

**BELLINGHAM PLANNING BOARD**

**P.O. BOX 43**

**BELLINGHAM, MASSACHUSETTS 02019**

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**ROLAND R. LAPRADE, VICE CHAIRMAN**  
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**MINUTES OF REGULAR MEETING**

**OCTOBER 9, 1997**

Meeting commenced at 7:07 p.m. All members except EM were present.

**CENTER STREET/PULASKI BLVD. 81-P**

Don Nielson, Guerriere & Halnon, submits an 81-P for DiPlacido Development Corp. which defines the lots in the Center Run Estates Definitive Subdivision. A copy was provided when they submitted the Definitive. He points out the road coming in and the recently cleared lots on the plan in response to RL's question.

AM moves to approve the 81-P for DiPlacido Development Corp., seconded by PC. Vote of 4 (WW, RL, PC and AM). EM absent.

D. Nielson presents the \$10.00 fee. Members sign mylar and 3 copies for distribution.

**CENTRE RUN ESTATES DEFINITIVE SUBDIVISION PLAN ENDORSEMENT**

D. Nielson included the plan profile part of the submission. Board members can sign all pages of the plan or just the top 8 sheets. He presents the covenant.

WW would like to sign all sheets as part of the plan.

Mindy Durling, DiPlacido Development Corp., will provide a copy of the covenant after it is recorded.

Clerk advises that we received notification from the Town Clerk that the 20 day appeal period has passed.

AM moves to endorse the Centre Run Definitive Subdivision plan. RL seconds. Vote of 4 (WW, RL, PC and AM). EM absent. The 4 additional copies of the approved plan which are provided for distribution will be signed later.

**WESTON ESTATES DEFINITIVE SUBDIVISION CONTINUED PUBLIC HEARING**

AM abstains. WW reopens the public hearing.

Clerk reads letter from Bruce Lord, Esq., dated October 9, 1997, wherein he requests a continuance of the Weston Estates Definitive Subdivision public hearing to October 23, 1997 since Mr. Amory has required a number of changes and the plan must be further reviewed by the consultant. They expect all changes will be accomplished by the next meeting.

WW explains to the audience that the Amory consultants who were chosen as independent engineers to overlook what the applicant's engineer is doing are still working on the plan. Amory is looking out for the best interest of the town and is paid for by the applicant.

Barbara Monihan, abutter, refers to the detention pond at the condos. They were told that it would work better when they the rocks and stumps were removed but it doesn't work better. The rocks and stumps are still there. The water runs over the side in 3 areas. She wants to make sure someone will oversee so what the people say will be done will get done. The condo property pond was not looked after properly and now it is in receivership.

PC believes they are now on their way out of receivership.

Fred Doyle, Roger Street, is concerned because one of the ponds is 30' from him.

B. Monihan confirms that there was work done around the pond. They did not do what they said they would do. The pond still doesn't work. It is dry now. Are they percing in the dry season?

AM refers to the water table level which can be determined by the soils.

F. Doyle notes that it drains off the side of Scott Hill Blvd. and drains to his property. He is afraid it will all come to him.

WW explains that is why the Board is having Amory Engineers look at the detention on the Town's behalf. The Conservation Commission will make sure the detention is done according to the plan.

B. Monihan points out that 3 of the condos are completed, a 4th is sitting open. They are full of trash.

WW comments that it was part of the decision that they could get started and then finished off.

B. Monihan advises that the fence is down and the pond is full of water. They have had considerable problems with the detention pond there. They put their trust in the town that what the developer does is not harmful to the land. 1 condo in the completed set is not finished inside.

PC thinks it may have been sold to someone else.

WW suggests the Building Inspector be alerted that there are issues relative to the detention pond and that no occupancy permits be issued until it is resolved.

F. Doyle asks why they need 5 detention ponds for 25 houses.

RL indicates there are 19 houses proposed. PC points out that the whole development may not be approved. WW can't really continue discussing this now since the applicant is not present and has requested a continuance.

RL moves to continue to October 23, 1997 at 7:30 p.m. PC seconds. Vote of 3 (WW, RL and PC). AM is not present since she abstained from the proceedings. EM absent.

Clerk to forward letter to the Building Inspector stating that no occupancy permits be issued on Chestnut Hill until the detention pond is brought up to what is in the approved plan to include fencing.

### **GENERAL BUSINESS**

AM rejoins the meeting. Members sign 4 sets of plans for the Centre Run Definitive Subdivision.

Joseph Clinton, abutter to Weston Estates wants to see the blueprint of the entire wetlands at the next meeting. The blueprint should be at the meeting to prove where the water table is. It wasn't up at the last meeting. He told their engineer to make sure he has a copy of the map of the wetland.

Deputy Chief Thomas Guerin received a different Dairy Queen plan at the Fire Dept. It shows a full foundation and additional seating for 62 total. For more than 50, they can make the owner sprinkle the building. The plan he received was stamped by a guy out of Illinois. He has it in his car and can get it for the Board to look at.

Clerk spoke with Mr. Dimacopoulos, Dairy Queen owner, who said he will build what is on the stamped approved plan with 50 seats and 25 parking spaces. He was thinking about putting in a foundation but it is too expensive. He used the prototype drawing provided by Dairy Queen which shows 62 seats because he did not want to pay an architect to change it. He intends to comply with what is on the approved plan.

T. Guerin believes that if the guy can afford to build a new building, he should be able to afford to hire an architect. The owner said he was going to put in a foundation but when asked to come in, he said it was too much money.

Clerk to phone D. Nielson, Guerriere & Halnon to get a copy of the signed Centre Run Estates Definitive Subdivision for the Fire Dept. In the future, copies of all approved plans should be sent to the Fire Dept. so they know what is approved.

### **VICTORY HEATING AND AIR CONDITIONING DEVELOPMENT PLAN REVIEW**

Clerk reads notice of public hearing. WW discloses he lives in close proximity to the proposed building. If the applicant has a problem, he can step out of the room.

David Dalp, one of the owners, asks if WW is biased in any way. If WW is not prejudiced, he can stay.

Eric Greene, Sells/Greene, building company, on behalf of the applicant, explains the location of the property on Rt. 140, near the animal hospital and concrete retaining wall. There is a hole in the ground. The foundation of their building will be 8,000 square feet with 4,000 square feet for the office loft. From the street, it will look like an office building with 2 stories in the front and 1 story in the back. From the side it will be 40'. The back will be used for storage and the front for office space. It was designed this way because of how the land contours and the steepness of the parcel. He introduces another owner, Michael Dubeau and Joe Cabral, architect from John Tessaglia Associates. The roof will slope from the front to the back and will pitch. This is a service company for new commercial and residential. They have subcontractors for the duct work which they don't manufacture.

D. Dalp in response to WW's question about the garage, explains it is for warehousing since they also do commercial work. M. Dubeau points out it is for storage. They are a small business. There will be deliveries but they will be smaller. They do have a fleet of trucks and vans. The site was designed to accommodate the delivery of trailer trucks but right now most of the deliveries will be box trucks. There may be bigger ones later on if their business grows. They are presently in the Hopedale Airport Industrial Park in a 5,000 square foot building where they have been for 3 years but they have outgrown the facility. They have been in business for 5 years.

Clerk reads memo forwarded from Planning Board Consultant Philip B. Herr with the completed Development Plan Review Checklist. The architect, Mr. Cabral makes it clear that the present drawings are intended to be exploratory only and not to be a complete submittal. Therefore, it is not necessary to dwell on the many notations in the checklist about missing submittals. The only substantive concerns are over how stormwater will be handled, for which this submittal is premature, and over the parking area being less than 20 feet back from the street line. There may be those who would question whether the use is permitted in a B-1 district, but if in fact it is manufacturing for retail sale on the premises, then it is allowed. If it simply is a duct factory, then

it is not. The Board may wish to emphasize the importance of evidence that the Town's various performance controls will be met, such as noise and hazardous materials.

J. Cabral did receive a copy of P. Herr's memo and accompanying checklist. If they have to comply with the 20' setback, the site will be tight. It limits accessibility. They have a 5' encroachment.

AM explains it would require a variance from the Zoning Board of Appeals. They do have a hardship.

RL suggests they could move the retaining wall.

J. Cabral notes that moving the building would force it lower because of the contours of the land. What does a variance require?

Clerk explains they would have to petition the ZBA for a variance. The ZBA meets once a month, on the first Thursday. It would require notice in the newspapers and probably certified notices to abutters. They should contact the ZBA to find out the exact details.

WW asks about drainage.

E. Greene doesn't have the site drainage yet. Wilson & Associates is working on that. They did take 4 test borings.

WW suggests they work with the wall and do a notch. The wall was put there by a previous proponent.

E. Greene indicates there are wetlands. The wall was put there for a reason but they are not close to the wetlands. They could get a variance.

AM doesn't think getting the variance would be difficult since there is a real hardship.

E. Greene explains the river is way back. With the new Rivers Act, they can't do anything in the first 100' and only 5 - 10% in the second.

AM agrees that even tributaries are part of the Rivers Act. A botanist flagged the area 2 - 3 weeks ago and the Conservation Commission came by.

Clerk reads letter from Deputy Fire Chief T. Guerin, dated October 2, 1997 with the following comments: 1. A yard hydrant should be placed on the property. Location should be in the curve, west of the flagpole. This structure is over 7,500 square feet, and requires sprinkler protection. The yard hydrant would be needed to assist the Fire Dept. in relaying water to the Fire Dept. connection which will also be required. 2. The Fire Dept. connection and post indicator valve

should be located at the front left corner of the building. contractor should check with his office to discuss this matter, along with other fire protection items required by law.

T. Guerin wants another fire hydrant in addition to the one in the street. Because of the way the building is laid out, they require access to the back of the building. They require them to put in a hydrant to use to bring a line to the back of the building. It will be the owners' hydrant and their responsibility. He suggests they talk with the DPW but thinks the hydrant material cost about \$700.

D. Dalp can do a PVC main to the hydrant and tap off to the sprinkler system.

PC agrees they can bring a 6" line to the hydrant and tap the sprinkler and the main. They should use a regular street hydrant which is the most commercial.

T. Guerin will tell them where to put it.

D. Dalp would like to put it in an area close to the driveway. They want to make a good looking building. If they have a concrete barrier in front of the building, it will take away from the building.

AM suggests they put a reflector on top of the hydrants.

E. Greene requests a copy of the letter from the Deputy Fire Chief. Clerk will provide after the meeting. The owners are ready to purchase the property so they would like to know if there are any major problems. They know that the plan is not at 100% but they would like to get a feel from the Board relative to this submittal. In response to AM's question as to why they are using a flat roof, Mr. Greene responds it make more sense to pitch it so it looks nicer.

J. Cabral indicates it will be a metal roof. M. Dubeau points out they will have a standing seam metal roof which should out last the building.

WW states the use for the proposal is fine. The only pitfall is they may have to move the retaining wall if they don't get the variance.

M. Dubeau suggests they have 5' between the asphalt and the berm so they could tighten up. They have a 4' planting and walkway paving and landscaping.

AM asks about the number of people working there.

E. Greene responds there will be about 12 with a potential for 13.

M. Dubeau agrees they have 12 people in the office.

J. Cabral indicates they have 16 parking spaces out front and 18 in the back. The parking exceeds the requirements by 2. If they move the building back, they will lose those 2. There are 2 corporations here Victory Heating and Victory Mechanical. If they pick up 5', the only affect will be the location of the building on the site.

M. Dubeau would like to try to modify with the 5' so they don't have to wait and get the variance from the ZBA.

AM moves to continue to October 23, 1997 at 8:00 p.m. RL seconds. Vote of 4 (WW, RL, PC, and AM). EM absent.

Clerk to provide Deputy Chief Guerin with a copy of the Planning Board's Development Plan Review checklist.

E. Greene discusses landscaping. They would like to submit it to 3 - 4 landscapers to get bids. They intend to comply with the requirements of the Zoning Bylaw. In response to his question about a landscape plan requirement, WW indicates that the Board needs a whole landscape drawing showing all trees.

### **GENERAL BUSINESS**

In the future, Clerk to stamp all plans with Planning Board dated approved stamp in the signature block rather than members signing copies of plans for distribution to DPW, Building Inspector, Assessor, Fire Dept. and Planning Board files.

Deputy Chief Guerin shows Board members his copy of the Dairy Queen plan with 62 seats.

WW thought the plan had to be revised more. He thought P. Herr had to work with them more on lighting.

Clerk to give T. Guerin a copy of the letter which the Board sent to the Building Inspector on October 3, 1997 stating that Owner Andreas Dimacopoulos has assured the Planning Board that he intends to build a new Dairy Queen which complies with the approved Development Plan with a March 21, 1997 revision date which depicts a 2,500 square foot building with seating for 50 and 25 parking spaces.

Clerk to call and remind all members about the Master Plan All Board's meeting to be held on October 21, 1997 at 7:30 p.m. in the library.

WW advises Board members there will be an All Board's meeting on October 14, 1997 in the Town Hall Annex at 7:00 p.m. Clerk to call members with a reminder.

Discussion regarding Planning Board Clerk's position. Town Meeting approved transfer of the \$4,000 from expense to the salary account. Clerk to have office hours in the Town Hall Annex

from 9:00 a.m. to 2:00 p.m. every Tuesday except when her children are out of school. Next fiscal year Clerk to work the same hours on Tuesdays and Thursdays for a total of 19 hours with a salary increase to \$12,000. A separate Planning Board phone line will be installed in the Town Hall Annex with voice mail. Clerk to call in for phone messages daily. This will eventually alleviate the phone calls at home. Clerk to notify Town Clerk of the new Planning Board phone number to be published in the Town Directory. WW had a meeting with the Finance Committee prior to the Town Meeting to explain the transfer when they indicated that the job description had to be rewritten. Members request that Clerk prepare the job description for their perusal.

AM moves to increase Clerk stipend pay to \$10,000 to work 19 hours per week including 9:00 a.m. to 2:00 p.m. on Tuesdays at the Town Hall Annex as per agreement with Town Administrator and Planning Board and transferred per October 8, 1997 Town Meeting. RL seconds. Vote of 4 (WW, RL, PC and AM). EM absent.

Clerk to prepare memo to all town officials advising them of the Planning Board Tuesday office hours and new phone number as of October 15, 1997 installation date.

Clerk presents letter from P. Herr with fiscal year 1998 contract for WW's signature. Clerk to phone P. Herr to advise him that he incorrectly inserted \$10,000 for compensation instead of the \$12,000 agreed upon during the budgeting process last year. Contract will be signed after it is corrected by P. Herr.

Board received notification from the Town Clerk that the 20 day appeal period has passed for both the Maplebrook Commons Special Permit Amendment and the Heritage Pines Definitive Subdivision. Clerk spoke with Attorney Lord, representative for both applicants who said that the Maplebrook plan did not have to be signed because the approval only constituted a name change. Board members disagree and request that Clerk contact Town Counsel to find out if we need a signed plan with the name change which will be recorded at the Registry of Deeds. Attorney Lord was also informed that there are two bills pending for the Amory Engineers review for the Heritage Pines Definitive Subdivision. Plan could be signed but cannot be released until those bills are paid. Attorney Lord will hold off on bringing the plan in for signature.

Clerk reads letter from Town Counsel, dated October 9, 1997 relative to our letter concerning the access road for New England Country Club wherein he states the Planning Board records will have to be reviewed to confirm his recollections which are as follows: The Petitioner for the Subdivision had an access onto Wrentham Road, and a condition whereby restricted use was to be permitted onto upper Paine Street which was subsequently modified by vote of the Board to permit the access at lower Paine Street with a revised plan which was never finally approved in that Mortgagees of record did not sign the required forms. It is his understanding that the timeframe of this subdivision is such that it will never be constructed as permitted and voted by the Planning Board, and therefore the general conditions placed upon the subdivision by the Planning Board, which included the limited access, would not come into play nor constitute a violation of use other than through the proposed subdivision.




RL talked with Town Counsel Lee Ambler last night at the Town Meeting when he explained that since the New England Country Club proponents did not proceed, there is nothing we can do. The golf course was already there and part of the access. It has to stay put until they come in for a revision. If the owners sell the property, it can't be used as an access. There is no site distance there now so they would have to repurchase the property. Either way they would have to come back to the Planning Board before anything can proceed.

PC moves to adjourn at 9:20 p.m. RL seconds. Vote of 4 (WW, RL, PC and AM). EM absent.

  
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William M. Wozniak, Chairman

  
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Roland R. LaPrade, Vice Chairman

  
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Paul Chupa

  
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Anne M. Morse

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Edward T. Moore