? The Board is looking at the whole as a new site because they are changing the parking.

E. Broidy is in conformity. He is here for a new building and parking.

AM states they are altering spaces.

E. Broidy is here to get the front approved. There is a piece of asphalt. The property is all CO'd (Certificates of Occupancy) for the whole facility. He is here for the exit, parking and new building. What Mr. Lord said is not part of this.

WW asks if this becomes one parcel for the Board to consider.

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P. Herr agrees. He is not sure what is nonconforming.

D. Nielson notes the setback requirement is for 10'.

E. Broidy explains that instead of the 10' the previous owner went on an angle back an extra 4' to get by.

RL believes that was to get by the bulkhead and questions if the bulkhead is considered part of the building. It is paved up to the wall so when someone drives back there, they go on B. Lord's property.

P. Herr notes that part of the building is not shown on the drawing. His drawing didn't have the bulkhead.

WW believes one can argue whether the bulkhead is on the property line.

P. Herr suggests the Board refer this to the Building Inspector to see if he feels the setback needs a variance. He doesn't know how the Building Inspector will treat bulkheads but believes that most don't consider it to be part of the building.

E. Broidy received CO's. Everything was approved properly.

RL asks if the Board should treat the entire piece for the review or just what's new.

P. Herr responds they consider the entire piece.

WW refers to the entrance/exit which is tight. Could they move the curb line to the north to make the throat wider? They should straighten out the angle.

E. Broidy asks how much wider?

P. Herr responds 4'.

E. Broidy agrees to do that.

Clerk reads January 9, 1997 letter from Donald DiMartino, DPW Director with his comments. General and Roadway: There is no longer any curb reveal on Mechanic Street in front of the proposed development. He suggests a new vertical granite curbing be installed to prevent vehicles from parking on the side of Mechanic Street. The new curb should have a minimum reveal of six inches and should tie into the proposed driveway entrance curbing. He would also prefer to have vertical granite curbing at the driveway entrance rather than the slant granite proposed. Water: The size of the water pipe is not indicated on the plan. If no sprinkler system is

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to be installed, he would suggest no more than one inch diameter tubing. Retail stores use low volumes of water. Drainage: he suggest the Board contact a consultant to review drainage sizing submittals. Some type of silt trap and grease/oil trap must be installed before the surface drainage discharges into the subsurface drainage system. There must also be a plan of how and when these traps are cleaned.

P. Herr notes that what Don is talking about is in conflict with what the Fire Chief said. A 1" to a hydrant doesn't work. There are other mechanical additional points so he doesn't think the Board can act on this tonight. The Board needs clarity about the driveway behind the building. 4' is a significant change.

AM asks for questions from abutters in the audience. No one comes forward.

P. Herr indicates that both B. Lord and D. DiMartino commented about the curbing at Mechanic Street. He doesn't know about a precedent but it is a question of scale. This is not an inexpensive change from slant granite to vertical granite. If the state is putting in sidewalks, they may correct the problem.

Frank Iacovelli, 124 Mechanic Street, comments about the curbing. When a lot of the sewer pipes were put in the road was up higher. His backyard is flooded because of the way the street was graded. There is not much lip any more. The curbing is on a state highway.

Mrs. Iacovelli is a tenant of the plaza. This is a state highway and is plowed by the state. It is not an issue for the town or Mr. Broidy.

AM comments it is strange that D. DiMartino is not aware of the state putting in sidewalks.

P. Herr refers to the issue of storm drainage being referred to a consultant which is expensive but is security to the town. They are proposing more of the drainage system which they now have and has been in place for some time. It is a leaching system.

E. Broidy purchased the property 3 ½ to 4 years ago.

P. Herr notes the property is about 10 years old which is long enough to know if the drainage is functioning.

E. Broidy took perc tests. It allows seepage to come down.

D. Nielson did pretest the area. At 10 - 12' there is no ground water. The soils are very gravelly in nature. He designed it for the 100 year storm. If it fails, it will flood the corner of the parking lot area where the catch basin is. The water stays on site. It is not designed to go off site.

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WW doesn't feel it is a large issue to send out.

AM points out they need to correspond with P. Herr to address the remaining questions prior to the next review meeting. She doesn't think it is necessary to send it out to a consultant.

PC moves to continue to February 13, 1997 at 9:30 p.m. WW seconds. Vote of 4 (AM, WW, RL and PC). EM not present.

HIXON FARM ESTATES BOND POSTING

Clerk reads letter from Scott Ambler, Esquire, dated January 22, 1997 where he states that if the proposed security being offered by Fidelity Financial, Inc., of Centerville, Massachusetts is acceptable to the Bellingham DPW, then his office would recommend that the Planning Board grant a Partial Release of the Covenant for Lots 8, 9, 11, 12, 13, 14, specifically excluding Lot 10.

WW notes that lot 10 connects down to the loop. He moves to accept the bond amount of \$29,337.74 with reference to Attorney Ambler's letter for lots 8, 9, 11, 12, 13, 14 excluding lot 10.

Bill Eagon, Fidelity Financial, has the Form G, Partial Lot Release for lots 8, 9, 11, 12, 13 and 14 and no other lots. He will send a copy of the recorded covenant to the Board.

PC seconds WW's motion. Vote of 4 (AM, WW, RL and PC). EM not present.

B. Eagon explains that lot 15 was not included but should have been. He talked with S. Ambler about it. He has a separate Form G for release of 15.

EM rejoins the meeting.

RL thought that D. DiMartino didn't want more than 4 - 5 lots released. He was specific about the number he didn't want to go over.

WW thought that two lots would be retained instead of lot 10.

EM believes the question is if the bond is referenced with this. D. DiMartino's estimate went all the way up pass lot 15. He thinks holding lot 10 is adequate.

PC moves to sign the Form G. Partial Lot Release for lot 15. EM seconds. Unanimous vote of 5 (AM, WW, RL, EM and PC).

Clerk to send letter to Town Treasurer relative to the Board's acceptance of the \$29,336.74 bond amount.

B. Eagon to send the Board a copy of the recorded covenant and signed Form E-1.

Clerk to obtain new Zoning Bylaw books with blue covers for Board members.

**CHARLES RIVER CENTER SPECIAL PERMITS WATER RESOURCE DISTRICT
MAJOR COMMERCIAL COMPLEX AND DEVELOPMENT PLAN REVIEW**

Dick Marks, Esquire, Goulston & Storrs, introduces Bob Frasier, W/S Development, Lou Masiello and Roy Smith from Sumner Schein and Art Scarneo, Vanesse traffic consultant. The big issue is traffic. They eliminated parking spaces to back up the ring road. P. Herr asked for a continuous island to be done. Plan is otherwise the same. Last night, the Conservation Commission issued an Order of Conditions and are comfortable with the special permit for impervious surface. They are asking for 6 waivers: Section 3334, parking 300' from the building; Section 3510 landscaping; Section 3310 number of parking spaces; Section 3282 height of detention ponds, Subdivision Regulations 4342 prohibit coast stormwater basins in fill and 4341 side slope of detention pond more than 3-1. Tom Sexton (Amory) has no problems with the waivers required. He sent a letter stating he is comfortable with the stormwater design.

Clerk reads letter from Thomas Sexton, Amory Engineers, dated January 22, 1997 stating he reviewed the site plans revised January 7, 1997, Amendment A to the Drainage and Stormwater Report for the Notice of Intent & Development Plan Approval dated December 19, 1996, Final Environmental Impact Report dated December 31, 1996 and Sumner Schein's January 8, 1997 letter to the Planning Board. He understands that regular drainage system maintenance, which is necessary to assure mitigation of wetlands and groundwater impacts, is enforceable by the ConCom. Proposed groundwater and surface water modeling described in the Final Environmental Impact Report will verify that the stormwater mitigation systems are functioning as designed and constructed. They find the revisions and drainage system design to be acceptable based upon the Applicant's submittals. Footnote at the bottom: Our review has not included witnessing of test pits.

P. Herr indicates that T. Sexton reviewed the same current configuration of storm drainage. Does it include the basin next to the Fafard parcel?

Roy Smith responds it does include that. The detention pond has been sized to handle that.

P. Herr questions if T. Sexton saw the plans with the retaining wall instead of the slope. There is a conflict between where they are showing the access to the Fafard property and where the drainage is. They would like to substitute the retaining wall for the slope, changes which are characteristic of the basin. He thinks it is okay but doesn't know that T. Sexton has seen that.

R. Smith states the proposed retaining wall is there with the proper contours. Fafard revised the plan. The retaining wall is at the shelf of the detention basin.

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P. Herr asks if the area of the retaining wall is outside of the easement area.

R. Smith responds affirmatively, the hydraulics haven't changed.

Clerk reads letter from DPW Director Donald DiMartino, dated January 22, 1997 wherein he states that he has noticed only minor revisions to the plans related to his comments of November 15, 1997. General and Roadway: A slight realignment of the entrance has been proposed. His concerns regarding the accident rate from vehicles crossing traffic remain; Sidewalks should be five feet wide with a grass strip if possible; Not previously stated, he is concerned about snow removal activities over the "serrated concrete median." Water: The connection to both mains in an improvement. It would be ideal if the on-site main was looped down the entrance road and around the building. This would require two mains in the entrance road, instead of the proposed single main which creates a "lollypop" layout, not a loop. Sewer: None of the four points noted in his previous letter have been addressed including a Mass. Sewer Connection Permit is required for this project. No sewer profile drawings were included in the plans. The stub to the bike shop presents a problem regarding easements, rights of access and pumping station ownership. If connected, two separate private entities would be connected to one pump station. The proposed force main is shown connecting to the existing force main clean out manhole installed as part of the Stallbrook project. This makes the one force main pipe between this manhole and the end of the force main act as a header, carrying sewer flow from both plazas. Each force main should discharge into the existing gravity sewer manhole. Drainage concerns should be addressed by consultant engineers. Very few of his previously stated concerns have been addressed.

R. Smith responds they will address the water and sewer issues. He had a conversation with D. DiMartino and they will come to an agreement. D. DiMartino has to approve the sewer connection permit. Prior to obtaining his approval, the sewer will be addressed. They are just getting started with that. After their conversation, D. DiMartino is fine with the lollypop loop but will refer to the Fire Chief. During the conversation, issues regarding the system and how it operates were brought to light.

AM asks why it is not easy to loop it.

R. Smith explains that if they have two mains running together, they would have problems if one broke. Because they are landlocked and have a one entrance drive, having two lines together would defeat the purpose. If one broke, both would break because they are running parallel.

WW thought it would improve the quality of the water.

R. Smith responds that is for domestic service and allows the design to be turned over one time a day.

WW asks about the rest of the sewer issue. He asks about providing profiles, and tying into the

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existing force main and easements to the bike shop.

R. Smith responds they are still negotiating with Fafard. The applicant is willing to abide by a condition that they are willing to meet the issues.

P. Herr raised the traffic related issue of the alignment of the drives.

Art Scarneo indicates the alignment of the drive has been pushed as far east as they can. The drives were pushed a greater distance to allow alignment. This drawing shows the farthest they can move the alignment.

P. Herr asks how many feet it is out of alignment.

A. Scarneo responds the thru is not offset. It is an 8' crossing with over almost 100'. From the drive across there is no offset. A right turn and thru way was suggested by Mass. Highway. Because it is predominately a right turn, they asked for a left thru and right turn lane which restricted them from moving any further to the left because of McDonald's.

P. Herr met yesterday with Janice Hannert, Fafard, to discuss issues regarding the access to the parcel. The Board should also hear from Mr. Pell, the traffic consultant hired by the town. At the meeting with Ms. Hannert, he got the impression that it was not impossible to make the alignment for Charles River Drive and it could be moved to the east. They are dealing with a developer who is not committed. It used to be 16' and now it is 8. This issue was raised by Mass. Highway, D. DiMartino and Mr. Pell.

A. Scarneo explains that Mass. Highway has no access line so they need to break the access. He met with Chuck Sterling, Mass. Highway, who said not to come in and break the access. The driveway was shifted to eliminate the need to break the access.

Barry Pell, traffic consultant for the town, states they did provide a considerable offset. This is a vast improvement. The ideal would be to align as much as possible. It would be a good idea to move it if it is possible. Offset of 8' is acceptable. It is an acceptable minimum standard.

R. Frasier is working with Fafard but it is a give and take scenario. He would be glad to approach them about this.

EM thinks it should be pursued. He has seen the accidents down there. He hasn't heard that it can't be done.

B. Pell agrees it would be nice to meet desirable standards.

P. Herr states the schematic design is now contemplating more than 8' between the parking and

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landscaped drive. Can they accommodate the 8' within the landscaped area?

EM asks if that is even if the Board waives the little grass strip.

A. Scarneo has serrated concrete for the left turn but it could be a striped median. It could be a painted island for the double left turn.

PC is concerned about the plowing with the serrated concrete.

P. Herr asks if Fafard will exit to the east.

A. Scarneo responds that Fafard will have full access to the curb cut since they have the potential for some other use. It is currently a nonrestricted drive. The new proposal will no longer have a left turn. They will bring traffic in through the intersection with a single access to the signal. Fafard will have access for a right turn in and out.

EM asks why they will go through the light and then make a right turn.

A. Scarneo indicates that is the retailer access and someone may have missed it. A grass strip in between the roadway and the sidewalk will be incorporated into the plan. They looked at exploring a right turn lane and double left into Stallbrook Marketplace instead of a thru and thru right. They will have two thrus and a right turn lane adding a right turn lane to allow a lot of capacity. They made sure the cues don't block the right turn and right turn on red which allows for different phasing techniques. It does require alteration to the no access line which is not as difficult than a break in access.

P. Herr refers to January 21, 1997 letter to D. Fraine regarding the table level of service analysis.

A. Scarneo states they are seeking approvals from Mass. Highway. They have a limited line access alteration which they have to send to federal highway and are doing as a form of mitigation. They don't feel that have to go through all the review process of Mass. Highway.

P. Herr understands they are seeking a permit before we all know what will happen with the traffic. We have to think about how we can accommodate that.

A. Scarneo states they have gone through and created a conservative base trip generation which expanded internal link trips. They used an extremely conservative condition and that's why they added the right turn lane.

R. Frasier refers to Crossroads where they applied to Mass. Highway and the town to have a 4 lane section. 75% of the design will be 4 lane. D. DiMartino will have an integral part. They always made sure D. DiMartino received plans for comments. They feel comfortable with Mass.

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Highway but if there is a problem later one, they will come back.

P. Herr indicates that since that will be a contingent to the decision, they can be assured the town doesn't end up with that not being approved.

B. Pell asks about the eastbound right storage length of available storage.

A. Scarneo responds it is a solid line barrier at 180'. The lane length is almost 300' but to begin the right turn lane is 180'.

B. Pell states it was listed in the memo at 445'.

A. Scarneo indicates it was not picked up. 445' is the thru lane all the way back but it should be 180'.

B. Pell sees a Saturday condition deficient since it is showing a cue of 192'.

A. Scarneo refers to the right turn lane, split phasing lane versus running concurrently. It is not shown in the analysis but they could have taken it to reduce the cue.

B. Pell explains that the numbers are reasonably conservative. The numbers model what will happen in background growth with the completion of the center with an average day variation. This is weighted higher at the end of the week but will occur week in and out. The numbers don't reflect what happens during Christmas with the mitigation of traffic. The reasonable range is a bit conservative but will occur week in and out.

P. Herr explains that it assumes a background growth of 5 years. The facility will probably be here more than 5 years and the community will continue to grow. This is a standard long term decision based on short term analyses. During the life of the facility there will be more traffic than what is considered now.

EM asks about the 5 lanes which merge into one by the cemetery.

A. Scarneo states there are two thrus and a right turn which merges to one lane. There is adequate capacity on the link. He understands that today it is a problem intersection.

EM notes that people in the left turn lane use it as a thru lane.

A. Scarneo states the left turn lane cues back. Now there is a transition. They have a large teardrop in their lanes but Mass. Highway proposed a small left turn lane and said to take the teardrop out and still have two lanes. At year 2000 build out condition, they will have level of service B during the weekday and level C during the Saturday peak hour.

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RL asks why Mass. Highway said to eliminate the left turn lane. What does the teardrop do?

A. Scarneo responds the storage is not that great. Mass. Highway recommends type phasing and a double left which helps reduce the cue lengths and will be incorporated into the plan.

B. Pell indicates that the initial review suggested consideration because of the accidents. Cars can decelerate and have room to stack in area. It may mean a trade off for some balance to the double left turn lane. It may be done more generously.

A. Scarneo will meet with Mass. Highway to see if it is possible. Hartford Ave/Maple St. intersection was done by a design firm to make sure a signal can be implemented here. They propose a crosswalk because of the proximity to the school. They propose a concrete sidewalk. If there are larger or sharper radiuses, they will be incorporated into the plan. It will have level of service B with generous radius and shoulder.

B. Pell states the design is straightforward. How they will treat pedestrians if there is a provision for a crosswalk?

EM refers to the existing sidewalk at Maple Street at the Senior Center where they should have a complete curb cut for the elderly people who may want to cross the street.

R. Frasier will give the design to D. Fraine to go over with D. DiMartino. They pulled the stop line back and will have handicapped accessible ramps.

Sgt. Haughey, Safety officer, asks if they will be able to press a button to cross the street.

A. Scarneo responds affirmatively. It will be pedestrian phase activated.

Sgt. Haughey asks if all traffic will stop. At Home Depot, vehicles have preference over pedestrians. Home Depot traffic comes out at the same time the walking signal is on. This was accepted by the state so they are working on getting it fixed. He has sent numerous letters and Mr. Fraine is working on it. Home Depot vehicles take precedence over pedestrians.

R. Frasier has made the changes on their plans but they are waiting for Mass. Highway to approve it.

A. Scarneo states that right now there is an all red phase so no approach will be moving. They will make sure it is done since it is in proximity to the school.

Sgt. Haughey asks if emergency personnel will have a place to control the lights with an override switch. With excessive traffic, they may have to put 2 - 3 police officers out directing traffic.

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A. Scarneo responds that all new equipment can be overridden.

RL wants the same thing with pedestrian crosswalk applied with the Charles River Center and people walking from WalMart to the movies so people won't get killed.

A. Scarneo will recommend to design an all red phase.

RL is under the assumption it is the same as Home Depot.

Sgt. Haughey explains that when the engineering is accepted by the state, there is a lot of bureaucratic tape to go through to try to get it changed.

A. Scarneo has no problem with that being a condition.

PC agrees, especially with the movie theater and McDonald's.

P. Herr notes the issue is pedestrian phasing and the impact that has on the capacity analysis since he assumes there will be a full stop in all directions.

A. Scarneo indicates that the design can incorporate that. They can go back to a critical lane with an all red phase.

P. Herr questions if they can do that and maintain level of service C.

A. Scarneo responds affirmatively.

R. Frasier asks who would care if it went to level of service Z when the button is pressed.

P. Herr does since one of the conditions is for the traffic to work. It can't go below level D and limits the drop to more than one level. It is not a trivial question and is critical. It should maintain level of service C if it is pushed up to x number of times. Saturday midday will see a pile of kids going in there.

Sgt. Haughey notes that the traffic pattern (Crossroads) works extremely well - too well. There has been a decrease in accidents at Deerfield Rd. and Hartford Ave. The problem now is the center of town which is backing up. He asked Mass. Highway for an override so they can get N. Main St. out. Since the state accepted the plan, the town has to get their approval and they are giving the town a hard time.

EM agrees there hasn't been one accident.

A. Scarneo will work with Sgt. Haughey to see if they can get it expedited. They are using the

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same model the town has witnessed with the same factors so there is a comfort level.

WW asks what percentage of Home Depot is built up compared to the charts and graphs.

A. Scarneo responds it was 50% but right now there is 75% of traffic.

P. Herr had a meeting here yesterday at 4:30. He was stopped in traffic at the railroad bridge and it took 4 minutes to go through the intersection at the center of town.

Sgt. Haughey believes it is because of the tractor trailers. There are no more backups at Hartford Avenue.

A. Scarneo notes the town doesn't have high 18 wheeler traffic. It's not a capacity problem but is a service problem. Relative to concerns about Farm Street being used as a cut thru, he drove down the road two times during peak hours. It takes longer in time to use Farm Street because it is narrower and has slower speeds. It is not safe to try to drive fast.

EM believes people would rather go the long way if they keep moving.

Sgt. Haughey did a 3 week radar on Farm Street and Maple Street. Between 4 - 6 p.m., there were 75 vehicles total at Larry's end. On Maple Street between 4 - 6 p.m., there were 330 vehicles with speed of 50 mph since it is used as a bypass road for Franklin and Rhode Island. 90% of the drivers stopped on Farm Street were residents. The radar was done in response to complaints received from Jaco and Algonquin. 70% of the traffic goes through town between 4 - 6 p.m.

Andrew May, Farm Street resident, relates that some kids smashed into the tree in front of his house and they were not residents of Farm Street. He noticed that Saturday is the big day for a lot of cars.

P. Herr notes there are two parts to the question. 1. Appropriateness of the designs to mitigate traffic and 2. The acceptability of land use proposed in light of the traffic mitigation. The special permit for major commercial complex may be granted subject to safety of the adequacy of ingress and egress improvements. He refers to January 21, 1997 letter from Vanesse to D. Fraine, Table 2, level of service summary. Some locations can't make a comparison because the level of service drops in many places and many times. The question is whether or not it is in the range of acceptability. Hartford/Cedar Hill/N. Main St. which is presently level of service C goes to level of service D. Hartford Avenue northbound ramp is C. Stallbrook, Saturday midday will be C and is now B. Commonly there is a decline in the level of service. The Subdivision Regulations have Traffic Impact Guidelines which the Board talked about making applicable to all things but it was never done. During peak hour, level of service will not be reduced more than 1 level at any location or ½ level otherwise. This doesn't meet either of those criteria. It never falls below level

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of service D. He doesn't know if this criteria is applicable so it is a judgment call by the Board relative to information contained in the Draft EIR, Final EIR, submittals and responses back and forth.

B. Pell notes that a lot of information is disjointed. A lot of information is detailed and technical relative to how well the area will service the future roadway. He feels comfortable with how the developers will handle the traffic and background growth to 126. There will be days that the traffic will exceed since average peak day was applied. He looked at the methodology used. There are variations occurring day to day. The scale presented meets the challenge. There are lane arrangements with length and cuing at an acceptable level. The traffic is handled so they don't get a grid. What is shown here will handle the situation. The plan hinges on making the main intersection operate well. The right hand turn lane will help.

P. Herr states that travel on Hartford Avenue is easier now, has not deteriorated but has gotten better. Will the traffic be as good as it is now?

B. Pell explains the delay at level of service B is minimal, C is a 25 - 30 second wait with D at 40 - 45 seconds. Function of the delay is how far back the cue will be. There will be some reduction in the level of service than what the town has today but with properly tuned coordination of the signals operating properly it will make the system work or fail which is more important than the level of service because of the intersection.

WW asks if there will be coordination with the lites when someone pushes a button.

A. Scarneo responds affirmatively.

B. Pell notes there are a whole lot of hours when the system will provide more capacity than is needed.

A. May, Farm Street, asks if the developer is willing to chip in for the extra police coverage when someone pushes the buttons and it gets out of hand. They have increased the complexity and limited the driver who can't make a decision. A friend of his from Long Island stopped in the middle of Hartford Ave. and sat for 6 seconds trying to decide where to go. How will people decide where to go with 6 lanes? He attended a number of meetings for Home Depot and felt that the traffic was worked out but in this case how will people know where they are supposed to be?

Scott Briton, Maple Street, has problems with 495, northbound ramp where there are accidents all the time. Hartford Avenue is used as a thruway. There is a big problem with getting across the street because they have to wait for people to stop.

AM states that the lites should benefit the area and improve the bad areas. We don't want another Framingham.

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EM notes we have a book with Rules and Regulations and if the applicant meets, we can't deny but we have leeway with the special permit. What about widening from the cemetery to Maple Street?

A. Scarneo replies there is some widening and it does get extended but they are not widening the whole section to Maple St. They have a willingness to participate in the funding with what they will do with Maple Street. They have offsite improvements which will benefit the town.

S. Briton asks about getting a left turn signal to the northbound ramp at 495.

A. Scarneo will explore that with Mass. Highway.

A. May asks how much control the town will have when the theater folds up.

P. Herr responds that a change in use from the movie theater to sales would require a certificate of occupancy from the Building Inspector. The movie theater is more troubling than other things which can go there. It is possible to write into the decision that a change in use would require additional review. The Fafard outparcel will most likely be a restaurant. The Board could preclude it from being a fast food since there is almost no storage for cars.

B. Pell agrees that fast food restaurants are higher generators of traffic.

EM asks how they can stop Fafard.

P. Herr responds they can make sure the agreements relying on the special permit use egress which he discussed with J. Hannert without objection. He suggests the Board could instruct him to draft the special permit decisions. The traffic plan has been designed with serious mitigation measures. The stormwater will meet the state's guidelines. T. Sexton's letter tonight resolved concerns relative to revisions to the scheme and he is satisfied. In response to EM's questions of why they should grant the waiver, P. Herr states they want to let people do what they want as long as it performs like the town wants. They want to make sure it doesn't damage the town's drinking water. It has been accepted by the state and the Conservation Commission. The integrity of the groundwater has been taken care of. There is concern about on going monitoring and what happens but the detail will be taken care of in the decision. He doesn't think there are a lot of issues in the site plan. The large question is a substantial reduction in parking but their analysis was way too conservative. They can't add parking. The vegetation reduction is the same issue.

D. Marks believes they have appropriate parking per their studies.

P. Herr can address the parking in the decision. If the parking is inadequate, they will find a way to park more cars if needed. He refers to the Chestnut Hill Mall where a parking structure was built. The developer bears the risk of the parking. Town bears the risk of water quality and can

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sue if there is a problem. This is a state of the art analysis which was reviewed by the Board's own consultant. The town has done all they can to reduce the likelihood. Everything was fine at Home Depot during a heavy rainstorm because it is a state of the art job.

EM moves to continue to February 13, 1997 at 8:00 p.m. WW seconds. Unanimous vote of 5 (Am, WW, RL, EM and PC).

EM moves to instruct P. Herr to draft a preliminary decision for each special permit. RL seconds. Unanimous vote of 5.

CENTRE RUN PRELIMINARY

Clerk reads letter from Fire Dept. Deputy Chief Thomas Geurin, dated January 16, 1997 recommending a hydrant be placed at the corner of Centre Run and Pulaski Blvd and the water main be looped back to Pulaski Blvd. or Center Street by way of the gas easement if possible. He also questions the name of the street and asks if it is possible to rename since Bellingham already has a number of streets with similar names. Common names can cause confusion during an emergency call.

D. Nielson, Guerriere & Halnon, on behalf of applicant, notes that if they add 500' of road, they would lose 2 lots.

Sgt. Haughey is concerned about where the entrance is because the road freezes up and there are numerous accidents. Sitting inside his vehicle, there is no way to see a full complete front of the vehicle to 330'. If it does become a road, he wants to see an entrance only. If it is an exit, there will be auto accidents. It is the first area in town to freeze up during a storm resulting in many accidents. He is concerned about the safety of the public.

RL points out there is nothing to prevent the developer from putting in the 81-P lots out front.

D. Nielson asks about the area to the right of the old farm house.

Sgt. Haughey will do the site distance but could almost guarantee they would be able to see.

EM agrees it is the first place that Bellingham freezes up. This is the first time he heard the Safety Officer say no way to a development.

D. Nielson refers to two detention ponds as opposed to one which could be 10 - 15' deep because of the hill. He hasn't looked at the grade of the road especially if he has to flip the road. He may have to put the water at the low point.

EM moves to continue to February 20, 1997 at 7:00 p.m. with an extension to February 31, 1997.

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RL seconds. Unanimous vote of 5.


GENERAL BUSINESS

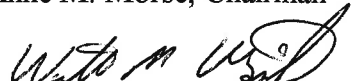
P. Herr indicates there are a number of items missing from the Old Colonial Place plan with systematic problems. He called L. Guerriere about incomplete plans and will send him copies of the review checklist. Relative to Bainbridge preliminary, there are 8,000 square foot wetlands displacement. Many of the lots don't have upland to satisfy the lot area requirement and many don't have the lot shape factor. They walked the site with the Conservation Commission and propose discharge storm drainage into the wetland so the Board can rely on the ConCom. They will explore using a cluster. J. Hannert will come to the Board for a Development Plan Review maybe at the next meeting. There are negotiations continuing with Fafard by the Charles River people to exchange land in the back for Fafard's land in the front. They are adding to the rear and east to Fafard's property.

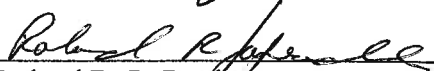
Clerk reads letter from DPW Director Donald DiMartino, dated January 15, 1997 relative to Mr. Ballarino's request to put the sidewalk for the Northeast Acres development on the opposite side (west) side instead of the (east) side which was approved on the definitive subdivision plan. Mr. DiMartino has no problem with the change.

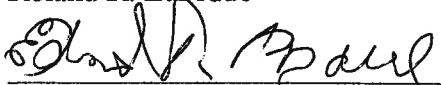
EM moves to send a letter to D. DiMartino with a copy to Mr. Ballarino instructing him that the Board is okay with the sidewalk change but would like to receive a copy of the as-built when everything is completed. WW seconds. Vote of 5 (AM, WW, RL, EM and PC).

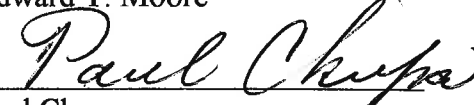
Meeting adjourned at 11:40 p.m.


Anne M. Morse, Chairman


William M. Wozniak, Vice Chairman


Roland R. LaPrade


Edward T. Moore


Paul Chupa