

**MINUTES OF PLANNING BOARD MEETING**

**October 29, 1998**

**BELLINGHAM PLANNING BOARD**

**P.O. BOX 43**

**BELLINGHAM, MASSACHUSETTS 02019**

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

**MINUTES OF REGULAR MEETING**

**OCTOBER 29, 1998**

Meeting commenced at 7:00 p.m. All members except RD were present. Planning Board Consultant Philip Herr was also present. Minutes recorded by Planning Coordinator Jill Karakeian.

**81-P Submission**

Jeff Stearns presented to the Board an Approval Not Required plan for James Street and paid a fee of \$10.00 for lot line adjustments.

EM motions to sign Approval Not Required for James Street. AM seconds. Unanimous vote of 4 (WW, EM, AM and PC) RD was absent.

**OLD COLONIAL PLAZA – Drainage Revision**

Ed Broidy presented to the Board revised drainage for Old Colonial Plaza. I want to eliminate the covering that was there before because the system that was originally proposed here, over the years has been getting clogged. I'm proposing to all precast. By putting in the precast, we will be able to maintain the system should it get clogged. The original system didn't allow for that. In doing this I have also added additional precast to it. We have now 24% more capacity than what we had before. I'm asking for just the change to go to precast. I have checked with the Department of Public Works and they find that if the Board is in favor than I believe everyone else might be in favor.

EM asked if we had anything from Don DiMartino?

J. Karakeian said no.

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E. Broidy said I spoke with Mr. DiMartino personally and he didn't have a problem with it. He said that if Mr. Herr approves it and the Board approves it then it is okay with him.

AM asked if Phil had any problems with this revision?

P. Herr asked if the Board has seen his drawing?

The Board said no.

J. Karakeian showed the Board the drawings that were submitted.

P. Herr said that the original scheme was done by Guerrier and Halnon. They used the same product that was used up at the Charles River Center that recently failed. I think they change from that to this is fine. With regards to the capacity of the system, I can't answer that. This is a different kind of a beast than the other one was. The question that I can't answer is what the difference is in the infiltration rates. I believe that this shows one foot of crushed stone in an area around the facility and I think I would be more comfortable with two feet. I mentioned that to the engineer and I don't know why it stayed at one foot.

EM asked if these are leaching?

P. Herr said yes.

EM asked how many there were?

P. Herr said five.

EM said then this is like a field? Then wouldn't it be crushed stone all the way around?

P. Herr said yes but that is not what it shows. What shows this thing that is about 8' in diameter and all individual.

EM well then if they are individual then there should be crushed stone around each one and 2' would be good.

E. Broidy said that the reason he was going to one foot was as the test borings indicated that whole area wasluvial sand. What the crushed stone was to allow to dicipate through the system and go into the luvial sand. The engineer felt that it would work sufficiently with one foot of crushed stone.

P. Herr stated that the engineer that he talked to didn't mention that to him. The engineer that I talked to said that he couldn't conclude because he didn't have enough data.

E. Broidy said that he doesn't have a problem with two feet if that is what it is.

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EM motions to approve the change to the drainage with 2' crushed stone be put around each chamber. AM seconds. Unanimous vote of 4 (WW, EM, AM and PC). RD was absent.

### **BAINBRIDGE WOODS – Definitive Subdivision**

Bill Halsing from Land Planning is in front of the Board for the endorsement of Bainbridge Woods. The 20 day appeal period is up.

P. Herr asked if the Board had security.

Jill Karakeian said that she has the Covenant and assures the Board that she got the letter from Kathy Harvey saying that the appeal period is over.

B. Halsing said that he added the Covenant note to the plans.

EM motions to sign the Bainbridge Woods Subdivision plans. AM seconds. Unanimous vote of 4 (WW, EM, AM and PC) RD was absent.

### **BEECH TREE ESTATES – Definitive Subdivision – Decision Endorsement**

P. Herr gave the Board copies of the Decision for Beech Tree Estates Definitive Subdivision that had been reviewed by Town Counsel.

AM motions to endorse the Decision for Beech Tree Estates. PC second. Unanimous vote of 4 (WW, EM, AM and PC) RD was absent.

### **HIXON FARM ESTATES – Discussion**

Bill Eagan of Fidelity Financial in front of the Board to get some direction on the widening of Hixon Road.

B. Eagan says that the notes that I have indicate that the narrative dated May 10<sup>th</sup> requests the widening between Station 0+0 on Road A to 0+0 on Road B.

AM states that is what we had said?

WW said yes.

B. Eagan said fine, we will do it. We will widen the road to 20'.

### **GENERAL BUSINESS**

The Board interviews two out of the three applicants for the Alternates Position. There were three applicants: Jim Reger, Steven Choiniere and Joseph Kaulker.

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WW asked Steven Choiniere to come up in front of the Board and tell the Board why he wants to be an Alternate member?

RD joins the meeting.

Steven Choiniere says I have construction experience. I've been in construction my whole life. I am familiar with underground drainage and septic. I think that I can help make good decisions for the town. I've lived in town for 14 years.

EM asked if he works for a construction company or if he has his own company?

S. Choiniere says that I own my own company. I do remodeling. I've built three new houses in the last 11 years. Remodeling is my main business.

EM the only reason that it might be a conflict is if you develop subdivisions.

S. Choiniere says that I am not a developer. I don't do any subcontracting. Most of my work is out in Dover/Sherborn. I work very little in town.

EM says that remodeling isn't an issue.

WW asked how his Thursday night schedule is?

S. Choiniere says that he is available. I'm home every night by 5:00 to 5:30.

AM says that you will get an Agenda for every meeting and says that it would be good to be at the meetings to get a feel for what is happening.

S. Choiniere says that he doesn't travel for work.

WW asked if he would be attending other meetings even though there were no Special Permits on the Agenda?

S. Choiniere says that he would like to keep up with the Board and to see how the Board works.

RD asked if this is something that you would like to pursue? Would you like to become a member in the future?

S. Choiniere says that I have thought about running before, but it just wasn't right at the time. I would be interested in becoming one of the elected members in the future. I think I could be an asset to the Board and to the Town.

WW said that this position is a joint appointment with the Board of Selectmen. So, the applicants should here from us within the next two weeks. He asked Joseph Kaulker to come before the Board and say why he wants to be a Alternate Member.

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AM asked what he is a product manager for?

Joseph Kaulker says that it is a machine shop in Bellingham called Antron. I've been with this company for about 13 years. The reason I would like to be on the Board is because I've seen you in operation. I've been here in front of the Board with problems and seen who you operate. I've been in Bellingham for about 30 years. I've done a lot in the Town.

AM asked how the availability is on Thursday's and would you be interested in attending more than just the meetings that you are required to?

J. Kaulker says that I'd be interested in attending basically all of the meetings. I will need to know quite a bit of information. I notice that a lot of things are on going and continued and would like to just keep up with that. I think it would be important. I am interested in becoming a permanent member.

WW said thank you to Joseph Kaulker and that we would be in touch. Asked Jill to get in touch with Jackie at the Board of Selectmen's office and see if we can get on the Agenda for Monday night, October 2, 1998.

### 81-P SUBMISSION

Peter Beamis, Engineering Design Consultants presents an Approval Not Required to the Board for the property on Maple Street known as Riverview Park. We are dividing the piece of land into four parcels. We had presented the four parcels to the Board as a concept plan at a previous meeting. They are lots 168, 169, 170 and 171. It is a 55.6 acre parcel and in an Industrial zone. The dash lines that are shown on this plan are the prior Subdivision lines that have been approved by the Board. There is an application signed by Mr. Hill, the owner and a \$10.00 fee paid. We are also here this evening to submit for Development Plan Review. What we want to do is develop the first lot which is Lot 170.

EM says that we are going from one thing to another. Let's do the 81-P plan first.

P. Beamis said okay. I just want you to understand where we are going with this.

EM motions to sign Approval Not Required Plan of Land on Maple Street and High Street. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

P. Beamis says that we also have for the Board is a Certificate of Release. Technically, the Subdivision was prepared by Fafard and recorded at the Landcourt. What the Landcourt is going to want to see is that the Covenant goes away. Because, the Covenant says that you're going to build a subdivision road and we don't want to build a subdivision road. We want to develop the property as we proposed to you. This release is basically the Board acknowledging that that Definitive Plan is no longer valid.

EM asked Phil if he has seen this release?

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P. Herr says he has just seen it now. But, I think this does raise more complicated questions. I only learned he was going to seek this today. I did not have time to go back and look up all the things that you are releasing. Unless there is a great urgency on the Board acting on this tonight I think we need to review and see what it is in fact you are asking to be released.

P. Beamis said that is fine. We have no problem with that. What we have done is come up with an overall Development Plan and show you how we are going to develop this property. As we discussed, we have an access drive A opposite Stonehedge Road and access drive B that circles back to High Street and onto the adjacent property. The sites will tie into a common infrastructure of the development in case of storm water that would then be processed through the detention basin and discharged to the back portion of the site. In particular with the site plan, there are three (3) 150,000 square foot buildings. Your zoning requirements are two parking spaces per 1000. We have 311 on the site, we are going to be suggesting that we build out 197 and that the other parking be put in reserve. We are only submitting a site plan for Lot 170. The overall Development Plan consists of four drawings. The rendered, plan and profile for access Road A. We are proposing that the storm drainage be extended down to the basin and that has been sized for the whole development. The other sites can tie into that. All utilities are proposed to come onto site and other sites can tie in as they get developed. Grading and drainage plan showing how the detention basin is going to be sized. We are also providing you with this evening a full Drainage Analysis for the development. It takes care of the whole development and then there are specifics on just Lot 170. The final sheet is the construction notes. The other role of plans that are being submitted is the actual site drawings for the first building (Lot 170) on Maple Street. These drawings do anticipate the improvements to Maple Street, in the event they are not made, it won't be a problem either. We are heavily landscaping the top of the berm along Maple Street and we have trees that will be set around the site. It is an open pasture we are trying to introduce some street scape to the site. Lighting is also included. I am also giving you a cover letter and a Development Plan Review application.

P. Herr said that there are some questions that would be good to clarify now. You have three things that came in tonight. The 81-P is taken care of, the Overall development plan, and the development plan of a lot. The Town doesn't have any system to dealing with the overall development plan. The overall plan is showing how they intend to develop a series of lots. I think that they are really applying for is Development Plan Review for the lot. In order to approve the Development Plan the Board is going to need assurance that some of what is shown on the overall development plan is okay. Specifically, the Storm Drainage. I think they can accept the Overall Development plan of drawings as an annex to the Development Plan of the lot. The plans show the usual catch basins and pipes and various slopes and sizes and all very nicely detailed. Then it goes into a thing that stores water, building a little dam on the down hill side of it, most of it is already there. It may have the right quantity, may not. Is this something that should be reviewed by an engineer?

WW says yes.

P. Herr says then it should be started now so, a month from now it is in place. The second little uncertainty is that we don't have architectural drawings. The submittal requirements are that we

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have architectural drawings in order for us to figure out how you get into the building, where and in the case of Industrial Development to have the understanding of how much parking is required as far as office space, storage space, or factory space. If I understand correctly, you people don't know at this point.

P. Beamis says that the process here was to be in a position to address a Tenant forthcoming. This is very generic.

P. Herr says that this is not the first time this has ever happened. They are showing parking for the worse case. Which is pretty straight forward. What we have been doing in similar circumstances is getting an envelope within which the building is going to be located.

P. Beamis said what I would like to see happen. If we could conclude this process with the understanding that. A building permit has to be filed and that building permit takes time to process. We would then be charged by Aspen to develop a set of Construction Documents. These are permit documents, I believe Aspen's plan is to build by them. They want to build what is shown. Probably what is going to happen, is the user is going to come along and instead of the building being 240 wide they are going to come in at 235 wide or there will be some sort of special need they have and we will have to make an adjustment. Then we will have the opportunity to come back to the Board and modify that approval.

P. Herr the question is whether or not this Board is comfortable with moving ahead providing Development Plan Review for a building for which you don't know the occupancy.

EM asked what would change it? Worse case the traffic flow?

P. Herr said that the shape of the building may change. It may turn out to be 5 or 10 feet wider or narrower.

B. Kelleher asked if they could come back to us if it is going to be different then what the Board approved?

P. Herr said absolutely you can do that.

B. Kelleher said that I don't think that the building would get any bigger. My sense if anything it would get smaller. If it isn't what we are showing you then we will come back in front of the Board.

P. Beamis said that the most important thing is that the utilities have been sized for this maximum development.

P. Herr I just want to make sure the Board is comfortable with what you are submitting. We won't have architectural drawings, but they are telling us verbally the building won't be too tall and it won't be bigger than what is shown. We can take what they show as a perimeter as a not

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to exceed line and take it from there. If it is a shrink in the building size, then all that is required is a Site Plan Review.

WW says that the only think that I'm alittle confused about is that the tenant for the building could change when the second tenant comes in as far as requirements. I thought originally that all these buildings were going to look the same. That's what we were shown pictures of. Is that true or not true know.

B. Kelleher said that all the buildings will have the same architectural styles so that they will all blend. The way it has been designed is the three buildings the same size, that is our intent. Maybe one building will be 10,000 square feet less. Maybe someone would like their entrance to have a rounded corner. I don't think that they will be identical. But they will have the same material so that they will all blend in.

WW says that as far as the drainage calculations could be sent out of review at this point?

P. Herr said yes.

EM asked if this is similar to what the Board did with Charles River Center or anyone else?

P. Herr said that there is more uncertainty in this because the difference between storage and office is huge.

WW makes sure that Aspen understands that the Town doesn't have an Engineer that can review our drainage. So, that it all goes out to an independent engineer at the applicant's expense.

B. Kelleher said that is fine, we understand.

P. Herr asked when this lot gets conveyed, all the issues around shared driveways, shared drainage, shared storm water management all need to be in place. I think that the Board needs to be satisfied in approving that development plan that the provisions for long term maintenance of those things are okay. This looks like a subdivision, smells like a subdivision, walks like a subdivision, but is not a subdivision. That information should be in circulation and reviewed by myself and Town Counsel prior to the next meeting.

P. Beamis we understand that. This is going to be an evolving process and we are going to be coming back to you. The first step is the Board's consent to this concept. You gave us a consent this evening on the plan of land.

B. Kelleher we wanted to take the step and make sure that this was going to be approved by the Town before we went ahead and get the easement documents drawn up.

P. Herr I'm not going to recommend that the Board approve without those documents. The last time a Developer came in proposing to share storm water and do these such things. They were a substantial firm, they were doing a larger scale development than this and they are now bankrupt,



they are gone and the system doesn't work. The Board needs to be very careful not to communicate an approval that is not really there. That is why when you decided not to follow subdivision regulations it raises another set of issues.

P. Beamis asked if the Board would consider scheduling a meeting time for this time.

WW says that we should look at the second meeting in November.

J. Karakeian said November 25, 1998 @ 7:30 pm for the Development Plan Review for Riverview Park.

### **STOR/GARD – Special Permit & Development Plan Review – Continued**

Denis Donovan, Joseph Santos, Chuck Samiotis and Nichols Abraham is in front of the Board to present information for the Development Plan Review and Special Permit public hearing.

J. Santos is here on behalf of the petitioner, SGI, Bellingham. We come before you invoking the provision of Mass. General Laws c. 40A, S.0 and Bellingham Zoning By-Law, Section 4932 (a) seeking a Special Permit to do work within the Water Resource Protection District. My client SGI, Bellingham is the agreed purchaser of a parcel of land lying off Hartford Avenue, hereinafter "Site". The site lies within both the Industrial District and the Water Resource Overlay District as shown on the Zoning Map. We seek a Special Permit pursuant to Section 4932 (a) of the Zoning By-Law to authorize the development of Site of a warehouse facility and in so doing to cover the impervious cover of more than 30% of the lot area. SGI, Bellingham is the agreed purchaser of Site it does have standing to seek the relief sought by special permit. The proposed principal use of the site, a warehouse, is a use permitted as a right within the Industrial District. We also propose an ancillary use, a "single family dwelling for personnel required to reside on the premises for the safe operation of a permitted use". We do propose to have one dwelling unit for a resident caretaker/watchman. That is also permitted in your Zoning By-Laws. The improvements planned for the Site will be in complete compliance with the intensity of use Schedule set forth in your Zoning By-Law. You don't have a lot area requirement. Our site is in excess of 342,000 square feet. We are required to have frontage of 125', we have 913'. A front yard of 100', we do provide it. A site yard of 10', we do provide it. A Rear yard of 20', we provide 227'. A maximum building height allowed is 45', we will be substantially below that. For the most, building height will be 16'. The development will also meet and exceed the off-street parking requirements set forth in Section 3300 in the By-Law. With respect to Warehouse space,, we have proposed eight (8) warehouse buildings that will be 124' x 60'. They will contain 59,520 square feet of space. One smaller warehouse building 60' x 60' will have 3,600 square feet of space. Together we will have just over 63,000 square feet of warehouse space. We are going to have one small two story building. The first floor will be with business office and the second floor will be a small apartment for the watchman/caretaker who will be present. Under your by-law you are required to have one parking space for each 2,000 square feet of warehouse space. So, we will need to have 32 spaces. One space for each 250 square feet of office. We need 2 ½ spaces for the dwelling unit. As far as the number of spaces, we are required to have 39, we originally had 107 designed. We are going to have 135 spaces. That will make it possible

to meet the requirement in your by-law. We are here this evening for a Special Permit to render more than 30% of our lot area impervious. Your by-law in Section 4940 sets forth the criteria that we must meet, the findings you must make to warrant the granting of the Special Permit. So, I will have to take a moment to go each of the details. Criteria "(a) the intent of this by-law as well as its specific criteria are met;" We say that this criteria will be met. The stated purpose of the by-law set forth in Section 4910 is "to protect the public health by preventing contamination of the ground and surface water resources providing water supply for the Town of Bellingham." The agreement covering all use of storage facilities in Section 6 thereof prohibits the storage of materials hazardous to public health. A state of the art drainage system, including sediment and oil separation capability, will handle sheet flow drainage so that water quality will not be compromised. Criteria "(b) the application materials are sufficiently detailed, definite and credible to support positive findings relative to the standards of the by-law;" The detailed development plan, data explaining the proposed ACO Drain III, and the Self Storage Rental Agreement which prohibits the storage of materials hazardous to health clearly form the basis for positive finds that by-law standards will be met. Criteria "(c) the proposed use meets the standards of Section 4900;" We say that it does and in support thereof we again restate that we have an agreement so that no hazardous materials or no contaminants will be stored in these warehouses. We have a drainage system that has oil separation and sediment control capability. And, we have a state of the art drainage system that will be explained by our technical people. We feel that on the basis of all of that you may fairly find that ground water will not be compromised. Criteria "(d) neither during construction nor after will the use adversely affect the existing or potential quality of groundwater available within the District". It will not. Concrete slab foundations and the ACO Drain III system are inert and will not affect groundwater. Materials to be stored on Site are all-benign and are stored inside buildings and not in contact with the ground. Criteria "(e) the proposed control and response measures adequately and reliably mitigate risks to groundwater quality resulting from accident or system failure". The control over the nature of materials that may be stored on the site set forth in the Self Storage Rental Agreement, together with the proposed drainage system with sediment and oil separation capability, afford the greatest protection to groundwater. Therefore, we feel that we do meet the criteria set forth in the by-law and we urge that you grant a Special Permit to authorize the development of the site of the improvement that you see here with 48% of the land area with impervious cover.

C. Samiotis is a civil engineer and designed the entire site. What Mr. Santos gave you was an ACO Storm Drainage. What it is, instead of being a square catch basin, it is a linear catch basin. That allows us to essentially pick up all run-off within the site. There is no run off on the paved areas that goes off site before it's treated. So, the system works in a manor where the storm drainage system is picked up, brought down to gas/oil separators, then released into a detention pond. Then there is two separators, so the system is divided into two, where a portion goes to one separator and another portion goes to the other separator and goes into one detention basin and out to another detention basin. We provided in the storm drainage calculations, two different analysis. One is the storm water management form which is typical for Notice of Intent submittal. It illustrates the total suspended solids that are removed from a site. Right now, if we were submitting to the Conservation Commission, they would want to see an 80% removal rate. We are up to 99.1% based on the criteria as the develop. The other criteria in storm water management is pre and post development rates. Typically we want to maintain the pre

development rate and the post development condition. We divided the site into two drainage basins. Number two drainage basin, what we have done is allowed the run off that goes to a small area on the site, we have analyzed that in the pre development condition and in order to meet the post development rate what we did was we directed the flow away from that and made the basin smaller. By having less area we were able to reduce the rate of run off. For a 10 year storm for instance the existing run off rate was 2.25 cubic feet per second and the post development was reduced to 2.2. For the 100 year storm it is existing 6.2 and the post development is 6.06. That is basin number two. For basin number one we have a series of detention basins and the analysis there is slightly better in the post development condition where the pre development was 3.93 per 10 year storm and the post development was 3.59 and vice versa for the 100 year storm. 15.03 for existing and 9.63. In the plans that I submitted, there has been discussion with my client about this trench drain. I think we have settled on a ACO system which is a fiberglass type system. We have also included, just as an option, another option that is a corrugated aluminum with a 1" open strip. Mr. Herr had a little concern that the pipe would clog. The ACO system is the more expensive system but it is easier to clean out, so we are willing to go with that one.

EM asked what the percentage of impervious coverage was?

N. Abraham says 48%.

J. Santos says we are allowed 30%, we need 48%.

EM asked how many buildings would have to be eliminated to bring it down to 30% coverage?

J. Santos said that they didn't figure that out. We figured that it was a good sight, what we could do to make it feasible. I might point out that my client has a state of the art storage facility and has recently opened in Walpole.

EM asked where it is in Walpole.

N. Abraham wishes to answer that. He is a principle in Stor/Gard Self Storage Co. It is a family owned company. He showed pictures of the facility in Walpole next to the Wal-Mart on Route 1 and Route 127. We take a great deal of pride in our facility, this is the finest facility in New England. We take a great deal of time to design a beautiful building. Our buildings have gable roofs, we build beautiful office buildings, made out of wood. This design will be carried through in Bellingham. We take a great deal of time doing the landscaping. We will have far more landscaping than zoning regulations require. We want them to look beautiful and we want them to be an asset to the community. We are very excited about coming to Bellingham. We have been very well received from everyone that we have dealt with in Bellingham. I want to assure you, as the head of the family, we will do everything that will make you happy. What ever your requests are.

AM asked what is normally stored in storage facilities like this?

N. Abrahams said that the kind of customers they have experienced. There is the homeowner that is moving and in between homes.

AM asked if it was a quick change over?

N. Abrahams said 3 to 4 months.

AM asked if they store vehicles?

N. Abrahams said sometimes, but very few. Mostly in the winter time. We have a lot of elderly families and one of the members of the family dies, or an estate of a family member. Or an elderly family that is moving from a house to an apartment where they have access belongings. We have a lot of small commercial accounts like your local carpenter or your local painter that needs to store some of their tools. Also we have service companies, like coffee companies that store their inventory of coffee and paper cups, things of that nature. It is a very clean operation. We make sure that everything is neat on the site at all times. There is very little traffic, maybe 10 to 15 customers a day.

EM asked about outside storage?

N. Abrahams said that they don't have anything planned at the moment. There is room for boats and trailers. In Walpole for example, we have one truck that is parking out on the lot as a customer. We don't want too much outside storage, because it makes the facility look ugly.

WW asked about hazardous waste. I have done a lot of research on storage facilities. In the past, there has been a lot of storage facilities that go bankrupt because of a lot of hazardous materials being left in side units. I understand what your agreement says, that you can't put it there. But, people don't necessarily follow what the agreement states all the time.

N. Abrahams says that from his own personal experience. He has been at the Walpole site for about three years, during construction and operation.

WW asked how long the Walpole facility has been open?

N. Abrahams says that they have been opened for about 1 ½ years. I have been there every day. We've never had one instance of hazardous waste on this site. There hasn't even been a tin can of turpentine left in any of the units. If there is something left in the unit, when it is vacated, we send our man in and he cleans it. There is a chance of any hazardous waste spilling from the unit onto the roadway. If there is, then it will go into the drainage system and be caught by the sediment containers.

WW says that they're lucky that there has been no experience with hazardous waste. I know the fellow that operates the facility in Uxbridge and he runs a tight ship over there and he still has problems. What about your clients that are painters and stores paint?

N. Abrahams says that the painter that they have at their Walpole facility stores ladders, brushes, but have not seen any paint.

RD asked if there are individual locks on these units?

N. Abrahams says yes, they put their own lock.

RD asked how you can tell what is in there? My understanding is that it is key coded access and you can go in their up to 11:00 at night?

N. Abrahams says that we have access from 6:00 am to 9:00 pm. I think it would be silly for me to tell you that we inspect everything that goes into these units, we don't do that. I can tell you that we inspect everyone one of these units when people vacate. We have over 600 units at our Walpole facility. In the year and a half that we have been there, we have had not one instance of hazardous material.

WW well, at Walpole, I don't believe your in a Water Resource District?

N. Abrahams said that I don't know if we are or not. But, we are a very responsible land owner. We take a great deal of pride in our property. We take extreme care and pride in the way we run our facility. Our standards will be greater than yours, I assure you.

P. Herr asked to walk through the what if? What if in fact there were spillage of some liquid hazardous materials. I gather that all of the surface inside the fence is impervious?

C. Samiotis said correct. We designed this storm drainage system in a manner that every drop of water that went on to the impervious area, went into the storm drainage system. All of that is tributary to the gas and oil separator. The gas and oil separators are a three chambered system that essentially was developed to take any spill and keep it within.

P. Herr says to stop right there. Those are your famous sinkers and floaters. There is also the mixers. Lets suppose that this hazardous material is a mixer. Lots of nasty things mix with water, then what happens?

C. Samiotis says that we have a detention basin. We are not infiltrating. One of the original thoughts when you look at a site is to try to incorporate a subsurface detention system. This site is a standard site so it is ideal for that type of system. If we are talking about 55 gallons, unless it is pouring rain when that happens, it will all be caught.

P. Herr said then it would take a combination of an unlikely spill coinciding with rain. It could happen anywhere but we are just trying to understand how you are equipped to deal with that. Is there a way to prevent water from going beyond the structure?

C. Samiotis says physically, no. The structure has to flow. Unless we were going to store all the water from every storm, where would we put it?

P. Herr says lets suppose it is not raining at the moment. Something spills, thank heavens we have this thing to catch it. Now, there is time for someone to get here and clean it up.

C. Samiots says that I guess in your assumption, what would be a likely spill? Is a likely spill of 55 gallons?

P. Herr said that it could be 10 gallons, but it is raining.

C. Samiots says that 10 gallons and it is raining, it would go through the system. Alot of the drainage theory that I imply is based on the Metropolitan Washington District government. Their noted for their best management practice, which is environmentally sensitive, especially the storm water run off. What we've developed here and what we did prior to the new criteria for the notices of intent are to have exactly what they call for. Shows that there is a detention basin on site, it is not a retention basin. I guess the alternative to that is to line the detention basin with an impervious barrier. That way, if something were to spill it would go into the detention basin. It would be observed by the earth there in a controlled way and we could just haul it off. Is that what you were looking for?

P. Herr said that he doesn't know what he is looking for, we need to satisfy the Board.

EM asked how much of the lot is in the Water Resource Area?

C. Samiotis said the entire lot.

N. Abrahams wanted to point out that the FG 200 Series of drainage that we are putting in is all fiberglass. It is non corrosive. So, whatever drain water comes into it, will end up in this chamber. I don't see any problem with lining the basin with some kind of a barrier.

C. Samiots said that we would put the barrier below the grade so that it will be covered.

WW questioned where the 135 parking spaces are?

C. Samiots shows all the parking on the plan. The roads are 30' wide in between the units.

P. Herr says that they have a huge amount of parking. There will never be an issue of parking.

N. Abrahams asked to talk about one more thing, common sense. The common sense here, we get 10 to 15 cars a day coming in. We have a very low traffic count of cars coming in here on a daily basis.

WW says that what he brought up about the hazardous material is the truck that comes in there and rents a unit and stores 20 55 gallon drums of hazardous material, and they spill.

N. Abrahams agrees and that is a legitimate concern. I can also tell you that in a year and a half we haven't had one instance like that. I know that it could happen, but we have to provide a

system that is fail safe. The message that we are trying to get across to you is we will provide any system that you want that you are happy with. We agree with you.

P. Herr says that then the question is, there will still be vegetation on top of the slurry so that the removal of alien material would still occur even though it will be retention rather than detention? Or would you need to re-examine? Your quality analysis, your counting on the detention basin to remove a substantial amount of contaminants. I wonder if you convert it to something that is impervious whether you get that same quality analysis.

C. Samiotis says that, that can still occur. What I mentioned earlier was that basically if we have a detention basin as such, we install an impervious area then top soil on that and then vegetation. We would maintain the vegetation. We really want to have something that is esthetically pleasing.

P. Herr says that results in a redundant system and it would really take quite a combination of adverse events all happening at the same time.

C. Samiotis asked if he could make one more suggestion. I would just put some simple gate valves on line to keep the water from going out and that could be actuated by someone on site. That would be posted and who ever is trained on site would be required to go through an overview of the drainage system itself and what he is to do.

EM asked if they have been to Conservation?

C. Samiotis said no.

EM said that the Board is going to want to hear from Conservation.

J. Santos said that we may not have to go to ConCom, but we will file with them and they would make a determination whether we have to go forward with them or not.

P. Herr do not Development Plans get circulated to Conservation Commission. This plan should have already been sent to them.

J. Santos said yes.

P. Herr says that I don't think that there is another filling that has to be done. Just getting a response from Conservation.

AM says that we should continue them to our next meeting so they can get updated drawings showing the detention basin and a response from Conservation.

AM motions to continue the Special Permit and Development Plan Review Public Hearing for Stor/Gard to November 12, 1998 @ 9:00 pm. RD second. Unanimous vote of 5 (WW, RD, EM, AM and PC).

**GENERAL DISCUSSION**

Tom Guerin questions Ski Shop that is relocating to what used to be a service station and does it need a Site Plan Review?

WW states that it is not altering parking. The service station requires more parking than a retail store, so then it does not need a Site Plan Review. For the size of the building it requires eight parking spaces. Does it have eight parking spaces?

T. Guerin says that he doesn't know.

AM asked that isn't this the Inspector's call? What is he saying?

T. Guerin says that he feels that it needed to go to the Planning Board.

WW asked how can we do a Site Plan Review for something that doesn't require it?

P. Herr says I don't know. It usually is the other way around.

**COUNTRY CLUB ESTATES II – DEFINITIVE SUBDIVISION – Public Hearing**  
**-Continued-**

EM abstains.

Roger Gagnon comes in front of the Board to ask for an extension and continuation for the Definitive Subdivision of Country Club Estates II Public Hearing.

AM motions to grant extension to December 10, 1998 for Definitive Subdivision for Country Club Estates II and to continue the public hearing to November 25, 1998 @ 8:00pm. PC seconds. Unanimous vote of 4 (WW, RD, AM and PC).

**REMMY ESTATES – INFORMAL DISCUSSION**

EM returns to meeting.

Brad Allen, Developer is in front of the Board to discuss the possible developing of Remmy Estates on Blackstone Street. I was here two weeks ago and presented some information on Blackstone Street which was requested. Submitted an opinion and some factual data regarding the length of Blackstone Street. The maintenance of Blackstone Street. The deeds that represent the ownership interest along Blackstone Street all of which refer to Blackstone Street as a monument. At that time it was made clear that there was some requests by several of the landowners along Blackstone where it was dirt road at the time to the Selectmen in Bellingham to close the road. To allow them to put rocks in the road because it had been used and at some point abused. The Selectmen gave them permission to close the road between 325 Blackstone Street and the Blackstone Town line. We took that information and forwarded that to Lee



Ambler. He did respond on October 16, 1998 in which he stated that he must stay with his previous of November 13, 1997 forwarded to Atty. Bruce Lord. He goes on to state that it is in more of the realm of the Planning Board's decision to determine treatment of the same as a thru way or a dead end way. I'm not exactly sure what he is getting at here. He says, "but would suggest that in the event that the way when it is in Blackstone is not maintained or usable, that this should be treated as a dead end, but designed for it's continuation in the event of the completion of same within the Town of Blackstone."

P. Herr says that is clear. By the same he means Bellingham Road in Blackstone. Blackstone Street becomes Bellingham Street. What he is saying is that the Board is going to go along with this at all should consider Blackstone Street as if it were dead end street but if Blackstone ever does make Bellingham Street really work then it would go right through.

B. Allen says that when he was here two weeks ago. I put together a cover letter and asked at the end of it, more or less a response to what Mr. Herr said at the meeting which I attended when a preliminary plan was presented. What would be required in order to approve access for emergency vehicles? The time line that I see is, sometime in the 1700's the Holebrooks and the Cooks got together and put a road together and recorded it with stones and oak trees and black walnuts and pitch pines and in February 1768 they widened it from two rods to three rods and that is in the Town records. Between 1922 and today the town has filed for Chapter 90 funds to maintain the road as a public road. In 1964 a petition to take the road between South Main and Mechanic Street. In 1989 the Selectmen voted to permit the closure of Blackstone Street, so until that time it was used as a road, a through way. Eight years after the Selectmen voted to close the road the Town updated it's application for Chapter 90 maintenance funding including Blackstone Street to the Town line even though that section of it is closed. In 1997 your clerk certified the record regarding the 1768 land road transaction. The day after that Lee Ambler stated that there was no legal or precedent established for that road being considered a public way. Most recently there was a preliminary plan submitted on the Remmy Property and a Form A was submitted to parcel of a couple acres. I then requested an interpretation of what is necessary.

EM asked that back about 10 years ago, someone went to the Selectmen and asked their permission to close off the road. Who was it that did that?

B. Allen says that it was the landowners along the road at time. Ken White, Blackstone, Rosenfeld Concrete, Kimball Sand, Remmy, and Varney Bros. Those are all the landowners along the road between 325 Blackstone Street and the Blackstone Town line. On May 15, 1989 the Board of Selectmen voted unanimously to allow the closing of Blackstone Street. There was illegal dumping.

WW says that all these people partitioned to close the road shouldn't they be notified that it is going to be opened again?

EM says that Lee says that Blackstone Street is a dead end until it is opened in Blackstone.

WW yes, but even if you did anything with it, even if it was a dead end. How can one person, when it took six people to have it blocked just unblock it?

B. Allen says that I'm not here to request that we open it. I'm here requesting acknowledgment that the road exists. I'm in a catch 22 with a non-existent road that is referred to in every deed along that non-existent road.

P. Herr says that I think your trying to get guidance on how to figure the development of land.

B. Allen shows a print of what he would like to do on the Remmy property on Blackstone Street. What I would propose to do is improve Blackstone Street in the property of which I am attempting to purchase only. Move the rocks from where they are to the end of the Remmy property. Continue to keep it closed off, but make productive use of the land.

WW asked how many lots will you end up with?

B. Allen says 17 lots. The same number that came in on the preliminary subdivision.

EM asked how many are on Blackstone Street?

B. Allen says 8. I'm not here suggesting that you open up Blackstone Street and make it a through way. I don't think that is the right thing to do. But, it is a road in every record book that I have gone through.

WW reads the last paragraph in Lee's letter dated October 16, 1998. "I would respectfully submit that there is nothing contained in the information provided by Bradford W. Allen, President of the Allen Companies which would allow me to conclude that Blackstone Street is an accepted public road in the Town of Bellingham, and further there is little to describe its boundaries in the event that one were to say that it were a public way."

B. Allen says that what your saying is that the deeds that abut Blackstone Street are invalid. I gave him all the deeds from North Street to the Town line.

EM asked if you also had an engineered plan that said, this is someone's lot and this is someone's lot, so what is left in the middle is the street?

B. Allen said no.

P. Herr said that he gave Mr. Ambler the deeds and what Mr. Ambler is saying is that the deeds are obsolete. It's just that the language in the deeds no longer work no more than the knot hole in the tree.

B. Allen says that in landcourt the knot whole in the tree will hold up.

P. Herr says that I don't think that your going to answer this question about the status of this street without somebody making a very major investment. I have made some copies of Mr. Don DiMartino's magic map that shows lots and building to try to find whether this is a unique circumstance or whether there are some more like it. The shades on the maps are the zoning districts. We boxed off the houses that were built and extended Rose Ave. Ext. and Judy Lane and this was built when the 12 lot rule was in place. There were already substantially more than 12 houses on a dead end street. Another one is near St. Blaise church and conceivably should the church ever succeed and subdivide the land. But, right now there is only one way to get in. This is infact quick parallel. The one on Hixon Street is all a dead end from a third of the way up. There is only one way to get to all of those lots. At Rawson Farms is another one that is all a dead end.

EM says that the Planning Board waived the second means of egress because of safety.

P. Herr says yes. These are the ones that we found.

WW says that there was a reason for Hixon Street being a dead end.

P. Herr says that Hixon Street there is a skinny piece of land there that goes up to the northeast and in theory provides access to that industrial land up in back. Regardless of the current status of Blackstone Street and Bellingham Street, that potentially they continue through. Eventually they will be open in someone's life time. A question that was asked earlier about what kind of secondary egress would satisfy the Board?

B. Allen said that the only thought I had on that was for emergency vehicle means of egress was the other end of Blackstone Street. Install access gates for breakaway use of emergency vehicles.

P. Herr says that isn't it true that Bellingham Street in Blackstone isn't really normally passable?

B. Allen says that it is paved right up to the Town line. There is a street light and pavement.

P. Herr well someone constructed Bellingham Street to the Town line. If someone were to construct the rest of Blackstone Street to the Town line we couldn't deny it, the biggest concern is that we don't know where the edges of the right of way are and we really don't know whether it is public or not. Is it clear to Atty. Ambler that no one would have the right to close that road?

B. Allen says that the only thing we would do in terms of establishing that there was a road is to lay out the lots of the property a side the road and front on the road and use that to see what is left to find Blackstone Street's actual location.

WW asked why put the breakaway gate up?

P. Herr because I think people don't want to see through traffic using it.

WW says that, that is the purpose of the law. Not to create dead end streets with more than 12 houses.

T. Guerin asked who was going to maintain the area between the gates?

B. Allen says to take the Chapter 90 money to maintain it.

WW asked why we can't get the Developer to pave it?

B. Allen says that there is no need for him to pave it to get frontage to lots that aren't there.

P. Herr says that would making that connection open serve any important circulation?

EM says that if it was open, people would use it.

B. Allen says that the Remmy's property doesn't abut the Blackstone Town line.

WW asked how he drew the map he had when he doesn't really know where Blackstone Street is?

B. Allen says that he traced the engineers map.

PC says that Town Counsel is telling us one thing.

EM says that I don't think he is telling us that it isn't a public way. I think he is saying that he can't determine if it is. It seems like there isn't enough information there to convince him that it is a street.

Marylou Corriveau was questioning Lee Amblers letter that Blackstone Street is a dead end street. It has a sign put up by the Town that says Dead End. What if it is a privately owned street?

EM says that he is not saying that it is a private road but he is saying that it just isn't maintained publicly. The public isn't using it.

P. Herr says that there are three bases on which one could be allowed to develop the line on a road. 1. If it is a town accepted road. 2. If it is used and maintained as public way. 3. If it is a way that pre-existed all the current laws, apparently this is, and the Planning Board finds it adequate to serve a public way for a development. The 3<sup>rd</sup> one is what tonight's conversation is about.

EM says that when you say the deeds refer to Blackstone Street as a street, are you talking about the deeds for the existing houses up to the last one?

B. Allen says that he is talking about the deeds from North Street to the Town line.

P. Herr I don't know if you thought you were willing to pay for making that way meet town standards for surface and grade all the way to Blackstone. Then all these concerns would go away. The question you should ask the Board is, is there anything short of that that would be satisfactory.

B. Allen asked if it was possible to establish some access point from the west side of this property. If the concern is that there is a dead end created, there is a way to get there. What right do I have to come in here and prove a road that runs from between properties that I don't own to some other point on the map which I don't own? My attorney said that I should probably get permission to make improvements on that road.

P. Herr says that I think that is right.

EM the question is, who do you get permission from?

P. Herr says that you would need permission from the open land owners between the Remmy property and the Town line.

Ron Remmy says that when the blocking of the land all started way back then when Mr. White who abuts the land in Blackstone wanted to stop people coming into that road and dumping rubbish called us and asked if we would go along with him to stop people from our end because people were doing the same thing. People would dump trash and mattresses and the cops would go down their and shoot. We said yes and he contacted Mr. Kimball, Rosenfeld and Varney Bros. to ask them as well and they all agreed to it. Mr. White went to the Selectmen in Bellingham and they said fine, do it. Mr. White knows Kimball so he had them bring over some boulders on the Blackstone end and our end. The reason the Fire Department didn't care was because they still had access to it. There is another dirt road up off of North Street and they come in through the pipe line.

Marylou Corriveau said she remembered there being a very big fire out back in that land a few years ago and they used Blackstone Street, they just moved the rocks.

AM said that she really isn't sure what do to.

WW said that he really believes that the people that own the land between the Town line and the Remmy property needs to be notified about the moving of the boulders.

P. Herr says that suppose someone contacts all the people who property was involved in the rock placing. But said that we would like to replace the rocks with gates that emergency vehicles can go through. We would like to move the gate on the east end of it further along so that it won't block the Remmy property. And, they would agree with that.

Marylou Corriveau asked that you are just pushing the dead end back further?

P. Herr yes, but suppose that procedural piece gets done and those people all sign off on it. Now, Mr. Allen question is would the Board accept that as a way of satisfying their concern in the 12 lot rule as a basis in part in the emergency access. Would the Board find that sufficient to deal with that concern?

WW well, it's not through to the public?

P. Herr says that he is trying to take it piece by piece. The first piece of concern about why you have the 12 lot rule is emergency access. Would that be okay for emergency access? The second question is, even though it is okay for emergency access is that okay if there is channeled public?

WW if you go ahead and pave that section of Blackstone Street is that a private road and public road or a town accepted road?

P. Herr says that is important and he could make it part of his subdivision and it would meet the subdivision regulations.

B. Allen said that he would deed it over to the town eventually.

P. Herr said that if the Town would accept it.

B. Allen said that it would be installed to town standards.

EM says that if he is going to build it to standards up to the gate, then I don't have a problem with that.

WW asked who was going to plow the snow on the road between the gates?

B. Allen said that he believes the Town of Bellingham has Chapter 90 money.

Jodi Sabinarro asked if they do lengthen the road, the existing portion of the road that is there right now, would be that improved or widened as well? I just don't want to loose my front yard.

EM said that before anything happens this would require a public hearing and everyone would be notified.

Jodi Sabinarro says that right now you can't even get two cars by at the same time.

Jim Fuhrman says that the street is 15 feet wide right now.

P. Herr asked if the paved portion was 15 feet wide?

Jim Fuhrman says yes.

P. Herr says that if in fact that it is 15 feet wide, then that doesn't satisfy an access requirement that the Board has. What might be is that there is another two feet of asphalt under the sod on each side of the road.

Marylou Corriveau said that we are obviously concerned that if your going to widen the street then our houses are going to end up right on the road.

EM says that you only own what your deeds says you own.

Jim Fuhrman says that the basic question is that the improvement of the road, if and when this happens, what is going to happen in front of our homes to accept 17 to 35 more vehicles a day?

EM says that Phil used Hixon Street as an example. This was the same problem. We had the Developer go back and survey or engineer the road and show us where the road was and where it could be widened and where it couldn't be widened. So, that we could determine where it should be widened.

Jim Fuhrman said that the DPW suggested the extension of the way to accommodate a cul-de-sac is substantial.

B. Allen said that the town requires a layout generally much wider than the road. The pavement is usually 22 to 24 feet and the easement is 40'.

Marylou Corriveau said that when they spoke to Mr. DiMartino he said that he would like to see it widened to 26'.

AM says that the Developer provided the results of the surveying and engineering of Hixon Street for the future.

P. Herr says that if this proceeds, there will be a public hearing and you will all be heard. If it is really 15 feet now, just a few feet will make a big difference. Mr. Allen, did you get the guidance you came to get tonight?

B. Allen said yes, in a round about way.

EM said that I think we need to know where the road is.

B. Allen said yes, that will be the first thing I do. Surveying between North Street and the end of the Remmy property. I appreciate your time and you've been very helpful.

### **GENERAL BUSINESS**

The Board amended minutes of October 29, 1998 to continue the Maplebrook Common Development Plan review from November 5, 1998 @ 7:30 to November 12, 1998 @ 7:30. Everyone was notified of the change.

**MINUTES OF PLANNING BOARD MEETING**

**October 29, 1998**

Invoice for Phil's first quarter of FY 99 is signed by the Board.

Phil passes out the Preliminary Decision for Depot Industrial Park to be endorsed by the Board. PC motions to sign the Preliminary Decision for Depot Industrial Park. AM seconds. Unanimous vote of 3 (WW, AM and PC).

P. Herr says that the man that is doing engineering for the people developing Hill's property called me up and was confused with regards to this issue of the form for plan review. What he got from the Building Department was only one side. Please check to see if they have the two sided form and not only just one. I also brought along with moving ahead doing our own stuff. The single most important piece that got put on the Planning Board from the Master Plan was this thing about a better system of controls for residential developments to do more creative things that have been done in the past. What I have put together is an outline that you can go through and say would you like it to do this? If you could look at this so the next time we meet we can discuss. Some of you may know that the stuff that this talks about, alot of it is the stuff that was in the famous Bylaw that the Town of Westwood adopted, which the homeowners hated and got alot of publicity, but the Attorney General approved it without a problem?

PC moves to adjourn at 11:15 pm. AM seconds. Unanimous vote of 4 (WW, EM, AM and PC).

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William M. Wozniak, Chairman

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Richard V. Dill

  
\_\_\_\_\_  
Paul Chupa

  
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Edward T. Moore

  
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Anne M. Morse