

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

**WILLIAM M. WOZNIAK, CHAIRMAN
RICHARD V. DILL
PAUL CHUPA
EDWARD T. MOORE
ANNE M. MORSE**

MINUTES OF REGULAR MEETING

JUNE 11, 1998

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

SPRING MEADOWS DISCUSSION – continued

Joseph Giovinazzo here to present to the Board a revised drainage plan.

J. Giovinazzo has a letter from BDO Engineering per the Board requesting that they review the revised plan as well as the drainage calculations. They were submitted through coordination with Denis Fraine. BDO submitted a letter to the Board and based upon that letter I went on and prepared a new drawing as requested by the Planning Board for new signatures that shows the corrections to the existing grades and the corrections to the proposed roadway profile.

AM asked if there was money due.

J. Karakeian asked J. Giovinazzo if he got a bill from BDO because she had an original that was sent with the letter from BDO Engineering.

J. Giovinazzo said that he did not get a bill.

J. Karakeian gave him the bill that needed to be paid.

WW tells J. Giovinazzo that even if we act on this plan we cannot release it until the bill to BDO Engineering is paid.

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J. Giovinazzo said that he would go get money right now. Says he will provide the Board with cash.

PC mentions that at the bottom a memorandum from Phil Herr says the only concerns is the cross section of the retention basin at the end of Sydney Lane is not shown on the new drawing whereas it was shown on the drawing that the new one replaces. Presumably that has to do with some of drawing consideration, not a substantive change but all oral confirmation of that would be appreciated.

EM asked if there was any changes made to the retention basin?

J. Giovinazzo said they did not. But, he will provide the Board with the cross section of the retention facility when they do the as-built drawing. There has been no changes made, it has stayed the same.

EM motions to sign the new plan dated May 26, 1998 that supercedes the old plan dated April 14, 1997 but we are to hold it until the independent engineering bill is paid. AM seconds. Carried with a unanimous vote (WW, RD, EM, PC and AM).

J. Giovinazzo is representing Marinella Construction for Spring Meadows and is requesting to be put on the next Planning Board meeting to post a Bond for that project.

J. Karakeian put him on for July 25th at 7:30 pm.

CENTER RUN ESTATES – Lot Release Request

Thomas DiPlacido, Jr. here to request from the Board to release Lots 3, 4, 5 & 6 at Center Run Estates. The Bond has been posted for the entire street at the last meeting he attended. The last house on the culd-sac is up and the Board was concerned about the easement that gives access out to Pulaski Blvd. That has been all blocked off with big rocks and wood chipped. The lot has also been landscaped and the people are living there.

WW asked why we were holding the four lots if the entire bond was posted.

T. DiPlacido says that he didn't ask for them.

EM says that maybe because the Board was concerned about how he was going to block of the easement that gave access to Pulaski Blvd. out the back of development.

RD says that yes, that was a concern at the time of the Bond Posting.

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EM makes motion to release lots 3, 4, 5 & 6 in Center Run Estates. AM seconds. Carried with a unanimous vote (WW, RD, EM, PC & AM).

Members sign lot release and clerk notarized their signatures.

FRED ZARICNEY – Brook Street land

Infront of the Board regarding the land he owns on Brook Street. He went to the Assessors office to find out more information and he is saying that there is more than enough frontage and square footage.

AM says that the information he has is not enough information for the Board to go by and determine buildable lots. Tells Mr. Zricney that he really needs to get an engineer. Said to show it to the other members.

EM says that the land has to be engineered in order to determine what is there.

MINUTES ACCEPTANCE

PC Moves to accept the minutes of April 9, 1998, seconded by EM, carried with a unanimous vote (WW, RD, EM, PC and AM).

GENERAL CORRESPONDENCE

Board members sign J. Karakeians' pay voucher and invoices for postage and telephone reimbursement expenses.

81-P SUBMISSION

RD and PC leave the meeting room.

Bill Halsing of Land Planning presents to the Board a plan of land that is owned by John & Kristin Batista on Pearl Street.

AM asked what it is zoned.

B. Halsing says that it is zoned Suburban. They own two pieces of land and they are combining two lots that have land in both Franklin and Bellingham to meet zoning in both towns.

AM motions to sign 81-P for plan of land owned by John & Kristin Batista on Pearl Street, Bellingham, Beech Street, Franklin, Lot 1 and 2; Lot 2 not to be considered a buildable lot, EM seconds. Carried with a vote of 3 (WW, EM and AM).

RD and PC returned to the meeting.

Bill Halsing of Land Planning present to the Board a plan of land on Susan Lane being split into 2 lots, both with frontage on Susan Lane.

EM says that this has been in front of the Board numerous times already. He is not signing unless Phil Herr reviews.

WW agrees.

AM asked what the problem was with the lot.

WW says that Susan Lane is not an accepted street. That is what the problem was before. If the road is not an accepted road they are not buildable lots. Says that there is not subdivision on record.

B. Halsing says that he has a 1965 approved subdivision.

WW yes and then the owner died and a new Developer came in with a subdivision and then came in with an 81-P. Says the road is not a town road and is not up to standards so the land does not have street frontage.

EM says that he is not signing until Land Planning talks to Phil Herr and he reviews it as well as Don DiMartino.

BAINBRIDGE WOODS – DEFINITIVE SUBDIVISION
-CONTINUATION OF PUBLIC HEARING

Bill Halsing of Land Planning here to represent Bainbridge Woods. Also, Mr. Gately the owner of the property is here.

Jill Karakeian presents to the Board a letter that was sent by Phil Herr regarding the Bainbridge Woods Definitive Subdivision.

EM makes a comment about Phil's letter stating his issue about the tree line on this subdivision.

Mr. Gately states that he has not done any tree clearing for quite some time.

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EM says that Phil has a problem with the plans not showing the trees that are going to be left on site. Subdivision requires a certain amount of trees to be left and they need to be shown on the plans.

RD reads letter dated June 11, 1998 from Phil Herr: On Thursday we received revised drawings for Bainbridge Woods dated June 4, 1998 and a letter requesting waivers. Using the same numbering of questions as used in our April 29 memo to Mr. Hill and used in his June 4 response, here are our comments. APPARENTLY SATISFIED, NO FURTHER COMMENT NEEDED.

Items 1, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17 and 18.

PROBABLY OKAY AS DISCUSSED BELOW.

Item 2. Tree cover. A tree line is now indicated on sheets 3 and 4. No outstanding trees are located on the drawing, so perhaps none exist. Note how faithfully the tree line follows the road. If you like, we can discuss how to prevent such anticipatory tree clearance in the future.

Item 3. Locus plan. The locus plan now is at correct scale and correctly shows zoning but still omits the street configuration. Anyone trying to use that diagram to understand how streets proposed in this subdivision relate to others gets no help at all. You might ask the applicant why streets are not shown, as required and as again requested in our April 29th note.

Item 4. Scale consistency. The drawings are now at uniform scale, which helps. The graphic scale on sheets 4 and 5 is incorrect, scaling 1"=50' while the drawing is 1"=40'. The graphic scale is important to possible future users of photographically or electronically reduced versions of these drawings. If the graphic scale is wrong users will be misguided despite alphanumeric indications on the drawing.

Item 5. Street numbers. We understand that these will soon be added.

Item 14. Planning Board endorsement box. It is improved, but not yet correct. Changing "Approval" to "Approved" would correct it.

B. Halsing says that the endorsement box on this plan is the way they always do it. Says he will change it.

EM explains that an 81-P says approval not required so "Approval" is on that. But, a Definitive Subdivision must be approved so that is why it needs to say "Approved".

B. Halsing says that they are waiting for the Building Department to issue the street numbers.

WW asks about the scale error.

B. Halsing says that is easy to correct. It is a computer error. The locus plan has been corrected.

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EM says that everything apparently is okay except Items 3, 4, 5 & 14.

B. Halsing says that just normal tree covering is left on the site.

Mr. Gately says that the property was logged years ago.

RD asked if there was anything in the bylaw that states the size of trees that need to be shown on plans? Phil was pretty adamant about this tree issue and it is still not taken care of.

AM says that he was looking for substantial size of trees.

WW says that he believes he wants to see anything larger than 18".

B. Halsing says that they would be on the site of weeks.

EM says that the locus plan needs to be changed as requested in the April 29th memo as well. When things are asked to be done more than once it makes the Board think that you are hiding something. Things are required, they are then brought to your attention because they weren't done originally and then they still are not done.

WW wants to know about the letters for the waivers?

B. Halsing says that there is a waiver for the size of the sidewalks due to the subsequent wetland area. Also, a waiver for the shoulder area around the retaining wall. Last waiver is for the width of the road crossing the wetlands area from 22' to 19'.

RD asks if Don DiMartino is okay with the width of the roadway from 22' to 19' for the purpose Land Planning is presenting?

WW says yes, that the Board did get a letter.

AM says that she doesn't believe that the sidewalk width should be decreased.

EM agrees. Says that we are better off with the wider sidewalks.

AM motions to continue the Public Hearing for Bainbridge Woods Definitive Subdivision to June 25th at 9:00 pm. RD second. Unanimous vote of 5 (WW, RD, EM, PC and AM).

GENERAL BUSINESS

Jill Karakeian presents to the Board a letter requesting an increase in salary for the Planning Board Clerks position.

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EM asked about the real estate appraisals and other people that request copies, that we can charge for my time.

WW asked if Jill was getting calls at home.

J. Karakeian says that there was only a few by mistake and it hasn't happened again outside of the Board members, town offices, town counsel and Phil Herr.

AM makes a note that the memo that the Board got today made a comment about that there is not a day that doesn't go by that he doesn't get a call about Bellingham. I think we should give into consideration that Jill has the experience. We are definitely getting the experience compared to if we just got someone off the street.

WW asked if the salary was at 6,000 a year right now?

J. Karakeian says yes \$6,129.00.

WW asked what Jill was looking to make.

J. Karakeian says that she would like to make atleast \$8.00 an hour roughly. She feels her time is worth more than the approximate \$6.00/hr. right now.

WW asked if the math was done on it and if Jill knew what it was made out to be?

AM states that her daughter works in a sub shop and makes more than \$6.00/hr.

WW asked if the average week is roughly 19 hours?

J. Karakeian says yes.

WW says that it would be a raise to make your yearly pay be \$8,320.00.

J. Karakeian says that she would be happy with that.

EM asked what was in the budget?

WW says there is only \$2,000.00 more. He talked with Jim Caddick and he said that if we needed money that there was money there. Right now we have \$8,000.00 for the salary of the clerk.

AM makes a motion that the Board increases Jill Karakeian's salary to \$8,000.00 per year based on our review of her skills, experience and job performance. EM seconds. Unanimous vote of 5 (WW, RD, EM, PC and AM).

CHARLES RIVER CENTER – Outparcel – Development Plan Review
-Pier I Imports – continuation of Public Hearing

Bob Frazier of S.R. Weiner, Roy Smith of Sumner Schein and Dick Marks from Goulston & Stoars were here for the meeting.

AM makes note of Phil Herr's comment about hearing nothing further since sending the materials to SSAE and the Board on June 9th.

R. Smith says that they got a subsequent letter before June 11th. He lists the issues. The first issue was the concern about the sight distance, which was also the concern last meeting. He hopes that the public safety officer would look into the situation. I sent to the Public Safety Officer correspondence regarding the site distance so that he could make some comments. I have not heard from him. The key to site distance is obviously reaction time and the site distance itself. The drawing that is presented to the board shows that we rotated the building so that it is parallel to Hartford Ave. which was a rotation since the last revision about 5 degrees. What was also done was to shorten up the dumpster's enclosures. Based on the American Association State Highway Officials and Mass. Highway Department Standards, if you look at the table, there is a minimum stopping sight distance requirements based upon the design speed. Wet pavements and dry pavements. Obviously the design speed is the critical component of safe stopping site distance. Based on that we have adequate site distance for an excess of 35 mph and that is assuming wet pavement conditions in worse case.

RD which direction are we talking? Coming from where?

R. Smith entering in off of Hartford Ave. and exiting from Pier I parking lot. The speed limit is 20 mph.

WW makes a comment that that street is 50 mph. The kids going to the theatre, they fly down that street.

EM agrees.

D. Marks says that the issue that was being raised was when you put the building as close to the road, what impact does that have on site distance and that is what R. Smith is showing on the sketch.

WW wasn't the site distance 250' before you brought the building horizontal with Hartford Ave.?

R. Smith says that we were a little bit less than 250'. Actually, under the Mass. State Highway Regulations there is a stopping site distance at 30 mph a minimum of 200'.

PC asked if there was any speed bumps at all on the site?

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R. Smith said no. What we have done is add a speed limit sign.

EM asked how wide the street was. Because anything over 60' is considered an arterial street. What D. Marks is saying because it is not an arterial street site distance doesn't matter.

R. Smith says that even if you include sidewalks on both sides it still does not add up to 60'.

WW that road is a road to get to a parcel out back. That is a road.

D. Marks yes, you have many road in town and you only have five that are names as arterial streets. My guess is that you don't have a whole lot of roads in town that have a 60' right of way.

WW the biggest thing for the site distance and the problem that it was creating was where the building was positioned, with the amount of traffic that is going to be on that road.

D. Marks says that the real question is at the worst point which is 250'.

WW I think what we were really trying to do is make the dumpsters go away.

EM well make it so they don't block your vision. The other question I have is on the island. Wasn't there talk about shortening it.

R. Smith says that they did shorten it. We had conversation with Pier I's operations department because another one of your concerns was the parked vehicles and people backing in. Pier I says that there are one or two deliveries in the given week and the hours of the deliveries are from 7 to 10 am. So, obviously that is a pretty insignificant amount and it is off peak hours from when the retail store is even open. They don't anticipate a problem. The island was shortened up on both ends. R. Smith passed out layouts of tractor-trailers entering and exiting parking lot showing the accessibility.

EM okay, so Item #1 Site Distance and entrance to the site. Has anyone spoke to him since he received this information?

R. Smith said that he is difficult to get a hold of. He works 11 pm to 7 am. I tried to get a hold of him after I sent this information.

EM Item #2 They permissible building line and dumpster enclosure. Apparently that is not changing. How do you handle that. Phil is saying that the dumpster enclosure is part of the building. So, it is therefore outside the permissible building line. By how much?

R. Smith says 8' maximum.

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D. Marks says that it is not a necessary part of the building. We just feel that it is better than a fence or a landscaped screening. We would do that as an alternative if the Board did not want the wall.

EM asked what the height of the wall was.

R. Smith says that it is 8' 4".

D. Marks says that it doesn't have a roof on it.

AM says she can see where it is considered part of the foundation.

EM says what Phil is getting at is we don't want another thing like we have over at MVP sports where you have to put a mirror on a tree to see what is coming around the building.

D. Marks says that the site distance analysis takes that into account, so a fence, shrubs or what ever the site distance is 250'.

AM I think that it is more of a legal stand point being part of the foundation. If it was detached, it wouldn't be part of the foot print.

D. Marks says we are just trying to make it look good.

AM the issue that Phil is raising is Zoning. It is the side lot requirement because that dumpster enclosure is part of the building.

D. Marks says that if you put the site distance issue away because we know that works. Now we are just talking about if there is some other reason to prevent us from building the building this way rather than with landscape screen or a fence? We feel it is no different than a stockade fence or trees, we feel it is better. If the building inspector doesn't give us a building permit, he is they guy that needs to enforce the ordinance.

AM I feel that from a Zoning perspective it would be in violation.

R. Smith says that a setback is from a front lot line and a side lot line. This is a setback from an entrance road.

WW your at minimums for site distance, you are putting a structure outside the permissible building line. Which is the piece that is making that site distance minimal.

D. Marks you have to assume that the site distance works. If you agree that the site distance is adequate. The question is would you rather have the dumpsters enclosed by the wall or would you rather have a stockade fence or shrubs?

EM the wall definitely looks better. Being able to see is the issue.

D. Marks says what if we create some small separation between the screening wall and the building. Would that work for the Board?

EM mentioned cutting the corner off of the dumpster area.

R. Smith says you pick up maybe 5'. We tried that.

WW says that the only thing that Phil is saying is that the building is outside the permissible building line.

AM and he is saying that the enclosure is part of the building. That is where he is finding the problem.

EM says he wouldn't care if it is outside the permissible building area. If the safety officer is okay with the site distance.

D. Marks is asking the Board to assume please that 250' is okay.

AM I think that we need Jerry Daigle to give his opinion.

WW can't you get a different size dumpster in there?

R. Smith says that the dumpsters are the smallest ones they have. The reason why there is two is because one is recycling and one is trash.

EM asked if they are in conformance with signage.

D. Marks states that you can't have more than 20% of any wall. The overall requirement based on frontage and we are way under as well.

AM makes a motion that the Board sends a letter to Jerry Daigle the Safety Officer asking for his input for our next meeting of June 25, 1998 @ 7:35 pm and that we continue the Development Plan Review. I believe that the issues are the site distance, signage and permissible building area. EM seconds. Unanimous vote of 5 (WW, RD, EM, PC and AM).

PINECREST SUBDIVISION – BOND RELEASE

Roger Gagnon here to request release of road bond posted for Pinecrest Subdivision.

Ted Bailey is here from the Department of Public Works. Saying that Don DiMartino received a letter from Roger Gagnon requesting inspection of Pinecrest so that he could get his bond released. I went out to the project and inspected that the specifications of the project were

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complete as stated. Don was not able to write the letter because he was out of the office but he said that everything is okay and there are no issues that need to be taken care of.

WW reads letter from Roger Gagnon requesting the release of his bond money being held for Pinecrest Court on Harpin Street.

AM motions to release the Bond in the amount of \$25,400.00 plus interest held at Ben Franklin Savings in passbook number 02018500-0 for Pinecrest Court, Harpin Street. EM seconds. Unanimous vote of 5 (WW, RD, EM, PC and AM).

AM moves to adjourn at 10:40 pm. RD seconds. Unanimous vote of 5.



William M. Wozniak, Chairman



Richard V. Dill



Paul Chupa



Edward T. Moore



Anne M. Morse