

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

RICHARD V. DILL, CHAIRMAN
PAUL CHUPA
VALERIE DeANGELIS
ANNE M. MORSE
WILLIAM M. WOZNAK
STEVEN CHOINIERE (Alt.)

MINUTES OF REGULAR MEETING

June 10, 1999

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

GENERAL BUSINESS

Richard Palli from 310 Farm Street was in asking the Board if anyone from 311 Farm Street come before the Board since October 8, 1987 for a Site Plan. Right now it is J & P Auto & Truck. I would like it if the Board could check through the file and let me know in writing so I had something for my files. The owner of the property is still Jenko Realty Trust. He is going in front of the Board of Selectmen for 45 additional cars. There is a new addition and a new building that wasn't approved by this Board. The original Site Plan was 29 parking spaces and now there is 133 parking spaces. They went from 9,000 square feet paved to 46,000 paved. I just need something in writing from this Board so I can continue with the Board of Selectmen.

AM said that she doesn't remember anything but the file should be checked.

VD also said that she didn't remember anything while she was clerk.

WW asked if they have building permits?

R. Palli says yes, they do have building permits.

MAPLE SANDS DEFINITIVE SUBDIVISION

Philip Macchi, Attorney representing Maple Sands Definitive Subdivision and I have been in contact with your consultant Phil Herr and believe he faxed a Decision which contains six conditions and those in turn relate to the conditions of the same maintenance that we presented to the Board.

WW asked if they asked for any waivers?

P. Macchi says that there were no waivers needed.

VD asked if the issue with the water main and the DPW was all cleared up?

P. Macchi says that is all cleared up and it is going to be a 12" main and it is shown on the plans.

AM motions to sign the Certificate of Approval for the Maple Sands Definitive Subdivision. VD seconds. Unanimous vote of 4 (PC, VD, AM and WW).

SPRING MEADOWS DEFINITIVE SUBDIVISION – BOND REDUCTION

AM abstains.

Ted Bailey was there to answer any questions the Board had.

WW asked about the set up and maintenance of security for the detention basin. He said that it should have already been done.

T. Bailey says that in the regulations it says that he will go two years with a temporary maintenance schedule to see what the cost is and he is currently in that two year time frame.

WW says that the money that is being held right now is to take care of the detention basins or is there another fund set up for that?

T. Bailey says that there is not a fund set up for that right now. There is \$5,000.00 held for the detention basin maintenance.

WW asked where the maintenance plans is?

T. Bailey says that it hasn't been set up yet. When he comes in for his next bond reduction there will be the \$5,000.00 in there for the maintenance program of the detention basin. When DiPlacido set up his maintenance for his detention areas and there were three over there. He put \$9,000.00 in an account that will generate enough revenue to maintain those detention basins. Spring Meadows has one small detention pond on it, so \$5,000.00 will be enough for the maintenance.

WW says that as long as Don DiMartino feels comfortable with the \$5,000.00 then I don't have a problem with that. He feels that the detention pond should be an item on the checklist. Ted shouldn't have to write it in there.

T. Bailey says that he will ask Don to amend the form to add a line item for detention pond.

WW motions to reduce the bond for Spring Meadows Estates Definitive Subdivision as requested by Marinella Construction and recommended by the DPW down to \$24,250.00. VD seconds. Unanimous vote of 3 (PC, VD and WW). AM abstains.

TOWN COMMONS ESTATES DEFINITIVE SUBDIVISION – BOND REDUCTION

AM abstains.

WW asked how many detention ponds were on this project?

T. Bailey said there is only one but it is a big one. We are holding \$10,000.00 for this one. The original plans call for a water return and a water loop going down to Depot Court. When the contractor started to install the water loop he got a stop work order from the Conservation Commission because it was going to be too close to the wetlands. With all the effort that was put in by the DPW, he suggests now that if we want to enforce the Contractor to find another way to loop the water main, then we should hold another \$10,000.00 or \$15,000.00.

WW feels that we should hold that because looping that water was a big part of our decision.

T. Bailey said that the location that it was supposed to be put in was agreed upon by the Housing Authority. The situation now with the Conservation Commission rejecting the route that they were going to take, they would have to go through the whole process all over again to pick another route. Mr. Marinella said that he just wants the town to tell him where to put it.

WW says that the water loop still needs to be done, so the money should still be held.

VD asked what the bond amount is now?

JK says that it is \$140,000.00.

WW motions to reduce the bond for Town Common Estates Definitive Subdivision as requested by Marinella Construction and recommended by the DPW down to \$54,000.00 to include money being held for the water main loop. VD seconds. Unanimous vote of 3 (PC, VD and WW). AM abstains.

GENERAL BUSINESS

Ted Bailey updated the Board on subdivisions within the Town.

T. Bailey spoke to Joe Dellapa, Jr. regarding Pine Grove Estates II, Joseph Circle and his intentions on the completion of the roadway. Joe Dellapa, Jr. said he needed to speak to Joe Dellapa, Sr. He informed me that he will be completing the roadway this year but will not be done in time for the October Town Meeting. I told him that he had to have everything complete by the end of August to have it ready for the October Town Meeting and he said that it wouldn't be done by the end of August, he will have to go for the May Town Meeting. There is a cash bond on this job. I also spoke to Bill Eagan of Fidelity regarding Hixon Farm Estates and he is going to have Roger Gagnon complete the road. I spoke to Roger on Monday and he says that is not going to be a problem.

WW asked what is left be done?

T. Bailey says, widening the roadway, moving the telephone poles. There is still a cash bond and it is enough to finish that job. On Brookside Estates, we had a meeting on May 10, 1999 with Robert Ballarino and his new contractor and the contractor told me as soon as he finds a rubber

tired backhoe he would be in. I asked him how long that would be and he said three weeks. We haven't seen him.

WW asked what was left to finish Brookside Estates?

T. Bailey said re-doing the binder course where it has sunk over the water main, there is some under drains to be put on both roads underneath the gas line that has already been installed, cleaning of the detention pond and maintaining that hasn't been touched since the day it went in, raising of all the structures, putting boots on all the catch basins, cleaning all the drainage from Brookside Estates to Town Common Estates, sidewalks, berm, top coat and there are three patches that have to be cut out and redone.

WW asked what the bond is on that project?

T. Bailey said we are holding \$68,000.00 for Brookside Estates. With regards to Weston Estates off of South Main Street, they are currently revising the front entrance because on review of the drainage system it was found out that the two catch basins at the entrance to the project could not be built out of precast concrete, they could only be built out of block. Being in the critical area where the replication was in the wetlands, they were going to make them out of precast concrete. He is having an engineer back them down to the other side of the culvert and revising the slope coming off the street to give a better sight distance. Right now they are concentrating on the front section of the project first.

JK mentioned to the Board that in their package there is a letter from Lee that was addressed to the Building Inspector regarding Chestnut Hill Condominiums.

WW asked about the old post office and what is happening with that.

JK mentions that the owner has contacted her and is filing for a Development Plan Review with the Planning Board and they have been stopped with the construction by Stuart.

Stephen Patrick questioned Heritage Pines which is still under construction and the detention pond not having a fence installed and there are families living there with children and their safety.

PC asked if the detention basin is complete?

S. Patrick says yes, it is complete.

AM says that we are not a policing board and that is something that should be brought to the Building Inspector's attention and even the Safety Officer. This board doesn't have the authority to police.

DUNKIN DONUTS – DEVELOPMENT PLAN REVIEW – PUBLIC HEARING

WW motions to waive the reading of the Public Hearing notice. AM seconds. Unanimous vote of 4 (PC, VD, AM and WW).

Stephen Kenney, Attorney representing Carlos Placido c/o Dunkin Donuts and we have received a couple of correspondence with regards to this project. One from the DPW, one from Phil Herr, one from the Fire Department and also Conservation Commission. The two issues relative to the Blackstone Street right of way. I think we are going to have to take a wait and see attitude on what happens with that. It is talked about the possibility of Blackstone Street go through to Bellingham Road in Blackstone. The next issue that I would like to address is the restaurant being a site that is allowed of right at this particular time. The fact that there is a drive-thru being requested. At the town meeting that was continued to next week (6/15/99), there is an article on the floor for drive-thru businesses and that a special permit would be required. Obviously, if that passes at next weeks meeting, then we would be required to apply for a Special Permit for the drive-thru. Mr. Herr's recommendation, and we would agree with that, would be that the hearing be continued to allow resolution for what rule would apply. The fact that we submitted an application for Development Plan Review after the Town Meeting was held, we would infact have to apply for a Special Permit. I would be requesting a continuance for the Development Plan Review for Dunkin Donuts.

AM mentions that if a Special Permit is required, all abutters to abutters within 300' of the property will be notified.

Fran Newton (abutter from Saddleback Hill Road) questions what type of control would the requirement of a Special Permit give the Planning Board?

WW says that there are things that this board can require as far as traffic studies and so on. We don't have that ability to require these things on just Development Plan Reviews.

Glenn Gerrier expresses his concerns. He was on the Planning Board from 1984 to 1994 and I dealt with the Dunkin Donuts at the other end of town on Hartford Ave. One of my regrets was Mr. Brown who ran Colonial Fence came in and convinced us after he changed the old garage into Colonial Fence and a gift shop above. He came in and told us that he couldn't keep the fence company anymore and I'm going to put Betty's Donuts in there. We allowed that, it was a small scaled business and now it is a Dunkin Donuts which is a big scale business. The only way you can get out of that parking lot is when the lights turn. I wasn't even planning on coming to this meeting tonight, until I read in the paper a Horrible place for a Dunkin Donuts editorial in the Milford Daily News. All that I can ask the Planning Board is, as a Planning Board member then, when I allowed what is up on Hartford Ave. now, I regret it. When I was a member we learned to stand strong with points against certain ideas. One of the ideas we stood strong against was Mr. Fafard and his condominiums. We stood strong against him, we went to court, we went to see lawyers and today, Mr. Fafard's development isn't there. I think it is a horrible location for Dunkin Donuts and I think the Planning Board should stand strong as a team of town elected officials. Stand up against them, stand back and look at what is happening. Talk to Town Counsel. Phil Herr is doing his job. He is looking at it from a point of view as a consultant, sitting in an office in Newton and sometimes I feel that he looks at things very one sided. We are the residents of Bellingham, we know the intersection, we know the kids crossing the street to the Getty Station, we've seen the accidents, we've been in the line of traffic backed up.

Tom Donly (abutter on Blackstone Street) asked what is contingent on the extension of Blackstone Street with regards to this development?

PC says none.

T. Donly says that we are loosing sight of the whole issue here of people waiting in line to cross South Main Street. There is a serious issue with safety. There is a blind corner. You have children walking up a street there that doesn't even have sidewalks.

Mike Oharran (abutter) questioned getting on a mailing list for a copy of the agenda when this issue is on so he can notify all interested parties.

RD suggests designating one person and that person will be sent the Agenda and he can notify his neighbors.

M. Oharran questioned that if this Special Permit for Drive-thru's article passes at town meeting, would it give the Planning Board authority to deny a businesses at that location? Does anybody in the town have that authority?

WW says no. To say that you can't have a business on a commercial piece of land?

M. Oharran questioned for public health and safety concerns?

WW says that public safety is reasons for denial.

M. Oharran asked if the Planning Board would rule that?

PC says that would be in conjunction with the safety officer.

AM says that I'm quite sure it would be challenged.

G. Gerrier says that it would be challenged and money well spent from the town to take it to court.

Stephen Patrick (School Committee Member) questioned where to send a letter of concern. The School Committee has great concerns on this matter.

Gert Foweller (abutter) mentions the other Dunkin Donuts that are presently open. It seems that the places that they pick for business are bad locations. I just think that this type of operation is not meant to go across the street from the High School.

Lewis Spencer (abutter) says that what ever may transpire with the Blackstone Street extension or the traffic studies. Dunkin Donuts isn't an acceptable business for this location now and it won't be acceptable then.

Chrissy Cournoyer (abutter) mentions that walking home from school she watched her best friend almost get hit by a car at that intersection. I just think that is not a good location for Dunkin Donuts and we need a light at that location.

RD comments that he hears the people concerns, and I want to make sure that everyone knows. One of the ways that we can deny this is for safety. We are all towns' people too. You are

making us out to sound like we are heartless. We understand what goes on at that intersection, we pass by there every day. Have a little faith in us. We are all on your side as well.

AM motions to continue the Development Plan Review for Dunkin Donuts to July 22, 1999 @ 7:30 pm. PC second. Unanimous vote of 5 (RD, PC, VD, AM and WW).

HARTFORD VILLAGE – SPECIAL PERMIT – PUBLIC HEARING – Continued

Joe Antonellis, Attorney representing Brad Wright for the project named Hartford Village located on Hartford Ave. We would request that the Board grant us a continuation to your second meeting in July. We have conducted further investigation after we heard the initial comments and we are having some plans redesigned and looking again at the septic system, trying to have that field brought down in it's height and moved alittle bit so that it will be less of an impact.

AM motions to continue the Special Permit for Hartford Village to July 22, 1999 at 8:30 pm. WW seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

BUNGAY BROOK GOLF CLUB – SPECIAL PERMIT – PUBLIC HEARING

Joe Antonellis, Attorney representing TRG Family Limited Partnership and is here tonight on an application for a Special Permit under Section 4900 of the Water Resource District relative to one issue which is the removal of ground cover on more than 70% of the parcel. This was a filling that was suggested by your Town Consultant, Mr. Herr to take out any question as to whether or not it was needed. For the record, we have in the past believed that this is not a vegetated parcel of property because it is seasonally farmed and there is no permanent ground cover there. We have already obtained from the Zoning Board of Appeals a Special Permit to remove gravel. We have made certain covenants with the Zoning Board relative to the removal of gravel. In the manner of where it will be trucked to, how the trucks will go up and down Locust Street, etc. In addition, we have gone to the Conservation Commission who has reviewed all of the plans and they have issued an Order of Conditions, which has been recorded at the registry by my client. It is our position that the board can grant this Special Permit on the basis that we don't believe that there is really a substantial change in the quality of the earth that is there in the Water Resource District. We have the list of chemicals that are not allowed to be used on the golf course and none of those chemicals will be used. We believe that the long term effect of using it as a golf course is less of an impact on the ground water that as the present use as a farm.

WW is surprised that there isn't more comments from Phil.

VD asked how much of the site is in a Water Resource District?

J. Antonellis says all of it.

AM asked if the Order of Conditions from the Conservation Commission covered the information regarding the chemicals can and cannot be used?

J. Antonellis looked over the Order of Conditions and the only thing he found was: "Members of the Conservation Commission have the right to enter and inspect on the premises to evaluate and

ensure compliance with conditions and performance standards of this order...." They don't speak specifically of the chemicals here.

VD asked if there was going to be any fuel stored on the site?

Phil Gareau (owner) explained that they are proposing electric golf carts. There are lawn mowers that are diesel, so I suppose that we would have to have some type of storage. They have approved a storage tank.

Tom Guerin says that will be highly regulated by the Fire Department.

WW asked about the work that is going to be done on Locust Street?

J. Antonellis says that there has been a lot of conversations and correspondence back and forth with the DPW and my client and we are going to provide that information when we come back at the next meeting for the Development Plan Review.

VD asked about the drainage easement that the DPW is asking for, you're going to address that at the Development Plan Review?

J. Antonellis says yes.

J. McAndless asked about the maximum amount of water that they are going to take on a summer month and what is the source of that water?

J. Antonellis explains that the family presently has rights at Jenks Reservoir which are personnel to them as property owners. They own a portion of the Reservoir and has over a number of years used Jenks Reservoir for the purpose of irrigation of farming and they monitor their use of that water for quite some time. There are restrictions put on that at the Conservation Commission's meeting. Jenks Reservoir will be monitored for water and most of the irrigation water is intended to come from the Reservoir. It's well within the allowance that the state allows. The family has considered having a well placed on the property and it will not be taking public water. Even in the driest summer they've been able to maintain the level of Jenks Reservoir within 3 or 4 inches of it's high point.

AM motions to continue the Special Permit for Bungay Brook Golf Club to June 24, 1999 @ 7:30 pm. WW seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

DEPOT INDUSTRIAL PARK - DEFINITIVE SUBDIVISION - PUBLIC HEARING - Continued

AM abstains.

Joe Antonellis, Attorney representing Varney Bros. Sand & Gravel for a subdivision of property located off of Depot Street. It is a parcel of property be subdivided into three buildable lots. One of the concerns that Phil had expressed was that the volume of sheets in the plans that were site plan oriented were confusing in the sense that they created some schemes about drainage, etc. that might never come to pass. The intention of Mrs. Varney was to freeze the zoning on this

particular piece of property irrespective of what might ever happen with the gentlemen of IDC and their invisions of a power plant. We have removed those plans so that there will be no confusion as to this being an approval of anything but the division of a piece of property into three conforming lots in industrial zone. You have drainage calculations and configurations that are based on the roadway into this piece of property.

B. Sutherland asked that when the land was zoned industrial and that buffer zone was put in place. Did that buffer zone remain agricultural or did it change to industrial as well?

PC says that it is a buffer zone and it is non buildable.

RD says that it is my assumption that it is going to stay industrial. I believe that Phil had stated that a buffer zone is stated as a non buildable area.

J. Antonellis says that talk of a buffer zone is a site plan question and will be addressed when we come in for a site plan approval. All these lots meet the requirements for a Definitive Subdivision.

Mike Simmons of Guerrier & Halnon addresses the independent engineer's comments. He said that the majority of the comments are what we call house keeping.

VD mentions that Horsley & Whitten talk about some waivers?

M. Simmons says that we are not asking for any waivers. The detention basin, I think they might have misunderstood. All around the basin I have a 10' berm, on one side it slopes up to the elevation of 252 from 241. The basin depth is 5'. We are not asking for any waivers and we don't need any waivers. I spoke to these guys a few times and that was never brought up. If this was a detention basin you would put in an emergency spillway, what I did instead was put in a 12" pipe to act as my overflow, this is total retention. I submitted these plans on May 7th. This is the first comments we have received from them.

RD suggests sending a letter to Denis with regards to the response time of this and ask him to respond.

WW motions to close the public hearing for the Definitive Subdivision for Depot Industrial Park. PC seconds. Unanimous vote of 4 (RD, PC, VD and WW).

WW motions to direct Phil to draft a decision for approval for the Definitive Subdivision for Depot Industrial Park. PC seconds. Unanimous vote of 4 (RD, PC, VD and WW).

**MAPLEBROOK COMMONS – SPECIAL PERMIT & DEVELOPMENT PLAN
REVIEW – PUBLIC HEARING – Continued**

Bob Maschi of Real-Estate Management Engineering is in front of the Board and asks to be continued due to there is not a full member Board tonight.

RD mentions getting some input from Town Counsel on Phil Herr's memo of June 9, 1999 especially concentrating on the last two paragraphs.

MINUTES OF PLANNING BOARD MEETING

June 10, 1999

AM motions to grant the extension for Maplebrook Commons to July 9, 1999. PC seconds. VD abstains. Unanimous vote of 4 (RD, PC, AM and WW).

AM motions to continue the Special Permit for Maplebrook Commons to June 24, 1999 @ 9:30 pm. PC seconds. VD abstains. Unanimous vote of 4 (RD, PC, AM and WW).

WW motions to continue the Development Plan Review for Maplebrook Commons to June 24, 1999 @ 9:30 pm. AM seconds. VD abstains. Unanimous vote of 4 (RD, PC, AM and WW).

VD moves to adjourn at 10:45 pm. AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

Richard V. Dill, Chairman

Paul Chupa

Paul Chupa

Valerie DeAngelis

Valerie DeAngelis

Anne M. Morse

William M. Wozniak

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