

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

MINUTES OF REGULAR MEETING

SEPTEMBER 25, 1997

Meeting commenced at 7:05 p.m. All members were present. Associate Member Richard Dill and Planning Board consultant Philip B. Herr were also present.

81-P BLACKSTONE STREET

AM abstains and removes herself from the hearing room.

Rich Dursin, Mark Nyberg & Associates, is here with the 81-P for Blackstone St. which was presented at the last meeting. The question is if Blackstone Street is a public way. One entrance is better with a possible future cul-de-sac coming in. It is zoned agricultural with 80,000 square foot zoning and 200' frontage. Every lot meets except one lot which has 50' frontage. Parcel 5 has an existing house and a garage which is in disrepair. They plan to knock it down upon approval of this plan. There is no electricity in the garage. There are two wetland areas which are not connected to each other. The roadway continues to the Algonquin Gas line.

P. Herr notes since the plan was submitted as an Approval Not Required Plan, the only question is whether it is a subdivision. The rest of the issues are not appropriate to consider. The Board can't endorse it if it is a subdivision. If it isn't, they must endorse it. He reads the definition of a subdivision and asks if this falls into one of 3 categories including 1. Public way certified by the Town Clerk; 2. Parcel shown on subdivision plan the Board has endorsed; or 3. Way in existence before Subdivision Control Law came into place.

B. Lord believes it is the latter.

P. Herr states it is the Board's judgment as to whether it is a suitable way for adequate construction. It is now a gravel motor bike path which is not wide enough for a car to get passed

MINUTES OF PLANNING BOARD MEETING

SEPTEMBER 25, 1997

the Algonquin Gas Transmission where there are boulders across the path. The question is how we can be assured it is not precedent setting since there is not a road.

RL is not comfortable putting in a subdivision without a road.

R. Ballarino, Summerlan, Inc., applicant, states it was done on Fifth Avenue. The road was previously a dirt street which was improved where the other road ended. D. DiMartino required an 18' wide road.

WW indicates that Fifth Ave. was a town accepted street. This isn't unless they can prove it is.

B. Lord sent a letter to the Town Clerk with a copy to Town Counsel on September 11, 1997 asking her if it is a public way from Blackstone St. to S. Main St. Kathy Harvey hasn't answered yet. It goes to the Mendon town line. It is not illegal. It has been used as a public road by the town over a length of time. He can show plans back to 1826 to show there is a road there. If the Board is saying this is not accepted, then every other part of Blackstone St. is not accepted. The applicant has agreed to upgrade the road.

R. Dursin points out that Varney put boulders across because of dumping.

B. Lord believes that putting boulders across doesn't end the road.

RL wants to wait for the Town Clerk to make a decision.

P. Herr asks why they don't submit it as a subdivision plan.

R. Dursin responds they can't meet a lot of the criteria for a subdivision such as the 50' road width.

R. Ballarino explains it is more expensive to make a subdivision with the sidewalks and drainage.

P. Herr doesn't think they can get away without doing drainage. This can't be settled quickly. It would be quicker to proceed as if it were a subdivision. Conditioning the Approval Not Required plan on receipt of the bond is not a good ideal.

RL is concerned about the potential for future development.

R. Ballarino advises the people who live in the decrepit house want to build another house. He asks about a Form A for that one lot so the people can build another house. It is paved in front of that house and they want to get started before winter.

EM joins the meeting at 7:23 p.m.

MINUTES OF PLANNING BOARD MEETING

SEPTEMBER 25, 1997

B. Lord represents the seller of the lot. The 81-P is to divide the lot. There is a house on the lot. There is acceptance to this level as an 81-P.

WW asks where the subdivision will start if they come back. They could start at lot 5.

R. Ballarino agrees that it could start from the lot line.

B. Lord is asking for agreement that the ones on the paved road are 81-Ps.

WW believes this is like creating another Hixon Street.

B. Lord is asking for one lot.

WW thinks they could go ahead and knock the house down and build another house now.

R. Ballarino can't put 2 structures on 1 lot. He can divide the lot with an 81-P, one for the existing house and one for the new house. He could come in with a subdivision later in.

B. Lord asks if the Board would approve if they came in with 1 81-P.

EM suggests they check with Town Counsel on the current status of the road.

B. Lord has a plan which says the way was a street in 1968.

R. Dursin can't pull a building permit with the existing house on it. B. Lord agrees the Bylaw doesn't allow that.

WW thinks they can go ahead if they agree that no occupancy permits will be issued on the new dwelling until the old 1 is demolished.

R. Ballarino could put on the plan that it is a non-buildable lot until it is approved by the Planning Board.

P. Herr believes that raises the issue of having no more than 12 on a deadend road.

EM explains that means only 12 dwellings from North Street. There are already 8 there so it only leaves 4 more.

Deputy Fire Chief Thomas Guerin states that Blackstone Street in Bellingham is an extension to Bellingham Street in Blackstone. It is a dirt road.

P. Herr states they could cure the 12 lot maximum if they connect to Blackstone.

MINUTES OF PLANNING BOARD MEETING

SEPTEMBER 25, 1997

EM agrees except for the private owner in the middle who owns the sand pit.

T. Guerin notes that Mendon never crosses the road in Bellingham or Blackstone.

WW suggests they see if they can get a building permit for the new house. R. Ballarino will check on Monday. He agrees to withdraw the 81-P for Blackstone Street without prejudice. EM moves to accept the withdrawal without prejudice. RL seconds. Vote of 4 (WW, RL, PC and EM). AM abstains. Clerk to forward letter notifying the Town Clerk of the withdrawal without prejudice for the 81-P for Blackstone Street.

81-P SUBMISSION INDIAN RUN ROAD

Bruce Lord, Esquire, presents an 81-P for Route 126 Bellingham Realty Trust and explains this is a land exchange between Mitch Clinton and the applicant for property on Indian Run Rd. It will be deeded on Monday.

EM indicates it has to have sufficient frontage.

P. Herr determines that lot 7A is losing 104' of frontage and has 212'. Lot 104 conforms. Lot 7A has no frontage now but will gain 104'.

EM moves to sign the 81-P. PC seconds. Vote of 4 (WW, RL, PC and EM). AM abstains and is absent from the hearing room.

DISCUSSION WITH T. BAILEY RE: DEER RUN

Theodore Bailey, DPW Project Inspector, explains that they recently learned the septic for the house which was moved on lot 17 was found to be encroaching on the roadway. He went to DPW Director D. DiMartino who agreed to make it part of the sewer. They will extend the sewer and feed it with gravity. D. DiMartino reviewed the plans and has no problem with it. It is more beneficial to have one less septic in town.

RL asks if there is a rule which says sewer has to be carried to the end of the lot line.

T. Bailey responds it has to be at least 10' into the lot line.

WW thought the sewer was the same as the lot line.

T. Bailey can't continue to Pulaski Blvd. on a gravity system.

Discussion relative to the distance to Center Street and why the new Center Run Estates development cannot connect. Mr. Bailey refers to the depth. Deputy Chief Guerin remembers

MINUTES OF PLANNING BOARD MEETING

SEPTEMBER 25, 1997

talking about tying it in but it was it is too far.

T. Bailey notes that D. DiMartino wants the Planning Board to sign the amended plan showing the sewer connection. P. Herr agrees the Planning Board can sign since it is not a subdivision. EM moves to sign the Approval Not Required Plan. P. Herr reviews plans and determines that it should not say Approved; it should be an Approval Not Required Plan. The Planning Board doesn't want to amend the subdivision plan which would require hearings. The drawing should be corrected to read Approval Not Required so it can be signed at the next meeting. T. Bailey indicates that an As-Built plan will be submitted when it is done.

BROOKSIDE ESTATES LOT RELEASE REQUEST AND PERFORMANCE BOND SUBMISSION

WW reads letter from Conservation Commission Chairman Clifford Matthews, dated September 25, 1997 wherein he advises that they voted at their September 24th meeting to continue the Woodside/Edgehill Lanes Detention Basin hearing pending construction of the detention basin baffle as described in the revised plans dated September 24, 1997. Silt fence at the perimeter of the detention basin must be properly installed (entrenched). They wish to review plantings in the replication area where the sewer line has crossed the resource area. They have accepted the maintenance plan as provided with the standard mechanism that the Planning Board, DPW and the ConCom have worked out to assure long term maintenance and financial responsibility. The applicant must provide a means to utilize the drainage system during home construction on individual lots to minimize sheet flow impacts to abutters. They have authorized the builder to begin individual lot development. Although the lots are released from this Order of Conditions, the Commission will continue to hold the bond pending successful completion of the aforementioned items.

P. Herr asks if a maintenance plan was included in the Planning Board's decision.

Clerk researched file and decision and found no mention of a maintenance plan.

R. Ballarino, Summerlan, Inc., developer has a \$30,000 bond for the construction of the retention basin.

T. Bailey, DPW Project Manager, gave Mr. Ballarino a copy of the Deer Run maintenance plan.

P. Herr asks where it is recorded.

R. Ballarino responds it is in the Conservation Commission's Order of Conditions.

Clerk asks if the \$5,000 contingency which the DPW Director suggested be added to the overall security for any changes to the estimates in costs was added to the bond amounts.

MINUTES OF PLANNING BOARD MEETING

SEPTEMBER 25, 1997

T. Bailey advises the Board that the \$5,000 amount was not added.

EM points out that the bond money is already in the accounts. If the \$5,000 was not added, the Board can hold \$5,000 when the developer comes back in for release of his bond. He moves to sign the lot release for Woodside Lane to release lots 1, 2, 3, 4, 13, 14, 15 and 16, accepting the \$28,710 bond amount and lot release for Edgehill Lane to release lots 5, 6, 7, 8, 11, and 12 accepting the \$32,110 bond amount, seconded by PC. Vote of 4 (WW, RL, PC and EM). AM abstains and is absent from the hearing room.

R. Ballarino advises that the new covenant superseded the older ones but he listed all covenants on the lot releases.

HIXON FARM ESTATES DISCUSSION RE: LIGHT POLES

AM rejoins the meeting.

Ted Bailey, DPW Project Manager, explains that the developer has agreed to pay all fees for the light poles but Boston Edison requires that the Selectmen agree to pay the usage charges before putting the poles in. The Selectmen request a letter from the Planning Board identifying the number of light poles on the approved plans. There are 5 light poles shown on the drawing.

EM moves to send a letter to the Board of Selectmen identifying 5 light poles in the Hixon Farm Estates approved plan. AM seconds. Unanimous vote of 5 (WW, RL, AM, PC and EM).

EM calls for a 5 minute recess, seconded by PC. Unanimous vote of 5.

OUTBACK RESTAURANT CONTINUED DEVELOPMENT PLAN REVIEW

Mike Dean, Project Engineer, Guerriere & Halnon, explains they presented a similar plan two weeks ago which had changed that day. They resubmitted and redistributed the revised plan. The only difference was the sewer down around the back, utilities to the rear of the building, relocation of the trash to the rear left and change handicapped to the front of the building.

EM asks about the water hookup for the Fire Dept.

M. Dean responds it is run to the back. The gas is located in the same area.

WW asks what the side of the building will look like. What are they doing about the trash?

M. Dean explains they will have a 6' stockade fence and plantings on the N. Main St. side which will be enclosed.

MINUTES OF PLANNING BOARD MEETING

SEPTEMBER 25, 1997

P. Herr advises that the changes satisfy the difficulties. The only one which is not documented is how they will handle loading.

M. Dean indicates the doors are in the rear. There is a side entrance. Most of the loading will be in the back rear of the building. Deliveries will be done on off peak hours.

Robert Frazier, W/S Development, applicant, notes that Outback only serves dinner, not breakfast or lunch.

P. Herr explains that the rip rap is shown at the gas easement to stabilize the slope. The Bylaw requires vegetation but it is too steep for vegetation. According to the Bylaw it should be flattened. The Board can fix the Bylaw to deal with this issue. The sidewalk got cured but they are obliging customers to walk around the building to get in. The parking is close enough.

R. Frazier advises that the President and Director of Operations for Outback are the ones who decided the location of the entrance.

Deputy Fire Chief T. Guerin asks if the Board has the power to waive one or more required parking spaces. The Fire Dept. has a problem with the location of the dumpster. If one parking space is eliminated, the dumpster can be moved. The first thing that burns is the dumpster. They usually require that a dumpster not be located near a building. A trash compactor is different because it can be flooded but this is a regular dumpster. Sprinkler systems are required for 7,500 square foot or more buildings. This applicant is putting in a sprinkler system even though it is not required.

Board members review the plans relative to the location of the dumpster. EM notes a dumpster truck has to try to make the corner. It should be moved so the truck can back right up to it. RL sees a problem with a truck getting into that location. M. Dean points out that Outback wants it out against the building. WW suggests the Board approve it as is but the applicant should work out the location of the dumpster with the Fire Dept.

Clerk reads letter from DPW Director, Donald DiMartino, dated September 22, 1997 relative to the revised plan. General Roadway: His comments on this item have not been totally addressed, however, Mr. Frazier asked their consultant to review and suggest improvements to the Dunkin Donuts traffic problems. He has received these comments and sent them to the Police Chief. The problems at this intersection are mainly due to the large amount of traffic volume caused by the Dunkin Donuts store with its drive thru. The driveway entrances, building footprint and parking layout were approved many years ago. Suggested improvements are: No left turn signs for traffic leaving the Dunkin Donuts through the Hartford Avenue driveway; Do Not enter signs to prevent vehicles from entering from Hartford Avenue (The N. Main St. driveway will be the only entrance) and add curbing and extend the sidewalk to narrow the Hartford Ave. driveway restricting it to the exit only status. All of these measure are directed at the existing permitted

property. He suggests the applicant for this new restaurant remain available to assist in mitigation of issues that may arise surrounding this intersection. Water & Sewer: All water and sewer connections are off the system installed on the Crossroads Shopping Center property. The water system draw appears to be acceptable. The sewer connection should be modified to add a clean-out at the bend in the 6" PVC pipe near the Southwest corner of the building. The related permits must be applied for through this office for the water and sewer service connections. Cross connection control plans must be submitted to this office by the building contractor to insure that proper backflow prevention devices are installed. This submittal is in addition to the typical submittals required under the State Plumbing Code. Early submission of plumbing and fire system plans to this office will usually eliminate the need for costly retrofitting of incorrectly installed plumbing and fire sprinkler systems. Drainage: He defers all comments on drainage system sizing and stormwater quality issue to the Board's consultant and the Conservation Commission.

M. Dean added the clean out to the plan.

EM moves to approve the Outback Restaurant Development Plan with a September 25, 1997 revision date including a possible future relocation of the dumpster as recommended by the Fire Dept. with the elimination of one parking space to 109. AM seconds. Unanimous vote of 5 (WW, RL, AM, PC and EM). Clerk to forward letter of approval to the Building Inspector including possible elimination of one parking space.

DISCUSSION WITH R. FRAZIER RE: CHARLES RIVER CENTER

Robert Frazier presents a plan showing the elevations and Nature's Heartland store which will be surrounded by smaller shops. They moved the buildings but held the sidewalk lines. There will be a full canopy from one end to the other with an area of plantings for the sidewalk. They will have smaller stores with Chili's Restaurant. They may do retail in the outparcel because of parking. He reviewed Maple Street improvements in the field with D. DiMartino. They will widen the road and put in sidewalks. They will relocate the power poles and put in a lane for a left hand turn and straight through. Signalization will be added. At the Senior Center, they will put in handicapped parking spaces and pave the parking area.

Clerk reads letter from Building Commissioner, Stuart LeClaire, dated September 24, 1997 relative to the unauthorized use of parking spaces for storage at Home Depot. He met with Mr. Black, Asst. Manager at Home Depot, and did an inspection of the parking lot and the spaces in question and told him what needed to be removed in order to conform to the conditions that were previously approved by the Planning Board. In addition, to his inspection, he informed Mr. Black that he needed to apply for a Building Permit for any and all trailers that were to be used as storage. Upon completion of his inspection, Mr. Black informed him that the entire area would be cleaned up by September 30, 1997. A reinspection of the premises will take place on October 1, 1997.

MINUTES OF PLANNING BOARD MEETING

SEPTEMBER 25, 1997

Louis Masiello, W/S Development, spoke with the Home Depot store manager and he asked if the concern was drop trailers only.

WW responds it is obstacles in the parking areas and trailers with no vehicle attached. PC agrees that drop vehicles are a problem.

R. Frazier notes that during holiday seasons they may ask to have more storage area.

Discussion re: use of Wal-Mart parking area for carnivals which is an unauthorized use of parking. Selectmen Guy Fleurette advises that the siting is not determined by the Board of Selectmen. The Board of Selectmen issues the entertainment license only. They don't look at the parking. EM states people have to walk a distance to get to the building because the carnivals are located near the building and take up parking. R. Frazier concurs with the Board's concern and will review where the carnivals are located.

Discussion re: McDonald's lighting. P. Herr has received several phone calls from Al Rocco, W/S Development who assured him that the McDonald's lighting will be cured shortly. Deputy Fire Chief T. Guerin advises the Board that he has a plan at the Fire Station to enlarge McDonald's. They want to take the roof line and close it in to obtain 18 more seats.

BALD HILL ESTATES AMENDED DEFINITIVE SUBDIVISION DECISION

Board members review the Form D-2, Certificate of Disapproval of An Amended Definitive Subdivision Plan for Bald Hill Estates. Decision prepared by Clerk was reviewed by P. Herr, revised according to his specifications and reviewed by Town Counsel. EM moves to sign the disapproval. AM seconds. Unanimous vote of 5 (WW, RL, AM, PC and EM). Clerk to file decision with Town Clerk tomorrow.

MASTER PLAN DISCUSSION WITH GUY FLEUETTE

Master Plan Steering Committee Chairman Guy Fleurette advises the Board there will be an All Board's meeting on October 21, 1997 at 7:30 p.m. in the library community room to discuss the Master Plan. A public forum will be held at the library on November 4, 1997 at 7:30 p.m. This is a draft which represents a lot of work. They are looking at having the Planning Board adopt the final production. They are looking for feedback. Special attention should be paid to implementation including from the Board of Selectmen, Conservation Commission, Planning Board, Board of Health and Parks and Recreation Committee. They need to talk about how it will be tackled over time. They need to look at setting mechanisms on how the study will be put forth. They would like to be finished before the holidays and present in December. They had 7 articles on the Town Meeting warrant which took a lot of effort. They lost 2 - 3 months with that effort alone.

MINUTES OF PLANNING BOARD MEETING

SEPTEMBER 25, 1997

EM asks what happens when it is all over and done with. It doesn't have to go to Town Meeting but is supposed to be formally adopted.

RL's original perception was that it would be ratified by the Planning Board and the Board of Selectmen and go to Town Meeting.

G. Fleurette responds the laws require that the Master Plan be approved by the Planning Board.

RL thinks it would be difficult to get through the Town Meeting.

P. Herr points out there is a formal mechanism including approval by the Planning Board. They are also looking for approval from the Board of Selectmen and the Conservation Commission.

EM asks if a rezoning can be denied based on the Master Plan.

P. Herr explains that this represents the Planning Board's intentions but they may find it is not the right idea. It is not law - it is a statement of policy and intention.

G. Fleurette notes the Master Plan is not a fixed entity. There are very few specifics to tie anything down. It is a plan to work on relative to where we are and where we are going as a whole.

PC understands it is a guideline for the future.

G. Fleurette identifies two issues which came up this year including school development and the two power plant proposals. This doesn't say we can't change the emphasis. The Master Plan has goals and plans and identify who will carry this out. It is not a fixed thing.

P. Herr points out the plan is saying this is what the Planning Board proposes. Most of the plan looks to the Planning Board to initiate changes.

G. Fleurette explains it is sorted by action type. There is timing for some activities. Some are taking place now.

B. Lord suggests the Planning Board read and review the Master Plan. The Steering Committee's job ends and the committee ends.

G. Fleurette states there are 5 primary Boards involved. They will be looking for comments at the All Board's Meeting on October 21, 1997. A letter will be sent to all Boards.

EM discusses undersized lots and removing residential district from the Zoning Bylaw. There is a potential with all small lots for everyone to develop. He refers to Franklin lot sizes.

MINUTES OF PLANNING BOARD MEETING

SEPTEMBER 25, 1997

P. Herr indicates the plan is specific to tilt the market towards more expensive homes. A lot can be done by the Planning Board in the Subdivision Regulations. There is a difference between Franklin and Bellingham and the price of houses which has nothing to do with the lot sizes but has to do with representation of the community and schools, etc.

WW believes the values of houses will plummet with 3 power plants in town.

RL and T. Guerin disagree.

G. Fleurette believes all the industrial land could be rezoned some day. The thrust is not to rezone 80,000 square foot lots to 20,000.

EM asks who follows through and adopts this.

G. Fleurette agrees they need to talk about implementation. He refers to citizen groups who are speaking up.

GENERAL BUSINESS

Clerk reads special employee status letter which was forwarded to the Selectmen relative to Planning Board members. G. Fleurette advises that Selectmen get it automatically. It is documentation to the Town Clerk so the record will be preserved.

Clerk spoke with Walter Amory, Amory Engineers, independent consultant reviewing Weston Estates on the Board's behalf. Mr. Amory had a meeting with Brad MacKenzie, the applicant's engineer, yesterday when they covered questions relative to drainage. The engineer will go back and rearrange the drainage basins. It is not an easy site. They will come up with a modification to the basin design. It is moving but it is slow. Mr. Amory is trying to persuade them to reduce the number of basins to 4. There are 3 along Road B. He would like less because they require maintenance no matter what size they are. He doesn't want to see the town end up maintaining them but it is not practical to reduce to less than 4. He would prefer to work out the details without sending letters back and forth if that is okay with the Board. He will send a report when most of the details are worked out.

Clerk advises Board the Heritage Pines 20 day appeal period has passed but the Amory independent engineering fees of \$285 and \$1181 are still unpaid. Board members will advise Attorney Bruce Lord that the plan cannot be released until the bills are paid.

Brief discussion relative to Dairy Queen. Deputy Chief Guerin received a different plan than the one which was approved. New plan shows a full foundation. Question as to whether or not they are increasing the seating. Plan was approved with 50 seats and 25 parking spaces. P. Herr will call Building Inspector to reflect Board's concern about Dairy Queen and the McDonald's

MINUTES OF PLANNING BOARD MEETING

SEPTEMBER 25, 1997


addition.

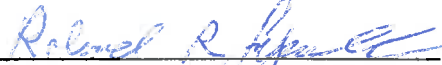
RL refers to the access at New England Country Club. The parcel where the lower access was supposed to go has a For Sale sign on it. He would like to see them build the original bridge which was approved. It is a very dangerous situation as it exists. He would like to go back to Town Meeting to reinstall the covenant. They have to build what they said they would build either the old bridge over Bungay Brook or the second access. EM notes the zoning is changed so they can't build the houses. He agrees the road should be put at the bottom. RL moves for Clerk to send a letter to Town Counsel advising him that the piece of land for the access road is up for sale and asking him about a remedy. The Board is concerned they will not build the access road they said they would build at the lower piece of the property and it is an unsafe situation. EM seconds. Unanimous vote of 5 (WW, RL, AM, PC and EM).


PC moves to accept the minutes of August 21, 1997. RL seconds. Unanimous vote of 5.

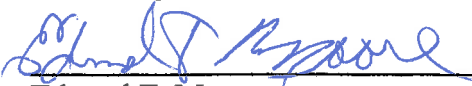
Discussion relative to Planning Board Clerk's position. Clerk sent a letter to all members relative to the increase in workload and responsibilities. She suggests the position be reclassified with an increase in pay to \$10.00 per hour and a separate Planning Board phone line be installed to avoid the constant phone calls at home. P. Herr agrees that Clerk performs many functions which are performed by Town Planners in other towns who earn \$20.00 to \$25.00 per hour. Board members agree that Clerk's responsibilities have increased. RL notes that Clerk cannot work more than 19 hours per week because of union complications. EM moves to have the Chairman meet with Town Administrator D. Fraine to discuss reclassification of the position, how to compensate so it is more equitable and about the phone line. RL seconds. Unanimous vote of 5.


Meeting adjourned at 11:07 p.m.


William M. Wozniak, Chairman


Roland R. LaPrade, Vice Chairman


Paul Chupa


Edward T. Moore


Anne M. Morse