

**MINUTES OF PLANNING BOARD MEETING**

**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**

**APRIL 9, 1998**

Meeting commenced at 7:00 p.m. All members were present. Minutes recorded by Planning Coordinator Jill Karakeian.

Spring Meadows on agenda for 9:15 cancelled. Rescheduled.

**EXCAVATE – DEVELOPMENT PLAN REVIEW**

Phil Herr had faxed comments to be made reflecting the approval.

WW had asked coordinator to see the checklist that was done for the Development Plan Review.

WW addressing checklist from Phil. Asked Excavate if they had met with Phil.

Excavate had met with Phil at 1:00 today.

AM noted that the latest fax was faxed at 4:00 today.

Excavate said that they did not see that fax.

AM asked if Excavate was aware of the notes Phil had made on the Fax.

Excavate took a copy and went over all of this with Phil today.

WW asked what Phase I and Phase II are.

Excavate says Phase I is gravel for now. They hope to pave it shortly. Phase I line shows the apron.

AM asks why they are doing gravel and not pavement.

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Excavate says right now the cost is more than they can spend right now.

WW mentions that paving and not paving has a lot to do with the site drainage. Wondered if Phil had mentioned that to them.

Excavate says it was discussed with Phil and they did a new calculation for the pavement Sinai and enlarged the retention basin.

AM notes that the Board will require something in writing that eventually the parking lot will get paved. So there won't be a problem paving once they do pave. Wanted to know if the reason the issues were discussed with Phil because the site was in a water resource district?

Excavate said yes.

EM asked whether they were in or out of a water resource district?

Excavate says they are in the water resource district. Says the checklist for water resource district they don't need any special permits for the type of business.

WW asks why. The checklist this week says there are question marks on that type of stuff.

AM says that it is stated on the memorandum from Phil that those issues were discussed at the meeting between Phil and Excavate today at 1:00. Why would Phil do a review if they weren't allowed to do this?

WW mentions that there is a question mark on Use Regulations. Use allowed for a Special Permit granted has a question mark. There is a question mark next to Hazard Material Special Permit granted. I guess bituminous is hazardous material. How is that rectified?

Excavate the hazardous waste is waste oil. As long as we stay under the minimum requirements.

TG has concerns about minimum and not over without a license with the Fire Department.

Excavate says they won't go over 500 gallons. The Chief told him.

TG notes waste oil.

Excavate says that 500 gallons is all combined oil. Everything, not just waste oils.

WW reads from checklist that no bituminous products or waste shall be stored on site. Fresh bituminous is a hazardous material.

EM notes that they leave the yard and go get the bituminous from another location and bring to a job. It doesn't come back to the yard.

## MINUTES OF PLANNING BOARD MEETING

WW says that there are five concerns on Phil's fax from today at 4:00. He wants to go through them one by one. First one has been corrected on the plan.

RD is reviewing the plan to see if in fact the plan has been corrected regarding parking.

Excavate says that the plan that Phil had reviewed was different. He had not seen this revised plan after their meeting this afternoon.

WW No. 2 the drawing should indicate where initial bituminous paving will end. Phil's suggestion that it would continue no less than 15' inside the property line.

Excavate explains that Phase I line at the entrance is the paved area.

WW No. 3 Drawing as reviewed has indicated that most of the parking area to be gravel. If the drawing the Board is asked to review has bituminous over the entire area then either a note on plan or a separate letter by the design engineer should note that the storm water arrangements are adequate as designed to meet DEP policy given that change. The drawing is now so indicated the gravel approval now but later bituminous is perfectly usable in giving such assurance. WW was wondering if we do have a letter or it is noted on the plan.

Excavate says yes.

EM notes that it is on the plan.

Excavate did storm water calculations to reflect a pave scenario and also expanded the retention basin and there is a note indicated on the plan. Also added riprap diffusion.

RD asks about the difference between the solid line compared to the dotted line on the plan.

Excavate explains that the dotted line is a contour. Phase I in entrance is the apron and Phase II is picking the asphalt from the entire parking area.

WW No. 4 In the version review there continues to be an error in the contouring in the western end of the property.

Excavate notes that that was the retention basin. Notes that it has been enlarged and fixed topography and says that was what Phil was concerned with.

WW says with gravel it is okay, but with pavement it becomes impervious. It should be corrected and asked if it corrected?

Excavate points out on plan that it has been corrected.

WW No. 5 The applicant is likely to request a reduction in the required number of shrubs given in reality the trees he is providing seems to be a reasonable request.

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Excavate says that the format that calculates how many shrubs and it comes out to be 65 across the front of the building. He explains that they are putting 3 large pines (ranging 10 – 15 feet), cluster of 4 white burch and 3 large pines all ranging 10-15 feet and a cluster of 2 white burch. They more than exceed the tree requirement and were wondering if the Board would decrease the amounts of shrubs required. Says they are going to dress up the entrance with granite and plantings.

WW notes that Excavate will comply with conditions in Phil Herr's fax dated 4/9/98 by the site in some way that assurance should be documented to the building inspector and incorporated into your decision. He will have the fax incorporated in the Decision. There seems to be no reason for us to see this plan again prior to your wanting to act on it.

EM motions to approve the site plan for Excavate on 4/9 and Decision should reflect the April 9, 1998 fax as recommended by Phil Herr. The applicant will comply with the conditions of the fax and will be documented to the building inspector.

JK mentions that the fee still needs to be paid.

EM asks who will be writing the Decision.

JK says that she will check with Phil and is pretty sure that Phil will be writing it.

EM suggests that anytime Phil is whiling to write the Decision that he should. It is not the Planning Coordinator's job.

TG has issues regarding floor drains in the building.

Excavate says that there are not floor drains.

TG is concerned because they are in a water resource district and when they wash the vehicles, where does all of water run off too? The retention pond. Also, repairing of the vehicles.

Excavate states that they don't use oil anymore. It is obsolete at the asphalt plants and they use this liquid soapy mixture. Says the asphalt plants don't allow you to oil the trucks anymore. Excavate notes that they do minor repairs to the trucks. Any substantial repairs the vehicles are sent out.

EM looks up calculation for fee. It is \$50.00 first 10 spaces of parking and \$3.00 for each additional. Excavate has 15 parking spaces and the fee is \$65.00.

WW says that Phil's checklist notes that there is a line item that states the building shall have not floor drains unless it is designed to meet DEP requirements Source Approval.

AM motions to second.

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WW motion seconded to approve the Development Plan for Excapave. All were in favor.

Excapave questioned the amount of shrubs that the Board would like to see.

EM makes a motion in lieu of the large trees that Excapave is providing that 65 can be reduced to 30. Existing vegetation should remain intact as shown on plan.

AM seconds.

WW gets a motion the second to wave the requirement down from 65 to 30 for Excapave on Depot Street. All in favor.

### **McDONALD'S – DEVELOPMENT PLAN REVIEW**

John Carde – Construction Project Manager and Brad Napp – Director of Operations.

JC we are here to night for Development Review of the site plan. Our proposal is to add a front and side addition to the building. To bring the seating capacity from 42 that is existing up to 60 seats. That will give us alittle more flexibility in the dining room. Basically the site plan is not changing at this point in the proposal. The front addition will be all underneath what is now the overhang of the building. It does not go past that.

EM asks how much parking is being added.

JC says there is no parking being added. Currently have 36 parking stalls. Did a quick analysis of what is existing and what is proposed passed out to the Board members. As you all know there was a major intersection change out on Hartford Ave. in October and a lot the McDonald's property was taken, along with frontage. Noted on the drawing the new sidewalk area with landscaping.

AM asks what the required parking is?

JC says that required parking is 3320 Restaurants. 1-parking space per 2 person seats capacity. Based on 60 proposed seats we would only need 30 parking spaces.

AM asked if there would be any changes on the entrance and exit from the parking lot situation?

JC says that there is not a proposal to change that.

AM says that the Board would probably like to see one way in and one way out. It is awful up there.

JC mentions the curb cut from the first entrance/exit cannot change because it is a fire emergency access.

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AM says we are not asking to change the curb cut. Just make it one way in and one way out. Solve a lot of problems.

RD points out to bring the people in from the further entrance and exit at the first opening.

BN states that that would severely impact the business.

EM states that they (McDonald's) are impacting our town. We are not too happy with McDonald's.

AM states that there is a huge traffic problem and it is because of McDonald's.

PC says that the whole development up at Stallbrook Marketplace is confusing as far as traffic. Nobody can get in and nobody can get out.

TG explains that when you are trying to get in and out of that first entrance everything gets really backed up. Everybody uses that first entrance.

JC notes to the Board that there are three stop signs at the first entrance to McDonald's. Didn't know why people would stop going by the first McDonald's entrance if there is not a stop sign.

EM says why wouldn't they be. They want to turn into McDonald's there, so they stop. Says if that was only an exit, the traffic would keep going and not build up coming into the site and also trying to get out.

AM asks if they are saying that people won't go and eat at McDonald's if they have to go down another stop sign. If really want to eat, you will drive another stop sign.

RD asked if you make that one way in and one way out. They will drive all the way down, notice that they have to go through another stop sign, then turn around and leave because of that?

Brad Napp notes that as people turn in notice that the first entrance is the entrance in. This is their quick in and out.

EM says he knows about that entrance and exit. He does towing in town and he has towed about four accidents right there.

Brad Napp asks what the Board is asking McDonald's to do?

AM says one way in and one way out.

Brad Napp mentions that he can't change the pavement width at that entrance/exit because it is a fire emergency lane. How do you then control people from entering at that spot?

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AM/EM says that hopefully signage would work.

EM notes that the post office has one way in and one way out and it works for the most part. It is very hard for McDonald's customers to get out of that spot as well when people are trying come in the same way.

PC mentions shrubs that are needed where the McDonald's driveway through is. People that are in the drivethrough; their headlights go right in the way of the traffic coming down Hartford Ave. going towards the highway. The developer said that he was going to take care of that.

John Carde says they are working Weiner (Bob Frazer) on that area to correct the landscaping in that area that was all ripped up last fall.

Brad Napp asks what particular area needed these shrubs.

WW mentions where they are needed as Brad Napp points out the area on the sketch. Says that hedge height would probably take care of the problem.

J. Karakeian reads memorandum from Phil Herr regarding the McDonald's. On March 30<sup>th</sup> Phil Herr's office received drawings from McDonald's and on March 31<sup>st</sup> they phone Mr. Carde of McDonald's regarding three reservations about them. 1. Disparity among drawings regarding where the right-of-way lies. Also on March 31<sup>st</sup>, Phil Herr sent to Mr. Carde copies of drawings intended to help clarify the questions. 2. Concern regarding visual conflict between vehicles using the McDonald's drive-through and vehicles in Hartford Ave., conveying the Board's understanding that Mr. Frazier was going to see to it that landscaping would be arranged to mitigate that conflict. 3. Concern regarding traffic patterns, together with the suggestion raised by Valerie and supported by the Board regarding one-way circulation for the McDonald's parking area. We have neither heard nor seen further from McDonald's, so have not done a formal plan review. However, based on only a quick review the drawings appear to be adequate in other respects, as is usual with the applicant corporation.

John Carde clarifies the comment from EM about as is usual with the applicant corporation. Mr. Carde did talk to Mr. Herr and he sent Mr. Carde the drawings that were talked about. He did not ask for a response back from me. Mr. Herr told Mr. Carde that he should be prepared to answer some of the questions that were mentioned in his Memo.

EM says that Mr. Herr's memorandum makes it sound that Mr. Carde should of gotten back to him regarding the items in the memorandum.

John Carde says that Mr. Herr asked him to prepare for this evening was a colored plan, which points out what was happening on the site with the sidewalk. That is what I have done.

EM states that Phil Herr is not at the meeting so he has not seen it.

John Carde says that in most towns the consultant is at the meeting.

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AM asks what about the disparity for the right of way?

John Carde says that the disparity for the right of way. At the time when McDonald's did all the drawings and submitted to Valerie, McDonald's did not have the actual plan of what was the actual sidewalk in and line up. That drawing came from Mr. Herr.

AM says that is what Mr. Herr would want Mr. Carde to get back to him on. She feels that Mr. Carde should have called Mr. Herr and said, yes that is the right plan.

Mr. Carde says that he just received the plan from Mr. Herr on Monday morning (April 6, 1998). I prepared this drawing today for tonight's meeting. The plans that the Board has, shows the right of way on it. Mr. Herr says that the plan is too confusing with all the lines, so he suggested that I color up a plan that explains the lines better, showing the sidewalk.

RD comments on the lines because he went to the site and looked at the sign. The base of the sign is a cement sonotube. It goes up on a base and the actual signs are stretched out. On the plan it looks like the sign is actually on the right of way.

WW says eventhough the sign is in the air it still goes on the right of way. WW asks to see the plans that were submitted.

John Carde explains that the line is a future, possible taking that never took place. The plans that were submitted show the actual alterations that were done by the state in 1997.

WW wants to understand that right now, going back to the shrubs and the sign to about half way in back of the building is where the shrubs need to go because of the traffic lights going through the drivethrough.

Brad Napp says that is just needs from the Board clarity as to how much the Board is talking about, and height issue as well as distance. Understands the boards concern. Also, willing to meet with consultant to discuss.

WW tells Brad Napp that that is going to have to be worked out with our consultant. The height issue might be a factor as well. The Board doesn't want to put something out there that is going to be 14' high. To block the headlights going around the drivethrough need to be blocked from the people coming down Hartford Ave. and pulling out the Stallbrook Marketplace. Also, mentions the traffic patterns as far as one way in and one way out?

Brad Napp and John Carde keep bringing up the fact that the curb cut cannot change due to the existing Fire Emergency lane and the Board is not asking them to change the curb cut. They just would like them to make one way in and one way out.

AM states that if McDonald's could just please look at the situation and see if this is something they can do.

## **MINUTES OF PLANNING BOARD MEETING**

Brad Napp says that this will impact their restaurant.

The Board cannot believe that this extra 100 yards to the next stop sign would not impact their business and suggested that they talk to Phil Herr about this as well as the landscaping improvements.

John Carde and Brad Napp asks for continuation to the following meeting, April 23, 1998 @ 8:30pm.

WW makes a motion to continue McDonald's to April 23, 1998 @ 8:30pm.

AM seconds the motion.

All in favor.

### **GIBBS OIL – DEVELOPMENT PLAN REVIEW**

Peter Lavoie from Guerriere and Hanlon asks for continuation due to items on Memorandum from Phil Herr.

AM requests talking to the Selectmen and asking them what they recommend and then come back to us to reschedule.

Guerrier and Hanlon requests to be continued to May 28, 1998 @ 7:00pm.

WW makes a motion to continue Gibbs Oil to May 28, 1998 @ 7:00 pm.

AM seconds the motion

All in favor.

### **INVOICES AND GENERAL BUSINESS/COORESPONDENCE**

J. Karakeian gave the miscellaneous mail to the members to look over. Invoices were signed as well as payroll for J. Karakeian for the month of April.

Memorandum from Phil Herr regarding G. Jolicquer at the property located on South Main Street and what his purpose was and what was going to happen with this property. Phil Herr requested that G. Jolicquer meets with the Board and tells them his intentions. A copy was given to each member.

Discussion was made regarding the old building at South Main Street that is now owned by G. Jolicquer and what is able to happen their due to zoning and past and present uses.

## **MINUTES OF PLANNING BOARD MEETING**

ANP correspondence was given to RD for reading.

Memorandum from Building Inspector, Stuart LeClair regarding Linen's & Things requesting the Board look at the layout of shelving and what is acceptable and required by law.

RD mentions to the Board that Franklin has a policy regarding engineering plans to the Planning Board are original stamped and that would of avoided the Spring Meadow plan that was discussed at the April 9, 1998 meeting that was changed by somebody else other than the stamp on the plan.

### **DISCUSSION WITH TED BAILEY REGARDING TOWN HALL RENOVATIONS**

Ted Bailey, Denis Fraine, Guy Fleurette and Jerry Mayhew are here for discussion of the Town Hall Renovations.

Plans are shown to Board.

EM asks the first question if we are going to do this project up to code or is the town exempt? Phil Herr is the one that brought to the Board's attention numerous times that when things are being done saying; "The town is not exempt from Town By-Laws."

D. Fraine replies that is why they are in front of the Board.

The Board is looking at the plans and D. Fraine mentions that the existing driveway exiting out of the parking lot stays the same. The majority of the parking is out back. There are a few parking spaces along the building. The main entrance will be out back into the new two-story addition because that is where the majority of the parking is. There will still be an entrance at the front of the annex. For the most part, they will enter out back.

EM asks if the road beside the police department is going to stay one-way?

D. Fraine believes the proposal is one-way in and one-way out.

EM hears that anyone with a truck has a really hard time getting out the parking lot.

D. Fraine says it will be much the same as far as deliveries go. They will be forced to come in one-way and out one-way.

AM asks if there are planting being added on the side of the original Town Hall.

D. Fraine said the plantings are being added on the side of the Town Hall, but the parking is being omitted. So it will be a lot narrower than if cars would be there.

EM makes a comment to T. Guerin regarding getting out of the Town Hall with the Fire Truck.

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T. Guerin states that they manage.

WW asks how many deliveries come to the Town Hall?

J. Mayhew mentions office supplies and equipment. Minimal.

AM questions the island on the drawings in front of the annex.

D. Fraine says that it is just esthetics.

EM says so you can back out and hit it. Makes the remark that the island is directly behind the parking spaces that are might be handicap. Can't imagine what architect or engineer that would design this.

RD points out that the handicap parking spaces are at the back of the building near the entrance with the elevators.

WW asks how the handicap is going to access the rest of the building.

D. Fraine shows that there is an elevator and the whole building is handicapped accessible.

EM states that the exit out of the parking lot has been pre-existing but now that they are making improvements, that they really need to comply with the By-laws.

WW asks how much it would involve if they went behind the whole Town Hall Complex and come out by the lights. Eliminating the curve around the building.

D. Fraine says that we would have to take a garage down. There is not enough room to do that.

EM notes that we make an access road down off the parking lot to Mill Road and make that an exit as well.

G. Fleurette says that as far as traffic level, it will pretty much stay the same. There will still be the same amount of people working here as now.

EM says that the questions are whether the Town needs Site Plan Review. If they do, the plans that are being shown tonight will not pass.

G. Fleurette asks where on the plan does it show what the town owns.

WW locates the town line.

G. Fleurette states that the added road down onto Mill Street would be possible.

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EM says that it definitely would be easier for trucks to go down that road instead of going around the Town Hall.

WW mentions that it is really steep.

J. Mayhew states that it is only going to be an exit.

EM says he is just looking to see if we can make it work or make it better. The only issue he sees is traffic.

J. Mayhew said, in other words, if the added exit road onto Mill Street was re-engineered then this is okay?

AM asks if the required parking is there? It is 1 parking space per 2 ½ people. Says that parking now may not be legal. We need to know the square footage of the entire building to determine the parking required.

WW asks when the Center School is coming down.

J. Mayhew notes that if they construct the new building before the demolish the Center School there is only 5' in between the buildings. To close, so they are going to take the School down, put the people in construction trailers until the new building is built.

AM says they should speak to Phil to find out if they need a Development or Site Plan Review and if you need to advertise.

## **CENTER RUN ESTATES – LOT RELEASES**

Mr. DiPlacido and Paul Murphy, Esp. from Atty. Neil Roach in Franklin came before the Board. Had tri-partite agreement all drawn up and after running it by our legal council. Legal Counsel that is great but the Town does not do those. Had discussion and decided to come to the meeting with a passbook.

AM asks Atty. Murphy to explain with a tri-partite is.

P. Murphy, Esp. explains that a tri-partite agreement is with the bank that is holding the construction funds signs an agreement with the Developer and the Board. The bank says we will hold back X amount of dollars of these construction funds to guarantee the work is complete. The bank is liable.

WW says yes the bank is liable until the bank goes under.

PC explains that the town has gotten burned quite a bit because of those types of agreements in the past and that is why we don't except those anymore.

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P. Murphy states that they have a passbook and they are looking for lot releases on Lots 1, 2, 7 & 8.

AM asks if we have the letter and inspection from DPW.

J. Karakeian says yes and shows the Board.

EM asks DiPlacido to show the Board on the plan where Lots 1, 2, 7 & 8 are.

DiPlacido points out the lots on the plans. Points out where the cul-de-sac can be viewed from Pulaski Blvd. and notes to the Board the roadway was paved today.

WW asks about a big pile of loam.

Mr. DiPlacido states that the pile of loam is on lots 4 & 5.

EM says he was at the project today and he was concerned about the entrance onto Pulaski Blvd. that is temporary. If we release these lots tonight, how are the homeowners getting out of this project?

Mr. DiPlacido explains that the roadway is paved now. The temporary exit at the cul-de-sac is not a road. It is a 20' water easement. What happened is that is saw-horsed off and put some big rocks there to keep people from driving through it.

EM says that there needs to be something put at that temporary exit so nobody can exit or enter from that area. Once the lots are conveyed and the people that are living there, you can't stop them because they own the land. What if they feel like taking a short way out and drive out that exit.

Mr. DiPlacido explains that their driveway will be out onto the paved road. The temporary exit will be all landscaped.

EM asks how you are going to keep them from going out that exit.

Mr. DiPlacido says somebody would have to be pretty obnoxious to drive through there.

EM says until you convey the properties, Mr. DiPlacido has control and he feels that Mr. DiPlacido should do something now, like a fence or quardrail before people actually move in.

Mr. DiPlacido feels that once it is landscaped they won't have a problem entering or exiting from that area.

RD states that when it is landscaped, people aren't going to drive on it.

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WW reads that DPW is satisfied with the stage that the development is and okays the lot releases. Attached with the letter is Form I Inspection Check List from AKA Contractors, Mr. Bailey as well as Form J – Guarantee Price Estimate. DPW suggests that a security of no less than \$97,100.00 be detained for the project.

T. Bailey states that the way this project was started and the way it had continued. The Developer is also the Contractor. The project is going along very well. DiPlacido is doing a great job and a pleasure to work with.

DiPlacido hands over to the Board four (4) copies of the Performance Bond.

EM makes a motion to release lots 1, 2, 7 & 8 on Pine Wabler Way at Center Run Estates. Covenant is received and we are holding a passbook in the amount of \$97,100.00 at Walpole Corporative Bank Acct. #30730.

AM seconds the motion.

T. Bailey asks whey Mr. DiPlacido isn't asking for all of the lots to be released if he is putting up the full bond.

EM states that he isn't asking for that so don't confuse him. By the time he comes back for the other lots to be released, that temporary entry at the end of the cul-de-sac will be taken care of.

WW asks if sewer passed up there?


Mr. DiPlacido tells the Board that it is private septic systems.

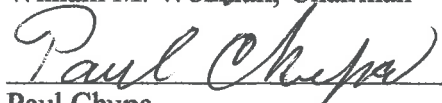
WW says motion made seconded to release lots 1, 2, 7 & 8 as described. Those in favor?

All in favor. Motion caries.


Mr. DiPlacido hands over the Lot Releases for the Board to sign, as well as the passbook and Performance Bond to be forwarded to Grace Devitt. J. Karakeian notarizes Boards signature.


Meeting adjourned at 9:45 p.m.

  
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William M. Wozniak, Chairman

  
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Paul Chupa

  
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Edward T. Moore

  
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Anne M. Morse

  
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Richard V. Dill