

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

RICHARD V. DILL, CHAIRMAN

PAUL CHUPA

VALERIE J. DeANGELIS

ANNE M. MORSE

WILLIAM M. WOZNIAK

STEVEN CHOINIERE (Alt.)

MINUTES OF REGULAR MEETING

January 27, 2000

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

GENERAL BUSINESS

Phil handed out to the Board a draft of a letter to Secretary Durand regarding the Maplebrook Commons and asked the Board to review it and let him know whether or not they want to send it.

The Board agreed to accept the letter for review and no further discussion was made on Maplebrook Commons.

JK asked the Board if they had any comments with regards to Lee Ambler's letter concerning the re-zoning of the land partitioned by the Conservation Commission.

RD explains that Lee had some concerns regarding this process and felt that the Owners and abutters to abutters should be notified. It doesn't say anywhere that he could find that the owners and abutters should be notified. He is asking the Planning Board to do it as a courtesy.

AM agrees.

P. Herr mentions that the Planning Board has Procedural Rules.

JK says that she went over the Procedural Rules with Lee and he couldn't find anywhere in there where it says that anyone had to be notified except for advertising it in the newspapers two and one week prior.

P. Herr says that the Planning Board has in their Procedural Rules that they will notify people as a courtesy with these specified circumstances.

VD mentions that that has been an issue in the past.

P. Herr asked if there was a description of the area?

JK says that all she was given was the map that she attached to everyone's copy of the article.

VD says that in the pass when this had come up, we have talked about that the owners of the property should be notified. The Board had said that the owners should be notified even though they weren't at that point. Something was going to be done, but nothing was ever done about it. It just seemed right to notify the owners and abutters. There was even one case where the Board was rezoning land that belonged to someone else and he wasn't even notified.

P. Herr asked if the Conservation Commission owned the land?

RD said no.

P. Herr asked if the Board felt that the owners should be notified?

The Board agreed that the owners should be notified.

P. Herr says that when party A proposes to rezone land, then the owners are to be notified by the Planning Board. As a matter of courtesy, not a matter of law.

VD says that the Board has never done it but it has had much discussion.

RD asked if this is something that needs to get amended on the Town Meeting floor?

P. Herr says no, it is a matter of the Planning Board adopting. It is part of the Board's Procedural Rules.

RD says that I have no problem with that and if it is going to be that way, then lets amend the Procedural Rules to make it official. Should we have Phil put some verbiage together for the next meeting to change the Procedural Rules and go from there?

P. Herr said that is fine. What is it that you want to do with this particular rezoning?

AM says that in Lee's letter he says that the petitioner should be required to notify owners and abutters.

VD says that I think at the least we need to notify the owners, and as a courtesy you could notify the abutters.

P. Herr says that who pays for the notification is another question.

JK says that invoices from the papers for the ad was sent to Conservation Commission.

P. Herr says that in Section 223 – Where the numbers make it feasible parties directly effected should be notified.

RD says that I think we should rewrite the verbiage so that it is clear as to who gets notified and who pays for what.

VD says that if the Board is going to notify the owners and abutters, it needs to be done quickly, because it is for our next meeting.

WW suggests notifying the owners and the direct abutters.

AM motions to have JK notify all owners and direct abutters for the Re-zoning Hearing partitioned by the Conservation Commission. VD seconds. Vote of 4 (RD, VD, AM and WW). PC absent.

AM motions to have Phil Herr draft an amended Procedure Rule to clarify the re-zoning procedure that the petitioner notifies by certified mailing the owners and direct abutters to the parcels being re-zoned. The petitioner to also pay for the advertising. WW seconds. Vote of 4 (RD, VD, AM and WW).

BROOKSIDE ESTATES – DEFINITIVE SUBDIVISION MODIFICATIONS – Public Hearing – Continued

Don DiMartino is before the Board to bring everyone up to speed as to what has transpired.

RD wanted to apologize for not going to the Finance Committee. At the last meeting we set up a time to go the Finance Committee to see what route the Town should go through to get money for Brookside Estates. After our last meeting JK had conversations with Lee Ambler and Denis Fraine and they mentioned going a different avenue to take. Since that time Don DiMartino and Mike Civitarese has had conversations and we seem to be making headway as to how we can get this thing resolved.

D. DiMartino says that he did go to the Finance Committee meeting and explain what we were trying to do. They were nice but not supportive of spending money to improve a road that isn't accepted yet, having a number of roads that are excepted in worse shape.

M. Civitarese says that he is under the understanding that there is \$48,500.00 dollars in a secured account dedicated to Brookside Estates. As a group, this is a point committee, which will be responsible for conveying the wishes and the concerns of the homeowners association which will be everyone involved in Brookside Estates. The new portion as well as the old portion. We have had some quick discussions. I have suggested that the point committee work with the homeowners association. The message I get is that the Board will go along with the wishes of the residents respective of that \$48,500.00. If we can publish the wishes of the homeowners association in a form that Town Counsel can authorize as valid. The Planning Board would make the revisions to the final subdivision plan. We have laid out a format of what we want to get done and we are more or less willing to take it from this point, get back to the Board with regards what the group has decided and will be acceptable to Brookside Estates. Once that has been

summarized and collected, we will present it to the Board. If we can get the upper half finished and approved and then the lower ends of the developed approved.

WW questioned Thayer, Edgehill and Brookside has never been accepted?

JK says that she spoke to Claire at the DPW and she said that as far as they were concerned, they are accepted streets.

D. DiMartino agreed. Those roads are approved and accepted up to the new areas of Edgehill Lane and Woodside Lane.

RD asked about the association and asked if it is a true association or is it to be compiled?

M. Civitarese says that it is to be compiled.

RD mentions that the last time we spoke there were concerns about the fence around the detention pond. M. Civitarese's comments were that there were going to be a few people that won't be too happy with the fence because it is so close to there home.

Richard Kenney (4 Woodside Lane) says that it is right in my back yard and about 20 feet from my home. The pond has never held any water.

JK brought the plans and it showed the fence.

M. Civitarese says that he doesn't know exactly how the fence is located, but the houses that are close to the pond also have 15' decks off the back. At least let us present a possibility of options.

VD asked that I understand that there is no water in the detention pond now, but my concern is that once everything is repaired and is functioning properly, will there be water in there?

D. DiMartino says that it isn't designed to hold water. It will only hold water during a very heavy rain storm and then it will slowly empty. As long as the outlets stay cleaned out, it should all work properly and slow the release into the wetlands.

Ron. McDonald (Brookside Road) concerned about his property and it getting repaired.

D. DiMartino says that if they narrow the road to 20' then fixing your property will be easier than if we keep the road the width it is now.

M. Civitarese says that they haven't had the opportunity to get in touch with Mr. McDonald and that is in our plans. We already agree that he needs to be taken care of.

WW asked Don if the roadwork for Brookside Estates still going out for prevailing wage bid.

D. DiMartino says that if the decision comes down quickly enough, we have a contractor bidding on similar prices to work on other areas of town, including Hixon Street. We have a contractor

that is under contract right now and will be done in the middle of June and July. He has already visited the site and says he is willing to the work for his unit prices.

M. Civitarese asked Don what the time frame is so the homeowners know what they are working with.

D. DiMartino says that he has work to do in other areas of town and if he comes right out in April, he should be done in two months and gone. We should have an answer for Brookside Estates for the first of June if possible. The job that they bid on was major roadway construction on various streets in Bellingham.

VD says that one the association is together and you get people to agree, you would need to show the Planning Board something in writing with a partition signed by all the people involved.

AM motions to continue the public hearing for Brookside Estates Subdivision Modifications to February 24, 2000 @ 9:00 pm. WW seconds. Vote of 4 (RD, VD, AM and WW). PC absent.

BELLINGHAM LUMBER – SITE PLAN REVIEW

AM abstains.

Mr. Rhodes is before the Board to request an addition of a metal storage building.

P. Herr mentions that Mr. Rhodes had brought us what he is presenting tonight and the information does not meet all of the submittal requirements. What we could see with what is being done, there wouldn't be any subsequent problem. The question is whether the Board is willing to act on this is a call from the Board.

WW asked what is asked to be done.

Rhodes says a 60 x 70 manufactured steel storage building.

WW asked what it is to be used for?

Rhodes says just storage.

RD asked if there is just going to be lumber stored?

Rhodes says that we are just storing lumber.

WW asked if this business changed use, does that require a new site plan review?

P. Herr says yes. If the change in use results in needing more parking, then you need new site plan.

VD asked about outside lights on the building?

Rhodes says there will be lights but they won't effect anyone in the area.

WW motions to approve the site plan for Bellingham Lumber. VD seconds. Vote of 3 (RD, VD and WW). AM abstains and PC absent.

MARTINELLI, BEECHWOOD ROAD – BACK LOT SUBDIVISION – SPECIAL PERMIT – PUBLIC HEARING

AM abstains.

WW motions to waive the reading of the newspaper ad. VD seconds. Vote of 4 (RD, VD, WW and SC). AM abstains and PC absent.

VD motions to continue the Special Permit for Martinelli – Back Lot Subdivision to February 10, 2000 @ 10:00 pm. SC seconds. Vote of 4 (RD, VD, WW and SC). AM abstains and PC absent.

GENERAL BUSINESS – continued

WW questioned change in use and not coming back to the Board. There is a building in town that keeps adding businesses and obviously parking is altered and they haven't been sent to this Board.

JK says that she sent a letter to Stuart LeClair about the Boards concerns and the number of businesses in that building and he told me that there was only two that he knew of.

Tom Guerin informs the Board that there are seven (7) businesses in that building on the corner of Blackstone Street and Mechanic Street.

WW questioned the old pharmacy building in the center of town and all the renovations being done and that it hasn't come before the Board.

JK says that she spoke to the owner of the building and he was talking retail with deli or chinese take out. He has enough parking for that as long as there isn't more than two or three tables with two chairs each in the takeout. I told him that a new sign would trigger Planning Board review.

RD asks what does the Board see that we can do to make amends to the whole process of getting Planning Board approval when necessary?

WW says that we need to make the Town Administrator and the Board of Selectmen and anyone else who we see fit, to let them know that apparently we have a Zoning enforcement issue in the Town of Bellingham.

RD asks if WW thinks we should do something similar to what we just did regarding Summit Bank?

WW says that could be it. There is so much activity going on in the Town of Bellingham and maybe there is a position missing in the Town because the Town is growing so fast. I'm not going to blame it all on Stuart.

RD I want to look at if there is a job missing here in the Town. We are discussion whether or not the Town needs a Town Planner that would work in conjunction with Phil. Are you saying that maybe this guy should also be Planner/Zoning Agent? The Zoning Agent, according to Denis, is Stuart. In the meeting, when we talked about the bonds and stuff like that, it came to a total surprise to everyone that Stuart was the Zoning Agent. When it was brought up at that meeting, nobody really knew who the Zoning Agent was and exactly what was his duties as Zoning Agent.

WW asked what was happening on the Summit Bank sign?

JK informed the Board that she hasn't heard anything from the Board of Selectmen on that.

RD said that he had spoke to Stuart and Stuart informed him that he sent it over to Lee Ambler for his comments on the whole issue.

VD mentions that the Planning Board states in the Zoning Bylaws that the Building Inspector is the first point of contact for anybody who comes into this Town. Maybe the Planning Board should take that back and we should tell Stuart that everyone needs to come to the Board and the Planning Board will make the determination. That is an alternative and it isn't working the way it is now. It is way for the Board to look at it and decide.

WW says that this is discussed at every meeting and nothing gets done.

RD says that it is discussed at every meeting because we never come up with a resolution, or an approach that we want to take. Asks WW what he is not happy with. Is he not happy with Stuart's role as Zoning Agent?

WW says yes. We have a problem with Zoning in the Town of Bellingham. I'm not saying we have a problem with building in the Town of Bellingham. Zoning enforcement needs to be looked at. If Stuart's in a position where he feels he needs some help in regards to Zoning, then that needs to be addressed. Maybe there is a position out there that needs to be filled. Zoning is an important position in this Town.

VD asked if WW is questioning Stuart's interpretation? The Planning Board relies on the Building Inspector/Zoning Agent to make judgements. Now, WW is questioning his judgements.

WW says yes, I could be.

VD says that we entrusted him to make those judgements.

WW says that the Town Meeting didn't make the Building Inspector the Zoning Agent, the Board of Selectmen did that.

P. Herr agrees.

WW says that I'm just saying that this Town is growing and it can't be like this. There is a lot of interference between the Building Inspector and the Zoning Agent.

RD asked Phil what he sees in other towns?

P. Herr says that there are very few towns where you have separate jobs for Building Inspector and Zoning Agent. This is a very common cry.

VD mentions that the last time we had Stuart in front of this Board I didn't feel that it was productive at all. I don't think that one thing was resolved.

WW mentions that maybe we need to have an All Boards Meeting.

VD says that I think that maybe we should try to talk to Stuart off the cuff. Before you go in and have conversations in front of this very large group.

P. Herr says that it sounds like the real issue here is the administration of the Zoning Bylaw.

AM says that our job is to approve plans. We are not a policing authority. WW is saying that Stuart is not doing this, he is not doing that. That is not our job. This Board's job is to approve plans and what happens next is Stuart's job.

WW asks who cares about Bellingham?

AM says that is Stuart's job and it is the Selectmen's job to see that he is doing it.

RD says that he will put something together, hopefully for the next meeting, on a way that we can informally, indirectly, without incriminating upon and defacing Stuart.

BELLINGHAM METAL WORKS – DEVELOPMENT PLAN REVIEW – PUBLIC HEARING

WW motions to waive the reading of the notice in the newspapers. VD seconds. Vote of 4 (RD, VD, AM and WW).

Bill Halsing of Land Planning presents to the Board plans for Bellingham Metal Works to build an additional building of 4,800 +/- square feet behind the existing building at the location on Depot Street. Currently, Bellingham Metal Works has 4 or 5 parking spaces and we are adding spaces to make a total of 11. There is very little additional run off from the site. In front of the site is going to be landscaped. They are proposing a 4' x 8' sign (passed out a sketch).

AM asked if there is a sign presently?

B. Halsing says that there is one on the building, not a freestanding sign.

SC asked how big the parking spaces were?

B. Halsing says that they are all 9' x 18' parking spaces.

Tom Guerin spoke to the owner of Bellingham Metal Works about the plan and we spoke about extending the asphalt between the buildings and along the left side of the building. We also spoke about putting a hydrant on his property. He said that he didn't think that was a bad idea.

WW asked why the two buildings weren't joined together?

B. Halsing says that it not what he requested. Originally, we were requesting an additional building and an addition to the front building. We dropped the addition. The current building is less than 100' from the street.

WW asked if there is two separate businesses working out of this site?

B. Halsing says no, that is not the intent. He has seven employees currently.

VD says that it says there will be a maximum of 10 employees. There are ten regular parking spaces and one handicapped space. So, they don't anticipate ever having visitors?

B. Halsing says that we could certainly add another parking space. They do manufacturing and they don't have walk in clients.

VD asked if they get deliveries?

B. Halsing says that they do get deliveries.

RD asked Phil if we should be concerned about lighting on the building?

P. Herr says that there are some lighting and they meet the Bylaw requirements.

WW motions to approve the Development Plan Review for Bellingham Metal Works with changes requested by the Fire Department (additional paving between buildings and along the left hand side of the rear building and locating a fire hydrant on site) as well as adding an additional parking space. VD seconds. Vote of 4 (RD, VD, AM and WW). PC absent.

SC asked about the Engineers Certificate for this project when it is complete?

JK says that she will give the form to Land Planning.

P. Herr says that the Bylaw says that the Building Inspector shall not issue a Certificate of Occupancy until the Planning Board has told him that they have received certification from the project engineer.

RD says that we spoke about that when we had Stuart come to our meeting and it wasn't fair to hold up the Certificate of Occupancy pending our meetings every second and fourth Thursday of the month. Stuart said that he would get it completed for the Board and get us a copy so it didn't hold up the final inspections.

P. Herr says that we might want to change the Bylaw to say that.

BARTON HILL – 32-34 WILLIAMS WAY – DEVELOPMENT PLAN REVIEW – PUBLIC HEARING

WW waives the reading of the newspaper advertisement. VD seconds. Vote of 4 (RD, VD, AM and WW). PC absent.

Jim Rosling of Metrowest Engineering. Back in May of 1999, the Planning Board approved a Site Plan for Barton Hill. We are proposing to place an additional structure of 60' x 350'. What is going to change on our site plan is that we are removing bituminous concrete on the back side of the parking lot and the building is going to be placed where the storage tanks were on the previous site plan. It is a rough balance of impervious area.

WW asked about the parking.

J. Rosling says that the increased parking is an additional 29 spaces along the front of the building.

RD asked what the proposed building is for?

J. Rosling says manufacturing/office. Very similar to the structure that is across the parking lot.

WW asked if this project is becoming a complex?

John Warfield (owner) says yes. My intent was always to partially occupy one of the buildings and lease out the others. I'm a general contractor and will store drywall, nails and similar stock and also cabinet stock.

VD questioned the detention pond and they state that it is adequate with increased piping size. Is that something that we would need to have looked at by an independent engineer?

P. Herr says that he reviewed this plan in some detail. We found two things that the Board needs to consider. One is the detention area and the other is the number of trees and shrubs and the square footage of landscaped areas internal to the parking areas doesn't meet the standard. Unless, the Planning Board makes the determination of what exists is equivalent. With regard to the storm water, the change to what it is you approved is miniscule. I don't have a problem.

WW says that when we approved this back in May of 1999, we did something with the tree line that does the perimeter of the property. I don't remember if we waived it or put it off until something got developed?

P. Herr says that he thought the Board waived it.

WW I thought that if something was built on the other side, which was entitled to screening, then the screening gets put up.

J. Warfield mentions the power easements that are on and near the site and nothing can be built in those easements.

WW if the property changes hands does the agreements that have been made with Mr. Warfield stick with the property?

RD asks how we can make it binding to transfer of owner?

VD asked if the chain link fence was existing along the perimeter of the property?

J. Warfield says yes.

VD asked if the number of parking spaces were adequate for a building this size?

P. Herr says that the number of parking spaces are adequate. He has enough room to add parking on the site should he need more for a change in use.

WW asked if the Fire Department had any concerns.

T. Guerin says that we have spoke at length with the owner. They've added additional hydrants as requested. All the buildings are going to be sprinkled. We don't have any problems with the site.

WW motions to approve the Development Plan Review for Barton Hill Industrial area for the addition of building (#5) located at 32-34 William Way. AM seconds. Vote of 4 (RD, VD, AM and WW). PC absent.

GENERAL DISCUSSION – continued

The Board had concerns about Dr. Moore's office and the addition requiring more parking.

VD asked JK to get a copy of the plans for the Doctor's office.

WW says that we also have major concerns about the old Marshall Equipment building.

VD mentions EMC coming down and ethics. I called the Ethics Commission because my husband works for EMC. The attorney that I spoke with was kind of vague and if there is no direct financial gain, then it would be okay. She asked me if I knew if my husband's office was going to move there? I told her no. She said then, I think you could say that if his office did move there, then that would be a financial gain. I felt, from talking to her initially, that I wouldn't have any kind of conflict. There is an indirect gain because he works for the company and when the company does well, then he does well. Then she started talking about stock options.

AM mentions that her daughter's tuition for college, EMC is paying half and she is guaranteed to get a job when she graduates.

VD says that after the attorney from the Ethics Commission started talking about the stock options, then I felt like I did have a conflict. Would Town Counsel be a person to provide a direction?

P. Herr says yes. As long as you spell out in your letter the issues that each Board member has. EMC has hired Beals & Thomas to do their permitting. I suggest that they speak to Denis Fraine and Don DiMartino and they had already done that and wants to come and speak with me. They want to sort out questions they've got about Zoning and other matters. The north parcel, which they have bought, still has a live Subdivision on it. Which means it has a Covenant attached to it. The other parcel, I think at this point, has nothing on it.

The Board said that was fine and agreed it would be a good idea for Phil to meet with EMC.

JK informs the Board that Tim Jones has submitted an 81-P plan for four lots on Lake Street.

P. Herr has reviewed the plan and has some concerns as to whether this is an 81-P or something else.

The Board agreed to have JK forward a copy of the 81-P to Town Counsel and ask his opinion.

VD mentions the tree size change on Maple Street and questioned if it needed another Public Hearing?

RD said that he will check with Don DiMartino.

VD moves to adjourn at 10:10 pm. AM seconds. Vote of 4 (RD, VD, AM and WW) PC absent.



Richard V. Dill, Chairman

Paul Chupa

Valerie J. DeAngelis

Anne M. Morse

William M. Wozniak