

**BELLINGHAM PLANNING BOARD**

**P.O. BOX 43**

**BELLINGHAM, MASSACHUSETTS 02019**

**WILLIAM M. WOZNIAK, CHAIRMAN**  
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**MINUTES OF REGULAR MEETING**

**NOVEMBER 25, 1998**

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

**GENERAL BUSINESS**

Sara Pultz of Salvetti Engineering came before the Board to have the plans for Beech Tree Estates endorsed.

Jill Karakeian says that she has received the letter from the Clerk that the 20 day appeal period is up.

AM motions to endorse the Definitive Subdivision plans for Beech Tree Estates. PC seconds. Unanimous vote of 4 (WW, ED, AM and PC).

RD joins the meeting.

Board signed pay voucher for Board Members for 2<sup>nd</sup> quarter and invoices for Jill, Postage and Seminar that 3 Board members attended.

**DEER RUN ESTATES – Bond Reduction**

Tim Jones in front of the Board requesting a reduction in his performance bond for Deer Run Estates.

WW asked T. Jones if the street lights were up?

T. Jones Everything is outlined on the Form J for items that I have not completed and is attached to the letter from Don DiMartino. These items will be completed in the Spring because it is too late in the year. Under site preparation and erosion control, I left \$1,000.00 in there because I

have some silt fencing that has to be removed. I have 17 driveway aprons on the opposite side of the sidewalk. The sidewalk driveway aprons have been done. The paving guy hasn't come back to complete the 17.

AM says that she doesn't think we have to go through the Form J line by line.

T. Jones didn't know if the Board wanted explanations why the items were not complete. Some of the more important things are the fence. The reason the fence is not done, it will get done in the spring. It was just hydroseeded and no grass has taken yet. By the spring the grass will have taken the I will see whether there has been any erosion control that needs to be taken care of. There is some catch basin cleaning. The street lights are all set. All the poles are marked by Mass. Electric. We did a walk through and now the funds just need to be appropriated to have the lights put on.

EM asked what he means by appropriating the funds?

T. Jones asked Ted Bailey?

T. Bailey says that he had to write a letter to Mass. Electric explaining to them that the station numbers that the plans showed were actually the same as the pole numbers. We walked the site and it needs to be scheduled in by Mass. Electric.

RD asked for the most part, if the people on Pine Grove Ave. were happy?

T. Jones says that he hasn't heard anything. He also got a letter from Mr. Oakley thanking him for the job well done and for doing it in the time frame that was presented.

EM asks why there are two different amounts on Don DiMartino's letter. It reads: I suggest a security of no less than \$49,387.00 or more than \$53,475.00 be retained.

T. Bailey explains the \$53,475.00. Going through with Don to see if there was any possible way to make the contractors hold back more money in the bonding for the job. The first section under the design portion of the Planning Board's regulations it says that we can hold back 15% of the total cost of the construction. That \$53,475.00 relates to the 15%. It doesn't relate at all to the amount of work that is left.

AM it looks like we have enough percentages already as shown on the forms attached to Don's letter?

T. Bailey says that was a question he had for Mr. DiMartino. The 15% is the total construction of the project. What the maintenance fee, management fee and contingency shown on the form is based on is just what's left to be completed. It is shown as 22%, but it is only 22% of the work that Tim has left to do on the project.

T. Jones asked that he understands that when you first post a bond for a road. That construction management would have to be entailed because nothing is done. Contingencies because you don't know where you're at and what could go wrong.

RD says that is his question.

T. Jones says that at the end of where I am, I feel that there is no construction management. Maintenance, yes okay, but what contingency do we really have. We already know what were going to run into.

WW what about construction management? If you walk away from the project, there will have to be construction management.

T. Bailey says that what this is based on is Don takes the numbers that the contractor gives him for private industry to figure out how much his bond is going to be. In order for us to do construction management to get binds for the work that percentage would get eaten up in a heart beat.

EM motions to reduce the bond for Deer Run Estates to \$49,387.00. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

WW reads letter from Sgt. Gerard Daigle, Safety Officer dated 11/24/98. At this time we are requesting that the Town post 20 mph signs at the beginning and end of Deer Run Road to keep the road zoned as residential. We are also recommending that Slow Children signs be posted on the road for safety reasons. If you have any questions or concerns please contact me.

T. Jones says that if the Town wants to make them up and charge me, then I have no problem with that.

EM suggests that Tim checks with Don DiMartino about making up the signs.

### **BELLINGHAM BUSINESS PARK – Development Plan Review – Public Hearing**

Brian Kelleher of Aspen Group and Peter Beamis of Engineers Design Consultants presents to the Board Development Plan Review for Bellingham Business Park and they pay the filing fee of \$920.00.

P. Beamis presents to the Board the overall development plan for the site and where the roadways will come into the land. I will go through the overall and then go through the specifics as you see fit. We have submitted two sets of programs. One is for an overall development plan to show you what our master plan is for this site. At your previous meeting you endorsed an 81-P plan that set up the lots. The master plan for the storm water is the process to build a detention basin for the entire site and will be located on the back land. At the mid point of the site it is Stonehedge Road and we have centered our proposed access drive at that same position. We have a secondary road, Access road B that would come in on the southerly portion of the property and would tie into High Street allowing for future industrial/commercial traffic to then

proceed into the next piece if that should ever be developed. With a goal to try to get that industrial traffic off of Maple Street. We have submitted this first site, 150,000 square feet at the intersection of High and Maple. The other two buildings are future and anticipated development. The 150,000 sq. ft. Building that we are proposing in tonight's submittal, our access drive centered on Stonehedge Road. We have a driveway coming in to serve our office needs and our reserved parking. As part of the original covenant that was developed for the previous project, the berm which was part of that scope has been included in this project. Our landscape and lighting plan shows details on how the berm is to be developed. The reserved parking set up is 114 spaces with a total of 197 as indicated. We are in compliance with the zoning requirements with this program. The site plan set consists of five sheets; layout materials, grading and drainage, utilities, landscape and lighting and a detail plan. Drainage calculations were also submitted. Drainage calculations were not only for the 150,000 sq. ft. building we went through the hydraulic system, the actual pipes conveying storm water from the parking lot and tying in the road we also designed the road and the adjacent sites. So, the hydrology for this site has been designed so that the detention basin can take care of the whole development. The coverage for this program on this parcel, which is 11.125 acres is 62.3%. It is a good coverage and a fair amount of open space associated with this development. The plans were reviewed by Amory Engineering through the town and he did issue some comments. We have made revisions. One of his comments were that the topography in the area of the detention area appeared to be off. We went in for our site visit we said that it just didn't look right. We were retained by Aspen to work on this site. We were given a set of plans developed by Fafard back in 1986-87 and were endorsed by the Board in 1991-92. That Definitive Subdivision plan is what we worked with. We took the topography off of the plans and digitized into our plans. What must of happened when Mr. Fafard had control of the property, from the time that he did his arial photography and prepared his existing conditions plan to the time it actually got endorsed he took gravel off of the site. A fair amount of it. We are now in the process of adjusting our grades. It does not affect the site plan for the building at all. The grades are actually fine on all three buildings. We should have plans with these revisions for the week of 12/7/98. For the most part we had no disagreements on civil engineering issues. There was also a letter from the Department of Public Works that was received today. Part of the letter mentioned the sewer going down part of Maple Street. Our proposal right now is to put a septic system on the lot. The type of development we anticipate here, a septic system isn't so much of a problem. Regarding the Maple Street improvements, we anticipated that in this proposal. So, that the grades that we are using for our site plan and overall development plan coincide with that. The Storm Water system has been sized for the whole development.

EM makes a comment that it is offsite with regards to the site we are talking about.

P. Beamis says that is right so there is going to be easements in place to that.

B. Kelleher says that we have developed an operating agreement for that purpose that has been sent to Lee Ambler and Phil Herr for their review. We have taken alot of time and effort for this document. At this time it will be under common ownership. It may not always be that way so we are having set up so that when we have multiple owners/tenants.

EM asked if they know what building would be next to be developed?

B. Kelleher says that his sense is that they would go to the next building on Maple Street then the building in the back and tie all together. It really depends on the use.

RD asks Phil about the note that Don DiMartino's letter makes on the large area in the pervious surfaces that are going to be covered in the already stressed upper Charles River Water Shed. Who governs that?

P. Herr says that the Towns are being urged to watch this and impervious areas in the Water Resource District.

EM says that this isn't in a Water Resource Area.

B. Kelleher says that there is a Water Resource Area on the site, it is the westerly side closest to the Charles River. We are far enough away from those areas and there are no development proposed for those areas either.

RD also mentions that in Don's letter he mentions the dead end water main.

P. Beamis says that is true to the extent that our extension that is shown on the plans. We are taking water down to a certain point and it would be extended as the next site gets developed. We are also carrying it through the site, what I would anticipate is that the next property gets developed it would carry onto that piece or go down High Street looped onto Maple Street.

EM says that the water main on Maple Street is brand new.

P. Beamis says that we could loop the water through the site, then down the middle of High Street to Maple.

P. Herr asked if this has been discussed with Mr. DiMartino?

P. Beamis says no, but we will talk to him about what he would like.

EM questioned the name "Bellingham Business Park"?

B. Kelleher says that they are open for suggestions.

P. Herr says that he has a series of questions. One is the release of the previous covenants. Our position to say is that is not ready to happen. In the earlier Subdivision Plan approval the series of stipulations. The lawyers question has to do with the mechanics. One of the items were the limitation on the extent of the pervious surface. I think that has been part of a discussion with Mr. Amory. He indicated that he needed to know more about what was going to happen on the remaining parcels.

P. Beamis says that he did speak to Mr. Amory regarding that and what we did was prepare a line drawing to show how the remainder of the sites would be drained. So that the drainage from the parking areas are shown in scimatic form and the site would have a discharge pipe coming from

he southerly portion, from the central portion, and from the northerly portion to the basin. We also added was the DEP Storm Water Management guidelines. We added a four bay area in our basin which intends to catch sediments that would come into the drain line. We also added a sump in the outlet control structure. So, in very low intensity storms water would actually be retained in the basin.

P. Herr the concern that I raised has to do with the extent of impervious surface which determines the extent of Storm Water that needs to be managed.

P. Beamis says we designed our storm water system based on full development.

P. Herr yes, but the zoning would allow much more development.

P. Beamis that is true. But, the detention basin is sized for what is shown there. If the proponent was to change the development proposal that basin would not be adequate.

P. Herr says that I hear that, but I don't believe it. The world is full of uncertainties. I think the reason for the restriction on the previous subdivision granted exactly this issue. In one way of getting rid of the uncertainty would be to place a stipulation on the approval which would say you can't have more than 150,000 square feet of building area and related parking area. Another question is does this system work if nothing more than this one building get built?

P. Beamis says this is a good point. Our outlet control structure has been sized for different storm events. What we try to do is lessen the impacts of all storms, not just the 100 year storm. The type of outlet control structure we come up with does that. It is an open box and it has an orifice that is located at the bottom of the basin and that has been sized for the 10 year storm, then we have a wear that is located at the higher portion of the box, that is sized for 25-50 year storm and the overflow on the top is sized for the 100 year storm. If we only build one building, we have not sized it for one building and analyzing each of those storm events. I would not anticipate any problem per say. The basin would be extremely large for one building.

P. Herr you also have a great big storm drain.

P. Beamis says he would have to look at that. That is a good point.

P. Herr says that the first set of restrictions that the Board is being asked to release dealt with this issue. I think we should have an equivalent restriction in place prior releasing this. The Development Plan that the Board's being asked to approve looks like the whole thing except that there are two building that haven't been approved?

P. Beamis says that the details that are on the plans with the exception of the driveway prevision, we can easily put that on the plan. We can annotate those as need be and those are recordable instruments.

B. Kelleher says that is fine with us.

EM asked when the berm gets installed? Before the building gets built or after?

P. Herr says before he gets his Certificate of Occupancy.

EM says that isn't good.

B. Kelleher says that it is going to be installed during construction.

RD we went through this with the last person. We really need to know, so when people come in we have something to tell them.

B. Kelleher says that we will put the berm in during our site development process.

P. Herr says that now that the stipulations on the plans call for easement and physical accommodations for pedestrian movement along Maple Street. Maybe that is redundant but I don't think it is. I think that the location of the pavement of the reconstructed Maple Street is going to be so close to edge of the Maple Street layout that there isn't room for a pedestrian movement. But, you guys have plenty of space for it.

B. Kelleher says that he understands that the plans are for a sidewalk on the other side of the street. We are planning a sidewalk on our main access drive which is part of our overall development. The road that goes through the middle of the site.

P. Herr says that the scheme that the Board is being asked to surrender called for a system of pedestrian access really intended to serve the people within the property. It had a bunch of pieces, one that ran parallel to Maple Street, second that got from there back into the site and third that ran parallel to the Charles River along the back edge.

B. Kelleher says that they won't go anywhere near the wetlands. We won't even try the last one but the first two sound like something we could look at.

RD asked why you wouldn't come to the Board with a plan of the whole overall development? You are designing the drainage system, the water loop for the whole plan. It just sounds to me like it would make sense to come in for the whole thing.

B. Kelleher says that it is expensive and there is alot more design work, time and money to do the whole site in one shot.

P. Herr says that the final one of the stipulations that are being discussed to be released in the approved decision. It was the per square foot access fee. It was stipulated that for every square foot of industrial building that \$1.50 would be paid towards the improvements of Maple Street. Mr. DiMartino says that they are about 1/2 million dollars short under the currently estimated costs of improvements to Maple Street.

EM asks how you make these people pay that?

B. Kelleher says that there is no room for an impact fee and we are not going to be able to pay that. It wouldn't be part of our program.

P. Herr says regardless of what the Attorney's were to say. If in fact this Board said, in light of how the world has changed, we think it is now unreasonable to apply that. That would be in the Board's authority, the hard questions is when it goes the other way. If you felt that it should apply then it comes a legal question. It was put there as part of an overall. Fafard came into town and was going to do 6 or 7 subdivisions throughout the town. It was going to put large stress on the town's infrastructure. We took the position that in many cases those subdivisions were going to result in access that didn't meet the access standards of the Subdivision Regulations. That is one of the stipulations that you are being asked to waive from the covenant of the original approved subdivision.

B. Kelleher says that it is in the covenant and if you agree that it should stay like that the this is going to go a different way.

RD says that I'm not trying to stick you for word for word of the covenant. But, Don DiMartino's obviously bringing up a point. The Town is short money and if there could be some happy medium along the way to help the town to finish off the road, that is all I'm looking for.

EM says that we really can't waste alot of time on the covenant when it is being decided by attorneys.

P. Herr says that if it was clear tonight that the majority of the Board didn't feel that you should try to impose that, then tonight's conversation suggests is that that is the only one of the stipulations that were having trouble with. The other ones can be covered in other ways. There is another issue with regards to that they have drafted covenants among the owners in the development to ensure participation in the maintenance of the roads and storm water system. There is nothing in those drafts which enables the town to enforce that.

B. Kelleher says that they have the whole thing in place.

P. Herr says that he has spent an hour with the attorney today, and I have discussed this with you people since the first time you came into my office. If this was a subdivision that would be handled in the usual way through subdivision stipulations. Your choice was to avoid the subdivision process. The purpose of the subdivision control law is to protect property owners and to protect the municipality from having to bail out property owners if the public infrastructure isn't maintained on the property. Your arrangements are internal among the owners but that doesn't solve the problem if the owners can't agree. That is the history of private arrangements. All we are asking is to have a provision drafted one way or the other so that if in fact folks are walking away and the storm water management system isn't working properly the town doesn't get stuck taking care of it.

B. Kelleher says that I do know you said that there needs to be a master system in place which we have done. What you just explained is new to me and I didn't understand you when you told me that. I don't think we need that quite frankly. That would need title insurance and some other



things. This is not a subdivision as much as people may want it to be so I don't really know why we would need this agreement.

P. Herr gave an example of a situation the Board went through on South Maple Street with Celtic Construction. He had a series of industrial lots. The storm water systems that were interdependent between the lots failed and due to the laps and gaps of the tenants moving in and out. Therefore, the Town didn't have the authority to ensure that the systems would work.

EM asked if a bond would take care of it?

P. Herr says that is one way of taking care of it.

WW says what happens if you sell that one building that you put up, then you go bankrupt on the rest of the land? Who owns the detention basin then?

AM asked how long do you keep the bond in place?

PC says that it is a private site.

EM says that it is private until they sell it.

P. Herr says that the system that the town is currently using. There are two legitimate concerns. One is street maintenance, plowing and so forth. The second is the maintenance of the detention basin. The way the town has been handling the maintenance of detention basins is for the developer to say, I'll take care of it for the first two years and provide two years security that we will actually do that. During that time, you assess what the cost of that maintenance really is turning out to be, take that annual cost, capitalize it in a sum and then he gives you that sum. The DPW has a gift.

AM asks if that is only if he fails to maintain it?

P. Herr says yes.

AM asks if there is a dead line?

P. Herr no, but in that case what Don DiMartino is saying is that he will maintain it. In this case, this is different and internal and private development and I don't think he is going to want to maintain it. We need to find some other way to provide that same equivalent of assurance.

P. Beamis says that he understands what the Board is raising and he also understands Aspen's view as well. We need to find a vehicle that will protect everyone involved. I don't think we are going to get it out amongst us.

P. Herr says let's be clear to what is happening here. There are revisions to the drawings that are going to happen as a result to the changes tonight. There are revisions to the drawings that are going to happen as a result of Don DiMartino's suggestions with regards to the water and sewer.

There are a few small issues that were picked up as far as Planning Board issues in the past 24 hours that should be adjusted on the drawings. I think we need to begin drafting a Development Plan Approval. I think it is going to be the written vehicle that will deal with the several stipulations that the Board is being asked to release from the earlier approval.

EM motions to continue the Development Plan Review for Bellingham Business Park Public Hearing to December 23, 1998 @ 8:00 pm. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

### **COUNTRY CLUB ESTATES II – Definitive Subdivision – Public Hearing – continued**

EM abstains.

Roger Gagnon is in front of the Board to continue the Public Hearing for Country Club Estates II Definitive Subdivision. He says that Amory Eng. still has questions with regards to what has to be reviewed.

P. Herr says that they do know now what they are reviewing. He was unclear, he had reviewed Country Club Estates II against the current Subdivision Regulations and current water management policies of DEP and so on. Whereas, it was Mr. Florentz understanding, which is mine as well, that the only thing that was in fact being changed at this point was the storm water management. When I spoke with the man at Amory two days ago, what I told him was that my recollection that the Board's position was yes, all that needs to be reviewed by him at this point is the storm water management. He indicated as of 3:30 this afternoon he still needed some information with regard to ground water level at a detention facility.

R. Gagnon says that he thinks he has that information now.

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

AM motions to grant extension for Country Club Estates II Definitive Subdivision to December 17, 1998. RD seconds. Unanimous vote of 4 (WW, RD, AM and PC).

EM returns to the meeting.

### **BLACKSTONE VALLEY ADULT DAY CENTER – Site Plan Review**

EK Kahlsa of Land Planning representing Schreffler Family Trust and presenting to the Board a site plan for a driveway to be constructed from Mechanic Street to an existing facility known as Blackstone Adult Day Health Center. The plan that is before you shows the proposed driveway. Presently it has been striped and graded roughly. The plan proposes to provide a driveway access from Mechanic Street so that they can avoid some of the traffic down at the intersection and provide additional access to their clients. The plan shows the driveway as paved and 20' wide. There was some effort made to control some of the storm water runoff from the site so the driveway has been pitched to the right to a series of water quality swales and detention ponds

which will manage the runoff so that there is no increase in off site velocity at peak rates. There was a Development Plan Approval for Lily Pad Aquatic Center which is a pool, locker room and associated parking. None of that plan has been changed by this proposal. The plan is simply for a driveway. The plan has been distributed to Conservation Commission, Phil Herr's office, Don DiMartino and the Board. We did receive one letter from Mr. DiMartino. He pointed out that Mechanic Street is maintained by the Commonwealth and that we would have to apply to the Mass. Highway Department for a curb cut. We did apply for that curb cut some time ago but the Highway Department would like to see what the final form of this plan is based on the Town's wishes before we discuss with them. They have reviewed the Preliminary Plan and are waiting word as the results of this meeting. The submission includes drainage analysis and storm water management. The only other details that may be of interest to you is some proposed landscape screening between the change of district and along the commercial boundary. There was some considerable concern from the neighbor's that present conditions is causing silt and storm water to wash over onto their property. The intention of this plan is to eliminate that problem. The curves you see in the driveway were designed to help maintain a maximum of 12% grade and we've done our best to provide a leveling area near Mechanic Street that will provide for safe stopping distances and reasonably turning radiuses.

EM asked when the trees would be put in for screening?

EK says that maybe we can address that question to Joyce Schreffler. The intent of this plan is that this would be completed all at once. The landscaping, the lighting, the pavement.

WW asked what would be done to stop people from using it as a road?

Joyce Schreffler says that there will be signs saying "Private Way" "No Trespassing".

EK says that the driveway terminates well within their property. It doesn't go straight through to South Main Street. That was one of the intentions was to not create what would appear to be a through street. We didn't prepare any signage, but Joyce maybe able to tell us if she is proposing any.

J. Schreffler says that there will plenty of signs.

P. Herr says that this is pretty simple, it is a private driveway. I can't speak for the storm water, it is a complicated proposal.

EM can't you presume that what ever they do would be better than what is there now? If there are no other issues, and no other questions. I make a motion to approve the site plan for the driveway. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

### **GENERAL DISCUSSION**

P. Herr says that there are a pile of development proposals brewing. Alot of them are small. There are some folks who are taking some kind of option on Mr. Hill's property out near Oakwoods. We have correspondence with regards to the Stor/Guard proposal.

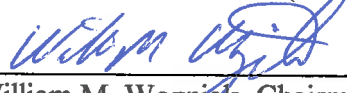
MINUTES OF PLANNING BOARD MEETING

November 25 , 1998

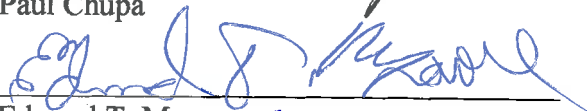
WW mentions that Stor/Guard is coming to our next meeting and he can't make it. It is a Special Permit and there will only be four members to act.

Jill will call Stor/Guard to let them know and give them the option to continue to the meeting of 12/23/98 when there is a five member board.

RD moves to adjourn at 9:50 pm. PC seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

  
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William M. Wozniak, Chairman

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Richard V. Dill  
  
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Paul Chupa

  
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Edward T. Moore

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Anne M. Morse