

**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**

**December 23, 1998**

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

**GENERAL DISCUSSION**

Jill has the Certificate of Approval for Country Club Estates II Definitive Subdivision Decision to be signed by the Board. It was drawn up by Phil Herr and reviewed by Town Counsel who had no comments.

WW asked if it was voted on at the last meeting dated 12/10/98.

Jill said yes.

P. Herr asked if the Board had security for Country Club Estates II?

Jill says that they will get that before the Board signs the plans after the 20-day appeal period is up.

P. Herr says that is fine.

The Board signs the Certificate of Approval.

**WESTON ESTATES DEFINITIVE SUBDIVISION – PLAN ENDORSEMENT**

Bruce Lord is in front of the Board with the Plans for Weston Estates and the Covenant for Security.

WW asked why the plans never got endorsed?

B. Lord says that there are two reasons why they didn't get endorsed. They wanted to wait for Conservation and then apparently got lost and the Engineer was waiting for the final determination from the percs to make sure.

Jill says that all the independent engineering bills have been paid and the 20-day appeal period has gone by.

EM makes motion to accept the covenant and endorse the plans for the Weston Estates Definitive Subdivision. AM seconds. Unanimous vote of 4 (WW, EM, AM and PC).

**HERITAGE PINES DEFINITIVE SUBDIVISION – BOND POSTING**

Roger Gagnon is in front of the Board to post the bond for Heritage Pines. He presents to the Board a letter requesting not to release all the lots because he doesn't have all the money to post as of yet.

AM questions the letter and says that we don't do that.

WW says that the Board received a letter from Don DiMartino, Director of the DPW stating that the security is no less than \$46,000.00.

R. Gagnon says that he would like to know if the Planning Board would go along with. I have a \$30,000.00 bond already with Conservation, and we are in the process of switching that over to the Planning Board's bond for Heritage Pines. I will put the other \$16,000.00 in to make \$46,000.00. The reason I put down asking if you want to hold a couple of lots until that \$30,000.00 is transferred.

EM asked when he thought that would be happening?

R. Gagnon says that the as-built is being done right now for the retention area. All the easements are in place. It is just a matter of cleaning it up.

P. Herr asks what the Planning Board would do with a couple of lots? This issue comes up a lot and the law doesn't allow it.

AM asked about the water being 90% complete.

Ted Bailey said that it is 100% complete just not tested. The loop is not tested. It is tested at the street connection but not at the Potter Drive easement.

R. Gagnon asked if he puts \$23,000.00 in the bond if the Board would release five lots?

WW says that the Board will give 5 lots if \$23,000.00 is posted. We will not release anymore lots until an additional \$23,000.00 is posted to make a total of \$46,000.00.

PC motions to release 5 lots for Heritage Pines Subdivision upon posting \$23,000.00 as required with the Town Treasurer. AM seconds. Unanimous vote of 3 (WW, AM and PC).

R. Gagnon asked if he could have a letter from the Board stating that they are going to release five lots with the posting of \$23,000.00 and at the Board's next meeting a Certificate of Release for the five lots will be signed.

AM says that there are ways of doing things and this is not one of them. We are saying yes we will release five lots once \$23,000.00 is posted and a Certificate of Release is signed. We can give you a letter but this letter won't release building permits.

AM motions to have a letter typed for Roger Gagnon stating that at tonight's meeting the Board voted to release five lots once a bond of \$23,000.00 is posted. No Building Permits or Covenants will be released based on this letter. PC seconds. Unanimous vote of 3 (WW, AM and PC).

### **GENERAL BUSINESS**

Lloyd Brown is in front of the Board to propose a back lot subdivision for his property located on South Main Street.

WW states to Phil that Lloyd Brown has gone to the Zoning Board for a variance on frontage and was denied. He had a 3 to 1 vote. The alternate member sat on it but wasn't allowed to vote on it.

P. Herr asked why the alternate didn't vote?

L. Brown said that he wasn't in the room, he doesn't know.

AM says that he should ask that question to someone from the Zoning Board. Does he have all the requirements for a back lot?

L. Brown says that he believes the Planning Board can partition the Zoning Board if there is a radical change in the plans.

P. Herr says that he can go back a second time to the Zoning Board providing that the Planning Board finds that there is a substantial change in the plans.

L. Brown says that the radical change that I am showing you is that I will have one non-confirming lot and one conforming lot the way the lot line is positioned. They like the idea of keeping the lot line in the same spot.

WW asked if that was a radical change?

P. Herr says yes.

AM says that Lloyd should request a copy of the Minutes and the Decision.

L. Brown said that his lawyer did request a copy of the Minutes and Decision and they haven't received it yet.

EM asked when the meeting was?

L. Brown said that it was December 3, 1998.

AM asked if at the first meeting about his variance, if all the members where there including the alternate?

L. Brown said all members where there but the alternate. There was enough members to vote.

P. Herr mentioned that L. Brown should speak to the Zoning Board Member that is an abutter about this whole thing and ask questions about why the alternate couldn't vote and why he maybe got denied. Maybe he can counsel you on what happened and maybe go a different route.

AM says that would be a good idea and let him know that you are planning to go forward with a subdivision. Nobody wants you to do that, and it is the expensive route, but it had been done.

L. Brown said thank you to the Board for their input.

#### **34 WILLIAMS WAY – Site Plan**

John Warfield is in front of the Board with a Site Plan and to get some input. He presented an as-built for the site at 34 Williams Way. The 21-E was done and everything looks good.

WW says that know that we have this plan what are we going to do next.

J. Warfield says that he would like permission to go to the Building Inspector, have him inspect the property, finish it and move in.

AM asked what he wants to finish?

J. Warfield says that he would like to finish the buildings that are not officially complete with proper permits.

P. Herr says that this site was a subject of very contentious proceedings. The best I can determine is that the Planning Board never approved a Site Plan for it. My understanding is that information given by Mr. Warfield, there are building built without permits, there are some things that got built differently than they were approved. Including the detention facility that got built different than what was approved. Mr. Warfield would like to come and clean this site up. In my eyes is commendable. It is a big piece of industrial land. It would be nice to see it well used. His question is, can he simply finish building the buildings and occupy them. Or does he need to go through Site Plan Review or Development Plan Review or something of that sort before this Board? If some of those buildings should be found not only to be not permitted but in some way in violation of some rule. Then, what do we do?

EM asked if he will be back in front of us or won't he?

J. Warfield didn't know, that is why he is asking the Board.

AM can't imagine that he wouldn't. There is a substantial difference.

EM there are some things that got approval.

P. Herr says that those approvals were the Board saying, yes, that is going to be alright. I don't think the Board ever actually acted on the plan.

WW says that the consensus of the Board feels that it should be a Site Plan Review. I think based on what is there on the site now, the Site Plan can be based around that and then go from there.

J. Warfield says basically I want to do what the Town will allow. I would like permission to go in and have the building inspector inspect what was built and permit what needs a permit. What do I do next?

EM says that he should get an as-built so everyone knows what is there and go for a Development Plan Review.

P. Herr his question is, could he occupy the front building as long as that part of the site meets all the rules?

EM says yes, that would be fine. After the Building Inspector inspects and says everything is fine. I make a motion to send a letter to the Building Inspector that the Board feels it would be okay to issue a temporary occupancy at the office building that sits on the cul-de-sac at this time, then there will be a Development Plan Review held for the entire site at a later date. PC seconds. Unanimous vote of 4 (WW, EM, AM and PC).

**STOR/GARD SPECIAL PERMIT AND DEVELOPMENT PLAN REVIEW**  
**-Public Hearing continued-**

WW reads letter from Stor/Gard dated December 17, 1998. We were scheduled to appear before the Planning Board on December 23, 1998 to continue our Public Hearing and Development Plan Review for our proposed Stor/Gard Self Storage Facility on Hartford Ave. As per our telephone conversation today, we request that this Public Hearing and Development Plan Review be rescheduled to the January 28<sup>th</sup> Planning Board meeting. Additionally, we request that the time period for action be extended to February 5, 1999. Thank you for your assistance in this matter, and may you and all the members of the Planning Board have a Happy Holiday Season. Very truly yours, Denis J. Donovan.

EM motions to continue the Special Permit and Development Plan Review Public Hearing to January 28, 1999 and grant the extension to February 5, 1999. AM seconds. Unanimous vote of 4 (WW, EM, AM and PC).

## MINUTES OF PLANNING BOARD MEETING

December 23, 1998

P. Herr asked if there was any discussion with regard to having the Town engage in engineering to review the plans for the Storm Water Management?

Jill says that she will check with Denis tomorrow.

P. Herr says that if they haven't been sent and you have another meeting at the end of January, then this will go on. It is important that the town get authorized to get someone to that, then the plans need to get to that engineer so this can get moving. If the Chairman was to speak to Stor/Gard and ask them if they would agree to paying for the cost of the town's independent engineer review the plans, then that would be okay. He should send the Board a letter agreeing to pay for that service.

Dan Merrick, Merrick Engineering, hired by the abutter, Steve Dexter. We would just like to request that when a revised plan is submitted that we get a copy as well along with any calculations that go with it.

WW says that he will ask Mr. Donovan of Stor/Gard to forward any updated correspondence to Mr. Dexter.

Mr. Dexter asked about the letter that his attorney submitted. We asked that the first letter in the package be resented and this second letter be added.

WW says that we received the letter and we will put it with the package.

AM asked if proper notice was given? That is a legal issue.

P. Herr says that the ad had the wrong section referenced. It referenced 4900 rather than 4600.

AM asked if we should re-advertise?

P. Herr mentions that when Bill speaks with Mr. Donovan of Stor/Gard that he mentions re-advertising as well.

### **BELLINGHAM BUSINESS PARK – DEVELOPMENT PLAN REVIEW** **-continued Public Hearing-**

Peter Beamis from Engineers Design Consultants is in front of the Board to present updated plans that reflect changes made due to questions raised from the last meeting, Phil Herr and Amory Engineering. Also, Brian Kelliher from Aspen and Dan Holmes, Atty.

P. Herr reads letter from Amory Engineering dated December 23, 1998. This letter is to advise you on the status of my review of the Development Plan for Bellingham Business Park. My comments are based on review of 1) Sheets 1 through 4, revised December 18, 1998 (Sheet 1 titled "Overall Development Plan"), 2) Deep Observation Hole Logs showing soil profiles and groundwater levels, and 3) "Drainage Analysis" revised December 18, 1998. In addition to reviewing these documents, I inspected the site, for a second time, on December 22. I have also discussed numerous matters with Mr. Bemis.

My comments, relating primarily to drainage, are as follows: 1. Based on estimated seasonal high groundwater observed at Observation Holes No. 14, 15 and 16, there is strong likelihood of standing water in the detention basin sediment forebay. 2. The proposal sediment forebay inlet invert is shown at E1. 220, and the forebay berm at E1. 223.25 (Sheets 2 and 3). The inlet will be submerged during periods of standing water in the forebay, not a good situation with the forebay covered with ice. 3. Bottom of the sediment forebay should have an impervious soil liner ( $K = 10^{-6}$  cm/scc). Bottom of the basin should be loomed (4-in. minimum) and seeded (Sheet 3). 4. The Plan should outline order of construction. Construction of the detention basin should precede drainage and roadway construction so that basin vegetation will have a chance to stabilize prior to discharge of stormwater into the basin. 5. Sheet 4: a. Metal grate on outlet control structure should be fabricated of aluminum. b. Emergency spillway: 1) Spillway weir should be set in the berm without stone envelope. 2) The weir should be constructed of reinforced concrete. 3) Crushed stone layer under riprap should have a 6-in. thickness. c. Entrance apron: 1) Plan of the apron should be shown. 2) Size of stone should be noted. d. Construction Note No. 13 refers to PVC perforated drain pipe. Where is perforated pipe to be used? While test-pit data in the area proposed for the detention basin has been furnished, no percolation data has been submitted. DEP Stormwater Management Policy requires infiltration of stormwater runoff into the ground for the purpose of recharging groundwater. The amount of infiltration required depends on the area of impervious surface (and hydrologic soil group to be covered with impervious surface). In order to evaluate infiltration capacity of the basin, percolation test data is required. Should the basin not have adequate infiltration capacity, other methods of infiltration will be required. As you are aware, the Business Park site is adjacent the Charles River, where control of surface water runoff is essential to the prevention of downstream flooding. In order to improve control of surface water runoff, in addition to that provided by the proposed detention basin, we suggest installation of an outlet control structure in the ditch which discharges water from the west end of the abandoned gravel pit to the Charles River floodplain. Such a device would augment stormwater retention, which would be of benefit in controlling Charles River floodwater. Very truly yours, Walter Amory.

P. Beamis made the comment that plans have been corrected to reflect those concerns. I have tried my best to respond in a timely fashion to all changes and recommendations. And, I don't find us as being far apart on any issues. Certainly from the Site Plan perspective.

P. Herr made the comment that there are still items missing that are required in the submittal package.

WW asked D. Holmes, him being on the Planning Board in another Town if he would open the hearing even though it wasn't a complete submittal?

D. Holmes said that he wasn't sure what he means by a complete submittal.

P. Herr said that he is referring to our submittal requirements in the regulations.

EM still is questioning whether this should be treated as a Major Commercial Complex.

WW asked why they just didn't come for Subdivision?

B. Kelliher said that it just takes too much time the Subdivision process.

WW says that you originally came in for a discussion. To see how the Board felt and what we required before you came in front of us. Now it is December 23<sup>rd</sup> and we are still going over the same issues that was brought up at our discussion. I feel that I want to hear from Town Counsel regarding the Draft before we go forward with it the way it is.

P. Herr says that Town Counsel got the first Draft Decision but not the one that was updated today.

AM says that she doesn't know what we are waiting for. It is all covered in the Draft Decision.

B. Kelliher says that basically the way this works is there are tenants out there. Tenants have a time frame in which they need to get into a building. Before they want to make a commitment to us they are looking for some recognition from the Town that this concept is basically approved. They know that we are going to have to come back and do a lot of things. We can't move that process to the next stage until we get this to a conditional approval that town has told us that yes, we are heading down the right path. Aside from the details that Phil has outlined in the Decision. If we don't satisfy those details then we are not going to get anywhere. We have been working very hard to produce a complete set of documents.

P. Herr said that what if the Board would vote to send The Aspen Group a letter that would respond to the kind of urging that you've expressed, approval of the concept? The Board could say, look, we have reviewed your submittals, it seems to be in the right direction. We think that we are going to be able to reach closure on approval with along the lines of the Draft that was discussed at our December 23<sup>rd</sup> meeting. The main details to be resolved. Unless hearing from Town Counsel that a Special Permit may be required, that we expect when we receive the additional requirements discussed at our December 23<sup>rd</sup> meeting.

B. Kelliher asked if that is what the Decision says? It says, subject to meeting all of these conditions...

P. Herr says that it does not. It is quite different. Are you saying that what I just suggesting would not be acceptable?

B. Kelliher says, that it is a letter that I'm going to give to the tenant that basically says, no one has voted yet. I think the Draft Decision would be better.

D. Holmes if there are other elements of the plan that are not satisfactory to the Board, let's just list them out so that we can satisfy the Board and get your approval.

P. Herr says that we have letters sent to the Board today from DPW, Mr. Amory, two letters from Mr. Beamis. I doubt that any members of the Board has reviewed these.



**MINUTES OF PLANNING BOARD MEETING**

**December 23, 1998**

J. Karakeian says that she does not have the letters from Mr. Amory or the two letters from Mr. Beamis.

EM says that a letter of concept I think we have done before. The concept and idea is good, we are working on it, we are getting there, but we just aren't there yet.

AM makes a motion to send a letter of concept approval.

B. Kelliher says that we obviously have a split Board here tonight. Hopefully, we can resolve our issues and get the information together for the next meeting.

P. Herr says that lets be clear in what that concept approval initials. Accepting the equivalency of shared driveways to a subdivision. No financial support directly from this development.

EM says that then we are giving away everything, without checking with Town Counsel and that is what I'm afraid of. What Town Counsel has been telling me is that he is hearing from their Counsel, that those Covenants mean nothing because they did an 81-P. We know that an 81-P means that it isn't a subdivision. I really want to hear from Town Counsel.

P. Herr says that this project looks like a Subdivision, it used to be a Subdivision, but it didn't come in under Subdivision control. Because it is not a Subdivision, and because it is a configuration it relies upon shared driveways. The Town's Zoning requires this Board to make a determination before shared driveways can be relied upon that the access provisions are equivalent to that what would be obtained under Subdivision control. Under Subdivision control, they had a promise of \$1.50 a square foot of building. When, they approved this without assuring they get any financial support, that connects with the question, does the Town have the right to enforce those Covenants.

EM says that he is not signing anything until we have heard from Town Counsel.

P. Herr says that there are a whole series of major questions that the Board has not yet taken a position on yet. Pedestrian movement through the area, some contribution towards Maple Street improvements. Whether you support Don DiMartino's perspective on how it is that stormwater management should be recharged. There is alot of questions still out there.

EM asked why Don DiMartino would have a different way of doing stormwater management then the applicant and the Town's consulting engineer?

P. Herr says that I thought it was sort of strange coming in at this hour.

EM says that it is not fair to the applicant.

P. Herr I didn't think it was. Maybe we can ask him about it. I don't think the next meeting will be quick and easy.

AM motions to continue Bellingham Business Park Development Plan Review to January 14, 1999 @ 9:30. EM seconds. Unanimous vote of 4 (WW, EM, AM and PC)

### GENERAL BUSINESS

P. Herr says that one of the best things that was done in recent times is that two page letter that enables the people to figure out whether people need to come in for Development Plan Review. It is so simple. The Attorney for the Summit Bank called and they are now going to come in for Development Plan Review. He is not convinced that is required but I told him that is what the Board wants because it was approved as a Development Plan Review. It appears to me that this bank will bring in alot more traffic and a traffic study should be done, and I told Peter Poloski that.

The Board reviewed the Annual Report letter as well as the Budget and Inventory List. The Board wanted to thank Valorie DeAngelis in the Annual Report letter as well as mentioning the Master Plan. There is no change in the Budget and the Inventory List is fine.

AM moves to adjourn at 11:35. EM seconds. Unanimous vote of 4 (WW, EM, AM and PC)

  
William M. Wozniak, Chairman  
Richard V. Dill  
Paul Chupa  
Edward T. Moore  
Anne M. Morse