

BELLINGHAM PLANNING BOARD

P.O. BOX 43

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WILLIAM M. WOZNIAK, CHAIRMAN

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EDWARD T. MOORE

ANNE M. MORSE

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MINUTES OF REGULAR MEETING

MARCH 26, 1998

Meeting commenced at 7:20 p.m. All members were present. Planning Board Consultant Philip B. Herr was also in attendance. Minutes recorded by Planning Coordinator Valerie DeAngelis. Jill Karakein, who will be taking over as Planning Board Clerk on April 1, 1998 attended the meeting to observe.

MASTER PLAN DISCUSSION

Master Plan Steering Committee Chairman Guy Fleurette explains that he is here tonight as a result of a discussion with the Board in late January 1998. The Master Plan was presented to the Board at the February 26, 1998 meeting. He was not expecting to be on the agenda tonight but because of the confusion, he came to clarify the Planning Board's consideration of the draft. He would like at least one week's notice prior to being put on the agenda so he can notify the Steering Committee members to attend.

P. Herr notes the next step is for the Planning Board to approve the Master Plan. There are questions relative to what will happen before the Planning Board acts on approving the Master Plan. EM suggests a meeting of both boards be scheduled to accept the Master Plan. P. Herr thought if there were problems, this would be a good chance to deal with them. PC read the biggest part of the Master Plan and believes it is as good as it is going to get.

G. Fleurette knows there were implementation issues raised in October 1997 which were responded to adequately. They will coordinate efforts to move to implement. EM asks what happens after the Board endorses the Master Plan. G. Fleurette explains it will become the Master Plan for the town. It will be used as a guide and sets parameters. It is not binding as a law or Bylaw but it spells out the goals and actions which the town wishes to embark on..

P. Herr had a Farm Street property owner contact him relative to his property which is zoned industrial. The draft Master Plan explores the possibility of rezoning to residential. If the Planning Board and the Master Plan agree, that can be explored. EM asks if someone will follow and trigger the Master Plan. WW asks when it will get upgraded. P. Herr responds that in most

communities in Massachusetts, Master Plans are amended rarely. The town may want to revisit the Master Plan if the power plants go away. It was predicated on the possibility of certain developments coming in, but if they don't some things won't work. It will be amended from time to time and that is the reason for the format. It is an impermanent constitution. Master Plan Adoption discussion scheduled for April 23, 1997 at 7:00 p.m. G. Fleurette notes it is up to the Planning Board to make adjustments as things occur. RD asks if someone on the Board will monitor the plan. G. Fleurette suggests that issues can be brought up on the agenda as they come up. They can take a look at them and address them then. The policy statement may be modified because of new findings.

EM points out that the Planning Board cannot approve or disapprove something because of the Master Plan so it doesn't help. P. Herr disagrees. A developer would know the town's intentions so it has real purpose. He comments that former Planning Board member Roland LaPrade's role in the Master Plan process was terrific. He sat on the Steering Committee and made huge contributions. The Board had some sense that R. LaPrade was taking care of things which shouldn't have happened. Everybody should share it.

LOT RELEASE REQUESTS, BROOKSIDE ESTATES

Bruce Lord, Esquire does not have the proper paperwork so will return at 8:15 p.m. tonight.

GENERAL BUSINESS

Members sign quarterly stipend and invoices for Community Newspaper help wanted ad, stamps for Jill Karakeian and telephone reimbursement for V. DeAngelis.

AM moves to appoint Jill Karakeian as Planning Board Clerk, effective April 1, 1998, seconded by EM, carried with a vote of 5 (WW, PC, EM, AM and RD).

EXCAPAVE DEVELOPMENT PLAN REVIEW

EM moves to waive the reading of the legal ad, seconded by AM, carried with a vote of 5 (WW, PC, EM, AM and RD).

V. DeAngelis notes the DPR fee has not been collected yet since it is based on the number of parking spaces. The Board needs to make a determination about the parking. EM believes the applicant must demonstrate that he can provide the required amount of parking for a future tenant. Do they charge for the required number of parking spaces or the number of the building calls for? P. Herr responds they charge the fee based on the number provided.

Michael Salvatore, partner in Excapave, explains they doubled the purpose of the plan which is actually a septic plan that is also being used as a site plan. They have 8 employees with 8 parking spaces. EM asks where the spaces are to which M. Salvatore explains the employees don't stay. They use company vehicles. The premises will be split between Cataldo Paving and Quality Excavation. They intend to park their dump trucks inside. Deputy Fire Chief Thomas

Guerin indicates he thought the building would be used for storage of materials only. Storage of vehicles containing gasoline is different. M. Salvatore explains it is set up for garage storage but they intend to store the dump trucks there.

P. Herr points out the Board can't look at the drawing and understand what is proposed. M. Salvatore explains they will have 6 doors across the front. He could designate parking spots wherever the Board wants. It is all gravel. They would like to pave eventually but not now. P. Herr can't look at the drawing and make sure it complies. This is the first time he has seen it because it was not sent to him. The intention of the review is to allow him to determine if all the requirements have been met. It takes time so he can't look at it and give a yes or no answer tonight. M. Salvatore intends to have 8 parking spaces and can put them anywhere the Board wants. P. Herr indicates that since it will not be paved they need alternative provisions for storm drainage. He doesn't know if the building location is proper in relation to the side lines. In response to EM's question as to whether or not they have a building permit, M. Salvatore responds negatively. EM notes the applicants came in with an 81-P and were supposedly told they didn't need a DPR because of the use of the building. WW comments that the building is 60 x 120. EM states it doesn't show the existing vegetation. It is the proper use for the property. P. Herr needs time to look at it. EM refers to items which need to be shown on the plan including dumpster location, sign, accesses, lighting and specific parking. M. Salvatore has ordered the building but it is all contingent on the building permit since they can't pour the concrete without it. Deputy Fire Chief T. Guerin indicates that since this will be a high hazard site he would like to go back and look at it again.

P. Herr states the issues are not where it is located on the site. He could review it now and the Board could act on it later this evening. The alternative is that it gets continued to the next meeting. There is a checklist for DPR which he uses to make sure it complies. WW asks what happens if the building goes up and they sell it. P. Herr will review the plan and check it against the checklist while the Board handles other matter.

GENERAL DISCUSSION ITEMS FOR FUTURE MEETINGS

V. DeAngelis advises Board members the Riverview Park, Phase V Definitive Subdivision has been continued to April 9, 1998 with an extension to April 23, 1998. EM will check with property owner Mr. Hill to find out what he wants to do about the continued public hearing.

Board members review agenda items scheduled for the April 9, 1998 meeting including McDonald's DPR which has not paid the fee and Gibbs Oil DPR which has paid the fee. The Street Acceptance Town Bylaw Amendment proposed by DPW Director Donald DiMartino has been scheduled for the April 23, 1998 meeting. Mr. DiMartino will take care of the advertising and posting in the Town Hall Clerk's office. Also scheduled are the Zoning Bylaw Amendments including Assisted Living and Special Permit Certification. Hixon Street Rezoning petitioned by property owner Robert Stockton, represented by B. Lord has also been tentatively scheduled but a plan has not been received and it cannot be advertised without a plan. The ANP DPR has been tentatively scheduled for the same evening but P. Herr comments that they may not be ready.

V. DeAngelis spoke with DPW Director D. DiMartino relative to the sewer application and sewer availability for Bainbridge Woods and the Maple Street targeted housing discussion with Mr. Ronca. Bainbridge Woods did not file a sewer permit application, however, there is no availability even if they did. According to Mr. DiMartino, they would have had to put in an application almost two years ago. He does not know if or when capacity will open up again. Relative to the targeted housing proposal, Mr. Ronca did put in an application some time ago and in fact capacity has been reserved for his proposal. Mr. DiMartino recently sent a letter to Mr. Ronca advising him that he has 180 days to start the process. Mr. DiMartino also commented that the state would actually rather see septic systems since they recharge the rivers. That subject will be discussed at the Sewer Expansion meeting scheduled for March 30, 1998 at the Library Community Room.

Joe Victoria, owner of Select-A-Video in Woonsocket came in to discuss his proposal this week with V. DeAngelis. Mr. Victoria is proposing an addition to his building of which 200 square feet will be in Bellingham. The property is also in Blackstone and Woonsocket. Apparently, Mr. Victoria had to go to the Blackstone Planning Board for a site plan review and since P. Herr also consults for Blackstone, he suggested that Mr. Victoria present his plan to the Board for a determination. P. Herr points out there is a section of the Bylaw which says they must treat the whole lot as if it were in Bellingham. Board members review the plan. V. DeAngelis explains the current building size is 3,200 square feet with a 3,000 square foot addition proposed for a total square footage of 6,200. Only 200 square feet of the building will be in Bellingham. It is 2/3s in Blackstone. Mr. Victoria intends to demolish the structure next door and the 3 family dwelling. Total proposed spaces will be 27 plus 2 handicapped of which none will be in Bellingham. He spoke with the Bellingham Building Inspector who said he had no problem with what Mr. Victoria was doing. Board members decide to post notice and go through the procedure for Development Plan Review. V. DeAngelis to call Mr. Victoria to advise him that a DPR is required and explain the procedure.

81-P SUBMISSION

Bruce Wilson, Wilson Associates, presents an 81-P for North Street. They had to go to Land Court to confirm the title. He shows the Board the plan which was endorsed on April 10, 1997. The plan has to be signed because of the title issue. Mr. Wilson had to survey for Land Court and include the survey and show the details on the plan. EM moves to endorse the 81-P for North Street, seconded by AM, carried with a vote of 5 (WW, PC, EM, AM, and RD). Board members endorse the plan and the \$10.00 fee is paid.

DISCUSSION WITH TED BAILEY, DPW INSPECTOR RE: BROOKSIDE ESTATES

T. Bailey conducts periodic inspections as necessary relative to testing and observations. He has the original schedule which developer Bob Ballarino's contractor was supposed to adhere to. The first number is the amount Mr. DiMartino said it should take. The second and third numbers are the revisions. Mr. DiMartino has revised it according to the schedule which is increasing the amount. Originally \$1,500 was allotted for inspection on the site but because it required further observation, the amount has been revised twice. He is now on the site 6 hours a day. On January

6, 1998 he wrote a letter to the DPW identifying the outstanding items to be completed. On February 2, 1998 he again wrote to Mr. DiMartino.

AM asks if Mr. Bailey is called out to inspect to which Mr. Bailey explains he inspects all projects as Mr. DiMartino thinks is necessary to including flagging, excavating to grade, water installed properly, all roadway installation and he ensures all drainage headwalls on in the right locations. AM doesn't think he can hold developers responsible for weather delays. T. Bailey agrees and he doesn't get paid that day but when it takes longer for the contractor to do the work, it increases his time and the schedule is longer. Summerlan has paid \$3,500 so far with a \$6,000 total inspection fee. If the developer is in a delay situation he is not there. At Deer Run Estates, the developer stuck to the inspection schedule which took 60 hours.

V. DeAngelis explains that apparently Mr. Ballarino has sold lots to other developers who built homes but are not able to convey the lots because Mr. Ballarino has not completed the road or sewer work. He has not returned phone calls to the developer and did not return calls from her either. One of the developers who asked for time on the last agenda but did not come asked if he could obtain release of Mr. Ballarino's road bond if he completed the work himself.

T. Bailey further explains the site work contractor did the sewer link on a holiday when he wasn't there to inspect. When he came in on Monday, he realized they had hit an underdrain which came down the hill off the roadway. The DPW found the problem and fixed it. The sewer trench has no underdrain so it is bubbling up in gaps. WW and EM both think the DPW and the Building Inspector have the authority to shut the developer down. T. Bailey has a list of 25 items which need to be addressed. There are 14 - 15 total lots in the development. EM believes it is a civil matter for which those other developers should sue Mr. Ballarino. PC explains that when a test fails they have to look at the sewer, pipes and manholes to see where the problem is. AM agrees that the answer is not here with this Board. The Board cannot release money on the bond. WW suggests the DPW issue a cease and desist on the project. T. Bailey went around the site and looked at the drainage. There was no water in August 1997 but it is now undermining the roadway. AM notes that Mr. Ballarino still owns the road. There will be no bond release. T. Bailey did talk with Mr. Ballarino today who asked him what he could do to get a good rating with the Planning Board tonight. The contractor is on site trying to correct the problems. Hoagley and Sons is the testing lab service. AM comments it is Mr. Ballarino's responsibility. This is costing him money because it is his project.

Mr. Bailey explains the sewer was tested in August 1997 and passed. It was put in with solid couplings not slip couplings. When they cut out to the sidewalls for the sewer manholes, they contaminated the system and negated the test done in August. Mr. DiMartino told the developer he would have to retest the lines and that is what they have been doing for the last 3 1/2 to 4 weeks. Bruce Lord, Esquire, from the audience comments that the developer has sold most of the lots but has 2 left. A number of different builders have built houses on the lots. Mr. Ballarino has a contract with them that he will have to complete the development. AM explains the situation to P. Herr who was out of the room and comments that there is nothing which this Board has jurisdiction over. P. Herr asks if the time period allowed for completion has expired. V. DeAngelis checks the file which indicates that Mr. Ballarino has 24 months from September

1997 when he presented the bond. P. Herr comments that 2" bituminous is required to which Mr. Bailey states it is there but it is being undermined. Because they used glued fittings when they cut they didn't have enough to put the slide basins in and negated the test which was done. There is breakout on the side of the roadways. One house has a sump pump running 24 hours a day. Board members comment these are all civil issues which have nothing to do with this Board. T. Bailey notes that Mr. DiMartino put a moratorium on the development since late September 1997 as soon as he found out the sewer did not pass. One resident has a gravity sewer main to S. Main St. P. Herr agrees that at this point it is not a Planning Board concern but a civil matter.

T. Bailey further comments the drainage is running down Woodside Lane with water breakout underneath the pavement so they had to re-tap the main. EM thinks that the Conservation Commission could shut the developer down. T. Bailey agrees they could if the developer didn't put hay bales around but they have done that now. They put band-aids on the project and are waiting for the sewer to be done. He understands the developer has 2 years from September 1997 to complete the project so he has 1 1/2 years to complete it. In one week to 10 days the roadway contractor should be on site to complete the work. B. Lord notes that effectively the project has stopped and no one can get occupancy permits.

DISCUSSION WITH REALTOR BILL HUMISTONE AND CARMINE LARUSSO RELATIVE TO OLD LAKEWOOD PROPERTY, LAKE STREET

Realtor Bill Humistone who requested an informal discussion with the Board is here with property owner Carmine LaRusso. The property is the old Lakewood property where the For Sale sign is located. Mr. LaRusso and Mr. Katz are the joint owners of the property. He contacted P. Herr to discuss ideas/possibilities on how the property could be developed. It is a 67.5 acre parcel which is zoned agricultural. 5 lots were on definitive plans for 2 family units. There would be a public road which would go down. There is sufficient frontage for a multi-family. 48 townhouses were proposed for the back side of Bald Hill. Market conditions are different now with Forge Hill Park and the train station in Franklin. Although there is a substantial amount of new housing, a large part of the Bellingham population is priced out of the market. This will service middle income property owners. EM comments they plan to build more cheap houses. Mr. Humistone continues they originally had 10 condex units. They are here looking for input.

EM notes there are a lot of unfinished condos in this town. B. Humistone advises Board members that with agricultural zoning at 2 acres each, they can get 17 lots but they can't get the lot sizes to conform and not infringe upon the wetlands. They would end up with a 5,000 square foot crossing unless they develop the back land in a clustered development and the front in a clustered development. They are looking for guidance on what the Board feels would work there. P. Herr asks if they have looked at clustering. B. Humistone states that maybe they would get 9 - 10 lots. The surface area is good perkable land. The problem is that in order to get to the back land, they can't get across the wetlands. 60% of the usable land is up Bald Hill but they can't get to it with a public road. That is why Celtic proposed to do a private road because it doesn't have to be so wide. P. Herr states they aren't talking about a private road, but a

driveway. Mr. Humistone refers to a single family stand alone cluster on small lots located in Foxboro called Sommerfield which is very desirable. EM asks about the benefit to the town to which Mr. Humistone responds the town would get new houses with a high price where there is nothing comparable available. EM notes this town has had 5 - 6 condo proposals which are all unfinished. AM comments that two of the current Board members acted on the decision to deny Lakewood. If she was the owner of the property she would have come in for a rezoning which requires a Town Meeting vote. The wetlands will have to be reflagged. WW thinks that a single family proposal would look good. B. Humistone comments that although they would have 17 - 18, 80,000 square foot lots, they can't get to the back ones. With a cluster the homes would be spaced along the front along the road.

P. Herr notes that in another year there may be different rules. The Planning Board is getting ready to act on the Master Plan. One of the Master Plan items is the flexibility in the way people satisfy zoning requirements. People have trouble dealing with 2 acre lots so they may come up with an alternative way of satisfying that. The intent is to allow different forms of development. EM comments it is not the Board's job to tell people what to build. P. Herr refers to trouble reviewing the scheme and trouble with water quality. PC agrees the further one goes up the hill, the harder it is to get water pressure. B. Humistone asks if the Board would be predisposed to single family cluster development rather than multifamily. P. Herr advises that many of the condo developments approved including Maplebrook and Bellwood never got fully built. B. Humistone indicates that condos are the fastest growing area. P. Herr agrees but that number is statewide, not in this town.

EXCAPAVE DEVELOPMENT PLAN REVIEW CONTINUED

P. Herr went through the checklist. A lot of information which should be there is not there. It appears the majority of the building lies within the Water Resource District. Is what they propose to do prohibited in a Water Resource District? The answer is not clear. They plan to service their own motor vehicles. Another consideration is the storage of liquid petroleum products which is prohibited but they will store minimal amounts. These are borderline questions. The trucks will have bits and pieces of bituminous. If they are not real questions, they will not need a special permit - that is, if the threshold of 5 gallons of oil is never exceeded. Mr. Salvatore feels they can take care of their trucks somewhere else. The rules for the Water Resource District come from DEP. The better way to get an answer is to contact them and ask them what they mean. His guess is that the Board would want some paving at the entrance site which the applicant is willing to do. The drawing shows the culvert at the surface but if it was graded differently they won't need it. The property is zoned industrial. The amount of parking is not a concern. EM points out there is no residential use 1/4 mile in either direction. P. Herr notes the Water Resource District boundary is 200' from the centerline of the railroad. 200' is the total easement. The culvert doesn't work. The only real issue is use since he doesn't know if it is allowed. He suggests the plan get kicked back to Shea Engineering since we need the additional information. The Board could say it is approved subject to the revisions. Board members comment they do not like doing that. EM describes the options: the Board could continue for further information or throw it out since it is an incomplete submittal. P. Herr suggests the applicant ask Shea Engineering to contact the DEP and then have Shea call him. It should be

done for the next meeting. AM moves to continue to April 9, 1998 at 7:00 p.m., seconded by PC, carried with a unanimous vote of 5 (WW, PC, EM, AM and RD).

BROOKSIDE ESTATES LOT RELEASE REQUESTS BY BRUCE LORD, ESQUIRE

AM abstains from the discussion.

Bruce Lord, Esquire presents lot releases for two lots which are not under the present covenant. Summerlan never owned these lots since they were owned by the Eldridge family. Lot 10 is not affected by the incompleteness of sewerage work there because it is on a gravity feed sewerage. It was sold to a private party and is being privately developed. The other was sold to a developer who is already building in there and is aware of the situation. He points out lots 10 and 18 which are not called 10 and 18 on the new plan. PC moves to sign the lot releases, seconded by EM.

WW asks why the Board should release these lots when they were told tonight by DPW Inspector Ted Bailey that the sewer system doesn't work and there are problems there. B. Lord responds that this party is not involved with Ballarino. The deeds were dated in the 1980's. Mariette Eldridge explains the person who wants to buy the lot already has 3 houses there so he knows what is going on. Brief discussion relative to lot number discrepancy. V. DeAngelis obtains old plan from the cellar of the Town Hall but it is still not the plan which shows the old correct lot numbers referred to in the lot releases. B. Lord explains that because this development has gone through transformations, the closing attorney wants release from the present covenant. P. Herr notes the written request makes reference to an obsolete plan. B. Lord cannot find a copy of the plan. P. Herr indicates the Board does not know what they are releasing because of the different lot numbers. B. Lord requests release of both lots, however, prior to releasing the Form G for lot 10 to him, he will obtain the plan and show it to P. Herr or Chairman Wozniak. WW notes there is a motion to endorse lot releases for lot 18, plan 1965 and plan 1980 upon verification that lot 10, plan 1980, plan #385 1964, as per plan 385, book 288, carried with a vote of 4 (WW, PC, EM and RD). AM abstains. Lot 10 release to be held until verification from WW that the lot number is correct.

GENERAL DISCUSSION ITEMS

P. Herr will not be here at the next meeting when the McDonald's Development Plan Review is scheduled. He reviewed the plan and notes the following changes: added seats which adds to the parking demand but they haven't changed the parking. The real question is the restaurant's relationship to the whole site. They have to show how the parking will be all right with the parking demand increase. Discussion relative to the public right of way. The description of the layout is different. The sign is located in the same place. The difference is how they have drawn the right of way. It doesn't overlap with the sign. The third issue is headlights at the drive-thru blinding oncoming traffic on Route 126. Landscaping will deal with it but it is not shown on the plan. He had a discussion with B. Frazier that they would have a one way in and one way out. P. Herr will send a note to the Planning Board before the next meeting.

Relative to Outback Restaurant: WW comments there are signs behind Toys R Us and MVP Sports that there is no parking when that was supposed to be the carry over parking area for the restaurant. People are parking at Larry's across the street on Friday and Saturday nights.

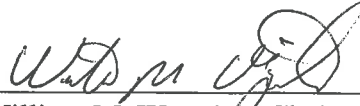
P. Herr received the proposed Gibbs Oil - Charter Gas Station Development Plan for Route 126, Hartford Ave. They narrowed the building so they no longer need the variance. They are proposing what looks like a donut shop. They showed the window. This is a better plan and better than what is there. He will forward a note to the Board before the next meeting.

P. Herr had a discussion with some people who are interested in property off Farm Street across from Jaco. They would like to develop as a professional office park built as woodframe separate office buildings. He suggested they may want to move quickly since the land may get rezoned. There is also serious interest in the technical park land for a very large proposal which may happen. Exit would be through Milford, Maple Street. There would be no Bellingham water/sewerage.

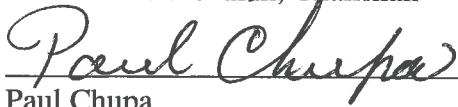
PC moves to sign the February 19, 1998 and February 26, 1998 minutes, seconded by AM, carried with a unanimous vote of 5 (WW, PC, EM, AM and RD).

Discussion regarding the Spring Meadow revised plan with memo stating the changes reflect field conditions. P. Herr reviews the plan and comments they should have crossed out the Board's signatures. The catch basin is at different elevations. The pipe gradients are different than what they were. He doesn't know whether it works or not. The engineer should come in and clarify what they are doing. It may require a new public hearing. They should prepare a new drainage analysis to assure the drainage continues to work. They took one pair of catch basins and lowered them 5'. They are saying the original grades are wrong. V. DeAngelis to phone Joseph Giovinazzo, engineer, to notify him about the Board's concerns and ask him to attend the next meeting to address those issues. There is substantial change to the grade of the road. It goes from a positive grade to a negative grade at Locust Street and changes the first pair of catch basins. the Board needs information showing that the original drainage design is adequate. The Board is also concerned about changing the plan with their signature on it which is not appropriate. New drainage calculations to be provided.

PC moves to adjourn at 11:15 p.m., seconded by RD, carried with a unanimous vote of 5.




William M. Wozniak, Chairman



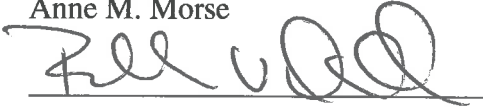
Paul Chupa



Edward T. Moore



Anne M. Morse



Richard V. Dill