

**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**

**October 14, 1999**

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

**GENERAL BUSINESS**

The board signed invoices, payroll change notice and payroll for clerk.

**MINUTES ACCEPTED**

VD motioned to approve the minutes of the 9/9/99 meeting with the following corrects: Pg. 3 – Fleurette Drive – where it says VD abstains, it should say AM abstains. Page 15 – three paragraphs before Town Common Estates, it is for Maplebrook and VD abstains. It says unanimous vote of 5, it should say a vote of 4. PC seconds. Vote of 4 (RD, PC, VD and WW).

**NORTHEAST DRIVE – INFORMAL DISCUSSION**

John Uttero (8 Northeast Drive) is in front of the Board with regards to the completion of Northeast Acres and the outstanding issues. About a month ago we got notice that the developer, Mr. Bob Ballarino was petitioner to have the road accepted. I went to the Selectmen's meeting to voice some of my concerns and at that time they informed me that Mr. Ballarino had withdrawn

his application. They also informed me that the Planning Board is the avenue I should take to address my concerns. My biggest concern with Northeast Drive is the retention pond. The retention pond borders my property and actually half the pond is on my property and there is an easement for it. The problem with the pond is that when we get heavy, heavy rain (which happens 3 or 4 times a year) the retention pond overflows. There are no provisions for a spill over of the retention pond except to have a river run through my back yard. I have brought this up back when the house was being built with the DPW and at that time they told me it would be addresses. About 2 years ago, they did actually have the pond increased in size a little, but it just doesn't work. I believe, when the subdivision was planned the provisions for the spill over was to go towards Judy Lane which wasn't a development at the time.

WW mentions that Judy Lane was completed prior to Northeast Drive.

J. Uttero says that he doesn't know how many years ago that was done, but the spill over was supposed to go to. A couple of years ago I had gone down to the DPW and asked to see a layout of the subdivision, after many trips, the only thing they could produce was the original design of the subdivision which was for commercial property. It is my understanding is that they let Bob Ballarino go ahead with that same layout. The bottom line is that when the pond fills up, which it does 3 or 4 times a year, I have a river that is about 3 or 4 feet wide by 1 foot deep running through my back yard. (showed the Board pictures). I don't want this subdivision accepted in that condition, because the town will be responsible for it.

RD says that there is still a bond being held on this project.

JK says that the town is holding \$7,800.00.

VD mentions that the Board has a letter from Don DiMartino dated September 13, 1999 regarding street acceptance. He lists what the remaining work is and what the estimated cost is for those items. There is just one mention of the detention pond that there was a change in size, the calculations should be submitted and added to the files. He gives that a \$500.00 value. He doesn't mention anything about the spill over. Don says that the remaining work he estimates at \$3,750.00. I think we should treat this subdivision the same way we treated Brookside Estates.

J. Uttero mentions that when I brought his up a couple of years ago and they changed the size of the pond. The pond itself is built on rock. When he had to make it larger, he had to bring in a rock splitting machine. My concern is when you look at the plan that was submitted and approved (copy given to the Board), the spill over going away from my property and towards that Judy Lane. What happens is that the pond doesn't spill over there it spills towards my property.

WW says that if it isn't built per approved design, then it is obviously not going to work.

VD asked JK to get the file.

WW asked how high the fence was around the detention pond?

J. Uttero says that it is atleast 6 feet high, but there is no access gate installed.

RD says that the Board will send a letter to Ted Bailey and ask him to revisit the detention pond and make sure that the plans agree with the work done.

VD suggests also asking him why there isn't an access gate to maintain the pond?

WW informed the residents of Northeast Drive that before the town would accept the road, all the items that were approved on the subdivision plans need to be complete and certified.

SC mentioned that he went over to the project and he said that there was some curbing missing from in front of one of the houses. There is another curb almost gone and the edge of the road is split near a grey colonial. The sidewalk is caving in up near the beginning of the road. There is also a water shut off sunk in the middle of one of the sidewalks. As well as the telephone pole that was placed in the middle of the sidewalk.

RD says that we are going to send a letter over to Don DiMartino asking him to address the outstanding issues as well as the revised plan handed in by the residents regarding the detention pond.

VD moves to write a letter to Mr. Ballarino giving him 7 days to give the Board a detailed schedule and assurance that the schedule will be met or the Town will take the remaining bond monies to complete the project. PC seconds. Vote of 4 (RD, PC, VD and WW). AM absent

### **9 NORTH MAIN STREET – DEVELOPMENT PLAN REVIEW – PUBLIC HEARING**

WW abstains and leaves the room.

VD motions to waive the reading of the notice. PC seconds. Vote of 3 (RD, PC and VD).

Mr. Corey Finkelstein is before the board to present to them plans and information with regards to the addition located at 9 North Main Street. The provisions that Phil Herr has concerns about, I just received today and he hasn't seen the updated plans.

RD asked about indication of handicap access to the building?

C. Finkelstein says that is not shown on the plans and he will have it added. There was no trees removed so there is nothing shown on the plans.

VD says that we need a notation on the plans that there are none.

C. Finkelstein submits building elevations and drawings.

RD asked what the total size of the building was, because he doesn't feel that there is adequate parking for that building. Every trip that I have taken by that building, I have yet to see one vehicle parked in the addition that was built for vehicles.

Tom Guerin says that when he went to the building he was told that the reason there are so many vehicles on the lot it was because of the new inspection system and they are so behind. As soon as the push for these systems to be installed, then it will back to normal operation.

C. Finklestein hands in a letter given by the owner of the Bellingham Plaza giving them temporary parking in the plaza. I have informed my tenants that they should be parking there for overflow.

T. Guerin says that the problem comes in whether Mr. Perry has enough parking in the plaza as he fills up his stores. That issue came up with HoneyDew. He has to show the Board that he has adequate parking for his stores.

C. Finkelstein says that he didn't ask for a permanent situation, it is just temporary.

RD what is temporary?

C. Finkelstein says that it should be elevated within 90 days.

RD who is going to police that the cars do park in the parking lot behind the building?

C. Finkelstein asked who does the Board feel should police it?

RD says that is not our job to appoint someone.

VD asked if the addition is being used?

RD says that it is full and is being used.

SC says that the whole deal is awful. The permit was not pulled properly and they are in there illegally.

T. Guerin says that the Fire Department saw the addition being built. We went and questioned the Building Inspector and asked him if it went before the Planning Board and he said that they didn't need to. That is what we were told.

RD mentions that the original review was that the addition was to store vehicles in there.

C. Finkelstein says that is what I was contracted to build on their behalf. It is unfortunate that they couldn't view into the future and see that this installation of the new inspection stations are so behind. I have offered them other space to store all of this equipment.

RD asked if he has a Certificate of Occupancy for the addition?

C. Finkelstein says no, he does not.

VD says that she hears what Mr. Finkelstein is saying about 90 days, but the Town can't be responsible for that. There is not adequate parking to wait 3 months. The Planning Board is not going to approve this the way the parking is now. Maybe they should store their materials elsewhere.

C. Finkelstein says that he obtained a building permit and then about 5 or 6 weeks after that I was faxed the form to fill out which informs them that I should have Planning Board approval.

VD says that there is obviously items missing on the plans and Phil Herr still needs to review it. The parking issue needs to seriously be addressed. I think it is going to be more than just 10 parking spaces borrowed from your neighbor.

C. Finkelstein says that he will talk to the tenant with regards to their parking habits.

VD motions to continue the Development Plan Review for 9 North Main Street to October 28, 1999 @ 9:00 pm. PC seconds. Vote of 3 (RD, VD and PC). AM absent

WW returns to the meeting.

#### **HICKORY HILL (FLEUETTE DRIVE) – BOND RELEASE**

Maurice Morin requests from the Board his bond be released for Hickory Hill due to that at the October 13, 1999 Special Town Meeting it was unanimously voted for Town acceptance with \$950.00 being transferred to the Department of Public Works.

WW motions to release \$950.00 to the Department of Public Works from Maurice L. Morin's account on Fleurette Drive and the balance of the monies be released to Maurine L. Morin. PC seconds. Vote of 4 (RD, PC, VD and WW). AM absent

#### **DEPOT INDUSTRIAL PARK – PLAN ENDORSEMENT**

The Board endorsed the mylars for Depot Industrial Park.

#### **STOR/GUARD – DEVELOPMENT PLAN REVIEW AND SPECIAL PERMIT – PUBLIC HEARING – CONTINUED**

Atty. Joseph Santos for Stor/Guard says there is not a quorum but has one piece of business. With reluctance, I will have to ask that Mr. Wozniak excuse himself from any part in the

discussion or voting due to one of the meetings for a continued public hearing of Stor/Guard he was not present. I would like to give the Board a copy of two cases similar to this.

WW would like to request Town Counsel's response to this as well as a copy of the minutes of that meeting that you are saying that I missed.

RD asked JK to forward all notes to Town Counsel to find out the eligibility of Mr. Wozniak to continue participating in this public hearing.

VD motions to grant an extension for the Development Plan Review and Special Permit for Stor/Guard to November 26, 1999 and continue the public hearing to November 11, 1999 @ 7:30 pm. Vote of 4 (RD, PC, VD and WW). AM absent

### **SUMMIT BANK**

RD asked JK to send a letter to Stuart regarding the Engineer Certificate of Completion and asking him if he has received that prior to Certificate of Occupancy also that the sign does not comply with Section 3100 Paragraph 3111 of the Zoning Bylaws and that Summit Bank should turn the sign off immediately.

VD asked if he could also verify the width of the sidewalk to ensure that it confirms with the approved Site Plan. Also, with Stuart's letter send him a copy of the Zoning Boards decision.

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

Bob Maschi of Real-Estate Mngt. Eng. asks for extension of action and a continuance of the public hearing due to a quorum not being present.

SC motions to grant an extension for the Development Plan Review and Special Permit for Maplebrook Commons to November 12, 1999 and continue the public hearing to October 28, 1999 @ 8:30 pm. WW seconds. Vote of 3 (RD, PC and WW) VD abstains. AM absent

### **GENERAL DISCUSSION**

JK let the Board know that she spoke to Town Counsel today and asked if he had any correspondence regarding Maplebrook for the Board and he said nothing in writing but he said that the existing units should be hooked up to sewer. He also said that he felt it was mentioned in the minutes several times and possibly in the state decision for Maplebrook.

RD asked JK to look into the minutes to see if that is true.

Abutter of Maplebrook said that their management company, Aspen called Town Counsel and asked for his legal opinion on this project and he said that the existing units should be hooked up to sewer. It is not fair that every other unit in the complex is hooked up and they aren't.

WW says that we don't have anything from him saying that. We should continue this conversation to our next meeting when the petitioner is present.

JK says that she has asked Mike Graf the Board of Health Agent to see if he has a copy of the states decision on Malplebrook.

VD moves to adjourn at 9:40 pm. WW seconds. Unanimous vote of 4 (RD, VD, PC and WW). AM absent



Richard V. Dill, Chairman

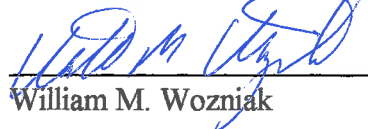


Paul Chupa



Valerie DeAngelis

Anne M. Morse



William M. Wozniak