

MINUTES OF PLANNING BOARD MEETING

March 9, 2000

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

March 9, 2000

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

GENERAL BUSINESS

RD brings up discussions he had with Denis Fraine pertaining to a Town Planner. JK looked into surrounding Town's to get a job description of their Town Planner so we had a base to go by. We haven't nailed down to figure the exact cost. When I met with Denis, I asked him for two requests. One is that the Planner Board should be involved in the hiring process, or at least the reviewing process. Most importantly, this person would answer to the Planning Board. Denis agreed with both. I mentioned this person also being the Zoning Agent, and that didn't go over to well. But, it brought up the idea that this Planner would, or could go out on inspections with Stuart, much like George Holmes does for the Conservation Commission. We spoke about splitting this Planner with the Town of Blackstone.

WW asked what would happen to Phil?

RD says that Phil is under a contract with the Town of Bellingham through FY 2001. That brings him to June 31, 2001. Denis feels that we can start getting the frame work started, hoping to have this done for October Town Meeting, if it passes, he hopefully would like someone in place for January 2001. We would keep Phil on for the duration of his contract, to consult with this person. It is not a matter that we don't think Phil is doing a good enough job. This Town is growing at a pace that needs someone sitting here. It would give a name to hold responsibility. I was wondering if each of the Board members could put down a few ideas of what they would like to see of this Town Planner in the job description.

VD says that this will also give JK this time she needs to do what she needs to do.

WW says that she is a clerk and she isn't supposed to be doing all these other things.

VD says that she is not a clerk. She is a Planning Administrator. She deals with a lot of things that come under the scope of a Planner. If you read the job description of a Planner, you will see many of the things that JK does.

RD says that I think he could also have some sort of guide line that he should come up with at least one bylaw amendment for each Town Meeting.

JK informs the Board that Beals & Thomas sent the Board a copy of the EMC Arrowhead project submittal sample in Hopkinton and wanted to know if this sample is what the Board would like to see when they submit to Bellingham?

VD says that maybe Phil should look at it and see what he says.

WW says that I think they should follow our submission process.

RD says that I think they just want us to look at the format and see if that is something the Town of Bellingham would like to see as well. I will look at it and pass it on.

The Board signs payroll for the clerk.

BLACKSTONE FIELDS – SPECIAL PERMIT & DEFINITIVE SUBDIVISION PUBLIC HEARING

Brad Allen of the The Allen Companies is before the Board and requests a withdrawal without prejudice due to the abutters not being notified correctly and asked to reschedule for April 13, 2000 @ 8:30 pm.

VD motions to close the Special Permit and Definitive Subdivision for Blackstone Fields and accept the withdrawal without prejudice. WW seconds. Vote of 3 (RD, VD and WW) AM and PC absent.

81-P SUBMISSION - ROBINS ROAD & DEPOT STREET

E.K. Kuhlsa of Land Planning presents to the Board an 81-P plan for the corner of Robins Road and Depot Street. The abutter is granting two small parcels to the building owner.

WW asked if the owner that is breaking off land to give to his neighbor has the correct frontage and lot area.

VD says that we have to make sure that we are not creating a non-conforming lot.

E.K. explains that James Cerutti is breaking the two parcel of land off of his land and selling them to Bellingham Metal Works.

VD says that it really should be much clearer to say what parcel is going where.

E.K. says that Parcel A & B are to be conveyed to 181 Depot Street Realty Trust (Bellingham Metal Works). Removal of these parcels will not create a non-conforming lot.

WW motions to sign the 81-P for James Cerutti, Robins Road and Depot Street. VD seconds. Vote of 3 (RD, VD and WW). AM and PC absent.

SUBDIVISION REGULATIONS AMENDMENT SUGGESTIONS - Don DiMartino

Don DiMartino presents to the Board a layout of Subdivision Regulation amendments made up of comments from Phil Herr, Ted Bailey, myself and waiting for comments from Lee Ambler. I started at the beginning of the regulations and worked my way through. I have several sections. I have one section that would drive the developers to get street accepted. I've got under that, more dollars held, ownership, personal guarantee, developer maintains emergency access. More work of completion before transfer of occupancy. Then I go into another category. If the Board could tell me what they want for a final draft and then we could start the hearing process.

#1. Amend paragraph 272 Security of 15% of pre-construction to 20% of all road construction.

The Board was okay with that change.

#2 #5 on Page 3. Replace paragraph 3252 Security Amount with the new Form J General Procedure and Establishment.

The Board was okay with that change.

The next four paragraphs, speaks about the new Form J.

The Board was okay with that.

The next is to add inflation multiplier by the number of years. I have 6% and I feel that is a reasonable number.

The Board was okay with that.

Add a set contingency amount of 20% of total cost of minimum set value.

The Board was okay with that.

Establish a minimum security for line item tied to the engineering news record cost. I suggested \$40,000.00. My suggestion was \$15.00 per linear foot of roadway and \$15,000.00 minimum.

VD asked how we would stand if that was the case at the Brookside Estates? Would we be covered.

D. DiMartino says that everything else involved in the changes we would be fine.

WW says that I feel that \$40,000.00 is too much. I think with all of the other items we are covering ourselves with plus the \$15.00 per linear foot and \$15,000.00.

VD feels that we need to come to a happy medium and she feels \$25,000.00 would be good.

WW this is written for the big guy, not for the little guy that comes in to do a 5 or 8 house lot subdivision.

VD says that she feels that isn't her focus, we are here to protect the Towns people.

D. DiMartino gives an example of a 1,000 foot roadway, it comes to \$30,000.00 @ \$15.00 per linear foot. That would have covered us on Brookside. Brookside was just a little less than that.

The next item is Personal Guarantee. It requires the owner say who they are.

The Board is okay with the Personal Guarantee items.

Section 45 – The Town puts up a sign that says not only the street name but that the notice that “it is not a town way, pass at your own risk, emergency access is provided by and the responsibility of the owner.”

The Board is okay with that.

Modify Form D-1 test require all water installed, with loop, all sewer and storm drain for Phase prior to lot conveyance.

WW asked, if someone comes into this Board and gets a Subdivision approved. After it is all approved, they go and sell it before they do anything.

D. DiMartino says that if they sell it before doing anything, then the new owners have to come in and get a new Personal Guarantee.

VD asked how you control someone not conveying a lot?

D. DiMartino says that the Building Inspector can stop it at his end. It is actually when someone it going to build on a lot.

Modify Form D to expand to clearly define work to be done prior to occupancy. The driveway apron shall be surfaced with 2” binder of pavement and constructed....All sidewalk construction be installed for the phase to be binder.

The Board was okay with that.

Special grading and sloping. Tree stumps, rocks and debris created by the construction of the roadway improvement must be removed from the lot that is intended to be occupied as well as any abutting lots.

WW says that he believes that the Building Department requires some sort of paperwork to be filled out for disposal of items like that.

D. DiMartino explains that Phil suggested removing that because people don't submit the plan they are suppose to and the Board doesn't enforce it.

VD feels that it should be left in and we should require it.

D. DiMartino says that we are not getting rid of the requirement of these items being disposed of properly, we are just getting rid of the plan showing debris. We can keep this item for discussion at a later date. This isn't the final say.

The Board agreed to get rid of it.

Next item, reference location of street lights.

VD says that we need the location of streetlights.

The Board agreed to keep that.

D. DiMartino says that he would like to see the streetlights shown on the plans. The next item is delete reference to plantings...

VD says that it doesn't make any sense why Phil would want to take that out.

D. DiMartino suggests keeping it for subdivisions in open fields.

The Board agreed to leave it in.

D. DiMartino says that he has a lot of feed back from the Board and he will get a revised copy of the amendments to the subdivision and set up the public hearing to start the process.

VD commends Don and thanks him for all the work that he has done on this. The Board agreed.

GENERAL DISCUSSION

JK told Don DiMartino that the Fire Chief called and said that he went up to Country Club Estates and there are several homes being built up there. He was really concerned because the road has no pavement down and the fire hydrants are covered with bags. He wants to know how they can build homes when there is no fire protection?

D. DiMartino says that with the new subdivision regulations that we are in the process of putting in place will change that. It is in the Form D-1 and it says that they can't have occupancy until pavement is down and water is in. The new regulations won't allow them to even get a building permit until the water pipe is in.

MARTINELLI – SPECIAL PERMIT – BACK LOT – BEECHWOOD ROAD – cont.

E. K. Kahlsa of Land Planning is in front of the Board to explain the status of this application. Most of the questions, which regard to this additional house to be built, are going to turn on what road should be built on Beechwood. The question I have is, are you clear about how that road should look in order to meet the original covenant?

D. DiMartino says that he told the Board is my feeling is that I want to see the road completed to subdivision standards. Whether they're going to hold to that, it is their call. The concern I have is that I want it to look like a road.

VD asked what the road is supposed to be?

E.K. says that my second question in terms of access, the hope is to improve the situation out there and meet what ever requirements the Board will have in order to permit a building permit on this additional lot. I did do some research with regards to the releases and it is clear that this section of the road, that we are talking about, this particular parcel was never released. Is there going to be a substantial enough advantage for you to build to the end of that parcel, which will not complete the road all the way around the corner?

D. DiMartino says that I really can't go beyond that. I would like to see the whole thing done.

E. K. says that beyond our lot line, those lots were already released on some bases in the past. That covenant is long gone. However, we can provide reasonable roadbed up to that lot line.

VD asked what was there now?

D. DiMartino says that there is water and drainage. The Town paved what ever we could to the limit. Whether the Board wants to bring it to that standard, I don't know.

VD asked how wide was the road paved?

D. DiMartino says that it is close to 24'. The preference would be to get rid of the dead end. So, when the guys are plowing, they can go around the loop. Grade properly, grade according to subdivision plans with whatever width of pavement.

E.K. says that it is a matter of cost.

RD says that when Mr. Martinelli purchased the land knowing that the road was not going to be built, therefore no more lots could be released on that. Here we are, eight, nine years later, saying now I need to have it released, sell that land, it is no feasible for me. Even though you knew well

in advance that the road was not going to be completed and I couldn't sell off anymore lots until the road got completed. Now, you are asking us to help you out.

R. Martinelli explains that he purchased the land back in 1989/1990, I bought into a good subdivision. I wanted streetlights, I wanted the best for my kids. I purchased 4 ½ acres in the center of Beechwood. Everything was good, I built my house with the driveway facing the now dirt road end of Beechwood expecting that to be completed. Three months later the developer passed on. Then, the Town had ended up with \$30,000.00 dollars plus or minus and they completed what they could with that money. When I purchased the land and built my house, I was still under the impression that the road was going to get completed per plans. I'm sure Valerie remembers all of this.

VD explains that she started with the Planning Board in 1989 and it was shortly after that this whole thing happened. I think it was clear though, what ended up happening is that the Town got a piece of land from Sally Demitric that was worth \$35,000.00 and I don't think that anyone thought for a second that was going to pay for the whole road. I believe everyone was aware of that.

E.K. explains that we have a house existing on the land we are showing you tonight and we are here before you to do is build another house. We have sufficient frontage for the front lot on both the paved street and the dirt street.

WW says that all that needs to be done is post a bond so we can do a new covenant on Beechwood Road.

E.K. says that we are requesting that we be required to pave up to the property line. We can do one of two things.

WW asked if they were going to pave or make a road?

E.K. says that the grading will be done, the drainage will be fixed, the water line will be checked to make sure that it is properly installed. The road is just about built. Everything has frontage except the three lots in the back and the three lots we are talking about tonight. After the road was paved, they combined three lots into Lot 7A and based on the fact that they had a tiny bit of frontage on the paved area, the Planning Board decided to release that where there is a nice house built now. We are suggesting that we are going to finish road. We will either finish it to our lot line as the covenant requires to a full road (26'), or if the Planning Board would permit us, we will go ahead as Don recommended and build a more narrow road (16') and go all the way around to butt up against the existing paving. We can bring the manholes up, check the water system and make sure the drainage installed is appropriate. We will grade it to meet the pavement.

WW says that you just can't do that, that simple. This is an approved subdivision, it has an order of conditions, which means, paving, sidewalks, drainage.... You just can't change it without a public hearing to amend the subdivision, which was approved.

E.K. says that he agrees that there is an outstanding covenant on the three lots. I disagree with, I don't think that the owner should bare the burden of replacing that entire street.

WW says he doesn't either. My opinion, is that he should pave it to meet the other, but make the road. Not just paved. What the Town did on the other side is a different thing.

E.K. says that we are willing to do what the Town did on the other side.

VD says that the big question is, what did the Town do when they changed the rules? They changed what was approved on the other side. Did they hold a Public Hearing? We have a bad situation that we have the opportunity to make better. So, lets make it better.

RD says that we should decide as a Board what we feel should be done here.

VD says that is a legal question and I think we need to ask Town Counsel. We need to ask him if we need to hold another public hearing in order to change what was originally approved. It wouldn't make sense that we would have to in light of the fact that the other side wasn't done according to the approved subdivision plan.

WW motions to continue the Special Permit for Martinelli at Beechwood Road to March 23, 2000 @ 9:30 pm and grant an extension for action to April 14, 2000. VD seconds. Vote of 4 (RD, VD, WW, SC) AM and PC absent.

BELLINGHAM SHOPPING CENTER – SPECIAL PERMIT & DEVELOPMENT PLAN REVIEW – Continued

RD informs the applicant that there are only four members present tonight and should they move forward they will only have the four members for the rest of this review process. If we continue to discuss anything with regards to this project, PC is no longer eligible to sit on this.

Bill Sax, Attorney representing Lorusso Construction and we ask that this be continued due to a member missing. We would also like the Board to ask Bruce Campbell attend the next meeting so questions can be asked and answered directly.

VD motions to continue the public hearing for the Special Permit and Development Plan Review for the Bellingham Shopping Center to March 23, 2000 and grant an extension to April 14, 2000. SC seconds. Vote of 4 (RD, VD, WW and SC). AM and PC absent.

MINUTES ACCEPTED

VD motions to accept the minutes of meeting 1/13/00 with the following changes. Bellingham Shopping Center, Page 6 should say AM abstained and removed herself from the room. Page 13 instead of roles it should say goals. WW seconds. Vote of 3 (RD, VD and WW). AM and PC absent.

MINUTES OF PLANNING BOARD MEETING

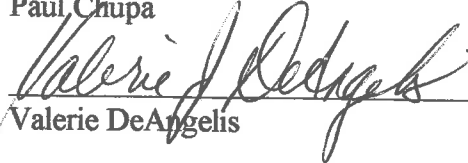
March 9, 2000

VD moves to adjourn at 10:15 pm. WW seconds. Vote of 3 (RD, VD and WW) AM and PC absent.



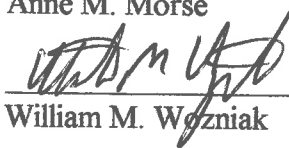
Richard V. Dill, Chairman

Paul Chupa



Valerie DeAngelis

Anne M. Morse



William M. Wozniak