

August 26, 1999

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

MINUTES OF REGULAR MEETING

August 26, 1999

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

GENERAL BUSINESS

The Board signed payroll for Board Members.

The Board signed miscellaneous invoices.

The Board reviews letter from Planning Board Coordinator regarding hours and pay as well as office equipment use at the Building Department where her desk will be located.

WW asked if she was working the hours year round?

JK says yes. She also mentioned that the office equipment charge at the Building Department is the Planning Board's share in the use of the Copy Machine.

AM motions to recommend office hours for Jill Karakeian, Tuesday and Thursday 9:00 am to 2:00 pm throughout the year to begin on September 2, 1999 as well as the increase in pay from \$8,000.00 to \$12,000.00 due to office hours being performed. PC seconded. Unanimous vote of 5 (RD, PC, VD, AM and WW).

RD asked why the Board would have any concerns of Dick Hill's property on High Street being sold?

P. Herr says that it may have been under Agricultural Assessment, in which case the town has a right for first refusal. The town could match the price.

Mr. & Mrs. Boucher residents on Woodside Lane presents to the Board that their development is going on two years under road construction and is no where close to being finished. The two years are up in the beginning of September and they are concerned that it is not going to get finished and would like to start the process of taking the bond and getting someone else to finish it. There has been some work done on the road in front of their home with regards to laying pipe and the pipe was laid and covered with dirt, but there is no asphalt over the dirt. We have real concerns that it is not going to get done and the winter is coming and we would like at least for the road to be repaired and take care of the dirt trenches.

RD says that he is not sure of the exact process of taking a bond.

AM says she feels we should send Mr. Ballarino a letter and bring it to his attention that the time frame for the work to be completed at Brookside Estates is coming in September. There has been numerous complaints and we hope that he would be addressing them very soon. I don't think we have the right to say anything until that time period is up.

VD suggested a letter going to Mr. Ballarino seeking what his intentions are and this way the Board will know whether or not we have to direct the situation to Town Counsel.

The Board members agreed.

MAPLEBROOK COMMONS – SPECIAL PERMIT & DEVELOPMENT PLAN
REVIEW – Public Hearing Continued

Robert Maschi of Real-Estate Engineers Management and the engineer for Maplebrook Commons. We have a clean letter from Amory Engineering on the drainage review that they have conducted. We have also received a letter from Phil Herr. We also have a letter from MEPA and they have given us the go-ahead on that. The only thing that I can see we are waiting for is response from Town Counsel.

JK says that she spoke to Town Counsel late this afternoon and he has had several conversations with Mr. Fafard. His recommendation for the Board tonight is to ask for a continuance or deny due to ongoing conversations that still need to be finished with regards to sewer mainly. With regards to hooking up the existing unit owners and getting capacity.

R. Maschi says that at this point, I don't even know what question we are asking Lee Ambler to answer.

PC says that we should find out what Lee and Mr. Fafard have been talking about.

RD says that at the last meeting that was a concern of mine because I couldn't find anywhere that it said or showed the hook up of existing units.

P. Herr says that he looked at the decisions and the plans and couldn't find anywhere either that it showed the hooking up of the existing unit owners. It shows not making connections. It isn't that we can't find it, it is very clear. They didn't intend to make the connections. The issue that I

think is the hard one is that of the absence of any evidence that there was any way to dispose of waste. Mr. DiMartino said that they are not going to be able to hook up for a long time and maybe never. Mr. Maschi has a variety of partial responses to that. The Board is seeking guidance from Town Counsel with regard to the appropriate action.

PC suggests Mr. Maschi speak to Mr. Fafard to find out what the conversation was between himself and Mr. Ambler.

RD asked what the legal question is for Town Counsel?

P. Herr says that the legal question has to do with the ability to provide sewer to the new units that are being proposed. Another question is what are you going to do with the units that exist. Is it appropriate to grant a Special Permit based on the condition which apparently can't be satisfied.

AM motions to grant an extension for action on the Special Permit & Development Plan Review for Maplebrook Commons to September 24, 1999. PC seconded. Unanimous vote of 4 (RD, PC, AM and WW). VD abstains.

AM motions to continue the public hearing for the Special Permit & Development Plan Review for Maplebrook Commons to September 9, 1999 at 8:30 pm. PC seconded. Unanimous vote of 4 (RD, PC, AM and WW). VD abstains.

STOR/GUARD – SPECIAL PERMIT & DEVELOPMENT PLAN REVIEW – Public Hearing – Continued

Chuck Samiotis of Samiotis Engineering as well as Nick Abraham and Denis Donovan of Stor/Guard were present. Chuck mentions that there has been some small revision to the plans that have been submitted to Mr. Herr and the Board.

RD asked Phil if he has reviewed the plans?

P. Herr says yes he has.

C. Samiotis says that we have received a letter from Mr. Amory and my understanding of his review is that he is satisfied with the plans. We have made minor revisions to the plans and he is happy with them.

P. Herr says that his office has reviewed the drawings. The letter from Mr. Amory says that they had indicated that they would make certain changes and we have confirmed with Mr. Amory that those changes have been made.

RD mentions that in Mr. Amory letter he mentions "as sighted by Mr. Merrican, Page 4, the numerical standards of the Subdivision Regulations Section 4341 are not met."

P. Herr says that in the Subdivision Regulations you've got rules that limit how deep a basin can be and how steep the sides can be.

Dan Merrican of Merrican Engineering, representing Mr. & Mrs. Dexter who abut the property that is being proposed. Refers the Board to Section 4022 C. of the Zoning Bylaws. It reads as follows: "The Planning Board shall determine whether or not a Development Plan complies with the requirements of Section 3200 Environmental Controls and Section 3300 Parking and Loading Requirements. Section 3280, one of the subsections of 3200 regarding stormwater management which reads: "Drainage facilities, including detention basins, shall be designed consistent with the standards of the "Rules and Regulations Governing the Subdivision of Land" of the Bellingham Planning Board, as most recently amended April 25, 1996." This is a requirement of your Zoning Bylaw, although I'm not an attorney, but it is my understanding that the requirements of the Zoning Bylaw cannot be waived in the same manner as Subdivision Rules and Regulations. It is my understanding that the Zoning Bylaw requirements are absolute. If the requirements want to be different, then a variance needs to be granted from the Zoning Board of Appeals. The drainage is a very serious standard. One of the basins is 10 feet deep and the standards of the bylaw is a maximum of 5 feet deep. One of the basins has side slopes of 2 to 1 and the standard requires not more than 3 to 1. Even with a fence, the standards are still not being conformed to. The law says that the Planning Board shall determine whether or not the Development Plan complies with the requirements of the Section 3200. Approving a plan only if it does. This is one of the biggest issues that we have concerns of.

Nick Abraham, president of Stor/Guard lets the Board know that his attorney Mr. Santos could not make it tonight. Sometime last September, Mr. Dexter was at a meeting where we were all in attendance and he stood up and told everyone that we have made an arrangement with him to buy his property and he was satisfied with this. About a week later, everything seemed to change. All the plans that we have filed have been approved by Mr. Amory and we have gone through all the necessary steps that the Board has asked us to do. I think we are all a little bit puzzled as to why we have so much objection from Mr. Dexter's engineer. We have discovered something that I think you should know. Mr. Dexter told me last year that he was an unemployed surveyor. I didn't know how he could afford the services of Mr. Merrican. But we have learned in the last two weeks is that Mr. Merrican is representing a competitor of ours who is building a storage facility in Millis 5 miles down the road (passed out plans of that facility). I feel you should know that he is here to block our permit for some reason other than what he has lead this Board to believe.

RD says that he could see if Mr. Merrican was bringing up irrelevant items. But, it seems to me that he does bring up articles and is quoting our bylaws.

N. Abraham says he agrees with RD. But, I still feel that there is other reasons why he is here.

D. Merrican states that he is here and is representing Stephen & Karen Dexter. I have many clients, over 500, for whom I work for on a regular basis.

Denis Donovan, VP of Stor/Guard mentions the detention pond and says that a 16' fall is exaggeration of what you have. The fence is not at the edge of the detention basin. There is also barb wire at the top of the fence.

C. Samiotis mentions that the slope is increased at the recommendation of Mr. Amory. Mr. Amory worked with me personally in his office.

VD asked Phil with regards to the Board's authority to grant waivers to the basin depth, is that true?

P. Herr doesn't believe that is true and if it is true, then this Board has exceeded it's authority many many times. The Subdivision Control Law authorizes the Planning Board to adopt and to waive the provisions of the Subdivision Regulations. They are referenced into the Zoning in their entirety.

C. Samiotis mentions that the peak elevation is at a 100 year storm.

Ann Odabashian questions the depth of the detention pond due to that area being an area that has always be frequented by kids on dirt bikes for years and the safety.

C. Samiotis mentions that the detention pond is only 7 feet deep at the peak elevation. You should also know that Stor/Guard has 24 hour monitored security around the whole property. There will be a person living on site.

AM mentions that she feels that it will be safer for kids developed as apposed to not being developed.

Steven Kenney, representing Mr. & Mrs. Dexter. I don't think the issue here is where the site is safe or not. I think Mr. Merrican has a good point and if a variance needs to be granted from the Zoning Bylaws, then the proper place is to go before the Zoning Board of Appeals. I believe this is very technical and needs to be addressed.

PC says that the Board will check with Town Counsel and ask for his legal opinion on this matter.

VD asked if the applicant has submitted to the Conservation Commission and the Board of Health?

N. Abraham says they have submitted to both Conservation Commission and the Board of Health. The Conservation Commission is visiting the site this Saturday, we had a hearing with them last night and it has been continued to September 8, 1999. The septic plans have been filed with the Health Agent and all test pits have been dug.

VD suggests continuing this hearing and seek advice from Town Counsel.

D. Donovan would like to get to the point tonight that that is the final issue. We have been before this Board for a year now. We have complied with everything that this Board has asked us to do.

RD says that he really can't guarantee that this is the final issue. Should something else be found you can't just ignore it.

D. Merrican questions Mr. Amory's purpose and the Board's response to that was he is a drainage advisor. He didn't respond to over 50% of our comments. He only responded to drainage issues. In his responses, he didn't take into consideration the requirements of the zoning bylaws. There are numerous issues that have never even been addressed. I was under the impression that Mr. Herr was going to review my comments to address the other issues that are not technical drainage issues.

P. Herr asks Mr. Merrican to go over the June 8th letter from Mr. Merrican to Mr. Dexter and point out the issues that haven't been addressed so we have a list of concerns.

D. Merrican says that is fine. He says that he just received revised drawings and drainage calculations and there may be more issues. But, we will go through this list for now. I will tell you what items have been addressed and the remaining will be outstanding. Section 1423, Item #2 has been addressed. Section 3300, Item #2 has been addressed. Item #1 under the heading "All items to be noted on the plans" has been addressed, it is on Page 3. I don't believe any other items have been addressed. There is a section at the end, comments of technical drainage issues. Having just received plans and drainage calculations, I don't know if those items have been addressed.

P. Herr asked for an example of one of D. Merrican's major issues.

D. Merrican points out the issue of Environmental Control. Your bylaw states that you can approve this plan only if it complies with this requirement. This section identifies some very specific lighting standards and lighting spillover standards. I have seen no evidence from the applicant indicating what the light spillage will be onto the adjacent properties.

P. Herr says that there is information from the applicant and it may have not gotten to you. They have indicated on the drawings where the lights will be located. There is not a photometric plan. The Board has the authority to request a photometric plan if you feel it is necessary.

D. Merrican says that he believes a photometric plan should be submitted.

RD asks that Mr. Merrican be in contact with Mr. Herr and try and get all questions answered prior to the next meeting so this public hearing doesn't go on for another year.

C. Samiotis asked if he could have a condensed version of Mr. Merrican's specific major issues that needs to be addressed.

AM motions to grant an extension for the time of action for the Special Permit and Development Plan Review of Stor/Guard to September 24, 1999. VD seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

AM motions to continue the public hearing for Stor/Guard Special Permit and Development Plan Review to September 23, 1999 at 7:30 pm. PC seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

DUNKIN DONUTS – SPECIAL PERMIT & DEVELOPMENT PLAN REVIEW – PUBLIC HEARING

AM motions to waive the reading of the Public Hearing Notice for Dunkin Donuts. PC seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

Steve Kenney, Attorney representing Carlos Placido, owner of Dunkin Donuts submitted the Affidavit for the Certified Mailings along with the Return Receipts to be filed. We have before the Board tonight an application a Development Plan Review as well as a Special Permit for a drive-thru window. Shows to the audience as well as the Board a picture of what the building is proposed to look like. I have attached to my Special Permit application, Exhibit A and I would like to read it because it basically summarizes the arguments in favor of a drive-thru window at this location. I would like to point out a procedural misunderstanding. Because of this, I will be asking for a continuance at the end of the meeting. All notices went out to all abutters, and when I filed the plan, I was under the impression that they would be distributed to all the town boards. In Bellingham, I am the one that should have distributed it and all Board in town have not had the opportunity to review the new revised plan. The only changes in this plan in comparison to the original plan is the change and the location of the number of parking spaces and the other change is the change in traffic flow and the drive-thru lane. Exhibit A Pursuant to Section 1530 of the Town of Bellingham Zoning Bylaw, the Petitioner hereby submits the following information which it feels is necessary for the Board to consider in its determination in the grant of a Special Permit for a drive-thru window pursuant to Section 2400 Footnote 15 of the Town of Bellingham Zoning Bylaw. The criteria outlined in Section 1530 shall be addressed in the order outlined in Section 1530, starting with: "(a) Social, Economic or Community Needs Which Are Served by the Proposal": The Petitioner plans on building a Dunkin Donuts restaurant at the site which is located at the corner of South Main Street and Blackstone Street in a business district and which is an allowed use in a business district pursuant to Section 2400 of the Town of Bellingham Zoning Bylaw. As the Board is aware, there was presently a change in the Zoning Bylaw which requires a Special Permit "if service is provided to patrons while in their automobiles". As it is necessary to the success of any Dunkin Donuts restaurant, a drive-thru window is to be included in its plans and is to be built along with the restaurant if allowed by the Special Permit. The Petitioner feels that it would be in the best interest of the members of the community to have a drive-thru window attached to the Dunkin Donuts restaurant for the following reasons. The majority of the individuals who will be serviced by the restaurant will desire the use of the drive-thru window in purchasing items from the restaurant. Because the parking is limited at the site, although in conformity with the Town of Bellingham Zoning Bylaw for parking regulations, it would also be in the best interest of the Town's people for traffic to be able to move in and out of the Dunkin Donuts restaurant in a manner that would allow traffic

flow in the most expeditious way possible. This is accomplished through the use of a drive-thru windows. "(b) Traffic Flow and Safety": As addressed above, the traffic flow and safety of not only the customers of the Dunkin Donuts restaurant but also traffic traveling on South Main Street is best served by the use of a drive-thru window as it alleviates congestion in the parking lot because the majority of the customers using the Dunkin Donuts restaurant will be using the drive-thru window. The Petitioner believes that a traffic pattern can be established so that there is not any backup of traffic on South Main Street and so that the flow of traffic within the parking lot of Dunkin Donuts restaurant will not be a danger to any of the customers of the Dunkin Donuts restaurant. The Petitioner believes that the installation of the Dunkin Donuts restaurant and the drive-thru window will not create more traffic on South Main Street but will only allow the traffic that already travels on South Main Street the convenience of a Dunkin Donuts restaurant with a drive-thru window. As the Board is aware, the location of the site is in a business district and there are a number of businesses which are in close proximity to the site. The Petitioner is cognizant of the fact that there are also residential properties in close proximity to the site and the Petitioner will do all that is necessary and/or requested of it by the Planning Board in order to ensure that residents which live in close proximity to the site are completely shielded from the site and that there will not be any intrusive lighting emanating from the site. "(c) Adequacy of Utilities and other Public Services": This is not the type of project that will tax greatly on the Town utilities and public services and since a restaurant is an allowed use in the Zoning District in which it lies, it is understood that it will not be a great burden on the utilities and public services of the Town. Additionally, the drive-thru window will certainly not add anything to the use of the utilities or public services. "(d) Neighborhood, Character and Social Structures": The character of the neighborhood will not be greatly impacted as it is a business district in which this area lies. There are other businesses along South Main Street as well as residences along South Main Street and the installation of a drive-thru window and a Dunkin Donuts restaurant will not adversely impact the neighborhood, character or the social structure involved in the neighborhood. "(e) Qualities of the Natural Environment": The natural environment will not be greatly disturbed as this is a 1.3 acre parcel and the entire parcel is not to be developed. There will be plantings which will enhance the natural environment as well as shield any neighbors from the physical structure of the restaurant itself. A large portion of the lot will remain undeveloped and it is believed by the Petitioner that this is the best use of the premises if the entire parcel was being used as a business use. "(f) Potential Fiscal Impact": Obviously, the fiscal impact to the Town will be a benefit as there will be additional revenue in the form of real estate taxes generated from the business and from the structure which will be located on the parcel. I would like to address the issue that is of major concern and that is safety. We realize that this is across the street from the High School. Mr. Placido is interested in doing whatever he can do to elevate any concerns that parents or town's people may have relative to children crossing the street at that intersection. Going so far as to looking into the possibility of contributing to the set of lights that are in the works for that intersection, but a few years away. In addition to that, placement of a crossing guard and Mr. Placido obtaining that crossing guard on the hours of school coming in and leaving. Obviously traffic and it's movement along South Main Street is also a concern. There is adequate turning for residence and town's people traveling along South Main Street, going North and turning off onto South Main Street. The Safety Officer mentioned the entrance off of South Main Street be only an entrance and Mr. Placido is considering that. We are in the process of obtaining a traffic study. The normal use of a Dunkin Donuts is people travel from the road, receiving donuts and coffee. They come in the

parking lot, there is no drive-thru. They exit the vehicle, go into the restaurant, wait in line, get their coffee and leave the restaurant. They usually don't sit in the Dunkin Donuts. There are 18 seats available in the Dunkin Donuts restaurant, but that is not the usual use. The drive-through window, it has been discovered, to help traffic flow. There are 13 spaces provided for parking.

VD asked if the applicant would be willing to pay for an independent traffic impact study that the town would request. The Town would like to have an independent, hired by the Town and paid for by the applicant.

S. Kenney says that the applicant would agree with that.

Tom Donly (abutter on Blackstone Street) asked if the Town just did a survey in preparation of putting the traffic lights in that intersection?

VD says that the Board has a letter from the DPW Director and design work is being performed by Vollmer Associates and he suggests that this applicant contact them to discuss traffic. I was also wondering about several of the parking spaces backing up into the drive-thru lane which would cause a safety hazard.

S. Kenney says that Mr. Florentz of Bibeault and Florentz has designed so the cars have enough room to back out without impacting the drive-thru lane.

SC questioned various lengths of berms and parking spaces and width of the drive-thru lane and he can't see how people have enough room to back out of the parking space with people waiting in the drive-thru lane.

VD states that she just doesn't see it as a safe situation to have this located across the street from the High School and site distance when you come up Blackstone Street and the circulation is a parking lot.

WW states that he understands that the applicant is concerned about the safety and traffic at this location, but he hasn't even touched on the safety and traffic at the other location of his Dunkin Donuts on Hartford Ave. in the north end of Town. As far as the business at this location. If a body shop or a gas station was going in it wouldn't draw the kids across the street like a Dunkin Donuts would.

Nancy Bland of Blackstone Street asked about the letter from Office Daigle and if she could obtain a copy or if someone could read it. As far as the appropriate of Dunkin Donuts and if it was something else on that corner. Back when the owner now had everyone sign a partition to change the zoning he was proposing a building with a family owned business with a few cars. I could see a building being built for a doctor's office or similar. But, Dunkin Donuts generate to much traffic.

Jim McElroy (abutter on South Main Street) mentions that the traffic lights that are proposed have one purpose and that is for the rescue and safety vehicles through that intersection. We don't need more congestion at that corner.

Fran Newton (abutter on Saddleback Hill Road) mentions the last meeting for Dunkin Donuts and Glen Gerrier stood up and made a very good statement. Glen had been on the Planning Board years past and this is simply bad use of the land. I have lived in town for 30 something years and it is getting more and more difficult to get out of that road as we do.

Chuck Snell (abutter) addresses the issue of traffic during 6:00 to 8:00 am. He asked about the traffic and pedestrians after school gets out? Regarding sports and all the traffic and people that generates and the kids are going to run across the street at all hours of the day to go to Dunkin Donuts.

RD asked Stephen Patrick (School Committee Member) if he could explain why there is not a crossing guard at that intersection?

Stephen Patrick says that it all comes down to money and there just wasn't enough money to pay for crossing guards and when they did away with the crossing guards, most every child gets picked up by a bus unless they are high school and live within 1 mile of the school.

Tom Donly (abutter) mentions the sun blinds you coming up Blackstone Street in the morning, there are no sidewalks and the street is very narrow.

Anne Odebashian (Selectmen) as far as the safety, it is so great in this area because of the school and it is an awful intersection to try and go through. I think this business in that location would be a nightmare.

PC mentions that he travels Bellingham all day long and he feels that even with the light, that is still going to be a difficult location.

Gert Fowler (abutter on Blackstone Street) asked about the traffic study that was done on Route 140. If we could do a comparison study with what we thought would happen and what we now know has happened, we certainly would find a big difference.

RD says he would like to stream line this in a different direction. He agrees that the majority of the people in this room tonight feel that this is not a good business for this location. Is there anyone in the room that thinks it is a good use.

Neil Mcaneny (abutter on Saddleback Hill Road) has lived here for over 30 years and he has had a daughter that was in an accident at that location and outside of safety at that location, the inconvenience for everyone in the neighborhood trying to travel Blackstone Street. Right now, we almost have to go down to the other end of Blackstone Street and get to South Main Street by North Street and feel safe.

Mike O'Harran (abutter) reads something that he had printed off Dunkin Donuts website. "Dunkin Donuts is currently recruiting new existing franchisees who will commit to open several stores in a geographic area over a period of 3 to 4 years." I contacted Dunkin Donuts corporate offices and got their franchise information number and it just sends you out brochures. Corporate headquarters in Randolph informed me that they have no franchise department nor any

individuals that they could identify to help provide information on what that simple sentence means. I was simply asking how many stores and what geographic area of franchisees is expecting to opening up? The public relations office which I spoke to today informed me that the geographic area that is represented by Dunkin Donuts franchisees and what their expected to cover is confidential information. I don't understand why this is being located at the location, when there is one at the South end of town and one at the North end of town. If this is to fill that geographic gap and if not would it be acceptable to move it somewhere else? Have they considered or discussed with Bellingham Shopping Center Corporation about relocating their proposed application for Dunkin Donuts to about a mile and a half south just after Charlie's Tire in the currently being revised Shopping Plaza right along the edge of the road there. That to me is a much more appropriate location, would have receptive land owner, you will still get the traffic coming up Rte. 126 and it would alleviate alot of concerns about safety and not being located near a school.

S. Kenney said that he doesn't think that the issue here tonight of how many franchises should get involved in any one geographical area is infront of the Board. I do appreciate your suggesting it. I don't know if other locations have been discussed. He does have a Purchase & Sale Agreement in place for this location.

M. O'Harran I would state that what drive-thru windows do is help traffic thru the Dunkin Donuts location. In other words, increase the volume which increases the business.

S. Kenney says that he doesn't know if it increases the volume. You're not necessarily going to have more people going into a Dunkin Donuts restaurant because it does or doesn't have a drive-thru. When people go in, it is much easier for them to get through the parking lot and out of a parking lot with a drive-thru. Then by stopping, getting into a parking spot, getting out of the car, going into the restaurant, getting back into their car and pulling out.

RD reads Section 1100. Purpose of the Zoning Bylaw.

VD asked to here from Mr. Herr and if he has any comments as far as a technical standpoint.

P. Herr says that he is one of the people that haven't had a change to look at the updated plans. Mr. Kenney mentioned in the opening comments about the drive-thru. What happens if the Special Permit is denied? Is it the case the Dunkin Donuts will proceed with a facility without a drive-thru, or is that up in the air?

S. Kenney says that is up in the air at this point.

P. Herr asked if Dunkin Donuts would share their studies of traffic flow with the Board as well as if they have some sort of study done to show what they expect the average daily traffic to be at this location?

S. Kenney says that is fine, he would get those.

Maurice Deziels (abutter on Blackstone Street) says that with or without the drive-thru it will still be a safety concern.

S. Kenney says that he has just been informed by the applicant that he would like to consider what everyone has said and reconsider whether this is the correct location. I would request a continuance for the Special Permit and Development Plan Review.

AM motions to continue the Special Permit & Development Plan Review public hearing to September 9, 1999 at 9:00 pm. WW seconded. Unanimous vote of 5 (RD, PC, VD, AM and WW).

There was 267 signatures filed against the project.

HARTFORD VILLAGE – SPECIAL PERMIT – PUBLIC HEARING – Continued

Joe Antonellis, Attorney, representing Brad Wright and Mark Anderson of Andrews Survey is present. Tonight's presentation is going to be primarily engineering. We have tried to clean up some of the issues that came up at the last meeting, specifically the detention pond in the front of the project, pavement and walking areas and generally taking care of the open space.

M. Anderson shows the plan addressing the issues that were brought up at the last meeting. Those issues are: (1) the detention pond – it was once located in the front of the project along Hartford Ave. We have re-engineered that and we will make the detention pond larger up behind the project, and even thought it is going to require a relatively deep cut with drainage, we are able to get all the storm water and have it treated via storm water management policy into the wetland. It will eliminate the whole issue of the detention pond in the front of the project, the screening, fencing and safety issues. (2) the pavement – we have increased the width of pavement on the entire project to 26' along with that, there is a striped line as a painted sidewalk to able people to walk and also gives parking on the other side. We have also been able to eliminate that designated parking area. We have rearranged the buildings and pushed them down towards Hartford Ave. due to the elimination of the detention pond. Added the width of pavement, added cross walks and painted line and reduced parking areas. Septic system has been reduced in size. We brought it back as far away from the street as possible and we will be doing landscaping and coverage over that entire area.

P. Herr questions the dimensions from one side of the pavement to the other?

M. Anderson says 26'.

P. Herr says then it is 26' including the sidewalk.

AM feels that it is not very attractive.

P. Herr agrees. On the site plan, what does the dark green stand for?

M. Anderson explains that is the UN-disturbed area of the project.

P. Herr asked if the light green area that is on the site plan, the part of the site that you are committing to this project.

M. Anderson says not necessarily, it is more a graphic presentation. What we are showing is alot of the light green area will be disturbed and will have to be restored.

P. Herr says that I am going to keep coming back to this. Alot of people are very concerned that the parcel seems to have space that might get built. The site of the drainage might tell what is in the future for this land.

M. Anderson says that the detention facility is sized for only this particular project. The reason we have enlarged it is by request to eliminate the detention pond at the front of the site.

P. Herr if the Board decides that it is a good idea to approve this, I'm going to write the Special Permit to say that whole site will not get anything but these 48 units.

M. Anderson says that if this site is enlarged, and that is our intention someday to do something with this land, we will be required to have Town Meeting vote.

P. Herr says then what your saying is that there is an uncertain part of that land that is committed to the Special Permit.

M. Anderson says this is Phase I and the other is Phase II.

P. Herr asked to see Phase II.

M. Anderson says we don't have a build out plan for Phase II because it is uncertain at this point. It is subject to whether or not Town Meeting would ever approve that particular portion of the project.

J. Antonellis says that there is no Phase II, there is Phase I, this piece of property that will be dedicated to condominiums. What my client has a piece of property that may be a use in the future that may be compatible with the present use and I don't think that he wants to give up his right that if something were available as a compatible use for that piece of property to say no, you could never do anything.

P. Herr asked if these are to be condominium units?

J. Antonellis says yes, but they will be rentals.

B. Wright says they will be rented, but I reserve the right to sell.

P. Herr says that if they are condominiums, then those people are buying a share of something and that is the same thing that I'm trying to find out what it is.

WW asked if somewhere down the road if it does come back with more units, is the road wide enough to substantiate the rest of the build out?

P. Herr says yes.

J. Antonellis says that he feels that is the developers problem. Whether or not it is available to handle that traffic.

Am asked if that is when the painted line goes away and it accommodates the rear lot?

J. Antonellis says he mentioned the line because of another site he is familiar with. You put that in the Special Permit that that line needs to stay.

M. Anderson says that his client has committed that we will eliminate the painted line, remain 26' of pavement and put a sidewalk in on one side throughout the project outside the 26'.

P. Herr mentions the walking path that was brought up at the last meeting.

J. Antonellis asks about a sidewalk outside the project as apposed to the sidewalk?

WW says that it doesn't have to be paved, it could be stoned. More like a trail.

M. Anderson asked what would be the pavement width the Board would like to maintain?

RD says 26'

VD mentions parking visitor parking on the street and be able to have cars pass by.

P. Herr says you are going to want to be able to that. If you look at that configuration, a 26' street, plus a 5' sidewalk, it is going to be all pavement.

VD says to take the sidewalk out and put a walking path around the perimeter of the development.

B. Wright asked about 26' on the outside street and 24' on the through streets to cut down on pavement. He is just trying to cut down on pavement.

P. Herr asked the Board if they were comfortable with the general layout? My office spent alittle time looking at multi-family developments in Bellingham and made copies of the layouts for the Board members to view. There are some qualities in some of the other developments that you just don't see in this project. Under the multi-family zoning there is only one development that has been built. The second page of this package provides numbers that show the number units, the number of density and so on. If you look at the Maplebrook II layout, the buildings had been arranged in such a way the sort of define spaces. If you look at that whole design, there are private spaces for people and then there are cluster size of spaces. The last plan I included in this package isn't in Bellingham but it is a 55 and older development and a similar density. The

zoning of this project is entitled to a higher density. How can you make a design that takes advantage of that higher density and continues to be consistent in character with the area?

Scott Sutcliff (abutter on Barrett Lane) asked in comparison to the project, where Barrett Lane is and how far it is from the project?

RD says that the driveways across the street from the project on Hixon Street are shown but Barrett Lane isn't.

P. Herr says that he can't built anymore multi-family until he gets approval from Town Meeting.

J. Antonellis says that he can't build another house until he gets approval from Town Meeting.

Gary Belcher (abutter on Hixon Street) questioned the second egress onto Hixon Street.

RD says that is for only emergency vehicles with a breakaway gate as recommended from the fire department.

VD asked about the open piece of land and is concerned about what is in store. The owner must have some idea of what he plans on doing with that land.

B. Wright says that his idea is that this is going to be so successful that I could put more units in with the same idea.

M. Anderson says that inorder to build more units, then we would either need town sewer or we would be required to have a DEP Ground Water Discharge Permit that would double the septic system in size. There are alot of constraints on that Phase II of the project.

VD asked if single family homes are included in that?

M. Anderson says yes.

P. Herr asked if Joe Antonellis could help him understand that. He doesn't read the law as that. I read the bylaw saying that you can't get a Special Permit for multi-family but not single family. Section 4420 Special Permit for Multi-family Dwellings including Townhouse Dwellings - shall be granted only in accordance with. It doesn't say single family dwellings and it doesn't say all dwellings.

J. Antonellis says that he reads it to say dwellings and the definition for dwelling is "Living quarters for a single family". I am with you in Section 4420 up to "accordance with" but then there is the word "and" means something else is in there. It reads "if resulting in 50 more units".

P. Herr asks if what results in more than 50 units? If the Special Permit results and that is a constraint on the Special Permit. It is not a constraint on things done by right. I think he can come in and do a single-family development by right.

J. Antonellis says that Town Counsel disagrees with that.

P. Herr says that it doesn't need a Special Permit to do single family. You can't leave here confident that no additional dwelling units can occur on this parcel. I think it can. Maybe the septic field goes away when they connect to town sewer and they put a street in to Hixon Street.

Harry Hamjian (abutter on Hixon Street) mentions that there are several acres that abut this property in the back and should he buy that, he could gain access that way.

VD says that we could get ideas on what could go there and what could go there but we just don't know. He has a right to develop his land in the way that he wants to. We can't tell him that he has to put everything in the middle so he can't build out more.

RD asked if the Special Permit pertains to the whole parcel of land?

P. Herr says that we can write a condition of the Special Permit to say that. But he can come back at a later date and say, I want to develop the other part of my land and I would like to amend my Special Permit. You oblige him to come back should he want to develop the rest of the land.

J. Antonellis says that if Phil's interpretation is correct. You want to make a condition that it is required a Special Permit for future development is necessary that is fine. We anticipated that on our own theory anyway. We always thought that if we develop the rest of the land, we must go to Town Meeting and we must come back before the Planning Board to amend the Special Permit.

VD reads letter from the safety officer. Dear Board Members: As requested, I have viewed the area of the proposed Hartford Village and I feel that the residents that live in that area have sufficient sight distance looking east. The west side will need to have some trees/shrubs and earth removal. Once this is accomplished I feel that the motoring public and residents on Hartford Ave. will have enough sight distance in both directions. If you have any questions or concerns please contact Sgt. Daigle.

Donna Moran (abutter on Hixon Street) just wants to make sure that this will stay a 55 and older and wants to know who will make of this? What happens if after he builds 20, he decides that it isn't working out the way he wants and wants to change it from 55 and older to anyone?

P. Herr says that will all be stipulated in the Special Permit as well as the condominium documents and it will all have to be amended before the Planning Board. He asked about the back of the buildings being shown to the street, if that is okay with the Board. This site is going to be visible to the street.

AM says that she feels there should be adequate screening for the neighbors.

RD mentions that when and if they widen Hixon Street, what ever trees they take down, they have to replace every tree they take down.

D. Moran (abutter) asked what the distance between the units and Hixon Street is going to be?

M. Anderson says that is roughly 40' and that is with the 5' already given to the Town.

B. Wright says that part of his project is to screen along Hartford Ave. to give his units some privacy.

P. Herr says that the drawings don't show that.

M. Anderson says that at this point the landscaping drawings aren't complete.

WW asked about the RV parking.

J. Antonellis says that it will be stated in the Condominium Documents that there will be no outside RV parking on site. We would like a provision that Mr. Wright's personal house is not subject to over 55.

AM motions to close the public hearing for Hartford Village Special Permit. PC seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

AM motions to ask Phil Herr to draft a decision for Certificate of Approval for the Special Permit for Hartford Village with the conditions of the walkway around the perimeter, a 26' roadway, dedicate all the land, screening, 55 and older, no outside RV parking, egress onto Hixon Street be for emergency vehicles only with a breakaway gate. VD seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

MARINELLA CONSTRUCTION - BOND REDUCTION AND STREET ACCEPTANCE DISCUSSION

The Board did not discuss due to nobody from Marinella being present.

MINUTES ACCEPTED

VD motions to accept the minutes of meeting 7/8/99. PC seconds. Unanimous vote of 4 (RD, PC, VD and WW).

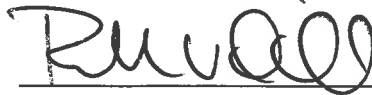
VD motions to accept minutes of meeting 6/24/99 with the following changes: Page 4 under Bungay Brook Golf Club, 5th line down instead of access it should say excess. Page 12, 3rd paragraph from the bottom, building permit was sot, it should be sought. Page 13, 3rd line down, you put, it should be berry, it should be bury. AM second. Unanimous vote of 4 (RD, PC, VD and AM).

GENERAL DISCUSSION

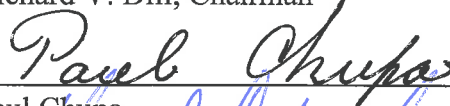
JK lets the Board know that there is an abutter of Algonquin Industries that is complaining that all the conditions have not been met and would like to know what the Planning Board is going to do.

The Board agreed that the Building Inspector needs to go to Algonquin Industries and ask that the conditions be met. The Building Inspector is the policing authority.

PC moves to adjourn at 11:55 pm. AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).



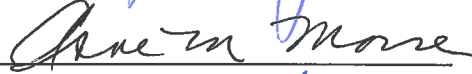
Richard V. Dill, Chairman



Paul Chupa



Valerie DeAngelis



Anne M. Morse



William M. Wozniak