

**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**

**NOVEMBER 12, 1998**

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

**GENERAL BUSINESS**

Jill informed the Board she spoke with Phil's office today and Joe Carroll informed her that Stor/Gard had some issues that needed to be addressed on their recently updated plans as far as the landscaping is concerned and the side lot distance from a residential use.

Jill informed the Board that she spoke to Lee Ambler regarding Maplebrook and he has nothing to report to us at this time. There are still outstanding issues as far as legal issues are concerned. Phil's office won't start reviewing plans and waste the Town's money until the legal issues are taken care of on this matter.

The Board and the new alternate member Steven Choiniere signs letter to register Steve Choiniere's signature with the Norfolk County Registry of Deeds.

**MINUTES ACCEPTANCE**

AM motions to sign the minutes of November 13, 1997. EM seconds. Unanimous vote of 3 (WW, EM, and AM).

**MAPLEBROOK COMMONS – Development Plan Review – Public Hearing – continued**

EM abstains and leaves the room.

Bob Mascchi, civil engineer and president of Real-Estate Management Corp. the engineering firm representing Gail Fallon the applicant for Maplebrook Commons. Is presenting to the Board an update of what I have done as far as the engineering is concerned. We are also waiting for the

attorney Mark Brobrowski who hopefully is going to have some answers on the legal aspects. I would like to submit an application for an updated Special Permit and would like to request a change due to the buildings that we want to redesign and put on the plan. An application and plans are submitted. There is no fee or abutters list included with the submittal. The new rendering that we want to construct will eliminate all the parking areas that was on the old site plan. It includes garage under. The special permit application reflects the change in the design of the buildings. If you remember correctly I asked to do a study as far as the sewer system within the project. The old plan had a pumping station within the project that serviced some of the existing buildings. We did some fieldwork and we came up with a new concept and submitted new plans at the beginning of the week. Phil Herr got a copy of these plans. We are going to be able to not only eliminate the proposed pumping station that was within the new proposed units but also the existing pumping station that serviced some of the existing units. Plus we will be able to service all of the existing buildings and we have added those to the profiles that are on the plans that were just submitted. Basically, we are in very good shape engineering wise. We are just waiting to here how the attorney's made out as far as the legal aspects.

AM says that she is thrilled to here that they are going to accommodate all buildings with sewer.

B. Masschi says that they tentatively have a public hearing with the Conservation Commission already planned for November 25, 1998. My client had said she told the attorney and he was going to be here for 7:30pm.

RD made the comment that we are going to need correspondence from Town Counsel regarding the legal issues.

J.Karakeian said that she spoke with Town Counsel this afternoon and he said that legal issues were still outstanding.

WW asked if he had a copy of Don DiMartino's letter dated November 11<sup>th</sup>?

B. Masschi said no.

AM says that there really isn't any point going forward with this until the legal issues are resolved.

B. Masschi says that at this point we now know that we can sewer the whole project. We can do it with gravity without any pumping stations.

WW asked how they are going to sewer if they don't have the sewer capacity?

B. Masschi says that they are online and working on it.

Kathy Hagidy, resident of Maplebrook. Asked, when you say you're going to hook up sewer to the existing buildings?

B. Masschi says that what he said is that my client has offered to put in all the sewer manholes and mains to service all the buildings.

K. Hagidy asked what they consider all the buildings?

B. Masschi says all that were part of the original approved Maplebrook. From South Maple Street through to Blackstone Street. A total of 250 units. Two of the buildings might need ejectors within the buildings themselves.

PC says that I don't think that it has to go all the way to South Maple Street. I think there is a stub that came in behind DePrato's property.

Nina Benjamin, resident of Maplebrook. Asked what point will Maplebrook Condominiums be notified that this work will be started? They will be working on our property, will we be notified?

RD asked if they have a spokes person that have been at our previous meeting?

B. Masschi says that he has spoken to Martha Circoni. She has a complete set of plans that we are proposing. I will also give you these updated drawings that are showing the sewer. We are not going to hook the buildings up, we are going to provide the sewer mains and manholes to service all the buildings. It will be then their responsibility to hook into the sewer main from each individual units.

RD that is what we are trying to figure out as far as what was intended as far as sewer with the original permit.

AM says that this is another legal issue. If the original proposal that these condominiums are to be tied in then that is what we need to find out.

WW that is the big problem. We need to figure out what is what as far as the original permit and start there.

B. Masschi says that he would like to have another continuance. We are working on the issues. I don't know why the lawyer isn't here.

AM motions to continue the Development Plan Review for Maplebrook Commons to January 14, 1999 @ 7:30 pm. PC seconds. Unanimous vote of 4 (WW, RD, AM and PC).

AM motions to accept the extension of the Development Plan Review for Maplebrook Commons to January 22, 1999. PC seconds. Unanimous vote of 4 (WW, RD, AM and PC).

### **CENTER RUN ESTATES – BOND REDUCTION**

EM returns to the meeting.

Jeannie Smith of DiPlacido Development is in front of the Board requesting a bond reduction for Center Run Estates per DPW's request.

WW reads letter from Don DiMartino, Director of the DPW dated November 12, 1998. Dear Mr. Wozniak: On this date, I have reviewed the status of this project. Mr. Theodore Bailey, of AKA Constructors, is the inspector working for the Town on this project. He submitted to me a Form I Inspection checklist. He also gave me a Form J. Guaranty Price Estimate that he had received from the developer. Copies of both are attached. You will see on left side of the Form J that Mr. Bailey and I have reviewed the form. I suggest a security of no less than \$13,400.00 be retained for this project. If you have any questions, please do not hesitate to contact me.

AM motions to reduce the bond to \$13,400.00 per recommendation from Don DiMartino, Director of DPW and Theodore Bailey of AKA Constructors for Center Run Estates. EM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

**STOR/GARD – Special Permit and Development Plan Review Public Hearing – continued**

Joseph Santos, Atty., John Samiotes, Eng., Nick Abrahams, Owner.

J.Santos passed out pictures of the proposed storage facility to the Board. What they have done is prepared a liner that will line the detention basin per the Board's concerns. The Engineer will go into detail. We will equip it with gate valves, so if there is an escaped contaminant and it is carried into the drainage system, the gate valves can be closed.

J.Samiotes informs the Board that they have lined both basins and all the water is tributary to both basins. We have also installed gate valves at the outlets. At the detention basin we have 4" of topsoil, and we then have a 6" liner. It is essentially a clay liner that is constructed of the silt from the stone crushing process. It is an impervious barrier and they usually use it to prevent breakout from septic systems. We have also revised all the plans to accommodate all the issues that were brought up by the DPW in their letter previously. I also have plans that show all the revisions. There were also various questions that Mr. Herr had told Nick Abraham over the phone and we have addressed those as well. I have a list that I can go over that is approximately 6 items. 1. Engineers must check all side yards, front yards, rear yard set backs and note the dimensions on the plans. That has been illustrated on the plans. There was a question regarding 30' setback from the building and the building was revised to accommodate that setback of 30'. There is a 100' setback in the front yard. We meet all of that.

EM asked how the land they abut is zoned.

J. Samiotes says industrial.

EM asked how it is used. Is it used residential?

N. Abraham says that it is used residential.

EM questions the set back from industrial land being used as residential.

N. Abraham says that Mr. Herr's office called and told him it was 30' setback.

EM looked in the Zoning ByLaw to confirm the side yard setback and it is 30'.

WW reads letter from Stephen Dexter dated 11/2/98. To whom it may concern: My name is Stephen Dexter, owner of the property located at 306 Hartford Ave., Bellingham, MA. My property abuts your lot number three. I regret to inform the owner(s) of said lot three of a property line discrepancy. After extensive review and timely research at the Registry of Deeds in Norfolk County, I came to the conclusion that a subdivision plan of land showing your property drawn by Harry R. Feldman, Inc. dated July 24, 1991, does not agree with the legal description of my said lot. Additional concern arose when a site plan drawn by Samiotes Consultants, Inc., dated October 15, 1998, was submitted to the Town of Bellingham Planning Board for a special permit. This plan also does not agree with my property deed. My deed clearly states that the property line which abuts your property starting from a point at said Hartford Avenue forming a right angle of 90 degrees and a distance of 500 feet. Your plan shows other than 90 degree angle and distance of 125 feet +/- then a angle point in the lot line for a distance of 389 feet +/- . I look forward to your response to how we may resolve this issue. The letter was addressed to Bellingham Venture LP, c/o S.R Weiner & Associates.

N. Abraham says that they are the owner the property. I can respond to that and Mr. Dexter is here tonight as well. What Mr. Dexter is saying is that his property line should be at a right angle with Hartford Ave. according to his deed. However, besides the fact that we have agreed to buy his property. Our property is insured by title insurance and we have two registered surveyors who say that the line that is on the plans are the proper boundary lines.

J. Santos says that we would not be going forward with a \$6 million dollar project if we weren't certain where our property lines were.

N. Abraham says that I think the real issue is that maybe a part of Hartford Ave. at some point in 1923 when his deed was drawn maybe was at a different angle. We are going to search the records to see if Hartford Ave. had a different turn at this point which would make the angle different. If we buy this property from Mr. Dexter then that wouldn't be a problem.

S. Dexter says that he has been discussing with Mr. Abraham. I'm not at liberty to discuss too much. I'm going to address the property line issue with my own counsel. I believe that Mr. Abraham and myself can straighten the issue out.

RD reads letter from DPW dated 11/12/98. Dear Mr. Wozniak: I briefly reviewed the plans that this office received on November 5, 1998. I have the following comments. Sewer Capacity: The applicant did not file a request for sewer capacity form with this office. At this time the proponent has no rights to sewer capacity for the proposed building. No capacity is available. As noted in my letter regarding Maplebrook Commons, there may be some capacity available once we get an accurate meter reading from a sewer meter that is presently out of service. Again, I strongly urge the proponent to file a Request for Capacity Form with the DPW Office. With only one small building proposed, the proponent should consider installing a Title 5 on site disposal system and forgetting the sewer for now. Water: The water service shown on the plans is three quarter (3/4) inch copper tubing. Our standard three quarter (3/4) inch plastic flare-able 200 psi tubing. It appears all other suggested plan revision changes have been done. As noted in my

previous comments, a street opening permit is required for all work on the water connections that will take place in Hartford Avenue. Note that no work is allowed in town streets between December 1 and April 1 each year. If you have any questions, please give me a call.

EM reads letter from Conservation Commission dated 11/10/98. Dear Mr. Wozniak and Board Members: The Conservation Commission is in receipt of the revised plans for the above referenced proposal and wish to offer the following comments. Since the entire proposal is located in the Water Resource District under 4950(d), the proponent is proposing runoff from impervious surfaces greater than 30% and therefore must provide evidence that this runoff will be recharged on site. This may be a problem with the clay bottoms basins as proposed. In addition, recharge water quality becomes an important issue due to the significant amounts of impervious material proposed on the site. The drawing provided is unclear as to the actual western property boundary. Please keep in mind that if the 325 foot wide New England Power Company easement is a portion of this property, that the Right of Way is substantially cleared and in many areas, conditions of unvegetated soil are apparent. The applicant shall take into account this area when calculating the total amount of area to be cleared of trees. You may find that substantially more than 52.6% of the property will be altered. The Commission strongly recommends when making important decisions of this nature, that your Board visit the site to familiarize yourself with existing versus proposed conditions. Geo-technical data should be provided relative to soil profiles and depth to groundwater to provide information relative to the possibility of maximum recharge. The Planning Board should be aware that the area proposed for development by Stor/Guard is also the staging area for Algonquin Gas Transmission Company's horizontal directional drill for crossing the Charles River. The actual pipeline route runs the length of the property west to east on the southerly border. The applicant shows a small area of jurisdictional wetlands (Isolated Land Subject to Flooding) on the property. To date, there has been no official determination relative to potential impact to this area. The Commission strongly recommends your Board seek alternatives with potentially less impact. Sounds like the Conservation Commission isn't too crazy about it.

PC asked if they have spoke to Conservation yet?

N. Abraham says that they have tried to reach them but no one has called us back.

EM says that a member was in tonight and they met last night and discussed this site.

J. Santos says that what we would do is file a Request for Determination. Then if they decide that they want us to make a filing we will make it. The fact is that we have this Special Permit this evening from this Board wouldn't allow us to go forward with construction.

J. Samiotes says that there are two questions with regards to the drainage basin itself. One is how do we alleviate contaminants from going into the ground water and the other question is how do we recharge? We did not address this before. I can tell you that it's extremely easy to do in this situation. We have a separation of the potentially contaminant runoff and we also have a separation of the runoff from the roofs. The roof runoff will just be put into some drywells and very easily recharge the ground water. We would be very happy to make that accommodation

and I think we can do that during the process with Conservation Commission. Roof runoff is considered clean water and ideal for water recharge.

J.Santos says that we would except as a condition that all roof drainage go into drywells that would be recharged directly in. Then sheet flow we had planned on to go into the detention basins then, Mr. Herr suggested that it might be a good idea to provide the liner.

EM says that it sounds like the liner may be something that this Board would be satisfied with but it doesn't with Conservation Commission by their letter. How do you make us both happy?

J. Samiotes says that all the runoff from the roofs or whatever portion that ConCom wants us to do can tributary to drywells.

N.Abrahams says with gutters, downspouts and drywells below grade and goes right into the ground and recharges. Now we would have less than 30%. If you divided 48% in half. 24% roofs and 24% blacktop then 24% would be discharged to the basins and 24% would be clean water going right into the ground.

J.Samiotes says if you would like just write in your decision, that a maximum of 30% impervious shall be allowed to go to the detention basin and that is it. That means we would have to accommodate runoff subsurface anything above 30%. I'm talking ground water recharge.

EM says that I think your maximizing the lot and you're trying to stuff too much in there. The Conservation says that they strongly recommend the Planning Board seeks alternative potentially less impact for this site. I don't know if that means different uses or different ways to make this work.

N. Abraham says that we are trying to come up with anyway that's real and legitimate that deals with your concerns, that are valid concerns, and we want to.

EM says that this must also make you wonder why the owners of the property hadn't built anything there yet.

N. Abraham says that he is sure there is away they can address and satisfy all of your concerns.

PC says how about if Conservation agrees with the gutters and drywell that they mentioned?

EM says that he feels it should be simultaneously.

WW asked how much the detention basin holds?

N. Abraham says that we have to make sure it is big enough and deep enough to hold all the water until Clean Harbor gets there.

J. Samiotes I think in an environmental sensitivity you have to have parameters that you're giving to everybody. Whether it be subdivision, if you're requiring us to provide 100% storage during a rainstorm.

WW I didn't say that, I just wanted to know the capacity is. Unless that detention basin holds enough, then it is worthless.

J. Samiotes says that one basin is about 1/2 and acre.

WW on an average rain fall for how long of a period of time would it take if the basin was closed up for it to fill up?

J. Samiotes says that I would imagine it would hold an average 1 or a 2 year storm. Part of the program now based on the comments from the Conservation Commission that there be infiltration. You could reduce the detention basin but I wouldn't recommend it. There is a highly secured facility. There is a fence around the whole project, gates and cameras.

EM asked if no outside parking would be acceptable as far as storing vehicles, boats, campers, trucks, etc.

N. Abraham says that wouldn't be a problem.

J. Santos says that we did agree to that at the last meeting.

EM says that there is some confusion as far as the liner. It sounds good to this Board but ConCom has some concerns about it.

N. Abraham says what the Conservation Commission is talking about is that the land consists of clay. I did the soils test there myself.

EM says that I think, maybe I'm wrong, what their thinking is that if it has a liner and clay then it won't recharge. And, we were thinking if it had a liner and clay because we didn't want it recharging bad stuff. Maybe they don't understand why we wanted that liner.

J. Samiotes says that I feel very comfortable as a civil engineer to say that we can accommodate the concerns of infiltration on the Conservation Commission end of it and the contamination end of it from this Board here. If you want to write in your decision that we had to go to Conservation Commission.

EM says that he feels that they have to go to ConCom. You still haven't convinced me why we should waive the bylaw of 30%. You had it at 48%, now you say you have it down to 30%?

J. Samiotes says that if we would take the buildings out in surcharge. Essentially we would be saying that if you take that area out and surcharge it and say the net impervious area tributary to the detention basin that will be under the 30%.



EM says that is fine, your an engineer, but I'm not. I don't know that. I think we need to hear that from somebody other than the applicant.

J. Samiotes says that his impression is, technically we are providing greater than 30% impervious. We have to illustrate to you that we are environmentally sensitive to be able to do the program that we are doing. There is a concern that is outlined in the Town Regulations for anything over 30% and it requires a Special Permit so that the applicant is adequately addressing all concerns. I don't think it prohibits anything over 30%. We can provide engineering calculations to Phil Herr showing the recharge from the roof and the percentages.

EM says then maybe you don't need a Special Permit.

J. Santos says that it is still impervious surface. We are meeting the object, the purpose of the bylaw by putting the water into the ground. But, technically it is impervious surface so we need the Special Permit. If you think that this is reasonable then impose as a condition of your Special Permit that no more than 30% go into the detention basin. Or 24% go directly into the ground.

EM says that Conservation Commission says in their letter to stay at 30%. I don't know how we do that without having somebody, other than the applicant tell me. Maybe Phil can determine that.

N. Abraham says that what we will do is we will make some calculations of the roofs, the water percentage, parking area. We will come back with calculations, good designs and we will go visit the Conservation Commission and we will go from there. We want to work with you and do the right thing.

EM we are not trying to make it hard for you.

N. Abraham says that we will continue and get all the information that is needed.

AM mentioned that there was another issue regarding the landscaping requirements.

J. Samiotes says that he never finished with the list that was put together between a conversation with Mr. Herr's office and Nick Abraham. 3. Must put dumpster location on the plans. We are placing a dumpster with a fence around and landscaping. Must also indicate type of fences and plants on plans. We have indicated that on the plans. 4. Must attach architectural details of the buildings on the plans.

S. Dexter asked if the fence would shield him from looking at this every day?

N. Abraham says yes.

S. Dexter asked if they could extend the fence down the property line?

J. Samiotes says yes, no problem.

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EM says that we can make that a condition.

J. Samiotes finishes with the list. 5. Side yard in bylaw is normally 10' unless next to a residential use it increases to 30'. One of the buildings and our office were closer than 30' and have adjusted them to meet that setback. 6. Must put size of sign on the plans. We have done that and it is a 4' x 5' sign. 7. Must show lighting on elevation drawings or list details of lights showing type and how many. We have shown this on the plans. 8. Bylaw specifies landscaping shrubs and trees and we must show them on the plans. We have illustrated them on the plan including the species. We show the plant list and numbers of trees and shrubs.

EM asked the hours of operations?

N. Abraham says People have access from 6:00 am to 9:00 pm. The office is open from 8:00 am to 6:00 pm, Monday through Friday, 8:00 am to 5:00 pm on Saturday and 11:00 am to 5:00 pm on Sunday.

EM says he just wanted to know if there was 24 hour access or anything like that.

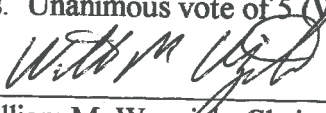
N. Abraham says that we give it to people if it is an emergency only. On an as needed basis.

AM motions to continue the Special Permit and Development Plan Review Public Hearing for Stor/Gard to December 10, 1998 @ 7:30 pm. EM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

J. Santos requests an extension of the Development Plan Review Public Hearing for Stor/Gard to December 17, 1998.

AM motions to grant extension for the Development Plan Review Public Hearing for Stor/Gard to December 17, 1998. EM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

RD moves to adjourn at 10:10 pm. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

  
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William M. Wozniak, Chairman

Richard V. Dill

  
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Paul Chupa

  
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Edward T. Moore

  
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Anne M. Morse