

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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STEVEN CHOINIERE (Alt.)

MINUTES OF REGULAR MEETING

April 27, 2000

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

GENERAL BUSINESS

Residents of Deer Run Road is before the Board to discuss the issue regarding the gate at the end of Deer Run and Pickering Ave.

VD abstains and leaves the room.

Tony Gareau (21 Deer Run Road) explains that he is at the meeting tonight to discuss the traffic issue and if a traffic study is going to be done?

RD explains that Mr. Jones was before the Board at the last meeting and we discussed his bound reduction and the wording in his decision. In the decision it states "if no such evidence is received within one year of the opening of Deer Run Road at Pulaski Blvd. to general traffic this obligation shall expire.

P. Herr explains that, that is an obligation on the developer.

PC explains that the original group of people that wanted that gate was the people on Pine Grove Ave.

Jim Pike (61 Deer Run Road) asked why the cul-de-sac was built?

PC explains it was in the event we put up a gate.

T. Gareau explains that the intersection is impassable.

Several of the Board members explain that they have driven that road and haven't had a problem at the intersection. You obviously can't be going fast, but they didn't have a problem making the turn.

T. Gareau asked where they need to go from here to get some action?

RD asked what action they want?

T. Gareau says they are looking for either a: Closing the road, b: some type of traffic mechanism placed, stop signs or something. There are a lot of children down there and it is like a cut through.

RD those are issues that need to be taken up with the Safety Officer. Once the road is town accepted at the Town Meeting, then the police can do radar and hopefully control the speeds and possibly cut out some of the traffic.

P. Herr explains that if people want a traffic study done, they should petition the Board of Selectmen. This Board is not where that happens.

HARTFORD VILLAGE – DEVELOPMENT PLAN REVIEW – continued

VD returns to the meeting.

P. Herr explains that the Board got a letter from Amory today letting them know that everything is okay now with the project, Hartford Village. He drafted an approval for this project and through we could go through it. I still have a problem with the path and feel that the grades are too steep.

B. Wright explains that the walkway will definitely be graded so you can walk it without a problem.

VD asked if the elevations would be shown on the plans?

J. Antonellis explains that part of the problem is that there was a change in engineering firms mid stream and the engineer just informed me that the elevations will be shown on the plans to make the walk way workable.

P. Herr explains that the master deed will be the key item in this whole development.

WW asked how we could approve this without a copy of the master deed?

J. Antonellis will provide Phil with an updated copy for his review before release of the approval. I would like to record the Master Deed as late as possible. The purpose is to make certain that the Master Deed has all the appropriate provisions in case there is a change in the condominiums law or Fanny May, Freddy Mac law. Knowing now that you are not letting Brad to get a Certificate of Occupancy until they are approved and recorded will push me to get this done.

WW has concerns approving something that we won't get a true copy of until the first unit is ready to be handed over. Before the first Certificate of Occupancy is given this Board should be provided with a recorded copy of the Master Deed so that we can make sure everything that was agreed to be in there is in there.

P. Herr explains that the stipulations are also outlined in the Special Permit, and that is recorded.

SC asked about the Maintenance Plan that is attached to the Decision and asked if there was some kind of report sent to Don DiMartino or some Town Official?

VD asked who arrived at the Maintenance Plan?

P. Herr says it was just sent to him.

VD says that it is really something that has to do with Conservation? If we are going to include it in our Decision, then I think it should be specific as to who the information goes to.

AM asked when should the inspections start?

SC suggested when the first unit gets Certificate of Occupancy. When we send a letter to the Building Inspector regarding the Master Deed, then we should also send a letter to Conservation Commission letting them know that the inspection should begin as well.

VD brought up the concern about there being no wording about the basement not being able to be converted into a bedroom.

SC mentions that if it has a closet it is considered a bedroom in Bellingham Bylaws.

J. Antonellis says that when we forwards a copy of the Master Deed to Phil's office tomorrow it will have some wording in there regarding no more than 2 people residing in one unit and any basement shall not be converted in to a bedroom.

B. Wrights explains that one of his options is to finish the basement. If I don't construct a closet is a family room okay?

AM explains a family room in the basement is fine. A closet isn't a problem down there for storage.

VD doesn't have a problem with it either. I just don't want to see a bedroom.

P. Herr says that the concern is occupancy as a bedroom, not construction of a bedroom. The Building Inspector needs to control that.

WW motions to close the public hearing for Hartford Village Development Plan Review. PC seconds. Vote of 5 (RD, PC, VD, AM and WW).

WW motions to sign the Development Plan Review Approval dated 4/27/00 with changes and JK holding it until Phil confirms the wording in the Master Deed that will be forwarded to him. VD seconds. Vote of 5 (RD, PC, VD, AM and WW).

MAPLEBROOK COMMONS – SPECIAL PERMIT & DEVELOPMENT PLAN
REVIEW- continued

Andre of Fafard is before the Board to bring all up to date. We are proposing 130 units in the unfinished section of Maplebrook Commons. 120 have already been constructed. We have an Order of Conditions from Conservation Commission. We have received a fax from MEPA. I really believe that the Planning Board has the power to approve the plans subject to any State or Federal permits that we have to get to sewer the project. We do have the gallonege for 20 units right now.

P. Herr says that we don't have any plan showing other alternatives besides town sewer.

Andre says that whatever option it takes to sewer the project, it will have to go through additional state permits. The approval can be made subject to that.

SC asked if the Planning Board could put in their approval that the project must be sewerred by an onsite treatment plant?

Andre says that the Planning Board doesn't have the authority to put that stipulation in their decision. If DEP will not approval a treatment plant in a Zone 2 Acquafir then this project will not be built.

P. Herr doesn't understand how the Board could disregard the concern and comments from MEPA and Don DiMartino from the DPW.

VD explains that the email the Board received from Mr. Richard Foster of MEPA clearly states that an onsite treatment plant should be the way.

Andre says that they agree and are willing to do whatever the state requires for this site. I cannot move forward with the State until we get Planning Board approval.

WW doesn't understand why the project is being held up. Nothing can happen there unless they either do sewer or onsite treatment facility.

RD mentions that in order to continue this project you need to show capacity for the existing units plus the new in addition. For the project to move forward, they will have to be able to connect 227 units to the sewer system. No request for capacity has been filed for the existing 97 units and will be put at the bottom of the list.

P. Herr states that in the application it was clearly stated that they are taking no responsibility for sewerred the existing units.

Andre says yes, that is correct.

P. Herr asked if he could get all the provision for a Decision? 1: subject to all State approvals.

VD mentions that we want to make sure that in the Decision it is stated that the original units get hooked up. We don't want them to build the 20 units they have capacity for and then not do anything for the existing units owners.

WW says that their application was modification to the Building styles and the road layout. So, they still have to comply with the original Special Permit.

VD says, or they have to come back for a modification to change the specific things.

P. Herr says that they rather understated what they were really asking for. They are clear in their drawings what their asking for. They were very specific that they would not provide sewerage to existing units. You can approve the substance in these drawings and the earlier drawings with the stipulation that no construction or site preparation shall take place prior to documented authorization for sewerage capacity from state and local authorities. And, the Special Permit Amendment shall expire in two years if such items are not complete.

WW motions to close the public hearing for the Maplebrook Commons Special Permit. AM seconds. Vote of 5 (RD, PC, AM, WW and SC) VD abstains.

SC motions to approve the Maplebrook Commons Special Permit Decision per Phil's comments and to expire within 2 years. WW seconds. Vote of 5 (RD, PC, AM, WW and SC) VD abstains.

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

AM abstains and leaves the room.

Bruce Babcock of Wilson Associates representing Lorusso Construction for the Bellingham Shopping Center. Phil has forwarded a draft Special Permit Decision and we have several items that need to be looked at and resolved.

P. Herr says he drafted a Special Permit Amendment Decision and goes over the Decision.

B. Babcock had some concern the way the parking spaces were worded in the Decision.

P. Herr says that we had more surplus spaces on this site at the beginning and we seem to keep loosing them through this process. The wording in the decision protects what spaces are there now. We still don't have or have never seen to this day architectural drawings or buildings elevations as well as sign detail or drawings. The intersection continues to change into today. I don't have an up to date detailed drawing. There has been a clear misunderstanding among parties with regard to how much sidewalk construction this applicant should be made obliged to provide outside of the \$80,000.00.

B. Babcock explains from the plans what sidewalks are included in their project.

P. Herr mentioned the part in the decision that states when the town wants the \$80,000.00 and where they want it prior to Building Permits or prior to Occupancy Permits.

WW mentions that it should be stipulated that the \$80,000.00 should be used only on South Main Street.

VD questioned Parcel B and how it looks like it could access to South Main Street.

WW suggested adding a note to Parcel B says "No Curb Cut onto South Main Street" right to the plan.

Jerry Lorusso agreed to that.

SC questioned the interior traffic.

J. Diaz explained we widened the medium a little. All the traffic circulates to the right now. Truck access is around the back of the building. We also added a couple of signs after having conversations with Phil and Bruce Campbell & Assoc. One of the discussions was about the slope easements. These are temporary easements during construction when the sidewalks are built. There is the right of way along that roadway, so we do have some room to play with.

B. Babcock explains that we don't have a problem with all that work, but we will have a problem with the slope easement and also holding the curb line as it is on our side. It is going to force the road on the other side and that will cause land takings.

P. Herr mentions that Don DiMartino was very straight forward in his letter saying that he doesn't want to be involved.

B. Babcock asked that we go back through the Decision and pinpoint the areas that are going to be changed to make sure everyone is okay with them.

P. Herr reads back through the changes in the Decision and everyone was in agreement. Except for some drainage issues.

B. Babcock explains that if he had comments earlier than tonight at 5:00, then the issues would have been taken care of.

VD asked Phil to look at Horsley & Whittens letter and let the Board know what are substantial comments and what are minor comments.

P. Herr mentioned that he called Horsley & Whitten today because he hadn't heard from them. He indicated that the items that were brought up were minor and could be taken care of in the Development Plan stage.

B. Babcock explains that they need to have the Town obtain the slope easements to install the sidewalks on the opposite side of the road should they need it.

VD says that is not something the Planning Board can make a decision on. That is Don DiMartino's say and he specifically says he doesn't want to do it.

J. Lorusso doesn't understand why this is going this way. He has said from the beginning he wants sidewalks, you are doing sidewalks and he doesn't want to work with us at all.

WW mentioned approving the Special Permit the way it is worded right now and then if there is a slope easement required and the DPW won't assist in getting that, then come back before the Board and ask that we waive that sidewalk?

B. Babcock asked that wording be put into the Decision saying "we will make every attempt to keep the sidewalk access areas to the South, but should we not be able to acquire an easement, we will shift it to the North.

P. Herr says that is fine.

VD asked if the interior traffic has been looked at?

P. Herr says that Bruce Campbell and Associates haven't been retained as of yet to do so.

VD asked the applicant if they are going to continue to pay Bruce Campbell and Associates to proceed with the interior traffic flow?

J. Lorusso says yes, they do plan on continue to pay.

P. Herr asked about pedestrians and how they are going to walk through the site?

RD says that nobody will do that.

VD mentions that she wants to make sure that we will visit this issue along with the drainage issue in the Development Plan review?

P. Herr says you revisit the drainage issues and you will revisit the interior traffic issues, but I don't know for the first time if you will visit the pedestrians issues.

WW motions to close the public hearing for Bellingham Shopping Center Special Permit. VD seconds. Vote of 5 (RD, PC, VD, WW and SC) AM abstains.

WW motions to accept the Special Permit Decision for Bellingham Shopping Center with noted changes and agreed to. PC seconds. Vote of 5 (RD, PC, VD, WW and SC) AM abstains.

WW motions to continue the Development Plan Review for Bellingham Shopping Center to May 25, 2000 @ 10:00 pm. VD seconds. Vote of 4 (RD, PC, VD and WW). AM abstains.

MARK STAINISCIA – LOT #1 CENTERVILLE LANE – DEVELOPMENT PLAN REVIEW

AM returns to the meeting.

WW motions to waive the reading of the notice for Mark Staniscia, Lot #1 Centerville Lane, Development Plan Review. VD seconds. Vote of 5 (RD, PC, VD, AM and WW).

Bruce Lord, Atty. for Mark Staniscia, owner of the property. Mike Simmons of Guerrier & Halnon is the engineer. This is the final lot at Centerville Estates. When Centerville Estates was approved, this lot was left with specific conditions relative to the use of this lot. We are proposing 3,215 square feet of retail/office with 17 parking spaces. We are proposing the entrance off of Centerville Lane. We are putting the building to the rear of the lot. Parking is in front of the building a lot Mechanic Street. The property will be served by the Bellingham Sewer. The lot is extensively landscaped. I think it is in line with the spirits of approvals that were given in 1994.

Paul LeBlanc (11 Centerville Lane) is it possible for the residents of Centerville Lane to tie into sewer if this lot is able to?

RD says he doesn't think so, but this Board is not the Board that can tell you that.

Donna Smith (10 Centerville Lane) concerns about the traffic on this street. When they bought in this development we were told a home looking similar to the ones that are in the development would be built and a possible home occupation would be out of that home.

Paul LeBlanc (11 Centerville Lane) reads minutes from meetings while Centerville Estates was before the Board for approval. It just sound to me, by reading these minutes, that everyone involved had concerns about putting a business on this street. He also points out Town Counsels concerns and the decision being confusing at best.

B. Lord explains that because it might seem confusing, that particular bylaw has been changed since 1994.

P. LeBlanc feels the house should be faced the way the rest of the houses are and should look similar as we were told it would when we bought.

RD explains that being misrepresented by a Real Estate person is not this Board's problem.

P. LeBlanc asked if there was anything the Planning Board could do about the safety issue. About he parking on the street and the curb cut on Centerville Lane?

VD says that is a police issue. Is there a Dead End Street sign?

The residents says no, there is no signs.

VD says that needs to be requested by the Safety Officer at the Police Department.

WW suggests they approach the Board of Selectmen with this problem with the parking from Michael's Deli on Centerville Lane.

VD asked why they are proposing 17 parking spaces?

Mike Simmons explains that 13 spaces are required.

B. Lord says that we can take the extra 4 spaces away if that is what the Board wants.

VD asked if it is designed for a single business or multi-business?

B. Lord says that the floor plan is laid out for two businesses.

VD asked about screening of the lot behind the proposed building?

B. Lord says that there are already some white pines in place.

Craig Adams (6 Centerville Lane) he lives behind the proposed building and questioned moving the building forward.

B. Lord, living behind the Colonial Plaza along Mechanic Street and David Road explains that he is much happier with the building closest to him rather than the parking lot because of the traffic. The building acts as a barrier along with the plantings for screening.

VD says that she feels this whole thing would be much more palatable if the building was smaller and there were fewer parking spaces. Asked if they plan on having a dumpster on the site?

B. Lord explains it is at the end of the parking area along the property line on the opposite side of the entrance onto Centerville Lane. This project complies with the current bylaws as well as the decision that was approved back in 1994. With regards to the problem with parking on Centerville Lane, and I know the problem they have, should be taken up with the Board of Selectmen and the Safety Officer. This project developed as proposed or as something else will not change the current problem they have.

WW agrees with VD and mentions he would like to see the building become smaller.

Richard Masters (15 Centerville Lane) questions the hazards of a truck trying to pull into that lot off of Centerville Lane for deliveries or dumpster pick up and is it feasible?

B. Lord assures that the turn will be okay, we have checked the radiuses.

VD asked about the lighting on the building?

M. Simmons explains they are showing the back of building having two residential type lighting shining towards the ground and in the front of the building there will two residential type lighting. We are showing one other light at the entrance to light up the entrance.

VD suggests reducing the parking to 13 as required instead of 17 that is proposed.

B. Lord says they will look at the parking spaces.

P. LeBlanc questioned the restrictions put on this lot and asked if hours of operations were part of the restrictions or could this business stay open 24 hours a day?

P. Herr comments that it looks and is shaped like a Store 24.

WW says that it can't be retail.

B. Lord says they will change the wording on the plan from retail/commercial to just commercial. They will also revisit the parking for the site.

WW motions to continue the Development Plan Review for Lot #1 Centerville Lane to May 11, 2000 @ 10:00 pm. VD seconds. Vote of 5 (RD, PC, VD, AM and WW).

81-P SUBMISSION – COUNTRY CLUB ESTATES II

Al Florentz of Bibeault & Florentz and Roger Gagnon the Developer is before the Board to submit an 81-P Submission for Country Club Estates II to split one lot into two conforming lots and pays the fee of \$20.00.

P. Herr has reviewed the plan and comments that it does not create a subdivision.

AM motions to sign the 81-P for Country Club Estates II. VD seconds. Vote of 5 (RD, PC, VD, AM and WW).

81-P SUBMISSION – HARTFORD AVE. – BVLP

Goulston & Stoares is before the Board representing Bellingham Venture Limited Partnership and submitting an 81-P plan and taking Lot 3 dividing into two parcels. This plans meets both requirements. They have frontage on a public way and also has frontage that is required by the bylaw for Industrial land which is minimum of 125' which they have 180' per parcel.

P. Herr has reviewed the plan in some detail and find that it meets all the requirements and does not create a subdivision. There are no bases to not sign this plan.

AM motions to sign the 81-P for BVLP on Hartford Ave. PC seconds. Vote of 5 (RD, PC, VD, AM and WW).

BEECHWOOD ESTATES - MODIFICATION TO A SUBDIVISION – Public Hearing

AM abstains and leaves the meeting.

WW motions to waive the reading of the notice for Beechwood Estates – Modification to a Subdivision. VD seconds. Vote of 4 (RD, PC, VD and WW).

E.K. Kahlsa of LandPlanning representing Richard Martinelli for this modification to the approved subdivision of Beechwood Estates. We have two issues remaining with Beechwood Road. One

being the 81-P that we would like to submit tonight for your signatures. The other issue is the covenant and how and if these lots could be released from the existing covenant. My letter that I have submitted states that we request a release of these two lots from the existing covenant as amended upon the completion of the improvements described. The road would be finished as follows: we would add gravel as necessary in order to provide 12" of gravel to the entire length of the road. We would grade gravel through the proposed roadway. We would pave the entire length of the unfinished roadway. As requested by Don DiMartino, we would assure that all existing pipes would have adequate cover. The only other thing I would like to add, is when we reviewed the history of the site, it seems possible that you could release these lots from the covenant without creating these waivers for the original subdivision plan. Since you had accepted as it was finished as sufficient to release the lots around the corner. The covenant specifies that the Planning Board has determined that you are satisfied that the road is built substantially according to the plan. We are proposing that the Planning Board release lots 3A and 2B and has sufficient area of frontage to qualify this. We are proposing to finish the road as described in the letter from the intersection of Beechwood Road around to the existing pavement. We will be tying into the existing drainage. Don DiMartino has been up there and knows what we are proposing. He will have to submit to the Board in writing, his comments. I don't want to speak for him, but he commented that he didn't have a problem with it.

RD asked if that is all the Board is looking for is a comment from Don DiMartino?

WW says that Don DiMartino would have to come up with some type of dollar amount.

VD feels that we do need a letter from Don DiMartino. You also said something about us signing an 81-P.

E.K. the covenant would only be released upon the satisfaction of the completion of the road. The 81-P, I feel needs to be signed no matter what and is a legal subdivision.

VD says not until that is a road.

E.K. says it is an approved road.

VD says it is a matter of opinion.

P. Herr says you have signed 81-P plans in approved, not completed subdivisions.

VD mentions the letter from Town Counsel and mentions that the lots have never been released from the original covenant? How can we sign an 81-P?

E.K. says we can change the shape and split the lots but they still need to be released from the covenant to obtain a Building Permit.

VD mentions that the Planning Board knows these lots are still on the Covenant, but the Building Inspector doesn't know that. It is not specified anywhere on the 81-P, so you could walk in with an 81-P and possibly obtain a Building Permit.

WW asked why they are looking to get the 81-P plan signed tonight?

E.K. suggests that there are two things. One is to sign the 81-P plan. That is fairly easy and if the Board wants we can add a note showing the additional restrictions with an outstanding covenant. Lots 3A and 2B are subject to Covenant dated such and such. The larger problem is having you release those lots from the Covenant. Right now as it stands, is the only way those lots can be released from the Covenant is that the entirety of Beechwood Road is built according to the original plan. What we are here to do is to see if there is some way we can provide you with some reduced form of that road and get release from the Covenant. Don DiMartino has reviewed the physical road that we are proposing and said, "okay, this works for me". He has a concern with regard to modifying the underlying subdivision plan. He is concerned that if you go back and waive all the requirements of the original subdivision, then you are going to set a precedence that some sharp attorney's going to use. I am suggesting that we don't need to modify the underlying plan, you can sign us off from the Covenant, because in this particular case you are satisfied that the road is built sufficiently complete and I don't think that sets a precedence.

VD yes, but we don't have any control to make sure that we are going to get a 16' wide roadway.

PC says he would rather see a 16' road than no road at all.

VD agrees with PC.

E.K. says we will do the improvements to the road, have Don inspect it then come back before the Board and get release of the Covenant.

VD says you are going to have to post a bond.

WW says if you post a bond, you can get release of the Covenant.

P. Herr says it would be appropriate for the Board to ask Town Counsel which of the mechanisms is appropriate.

VD motions to send Town Counsel a letter asking his opinion on which of the alternatives for releasing lots from the Covenant of Beechwood Road and to solicit comments from the DPW Director. PC seconds. Vote of 4 (RD, PC, VD and WW). AM abstains.

VD motions to continue the Beechwood Estates Modification to Subdivision to May 11, 2000 @ 7:10 pm. WW seconds. Vote of 4 (RD, PC, VD and WW). AM abstains.

AM returns to the meeting.

728 – 730 SOUTH MAIN STREET – SITE PLAN REVIEW

Andy Pisanti, Jr. representing William Costa and Ms. Delaport. We are before you for a Site Plan Review for a used car lot. This came about when the applicant went for a used car license with the Board of Selectmen. We then hired Don Neilson from Guerrier and Halnon to design the plan.

P. Herr explains that this is an existing use and basically all they are doing is paving more of the lot. They are also formalizing the egress points and they are moving two driveway lots and enhancing the safety of the lot.

VD asked if the existing buildings that are on lot now are staying there?

A. Pisanti says yes. They are going to be rehabbed.

JK says that she spoke to the Safety Officer today and he has no problem with that proposal.

WW motions to approve the Site Plan for 728-730 South Main Street. AM seconds. Vote of 5 (RD, PC, VD, AM and WW).

P. Herr says the only way to take care of these late meetings is to meet once a week.

RD comments to go to the Finance Committee and up the Board Members salaries.

JK mentions that the Board needs a Minutes Clerk as well as an Administrator at the Town Hall, because I can't do both. I am four meetings behind in Minutes and it isn't going to get any better.

AM moves to adjourn at 1:40 am. PC seconds. Vote of 4 (RD, PC, VD, AM and WW).



Richard V. Dill, Chairman

Paul Chupa



Valerie J. DeAngelis

Anne M. Morse



William M. Wozniak