

**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**

**December 10, 1998**

Meeting commenced at 7:00 pm. All members except WW were present. Minutes recorded by Planning Coordinator Jill Karakeian.

**GENERAL CONDITIONS**

John Warfield coming into the Board to inform them of what he plans on doing. He plans on buying Lot 34 Williams Way. Would like to get some feedback. We are a general contractors and do interior finishes mostly. We will occupy the upstairs of the office building and the large building in the back which I know needs to be finished and permitted. I have three engineers currently working on the project with me, NFPA Engineer, Civil Engineer and a 21-E Company. The changes are what I think this board would be interested in. It will be almost exactly what has been proposed in the past. I would like to have tenant business in there.

AM notes that there might be some problems with the set backs?

EM says that nobody really knows what is after the gate up there. I think he should come in with an as-built so that the town has something to go by.

J. Warfield says I spoke to Phil Herr's office and they felt that as long as there are no changes then I shouldn't need anything. The one building that I have heard had some problems was Building #4.

EM asked about the tanks on the site?

J. Warfield says that there are 15 tanks up there and I thought I would store some diesel fuel and #2 heating fuel. I am going to explore the options. I have also been in contact with the Fire Department. I was told that within 6 months they either have to be removed or permitted. He shows the Board a site plan showing the four buildings that he is

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purchasing. There are four buildings, brick building you can see from Williams Way, 1=2,000 square foot metal building, 1=10,000 square foot metal building, 1=18,000 square foot metal building.

AM notes the detention area and asked if it as built?

J. Warfield says that it is built. I guess what I'm looking for is direction. I was told by Phil Herr's office to fill out the checklist and pull the proper building permits. I would like to have tenant business. Not the whole site is for my business. I'm not changing it from Industrial. There is still some work that has to be done.

EM suggested him doing an as-built so that everyone knows where everything is.

J. Warfield agreed and said thank you. I have never done this before and I basically wanted to introduce myself and let everyone know what I plan on doing.

### **TOWN COMMON ESTATES BOND POSTING AND LOT RELEASES**

AM abstains.

Jill shows the Board the letter from the Town Treasurer and also the Certificate of Release for Town Common Estates.

RD reads letter from Grace Devitt dated December 9, 1998. Today Mr. Marinella of Town Common Estates deposited an additional \$75,000.00 to our passbook account #02019377 at Benjamin Franklin Savings Bank, making the total amount we are holding for Town Common Estates \$140,000.00.

EM motions to release lots 4,6,7,9, and 11 on subdivision known as Town Common Estates based on letter from Town Treasurer. PC seconds. Unanimous vote of 3 (RD, EM and PC) AM abstains.

### **MINUTES ACCEPTED**

AM returns to meeting.

AM motions to sign the minutes of meeting 8/27/98. PC seconds. Unanimous vote of 4 (RD, EM, AM and PC).

AM motions to sign the minutes of meeting 9/24/98. PC seconds. Unanimous vote of 4 (RD, EM, AM and PC).

AM motions to sign the minutes of meeting 10/29/98. PC seconds. Unanimous vote of 4 (RD, EM, AM and PC).

### **STOR/GARD SPECIAL PERMIT & DEVELOPMENT PLAN REVIEW**

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EM reads letter from Stor/Gard dated 12/3/98. Dear Ms. Karakeian: We were scheduled to appear before the Planning Board on December 10, 1998, to continue our Public Hearing and Development Plan Review for our proposed Stor/Gard Self Storage facility on Hartford Ave. It has been brought to our attention that not all of the members of the Planning Board will be in attendance at the December 10<sup>th</sup> meeting. We therefore request that our Public Hearing and Development Plan Review be rescheduled to the December 23<sup>rd</sup> meeting to enable us to address the entire Board. Best Wishes, Denis Donovan.

EM also reads letter from Stor/Gard dated 12/9/98. Dear Ms. Karakeian: In light of the fact that we have requested our Public Hearing and Development Plan Review be rescheduled to your December 23<sup>rd</sup> Planning Board meeting, we also request that the time period for action be extended to December 30, 1998. Best Wishes, Denis Donovan.

AM motions to continue the public hearing for Stor/Gard Special Permit and Development Plan Review to December 23, 1998 to 8:30pm. PC seconds. Unanimous vote of 4 (RD, EM, AM and PC).

AM motions to grant extension for Development Plan Review for Stor/Gard to December 30, 1998. PC seconds. Unanimous vote of 4 (RD, EM, AM and PC).

Stephen Dexter submits some correspondence regarding the location of the proposed Stor/Gard and his property which abuts.

AM & EM didn't know if we could accept the correspondence. They suggested submitting the Jill Karakeian and she should contact Town Counsel to see if that is acceptable to review prior to the next meeting.

RD you can submit it to Jill, but we cannot discuss it at all until the Public Hearing is opened and all parties are present.

AM asked if a copy was sent to Stor/Gard?

S. Dexter said no.

AM said that it would be a good idea so that they are prepared as well.

### **SUMMIT BANK – SITE PLAN REVIEW**

EM asked about the reading of the advertisement.

Jill Karakeian says that there was no ad, it is a Site Plan Review.

EM asked what it was last time.

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Jill says that Phil said it was a site plan to amend a previously approved Development Plan.

EM asks how you amend a Development Plan without calling it a Development Plan? If it required a public hearing last time as a Development Plan Review, then this should be a public hearing as well. Asked if the gentlemen that was presenting this to the Board was attorney and asked if he could answer that question?

Craig Ciechanowski of Gilmore Rees & Carlson said he could answer the question. He said you could amend something that was approved at a public hearing without a public hearing. Under Development Plan Approval, once the case is open, even though you technically close the hearing, the case is still open and it's need to be that all people that have interest in that plan will pay attention to whether or not anything is going through the Town Hall to amend it.

AM says that she disagrees.

C. Ciechanowski says that he is Chairman of Conservation Commission in Franklin and we were sewed for not opening a Public Hearing and we were successful in that manner.

EM asked what the time frame was?

C. Ciechanowski says 2 ½ years. The Order of Conditions had not expired.

EM says that we are talking two different things here. First it was approved as a restaurant, now it wants to be a bank with drive-up windows. You don't think that is different enough that someone would have the right to appeal it?

AM says that she thinks we need Town Counsel's opinion.

C. Ciechanowski said that he went to Phil Herr's office with what they are proposing and this is the process that we ended up with. What Summit Bank is proposing is a Re-Development of what has been up to about a month ago, the Bike Shop, located on Hartford Ave. There is an existing, approximately 2,000 square foot building with associated parking on the site. In January of 1997 your Board had approved for Howard Fafard a Development Plan for development of a 6,000 square foot restaurant on this site. A brand new building with associated parking. I would like to show what was the previously approved plan for the restaurant. Almost 100% of the lot would have been rendered impervious by the associated parking. All the drainage for the site had been carried away off the site to the detention basin which is presently located to the rear of the property. We are proposing to utilize the existing building. Cleaning up the exterior of the building as well as the interior. We will be adding a canopy to one side of the building with three (3) drive-through bays. One for use of banking during normal business hours and the third will be an ATM. We propose parking of approximately 19 spaces and associated drives. We propose to use the two existing curb cuts. We propose to expand one of the curb cut. We are proposing all the drainage to be the same as the Fafard

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Restaurant. There is also an AT&T tower shown on our plans. What is proposed on the left rear corner of the parcel is an AT&T cellular tower. It is not Summit Bank's proposal, it is solely AT&T and Mr. Fafard's proposal. It is my understanding that the Zoning Board of Appeals has granted a Special Permit to Mr. Fafard that has been recorded that provides for the location of the tower to be located on the site as shown on the plans. It is also my understanding that on the Site Plan and the Development Plan that your Board approved that tower was not located on the rear of the property. Whether there was any discussion of a tower or not, I don't know. There is a difference on the plans that the Board had previously seen with respect to the tower issue, versus the plans that you're seeing tonight showing the tower. What we have done in terms of discussions with AT&T, is, we have suggested to them that it would be in all of our best interests, for development purposes, to see if their development of the tower coincided with our development of the bank. What they are proposing is a tower located in the rear of the property with an access road and a proposed equipment pad with a gate. It won't be for public access in any way. The area of the tower itself will be enclosed by a proposed fence. The responsibility for doing all of that work is AT&T's and Mr. Fafard.

PC mentions making the second access onto Hartford Ave. would say exit only with right turn out only and on the street it would say no entrance. I think that the Safety Officer would have a problem with that other than an exit only.

EM says that he believes that it was approved for Fafard with one way, out only on the Hartford Ave. access.

AM making that entrance and exit only was a major concern of this site back when Fafard came before us. It was very important to us that that was a one way.

PC says that he doesn't think that the Safety Officer would approve it any other way.

C. Chiechanowski says that the only reason he raises this as being an issue is because this hasn't been in our conversation with the bank because it hasn't been on any plans that we have seen. That would stack traffic up on the Charles River access road. We've been working with Phil's office and one of his concerns that they have is the line time and stacking on the Charles River Road. He's never mentioned that entrance being exit only. Summit Bank's typical hours are close at 4:00 and one night a week open until 5:30 or 6:00 pm. I am hearing tonight that the Board has serious concerns with the second access onto Hartford Ave. We don't have a problem limiting anything that crosses traffic. We will consult a traffic engineer to get a report for the Board.

PC says that there really isn't anything else we can do here tonight.

EM feels that we need to make sure we are correct on the process as a Site Plan instead of a Development Plan Review.

AM says that she has a serious problem with not having a public hearing for this.

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RD says that we would like a traffic analysis and would like to know the impact. Can you get peak hours of Harford Ave. and peak hours of use? We should also mention to the Safety Officer and ask if he would take a look at this situation.

EM mentions the letter that the Board received from the DPW and asked if they had a copy of it.

C. Chiechanowski says yes, and we can get those numbers for the traffic study for you. We will also get what the impact during the bank peak hours and what the impact is during the street peak hours. We will also get in contact with the Safety Officer and get his opinion. We can have everything to you and Phil in time to have correspondence for January 14, 1999.

PC motions to continue the Site Plan Review for Summit Bank to January 14, 1999 @ 8:30pm. EM seconds. Unanimous vote of 4 (RD, EM, AM and PC)

## COUNTRY CLUB ESTATES II - DEFINITIVE SUBDIVISION - PUBLIC HEARING - continued

EM abstains and leaves the building.

SC reads letter from Amory Engineering dated 12/9/98. Dear Mr. Fraine: This letter is to inform you of the status of the subject project. Sheets 1 through 3 of the plans and the drainage calculations submitted on November 16 have been reviewed. Our comments are as follows: Drainage: CBs should be shown to be constructed with a 4-ft. sump. Detention Basin: Test hole data should include soil descriptions, existing grade elevations and mottle elevations. Results and locations of third test hole, witnessed by Amory Engineering on December 7<sup>th</sup>, should be shown on the plans. Three 4-ft. wide by 4-ft. deep "straws" should be excavated and backfilled with fine sand in the detention basin to allow the perched water table to drain, thereby providing infiltration of stormwater. Two "straws" should be located along the south edge of the basin, the third should be located near the north-west edge of the basin. Wetlands: The existing drain pipe (which presently discharges, and under proposed conditions, will discharge stormwater from Empire Circle into the wetlands area), manhole, flared-end section and rip-rap in the vicinity of wetlands flag number A43 should be shown clearly on the plan. We recommend that lower sections of pipe be removed from the above-mentioned drain line and replaced with a rip-rap lined silt trap followed by a grass lined swale. The sewer line and the drain line should be located in closer proximity to one another in the wetlands area to minimize impacts of construction on the resource area. Notes on Sheet 1 should be changed from "Proposed Silt Fence" to "Proposed Silt Fence and Hay Bales." Very truly yours, Joshua Swerling.

Al Florentz presents to the Board revised plans showing the changes requested by Amory Engineering. We made changes to the plans for last night's Conservation Commission's meeting and they just had a few minor changes about the drain pipe. What they want to do is pull it out of the wetlands. Move the manhole back out of the wetlands and then do the rip-rap trench with the grass swale. We couldn't move the drain line because of the

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grade so we took the water line, put it five feet off the drain and the sewer 10' off of that. We labeled all that was required as well. The new test hole is shown also.

Jeff Gagnon explains about Banelli and Rome Ave. whether or not they are accepted. They are not town accepted roads so when we do work on them, we receive written authorization to go forward with the work.

AM motions to close hearing for the Definitive Subdivision for Country Club Estates II. PC seconds. Unanimous vote of 3 (RD, AM and PC).

AM motions to approve the Definitive Subdivision for Country Club Estates II with a revised date on the plans of 12/10/98 with noted changes. PC seconds. Unanimous vote of 3 (RD, AM and PC).

**GENERAL CORRESPONDENCE**

Clerk asks the Board about setting a hearing date to revise the Fees for the Planning Board per Phil's correspondence of January 1997.

RD says that he would feel better about discussing that issue when WW, EM and Phil is present at the next meeting.

All members present agreed.

Payroll for Clerk is also signed.

AM moves to adjourn at 8:50. PC seconds. Unanimous vote of 3 (RD, AM and PC)

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William M. Wozniak, Chairman

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Richard V. Dill

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*Paul Chupa*  
Paul Chupa

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*Edward T. Moore*  
Edward T. Moore

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*Anne M. Morse*  
Anne M. Morse