

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

WILLIAM M. WOZNIAK, CHAIRMAN

PAUL CHUPA

EDWARD T. MOORE

ANNE M. MORSE

RICHARD V. DILL

MINUTES OF REGULAR MEETING

FEBRUARY 19, 1998

Meeting commenced at 7:00 p.m. All members except AM were present. Minutes recorded by Planning Coordinator Valerie DeAngelis.

81-P SUBMISSIONS

Melissa Brindamour presents an 81-P for 8 Med Street which is off Lake Street. She also presents a letter from the Zoning Board of Appeals approving a variance she received to subdivide one piece into two separate lots.

EM notes there is 150' frontage and it is zoned suburban.

Lt. James Haughey, Mrs. Brindamour's father, owns the land. He explains it doesn't meet the 40,000 square feet needed. It had 3 out of the 4 criteria. Six of his neighbors came to the ZBA hearing to speak on his behalf to allow his daughter to build. 73% of the houses around the area are 1/4 of an acre lots. They will both be left with 1/2 acre lots on a dead end street. He is trying to help the kids.

PC moves to sign the 81-P for 8 Med Street, seconded by RD, carried with a vote of 4 (WW, EM, PC and RD). AM absent. Members endorse plans. \$10.00 fee is presented along with 81-P application.

Vincent Cataldo, submits an 81-P for a Depot Street commercial building. He explains they received a variance from the ZBA to move the rear setback requirement because of the gas easement. They needed the variance in order to make the building fit. They did make the building smaller. The front and side remains the same, just the rear has changed.

EM moves to sign the 81-P, seconded by PC, carried with a vote of 4 (WW, EM, PC and RD). AM absent.

V. Cataldo will not have any parking. He has 5 employees and his partner has 2 employees with company trucks. This will be a gravel lot. His partner spoke with the Building Inspector who said they would not have to come to the Planning Board for review because the building was being used mainly for storage. EM disagrees, they need to prove they can put the parking in if they need it. What happens if there is a change in ownership and use? V. DeAngelis believes it does need a Development Plan Review due to the size of the building at 7,500 square feet. She will call the Building Inspector to check with him and notify Mr. Cataldo. Mr. Cataldo will comply with whatever is required. 100' in front of the building can be used for parking.

GENERAL BUSINESS/CORRESPONDENCE

The Board received the Draft Environmental Impact Report for the IDC Proposed Power Plant with a comment period to March 13, 1998. P. Herr has requested a copy of the report which he will review on the Planning Board's behalf.

V. DeAngelis reads memo from Stuart LeClaire, Building Commissioner relative to monthly meetings which will be held in the Selectmen's meeting room in the Annex, commencing on February 11, 1998. Meetings will be held the second Wednesday with all inspection departments, Fire Dept., Conservation Commission, Planning Board and Zoning Board of Appeals encouraged to attend.

V. DeAngelis reads memo from Jerry Mayhew, dated February 11, 1998 relative to the Phase III Sewer Workshop scheduled for Monday, February 23, 1998 at 7:00 p.m. in the Town Hall Annex for which he requests representation from the Planning Board. PC and RD will represent the Planning Board at the meeting.

V. DeAngelis advises Board members of the receipt of a January 27, 1998 letter from DPW Director Donald DiMartino regarding bituminous curbing identifying his preference to install all bituminous curbing or berm on top of the top course of pavement which yields the maximum curb reveal. He suggests the Board consider its position on curbing. Sloped granite edging is the minimum standard in Franklin. This edging yields a six inch reveal and a neat granite road edge. However, this does have more of a city street than country lane appearance. The Board may want to specify the different standards for the different classes of road. Bituminous berm and curb has been used for many years. It is not always aesthetically pleasing but it is generally functional and inexpensive to repair. Granite curbing makes for a neater city street look and it lasts forever.

V. DeAngelis spoke with the new Health Agent, Michael Graf relative to a proposed dwelling on Second Avenue. Mr. Graf questions whether or not Second Avenue is a real street. The developer, Summerlan, Inc., submitted an As-Built septic plan. EM states that Second Avenue is an approved street and was on an approved subdivision in 1948. He questions if a building permit has been issued or if there was an 81-P signed off on this parcel. There appears to be no frontage from the plan. Bruce Lord, Esquire, reviews the plan, agrees that as it is laid out on the plan there appears to be no frontage and it is not a legal lot.

Board members sign V. DeAngelis' pay voucher and invoices for Planning Coordinator job vacancy advertisement in The Call and the Milford Daily News, U.S. Postmaster for stamps and V. DeAngelis for telephone reimbursement expenses.

CHARLES RIVER CENTER BRIEF DISCUSSION RE: FINAL PLAN

V. DeAngelis presents final plan which was signed by EM, PC and AM at the last meeting. The applicant requests that 4 members sign since it was a special permit.

WW notes the parking was moved 10' than what was on the plan so they went to get a variance which made it okay. They are asking the Board to sign the plan after the fact. He is being asked to sign a plan which is not the same plan he voted for.

V. DeAngelis reads P. Herr's memo which states he received and reviewed the January 6, 1998 revised set of Development Plan Approval drawings for the Charles River Center. The drawings now appear to be internally consistent, and to be consistent with the Board's July 2, 1997 vote to accept certain field changes as being consistent with its February 20, 1997 Development Plan Approval. He sees no reason not to endorse those plans. He does note, however, that such endorsement should not be construed as approving explicitly or implicitly the acceptability of the arrangements shown regarding the Fafard parcel. These January 6 drawings, consistent with earlier ones, show an access easement over a portion of the Charles River Center parcel adjacent to the Fafard lot. The most recent drawings received from engineers for Fafard (Site Plan of Land, Guerriere & Halnon, Inc., revised April 14, 1997) show and note that the same area is to be conveyed in fee, not just covered by an easement. The differences are subtle but not unimportant. Neither should it be construed that endorsement of these plans ends any of the conditions contained in the Board's February 20, 1997 approval.

EM advises there were no changes to the total square footage for the development so in concept it is still the same.

Discussion relative to the temporary sign and fencing plan which was referred to the Board by the Building Inspector. Contractors were advised to send a copy of the plan to P. Herr for his review and comment. WW will speak with the Building Inspector to visit the site on Monday. WW would like to talk with P. Herr at the next meeting before he decides to sign the plan. He doesn't believe they need the four signatures.

WESTON ESTATES DEFINITIVE SUBDIVISION **CONTINUED PUBLIC HEARING**

Bruce Lord, Esquire, indicates the only question left had to do with the requested report from Bruce Campbell and Associates which they paid for to analyze the site distance. The report found they were in line with the site distance at the required 400' and 450'. It meets the standard of the Planning Board. They will take down the one big tree to improve the site distance.

Brad MacKenzie, engineer, visited the site with the Safety Officer who would like the twin oak which is in the town right of way removed. The Campbell report indicated one can presently see 450' to the north. If the trees were removed, one could see a greater distance. The report also said they have greater than 600' looking south. They agree all the trees along the front must be removed. He has a copy of the revised plan which he presents to the Board.

EM received an opinion from Town Counsel relative to the site distance and stopping distance. The road is posted at 35 mph. This meets the requirements at 35 mph and works but at 45 mph it doesn't. It is a police issue that the traffic is too fast. B. MacKenzie understands the Bylaw doesn't factor in the operating speeds. Stopping distance is no problem. The intersection site distance will be improved when the trees are cut down. EM asks if they have been to the Conservation Commission yet to which Attorney Lord responds that is their next step; they are ready to file. P. Herr did draft a decision. They are willing to add that they will cut down the vegetation. WW asks if anyone in the audience would like a copy of the traffic report to which no response is given. B. MacKenzie presents the last plans sent to Mr. Amory which were revised with minor revisions to the control structure. EM moves to close the public hearing.

Nancy Doyle, abutter, Roger Street, asks what their recourse is if the drainage fails to which B. Lord responds they can sue the builder. EM notes that in a lot of cases when the road is put in it is made better. Mrs. Doyle asks if the town is responsible for the maintenance and galleys to which Attorney Lord responds under the new state regulations, they have a one year time period to allow everything to work. Before the town releases the bond, the developer will cover the cost of the yearly maintenance for the DPW to maintain it for the town. PC notes they maintain it if the grass gets too high. PC seconds EM's motion to close (WW, EM and PC). AM absent and RD cannot vote since he did not sit in on the public hearing from the beginning.

EM moves to approve the Weston Estates Definitive Subdivision provided that the Planning Board Consultant reviews the draft which he previously prepared to add the removal of trees and shrubs and trees as recommended in the Bruce Campbell report. The Board will review the draft prior to endorsing it. The easement which Attorney Lord is trying to obtain should be included in the decision. It would be nice if the Conservation Commission denies this because of the wetlands. He wants to make sure the conditions are included in the decision. Motion seconded by PC, carried with a vote of 3 (WW, EM and PC). AM absent and RD unable to vote. V. DeAngelis to ask P. Herr to revise the decision and send all Board members a copy. Weston Estates decision endorsement scheduled for March 12, 1998 at 7:15 p.m.

B. Lord requests time on the Board's agenda on February 26, 1998 for the Heritage Pines Definitive Subdivision plan endorsement - scheduled for 7:20 p.m. V. DeAngelis to check timeframe for decision endorsement and Subdivision Rules and Regulations. B. Lord sees no problem with the Board signing the plan since the regulations call for rescission if the plan is not filed within 6 months of endorsement.

WW will talk with D. Fraine about readvertising the Planning Coordinator job vacancy since no one has applied and the time period for applying has expired.

DEER RUN ESTATES DEFINITIVE SUBDIVISION LOT RELEASE REQUEST

Developer Tim Jones presents a lot release request for lots 15, 16, 18, 27, 28, 29, 30, and 31. He explains there is a problem with excessive speed on Deer Run Road. He had a meeting with Selectmen John Tuttle, DPW Inspector Bailey and Safety Officer Sgt. Buskirk who asked him to block to road at the Pulaski Blvd. end. They want the road closed off until the town accepts it. EM asks about blocking the Pine Grove end but T. Jones replies that Sgt. Buskirk said no. The police won't set up radar on the road because it is not a town approved road. He has to post signs that say the road is being closed per order of the Bellingham Police Department. PC understands that Mr. Jones has to do what the police tell him to.

V. DeAngelis reads letter from DPW Director D. DiMartino, dated January 27, 1998 wherein he states he has reviewed the status of this project and understands the developer does not want the guaranty reduced, but is asking for additional lots to be released. Mr. Theodore Bailey, of AKA Construction is the inspector working for the town on this project. Mr. Bailey submitted a speed memo to him with a Form I checklist and Form J, based on his observations of the project's status. Copies of his January 16, 1998 speed memo and the forms I and J are attached. The forms now deal with the entire site and not any phase of construction. After a review of this submittal, he suggests a bond of no less than \$150,127.39 be retained as security for this project. V. DeAngelis notes there is \$153,000 being held by the Town Treasurer at this time.

PC moves to release lots 15, 16, 18, 27, 28, 29, 30 and 31 in the Deer Run Estates Definitive Subdivision without a bond reduction, seconded by EM, carried with a vote of 4 (WW, EM, PC and RD). AM absent.

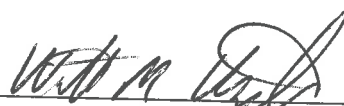
DISCUSSION WITH GUY DUPONT RE: WILLIAM WAY

Guy Dupont has worked for Bill Hood for a number of years. He was around when they permitted for Park 140. No association was formed to provide long term maintenance of the road. Since the 1980's, Mr. Hood has been maintaining it himself. They would like to go through the process for the town to accept the road. 4 - 5 years ago, they were told they would need bounds and meets and there was inadequate water pressure at the top of the hill, but it is his understanding now that the problem has been fixed. They dug up the system and found 4 x 4s in the pipe. Last week he talked with DPW Director DiMartino who said it is his understanding that the water problem has been fixed. He introduces Ray Goodrow, Wilson Associates, who will set the bounds and produce the As-Builts once they figure out what needs to be done. He hasn't talked with anyone at the Fire Dept. yet but will do that. V. DeAngelis reads Planning Board Procedural Rules which describes the procedure for street acceptance. She advises Mr. Dupont that the warrant for the Annual Town Meeting will close on February 27, 1998 so he would need to prepare an article for inclusion on the warrant and get it to the Selectmen by that date. The Selectmen refer the street acceptance request to the Planning Board for recommendation. The Board votes on it but a public hearing and advertising is not required. The Selectmen hold a public hearing.

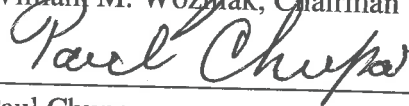
CORRESPONDENCE

The Board received two letters from S.R. Weiner and Associates. The first was a February 10, 1998 letter from Albert Rocco, Director Community Centers describing the management response program for the Charles River Center including sidewalk construction, pedestrian phased signal controls and bike racks. They will coordinate with tenants to encourage ride sharing. He also describes their plans for the Christmas season mitigation program. The next letter was received from Roger Frazier, Vice President, WS Development Associates describing the safety barricades at the Charles River Center and the Bellingham Police detail. Blackstone Valley Security will provide security during hours that the Hoyts Cinema is open and the contractors are not working.

Meeting adjourned at 9:40 p.m.




William M. Wozniak, Chairman



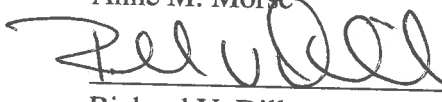
Paul Chupa



Edward T. Moore



Anne M. Morse



Richard V. Dill