

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

March 25, 1999

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

SCENIC ROAD PUBLIC HEARING

EM motions to waive the reading of the Public Hearing notice. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

Don DiMartino explains the proposed changes to Maple Street in conjunction with the proposed improvement of the section of Maple Street between Route 140 and the 495 Overpass. There is a Department of Public Works Development Grant that was applied for about three years ago. It is a million dollar grant to improve Maple Street. The amount of the grant limits the amount of development. This grant as opposed to a Federal grant this allows us to set the width of the roadway and stuff of that nature. There will be a cape cod berm and a sidewalk. We will be saving as much existing stone wall as possible as well as saving as many trees as possible. We have had two workshops with the residents and the Board of Selectmen. Asec Engineers have been hired and put together a plan to show the trees that will be removed and a landscape architect has also been hired to recommend trees to be replaced. There is a large number of trees to be removed because of the number of trees out there. If you try to put back the same number of trees back of the ratio that is usually gone by is 4 to 1 they wouldn't all live because of what is there now. The Landscape Architect has the ability to determine what is the right type of tree to be put in and so forth.

WW asked what is the number of trees to be removed and what is the number to be replaced? Has it changed from the notice?

D. DiMartino says that the Engineers have another count but the notice is pretty accurate. The design hasn't changed, but with so many trees, that is as good of a count that we could get. There is going to be 251 trees removed and 256 installed. If you read the

recommendations in the Scenic Roads it says to try to replace the ratio of 4 to 1 depending on diameter of tree. If we go 4 to 1 it would be somewhere around 1,000 trees. It just wouldn't work. Another thing we took into consideration after meeting with the residents's in certain areas we are planting the bushy type trees because we were concerned with the noise from the Garelick operation. There was some concern about the power wires and most of the work that is being done is on the opposite side of the overhead power wires. There isn't much of relocation of road, there is widening on one side or the other. It is a 26' travel way and a 5' sidewalk and ability to install the sidewalk without any land taking involved. In several places the stonewall will be reconstructed and will generally be put between the sidewalk and the property line to act as a buffer for the residents. The majority of the trees are being taken down from the railroad bridge to Rte. 495 and on the East side of the roadway. That is also where most of the road widening will go. It will generally be a 4 to 5 foot widening atleast as far as the roadway itself and the East side is also where the sidewalk is going.

EM asked who takes the trees down?

D. DiMartino said that the whole project will go out to bid. The project will be given to one contractor.

Steve Rasico (51 Maple Street) questioned about the trees that are going to be removed are Maple Trees that absorb alot of water and was wondering if the trees that are being replaced are on a similar kind that are going to absorb alot of water so the people don't end up with alot more run off?

D. DiMartino says that the majority of trees are oak that are going to be planted, several pines and a fairly even mix. There will also be a ground water recharge type of drainage system installed.

Steve Rasico (51 Maple Street) asked about the High Street where High Street and Maple Street come together (the Hill's farm). I'm concerned about screening the residents from whatever is going to be constructed across the street?

WW says that there is already going to be a high berm be installed to shield out the residents from that development. Asked Aspen to come in and explain the berm that is going to be installed.

Peter Beamis of Eng. Design Consult. explains to the audience the berm that is going to be installed for screening. The berm that will vary from 4 to 6 feet in height with trees and plantings on it and going back down to the site about 8 feet lower than the street.

Art Paturzo (Stonehedge Road) concerned about the road that was approved originally when Fafard came before the Board and got approval for the access road into that site further down towards Route 140 and to go through the site and out onto High Street. What happened to that?

EM says that there is a new owner of the land, we can't make them do that.

Art Paturzo says that his concern is obviously the traffic and that access road did take the traffic off of Maple Street in front of all of our homes.

EM says that the new owners only own this parcel of land. They don't own the other side of High Street and Maple Street like Fafard did.

Ted Hudson (Stonehedge Road) asked about the estimated truck traffic going down Maple Street?

EM says that he doesn't think anyone has that answer.

Jim Canton (Susan Lane) has concerns about the changes that are going to be made to Maple Street and the fact that it won't be a scenic road anymore after the changes are made. Thought that the road was going to be widened to the same width as the bridge going over 495.

D. DiMartino said that the road was not going to be that wide. We are installing sidewalks for safety reasons as well as allowing people to walk. We are improving the road and trying our best to keep the scenic aspect of it.

Joyce Maria asked about the trees that are going to be replaced and if they will be flowering at all?

Pat Lohey – Landscape Architect explains the different types of trees that will be planted and how many will have color as far as flowering.

Cindy Paterzo asked when the project was going to start?

D. DiMartino says in order to do the project to Rte. 495, the Town needs additional funds. There is an article on the warrant for Town Meeting in May. We are planning to have the job bid for the Town Meeting. Should the funds get appropriated, we will award the job and hope construction to start mid to late June.

RD questioned the construction traffic that will be on that road for the office park as well as the proposed power plant and will the new Maple Street hold up?

D. DiMartino says that they are installing 7" of industrial depth roadway. The construction equipment won't hurt it at all. Right now it probably has barely 2" of hot-top on it.

Denis Fraine says that the earliest that the ANP plant would be starting their construction would be mid July and then all that would be for the first 6 months would be basically onsite sitework and excavation.

John Fisher (abutter) questions the speed limit and if that was going to change?

D. DiMartino says that the speed limit is going to stay the same.

EM motions to close the Scenic Road Tree Removal and Road Improvements Public Hearing. PC second. Unanimous vote of 5 (WW, RD, EM, AM and PC).

EM motions to approve the Scenic Road Tree Removal and Road Improvement proposal per Don DiMartino. AM second. Unanimous vote of 5 (WW, RD, EM, AM and PC).

SCENIC ROAD ENTRANCE TO BELLINGHAM BUSINESS PARK

EM motions to waive the reading of the Public Hearing notice. AM second. Unanimous vote of 5 (WW, RD, EM, AM and PC).

Peter Beamis of Engineering Design Consultant explains the proposed changes made by The Aspen Group to construct a driveway opposite Stonehedge Road on the west side of Maple Street. There is 50 linear feet of stonewall that will be removed to accommodate that driveway and that wall will be reconstructed along the edge of the travel way. There is a 360 millimeter Oak tree and a 250 millimeter that will be eliminated. Utility pole #95 also will be relocated. As part of the approval of this project we are proposing this berm along the front of the site that will be planted with a series of evergreen trees across the top. At our entrance, we have 4 cherry trees that are proposed.

Ted Hudson (Stonehedge Road) asked if the discussion tonight relates at all to the position of the road entering into the Bellingham Business Park site or is it just about the wall and the trees?

P. Herr says that the Board approved that Development Plan showing the road where it is but I think it is fair game that it could be talked about.

RD says that the main reason we chose for it to come out where it is, for fear someone coming out of the site and headlights shinning into peoples homes.

P. Beamis says that this was the reasonable approach. You weren't removing very large scenic trees and we were also putting it opposite Stonehedge Road again for a vehicle turning movement. You have another roadway coming to a T intersection and that is good traffic management. You have two vehicles that can acknowledge each others presence and enter into the way.

Stonehedge Road resident asked why the entrance couldn't come out onto High Street to avoid that four way intersection.

RD says right now you will have people stopping to turn into the site at Stonehedge Road instead of speeding by Stonehedge Road to get to High Street.

Joyce Maria (resident of Stonehedge Road) feels that it would be better for the entrance to be on High Street.

Mike Burr questions what was going to be replaced on the right hand side of the entrance? They show a tree being removed but nothing being replaced.

P. Beamis says that if the Board wants to make that a condition that is no problem adding a tree to that side of the entrance.

RD motions to close the public hearing for The Aspen Group's driveway entrance. AM second. Unanimous vote of 5 (WW, RD, EM, AM and PC).

EM motions to approve the proposals made by The Aspen Group for their entrance into their property as stated in the notice. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

GENERAL BUSINESS

EM mentions to Phil that Deputy Guerin could not be at the meeting tonight but wanted to bring to the Board's attention Wal-Mart and their garden center that they hold this time of year. It takes up a large part of the parking lot and was concerned about safety and the recommended amount of parking that is required.

P. Herr says that it is something that the Building Inspector needs to make the call.

The Board signs miscellaneous invoices.

FEE REVISIONS – continued

WW lets Phil know that for a Form A submittal the Board wanted to change it from being a \$20.00 application fee to \$10.00 per lot created.

EM says that the reason for that is, if you get a private resident coming in for one lot, you aren't putting a burden on them, but if you get a builder coming in with 10 lots, he can pay a little more.

P. Herr says that sounds fine. People often come in with two lots. A large lot that a lot has been broken off from. That would be \$20.00. So, it would be based on the number of resulting lots.

The Board was okay with that.

WW says that number 2 is okay with the Board. Number 3 is Amend Section 3212 – Subdivision Rules & Regulations. A filing fee of \$200.00 and then you have plus \$5.00 per party to be notified. We crossed that off and left it as "plus advertising cost, plus \$0.50 per linear foot of center line proposed, minus any fee paid at preliminary plan stage plus postage for certified mailing. On Procedural Rules Fee revisions, Number 1 says the request shall be accompanied by a verbal description of the proposed change suitable for legal advertising plus a filing fee of \$75.00, plus the Planning Board's estimate for the cost of advertising. We changed that last part to "plus the Planning Board's actual cost of

advertising.” Number 2 says “Amend Section 3.1.4 (D) A filing fee equal to the Planning Board’s estimate of advertising cost, plus \$100.00, plus the \$5.00 for mailing. We changed that again to say “plus cost for certified mailings. The rest of that one is fine. The item for Environmental Controls or Water Resource District \$100.00. We had alot of questions on that one. If a regular lot comes in that is in a Water Resource District, we are going to require them to pay an additional \$100.00?

P. Herr they are going through a Special Permit and it is additional paper work because they are in a Water Resource District.

EM we are concerned about the average citizen who is in a Water Resource District.

P. Herr the average home is okay. Should they need a Special Permit and they are in a Water Resource District for whatever, you can waive the fee but not the requirement to go through the process.

WW says that everything else was okay.

ASSISTED LIVING ARTICLE – PUBLIC HEARING

EM motions to waive the reading of the ad for the Assisted Living Public Hearing notice. AM second. Unanimous vote of 5 (WW, RD, EM, AM and PC).

EM asked Phil Herr if there were any changes made from the last Town Meeting on this Article?

P. Herr said no, this is the same.

WW says that the Article got passed over at the last Town Meeting because we were on the Finance Committee’s agenda before we even held our hearing on this, so we had to pass over it at the Town Meeting.

P. Herr talks about Lee’s comments for this Article which makes a reference to section 4465. There is no 4465 and it should be 4455, he is correct. That is a typographical error. I’m not sure what he means when he says: Subsection 5. Which reads “amend section 3320. Schedule of (parking) Requirements (a) Dwellings to read as follows.” It would seem that one should delete the following: “(a) Dwellings to read as follows.”.

WW says that I think it is a minor technicality and it can be worked out. It looks like he wants us to delete from the Article “(a) Dwellings to read as follows.”.

P. Herr suggests changing it to read, “Amend item (a) Dwellings under Section 3320 Schedule of (parking) Requirements to read as follows”.

The Board was okay with that.

AM motions to close the public hearing for the Assisted Living Article. PC second. Unanimous vote of 5 (WW, RD, EM, AM and PC).

EM motions to recommend the Assisted Living Article. AM second. Unanimous vote of 5 (WW, RD, EM, AM and PC).

NOISE BY-LAW ARTICLE – PUBLIC HEARING

EM motions to waive the reading of the public hearing notice. AM second. Unanimous vote of 5 (WW, RD, EM, AM and PC).

WW reads, the following draft revision to the Noise Controls in the Bellingham Zoning Bylaws has been prepared in response to the request of the Selectmen.

P. Herr says that the first change of the Bylaw is the determination of what is an allowable noise level. The basis for the level of allowable noise would depend upon the location at which your listening to the noise, rather than the location from which the noise was being generated. That is a reversal of the present requirement. Things which were exempted from the controls were more extensively spelled out to get rid of some of the uncertainties. There were a number of refinements about what type of device would be used to measure the noise, certain times.

Rick Catalano (Wrentham Road) asked who is going to enforce the Bylaw and how are they going to be trained?

EM said that it will be the Zoning Agent who is also the Building Inspector.

R. Catalano asked about the availability of the Inspector?

EM said that if it is a call at night, then you would call the police.

R. Catalano asked if the police are going to get trained for the noise?

AM says that there was a reason why the police were not named the enforcement of the Noise Bylaw because they would have to put more men on and it was a big issue.

EM says that they can respond to the complaint.

P. Herr says that this conversation had gone on earlier. The Building Inspector is in charge. But, Mr. Guy Fleurette assured the Board that the police, infact not only have a meter but have personnel who has had some training in it's use.

Brian Percy (Wrentham Road) says that he has a concern because he has called on the police for noise and they metered as well as the Building Inspector and it didn't stand up in court because they weren't certified to use the meter.

WW mentions that there is correspondence from town Counsel dated March 24, 1999 and reads them into the minutes. ARTICLE 33. ZONING NOISE AMENDMENT Under Section 3222 there is a provision which indicates that no development shall be allowed unless it is demonstrated that the following standards will not exceeded at any location outside the property line of the premises or any contiguous land committed to be conveyed to the Town as open space. My concerns are the words "or any contiguous land committed to be conveyed to the Town as open space" as it is obvious that any developer, in order to avoid this space requirement, simply would not convey the land to the Town as open space and would retain title to same. It does not appear that this was an action nor an intended purpose to be encouraged. Under 3223 (e) "determination and authorization shall be valid for not more than any one 24 hour period per determination". This would appear to put a burden upon the Building Inspector for purposes of multiple applications and conceivably for multiple daily site visits. Under section 3224. Standards. Please advise as to the requirements described in "Type I A-weighted Sound Level Meter as specified under American National Standards Institute (ANSI) S1.4-1983".

P. Herr says that Lee wants to know what that type of meter means. The first item he brought up was raised before by him and I thought that it was discussed with him. I just think he is afraid that this will persuade people from giving the Town land.

J. Caddick suggested Phil talking to Lee to see if it is just a matter of changing a few words to make it so if the people convey land to the Town then their line starts at the outside of that conveyed land not at their actual property line after conveying land. It might just be a lawyer thing were a couple of words need to be changed.

P. Herr says that the intentions is that somebody says I'm going to give the Town this land out here. When he gives the land out here, the intention is that won't move the boundary in which they need to meet this standard. Perhaps Lee sees otherwise.

B. Pearcey asked if this Bylaw applies to the annual granting of entertainment licenses? Is there any grandfathering issues? Are they required to be in compliance with the current law? The licenses is renewed every year.

EM says that the license is renewed every year as it stands. It is either renewed or changed.

B. Pearcey says that they are renewing a license for outdoor entertainment. What are the guidelines? The license does not specify the guidelines for that entertainment.

EM says that if there were conditions on the existing one then they can't put conditions on the renewed one.

B. Pearcey says that he is not asking them to put conditions, I'm asking, do they have to comply with the noise ordinance.

RD says that should be referred to Lee for clarification.

P. Herr says that Lee is also concerned about 3223 (e) the 24 hour limitation..... regarding the Building Inspector. Maybe we should hear from the Building Inspector and get his feelings on that.

EM motions to continue the Noise Bylaw Public Hearing to April 8, 1999 @ 7:00 pm. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

DRIVE-IN BUSINESS ARTICLE – PUBLIC HEARING

WW reads notice: Amend Section 2400 to provide that banks, financial offices, restaurants, and retail sales and service require a special permit if service is provided to patrons while in their automobiles.

The Board was okay with this Article and there were no comments from the Public.

EM motions to close the Public Hearing for Drive-In Businesses. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

EM motions to recommend the Drive-In Businesses Article. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

MAJOR BUSINESS COMPLEX ARTICLE – PUBLIC HEARING

RD reads correspondence from Town Counsel dated March 24, 1999. ARTICLE 32. MAJOR BUSINESS DEVELOPMENT Please provide this office and the general public with the justification for the 250,000 square feet of gross floor area for industrial uses which is five (5) times more than that of a major business complex and also for the addition to the parking from 200 to 250 spaces.

P. Herr says that he is not objecting to it, he is saying that we should provide an explanation. The justification is in traffic and the trip generation rate for retail uses is about five times as high as that.

RD motions to close the public hearing for the Major Business Complex Article. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

RD motions to recommend the Major Business Complex Article. EM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

COUNTRY CLUB ESTATES – Covenant and Plan Endorsement

Roger Gagnon came before the Board to get the plans endorsed for Country Club Estates and also let the Board know that the original covenant was never recorded at the Registry of Deeds. Wanted to issue another Covenant.

P. Herr asked if the Covenant was all filled out and signed by everyone?

R. Gagnon said no, he had a blank one.

P. Herr says that the form needs to be filled out, signed by Mr. Gagnon and signed by the Bank that is involved and then brought back to the Board.

R. Gagnon says that he will be back on April 8, 1999.

SUSAN LANE – Covenant and Plan Endorsement Regarding Waiver

EK Kahlsa presents to the Board the covenant to the Board regarding Susan Lane and the two lots he is proposing on the back 30 acres. We used the language that Phil suggested. Our intention was to limit it to two single dwelling units.

WW asked if there was a letter sent to Conservation?

Jill said no.

EK said that we pushed a driveway back in order to accommodate the nearest abutter, so the result the driveway is going to be in the buffer zone. So, we will be going in front of Conservation. The covenant says that you are waiving Section 4231 in consideration to the fact that Tenderborough will warrant and covenant that we will only build two dwelling units. It says it on the plan and in the covenant if you wish to sign both. EK reads the covenant into the Minutes. The trustees of Tenderborough Realty Trust hereby covenant and agree with the Town of Bellingham Planning Board as follows: The Town of Bellingham Planning Board hereby agrees to waive the application of Section 4231 of the Town of Bellingham Rules and Regulations regarding the governing of subdivision land to the premises shown as Lot 1 and 2 on plan entitled Plan of Land prepared for Tenderborough Realty Trust dated 8/26/98. EK Kahlsa and Bill Halsing as trustees of Tenderborough Realty Trust hereby agree and covenant that no more than two dwelling units are to be erected on the subject property as shown on the said plan regardless of any future revision and subject agreement and covenant shall be inscribed on or referenced on said plan.

P. Herr mentions that the covenant should be referenced on the plan.

EK agreed and added it to the plan.

EM motions to grant the waiver, sign the plan and accept the covenant for Susan Lane to Tenderborough Realty Trust. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).

BRITTANY ROAD – 81-P SUBMISSION

AM abstains.

Bill Halsing of LandPlanning is in front of the Board to get an Approval Not Required plan signed for Brittany Road. A fee of \$10.00 was paid.

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P. Herr has reviewed the plan and is okay with it.

EM motions to sign the 81-P for Brittany Road. PC seconds. Unanimous vote of 4 (WW, RD, EM and PC) AM abstains.

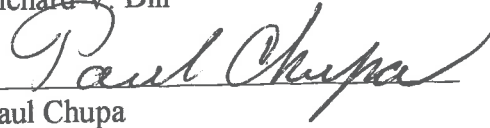
RD moves to adjourn at 10:50 pm. AM seconds. Unanimous vote of 5 (WW, RD, EM, AM and PC).



William M. Wozniak, Chairman



Richard V. Dill



Paul Chupa

Edward T. Moore

Anne M. Morse