

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

April 13, 2000

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

GENERAL BUSINESS

SC questions Bainbridge Wood Subdivision and had a concern about a guardrail on one side of the bridge. There is no railing on the side that has a large drop.

VD asked JK to check the minutes for this project. It was pretty specific as to what was supposed to happen at that bridge and the walls.

JK lets the Board know that the Procedural Rules for the Planning Board needs to be updated and accepted so that they can be on record with the Town Clerk.

AM motions to amend the Procedural Rules that talk about rezoning of land to make it that the petitioner is to notify the owners of the land they are petitioning to rezone by certified mail as well as the direct abutters of the land in question. VD seconds. Vote of 4 (RD, PC, VD and AM) WW absent.

RD mentions the Special Permit in Water Resource District and should it be governed by the Conservation Commission? Wanted to know the Boards feelings on that.

VD agrees and feels that it is the Conservation's area of expertise.

AM asked if they want it?

VD said that a brief discussion with Cliff Matthews gave me the impression that he thought it was the appropriate place for it as well.

AM questioned if that is something we should check with Lee about?

VD said she thought first the Planning Board should discuss it, then I think we should get some input from Lee as well as Phil in writing as to how they feel. After that, then we should have a joint meeting with the Conservation Commission.

MINUTES ACCEPTED

VD motions to accept the minutes from 1/27/00 meeting. AM second. Vote of 4 (RD, PC, VD and AM) WW absent.

VD motions to accept the minutes from 2/10/00 meeting with the following changes. Page 5, 4th paragraph, 2nd line – weather should be whether. Page 6, 7th paragraph, 3rd line – spelling of immanent. Page 6, 5th paragraph, where it says: expand and anybody how would want should be who would want. Page 8, 1st paragraph, 2nd line, legitimate spelling. Page 10, 5th paragraph from bottom where it says: but I would rather hold too much money and not enough should be than not enough. Page 11, second paragraph up from the bottom – spelling of tough. Page 14, the Martinelli Special Permit should say RD and VD rejoined the meeting. AM seconds. Vote of 4 (RD, PC, VD and AM) WW absent.

HOME DEPOT – SITE PLAN REVIEW

Steven Allen, Store Manager and Ray Black, Asst. Store Manager presents to the Board an area in the parking lot (28 parking spaces) of Home Depot be blocked off temporarily for seasonal storage. We will fence it off with a 6' high chain link fence. By fourth of July weekend it will be taken down. It is to just hold stock.

RD voices his concern about the front of the store and how people can't even walk on the sidewalk, they have to walk in the parking lot because of all the merchandise on the sidewalks. That is an unsafe situation.

S. Allen agreed with RD. He says that he walked the store with Stuart LeClair and Tom Guerin and that is why we put the stripes there, so all the store employees knew that nothing is to be put on the striped areas.

RD asked if this would eliminate some of the in aisle stocking within the store?

R. Black says absolutely.

VD asked what is going to be stored in the fenced in area?

R. Black lists mulch, weatherproofed bags of topsoil.

VD asked about the flats of flowers. Last year was a nightmare and they were out in the parking lot.

S. Allen knows what she is talking about and says that isn't going to happen this year. Last year we weren't open 24 hours, so we didn't have the opportunity for stocking as much as we do know being opened for 24 hours. The problem we have is when the plant growers drop off their flats, they have to pick up the empty ones. That is always the problem. I have already spoke to the plant growers and told them if they don't pick them up, we are going to ~~through~~ ^{throw} them away.

VD says that the parking information that has been presented to us, there seems to be a discrepancy.

S. Allen says one is my information and the landlord had better information on his. I gave you both.

JK says that she called Al Rocco of SR Weiner and he forwarded his information.

VD says that even Phil makes a comment that there is a discrepancy.

RD comments that Phil says that they still have enough parking spaces.

R. Black says that last year Home Depot had two storage trailers back there. Similar to the ones that behind Walmart and they took up more parking than what we are proposing. The trailers are gone and we are just asking to occupy 28 spaces, temporarily (April 1st through July 4th weekend).

VD says she doesn't have a problem with using the 28 spaces for a minimal amount of time, but she would like to see some stipulation that there will be no rolling storage of flats along the side of the garden center in the parking lot.

R. Black says that the rolling carts will not be in any stripped area or any asphalt in that parking lot.

VD motions to approve the temporary storage outside the garden center of Home Depot to ~~encompass~~ ^{encompass} 28 parking spaces and 15' additional area behind the garden center. A condition of that is that there will be no outside storage on the side of the garden center. This will be on an annual basis from April 1st through July 4th weekend. Also, provided that no stock is stored in the stripped area. AM seconds. Vote of 4 (RD, PC, VD and AM). WW absent.

EMPIRE CIRCLE – STREET ACCEPTANCE DISCUSSION

Jeffrey Germajian, trustee of Hyper Realty Trust is before the Board to discuss the acceptance of Empire Circle at the May Town Meeting. He asking to take the money that is in the Passbook and pay Mr. DiMartino \$800.00 and to pay our engineer the money he is owed for the engineering that has been provided for Town Meeting Acceptance. This is in a bank account that originally was a Home National Account, then went to a Bay Bank Account and now, I'm not sure what account it is now. The bank is taking monies for some kind of fees for whatever reason. As far as getting the street accepted, I am not sure whether we still hold the interest in the road or not. The section of this subdivision was deeded to Walnut Construction (3-lots). They built and sold 2 of the homes and was foreclosed on the third. Until we do the Title we don't even know who holds interest. This is something that could take some time.

RD mentions that Don DiMartino has a letter stating that the DPW just wants the \$800.00 to pay for the work they did and the street is ready to go to Town Meeting.

J. Germajian says that he doesn't just want to release the \$800.00. I owe the engineer and I want to release the money to pay him as well.

VD asked what is owed to the engineer?

J. Germajian says it is \$3,200.00. DPW wants \$800.00, so there really won't be anything left. We aren't taking anything, we just want to pay the bills.

AM asked if we are obliged to keep 10% until the Town takes it over?

The Board agreed with keeping something until Town Acceptance.

AM motions to close the account, release money to Hyper Realty Trust, \$800.00 be paid to the DPW and a retainer of \$500.00 be given to the Town Treasurer until Town Acceptance. VD second. Vote of 4 (RD, PC, VD and AM) WW absent.

AM motion to recommend Empire Circle to Town Meeting for acceptance. PC seconds. Vote of 4 (RD, PC, VD and AM) WW absent.

DEER RUN – STREET ACCEPTANCE DISCUSSION

VD abstains and leaves the room.

Tim Jones is in front of the Board to discuss the acceptance of Deer Run Road and Taylor Drive for Town Meeting acceptance.

AM asked about the gate.

T. Jones says that he had a conference call set up with Don DiMartino and Phil Herr and Don wants Bruce Campbell and Associates to do the traffic study. I went over to see Denis Fraine and he is the one that needs to initiate Bruce Campbell & Assoc. to do the study. He said he was calling them that day because that is who Don DiMartino recommended. I am responsible to pay for the traffic study and I will do that.

AM asks if they find we need to install the gate, do you (Tim Jones) have to physically do that?

T. Jones says that it is part of the bond.

AM asks, what happens if the traffic study hasn't been completed yet and the Town Meeting comes and goes and the Subdivision gets accepted?

RD asked when Deer Run was opened from Pine Grove to Pulaski Blvd. In Phil's decision, it mentions substantial increase in traffic on Deer Run and Pine Grove as a result of new traffic. If

no such evidence is received within one year of opening Deer Run at Pulaski Blvd. to generate traffic this obligation expires.

T. Jones are you saying that maybe I shouldn't be paying for the traffic study? I don't know.

RD says that is a good question.

AM suggests sending the question to Town Counsel.

A. Odabashian agrees sending the simple question to Town Counsel just to make sure.

AM motions to recommend Deer Run Road and Taylor Drive to Town Meeting with the conditions of all Conservation Commission issues being completed, legal interpretation of gate and having the sidewalk fixed. PC seconds. Vote of 4 (RD, PC and AM) VD abstains and WW absent.

T. Jones offered to give the Town \$2,000.00 to be placed in a separate account (\$1,000 for traffic study, \$1,000 for gate) to be held until determined.

VD returns to the meeting.

BLACKSTONE FIELDS – SPECIAL PERMIT & DEFINITIVE SUBDIVISION

RD notes the letter from Brad Allen requesting a continuance of the Special Permit & Definitive Subdivision Public Hearing due to a member being absent at the meeting tonight.

AM motions to continue the Special Permit & Definitive Subdivision for Blackstone Fields to May 11, 2000 @ 9:00 pm. PC seconds. Vote of 4 (RD, PC, VD and AM) WW absent.

REZONING OF LAND CORNER OF BLACKSTONE STREET & SOUTH MAIN STREET – Public Hearing

Herran
Mike O'Herran, petitioner and spokesperson for interested parties for the rezoning of land on corner of Blackstone Street and South Main Street. We are looking to rezone this parcel of land back to it's original zone. The only way we see to stop an undesirable business from going there like Dunkin Donuts is to rezone it back to residential. I feel the safety of my children comes first and this is a great concern.

AM feels that this is singling out one lot and that is not right per Lee's letter of rezoning other people's land.

SC mentions that there were two other lots rezoning business back with Mr. Pearson bought this corner lot.

M. O'Herran says yes, there were three lots all together that got rezoned to business.

VD says she doesn't understand why you wouldn't include the other two lots with this rezone.

RD says that is what Lee was talking about in his letter. Picking out specific lots and not including all.

A.Odabashian voices her concern with rezoning other people's land and that it isn't fair as Lee Ambler puts it in his letter. I just don't feel we should put the Town in a position for another law suit.

M. O'Herran makes the comment that the Planning Board couldn't have stopped Dunkin Donuts from going there. They could have stopped the drive-thru but, Dunkin Donuts could have gone in there without a drive-thru.

A. Odabashian says that is a common sense thing to back out for Dunkin Donuts.

Fran Newton (abutter on Saddleback Hill Road) asked what the process is for the Town to purchase land?

A. Odabashian says that it is presented at Town Meeting by the Owner of the property.

Atty. Warren Heller (represents owners of property, Richard & Cheryl Pearson) the land was purchased by Richard & Cheryl Pearson on January 30, 1984 from L.J. Gentile & Sons. The Pearsons knew it was zoned Residential with the intent and the expectation to immediately go for rezoning. Which they did. The property was rezoned to a Business 2 district at the November 1984 Special Town Meeting. There was no opposition and nobody got up and spoke against the rezoning. At the time there were three parcels rezoned.

RD asked if all the parcels were rezoned at the same Town Meeting?

Atty. Heller says yes, they were all rezoned at the same time. The three owners were all in favor of it.

VD asked why the other two lots weren't included in this rezoning back to residential?

Ralph Lawson (direct abutter) explains that he doesn't want his lot rezoned back to residential.

Atty. Heller asked of the Board to give an unfavorable recommendation for a couple of reasons. One is because the owner is against it. It strikes me as being a bit presumptuous. B-2 zone allows a lot of different uses. Low traffic impact businesses are able to go there. No one is certainly going to want to put a residential home there. It just makes sense to leave it zoned B-2.

R. Lawson expresses his agreement with the Town looking to purchase this lot. It would be a benefit too all including the roadways. They could improve that part of Blackstone Street. The lot is always being used by residents for Town functions held at the school.

A. Odabashian expresses that there is no money right now to buy that lot.

VD says that if the other two properties were included in this rezoning, then I wouldn't have any problems recommending it personally. But, because they were excluded, I feel, that legally we

can't recommend it. I resent your reference to snob zoning. These people are clearly concerned about the neighborhood and our school children. It is the proximity of that lot at that location. The Planning Board doesn't have as much control as everyone thinks. We saw it on the Cumberland Farms on the corner of Hartford Ave. and Pearl Street. It was turned down, but went to court and was allowed. Normally, if something meets the bylaw and the letter of the law the Planning Board is compelled to approve it.

M. O'Herran explains that the town isn't like it was back in 1984 and a business at that location, no matter what won't be a good idea safety wise for anyone involved.

AM motions to not recommend the article to rezone the parcel of land on the corner of Blackstone Street and South Main Street to the May 2000 Town Meeting based on a letter from Town Counsel explaining that situations like this could very well put the Town in a law suit. VD seconds. Vote of 4 (RD, PC, AM and VD). WW absent.

MAPLEBROOK COMMONS – SPECIAL PERMIT & DEVELOPMENT PLAN REVIEW – continued

VD abstains.

The Board acknowledges the request for continuation and request for an extension for action on the application for Maplebrook Commons – Special Permit & Development Plan Review.

AM motions to continue the Maplebrook Commons Special Permit & Development Plan Review to April 27, 2000 @ 8:00 pm and grant an extension for action for Maplebrook Commons Special Permit & Development Plan Review to May 12, 2000. SC seconds. Vote of 4 (RD, PC, AM and SC). WW absent and VD abstains.

GIBBS OIL – SPECIAL PERMIT & DEVELOPMENT PLAN REVIEW – continued

The Board acknowledges the request to continue of Gibbs Oil due to an acting member missing (WW).

PC motions to continue the Special Permit & Development Plan Review for Gibbs Oil to May 11, 2000 @ 8:30 pm. VD seconds. Vote of 4 (RD, PC, AM and VD). WW absent.

DUNKIN DONUTS – Hartford Ave. – SITE PLAN REVIEW

Herbert Surper, Project Manager for Dunkin Donuts presents to the Board the proposed changes for the Dunkin Donuts located on the corner of North Main Street and Hartford Ave. We are renovating the inside of the store, putting in a variety of new counters and bringing it up to date. Dunkin Donuts requires it every two years of everyone. There are three changes we are planning on for the outside of the building. When you walk into the store there is what we call a vestibule inside of the store. We are moving that to the outside of the building. The major reason is give us more room inside so we can move some of the counters we have to give us more room in the drive-thru area. It will enable us to run that more efficiently and move cars through faster. Throughout the building, in the front and on the sides, there is a canopy that extends out to the

end of the sidewalk at an angle. We are going to eliminate the canopy and all the posts and install a new canopy, not side big. A newer style that will make the building look more attractive. The third thing is moving the drive-thru two feet forward. It will give us more room inside for refrigeration and also give us a little more stacking. We are not changing the sizes of the signs on the building. We will be changing the faces, but they will stay the same size. The free standing sign is also staying the same, just a new face.

RD voices his concern with regards to the traffic and the problems that are there right now. He asked if there were any proposals for that traffic problem. He asked if they exit entrance onto Hartford Ave., as you are leaving the drive-thru, if that could be closed in a little and make that an exit only?

H. Surper says they plan on putting "Do Not Enter" signs there.

RD says people don't read signs and we don't even know if that can be done because of the curb cuts and State.

H. Surper says they will speak to the State to see if that is at all possible to enhance the curb to make it more difficult to enter at that location. We will also check with the Town of Bellingham DPW and we plan on installing signs as well.

VD asked if they are adding anymore seats inside?

H. Surper says no, the seating will stay the same.

VD motions to approve the Site Plan for the revisions to Dunkin Donuts on Hartford Ave. and North Main Street with the conditions that a sign will be put at the Hartford Ave. exit "EXIT ONLY" and checking with Mass Highway as well as the Town of Bellingham DPW on closing the curb in to avoid left turning into the site off of Hartford Ave. AM seconds. Vote of 4 (RD, PC, AM and VD). WW absent.

HARTFORD VILLAGE – DEVELOPMENT PLAN REVIEW – continued

Joe Antonellis, Atty. representing Brad Wright, Brad Wright, and Paul Hutnick, Engineer is before the Board to bring them up to date on the project.

J. Antonellis explains the issues regarding the Condominiums Documents. Phil and I have agreed on language that will satisfy all involved. I tried to incorporate the Special Permit language into the Condo Documents, but I also wanted to use ^{statutory} language on the age restriction. I believe all the language in the Condo Documents are agreed to by Phil. I will be faxing him a revised copy in the morning.

VD asked if the Boat and RV storage language was in the Documents?

J. Antonellis says yes.

VD asked about the basement not becoming a bedroom?

J. Antonellis says that the documents say there will be no more than two bedrooms, but it doesn't say anything about the basement being converted.

VD feels it should state that the basement can't be converted into a bedroom.

J. Antonellis says that he will add that in and fax it to Phil.

The other Board members agreed.

Donna Moran (abutter) asked about commercial vehicles and are they excluded?

J. Antonellis gives an example if a resident at the project goes to work for Amory Air Freight and has a van or panel truck and it is part of their job and bring it home and park it in their own driveway. I don't think it is fair to put something like that.

RD suggests putting that if the vehicle doesn't fit in the parking spaces allotted then it isn't permissible.

J. Antonellis doesn't have a problem putting something in that manner.

VD mentions some of Phil's comments. He comments on the analysis done by EarthTech do not offer adequate assurance that the wells in question will not be at risk for contamination.

P. Hutnick explains that we did get approved by the Board of Health last night, which the nitrates is their area of jurisdiction. I have moved the leach field another 80' away from the Hixon Street side. I took the reserve area and moved it towards the Hixon Street side and that is what pushed the system 80' further away.

SC mentions Amory's concerns with the nitrates.

B. Wright explains that Walter's comments were suggestions and we got approval from the Board of Health and we did try to satisfy Walter's suggestions at the same time.

RD asked if this project a nitrate sensitive area?

B. Wright says that has been the question and the answer has always been no.

C. Moran voices her concerns about the water that drains onto her property and how this project will effect that. I don't want my well to be effective.

effected

RD asked if it is the applicants intent to hook up to sewer when it is available.

B. Wright says yes, most definitely.

RD asked if anyone knew when or about when that was going to happen?

C. Wright says that isn't known at this time. Even Don DiMartino doesn't know at this time. We have pressure tested the entire system, so when the time comes it is ready to hook up to sewer.

VD mentions the walkway around the project and Phil had concerns about the sloping.

P. Hutnick states that the slopes have changed and are much more feasible then originally designed and he will forward a copy to Phil's office.

B. Wright says that we will make sure that the walking path is walkable.

RD asked about the shrubs.

P. Hutnick says that we kept the alternating pattern that Phil referred to and added some spruces on the outside row, because they stay low to the ground. We also added shrubs inside the gaps.

D.Moran questioned allowing pets?

B.Wright explains that he believes that it says in the Condo Documents that pets are limited to 2 and 20 pounds.

D.Moran was okay with that.

VD asked about Don DiMartino's letter revised 3/30/00.

P. Hutnick says that there are a few minor items that will be taken care of.

RD asked if P. Hutnick would go over the drawings with Don so we can get assurance back from him that he is satisfied?

P. Hutnick says that he will get together with Don prior to the next meeting.

PC questioned the pumping system for the septic system and if it has a generator should they loose power?

P. Hutnick says that it is not on the plans and the system has a day worth of storage and he believes that is all that is required by the State, but he will look into it.

VD motions to continue the Hartford Village Development Plan Review to April 27, 2000 @ 7:30 pm. AM seconds. Vote of 4 (RD, PC, AM and VD) WW is absent.

81-P SUBMISSION - HARTFORD VILLAGE

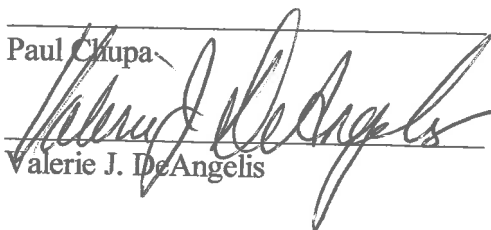
B. Wright explains that the plan shows how much land is dedicated to the front portion. We gave more land to the front section and the Board wanted.

April 13, 2000

PC motions to sign the 81-P for Hartford Village. AM seconds. Vote of 4 (RD, PC, AM and VD) WW is absent.

moves to adjourn at 11:30 pm. seconds. Vote of 4 (RD, PC, VD and AM) WW absent.


Richard V. Dill, Chairman

Paul Chupa

Valerie J. DeAngelis

Anne M. Morse

William M. Wozniak