



BELLINGHAM PLANNING BOARD

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May 24, 2001 Meeting Minutes

Present at the meeting:

Roland Laprade, Chairman (RL)
Richard Dill, Vice Chairman (RD)
Steven Choiniere (SC)
Briand Sutherland, Secretary (BS)
Edward Guzowski, (EG)
Glen Wocjik, alternate member (GW)

Also present:

Paige Duncan, Planner (PD)
Lt. James Haughey, Safety Officer
Tom Guerin, Fire Safety Officer (TG)

RL opened the meeting at 7:02p.m.

81-P Jim Murphy, representing the Rhodes Family, purpose is continuing use of manufacturing and on-site sales, continuing use from Bellingham Lumber. Combining two lots. There was discussion regarding use of land, putting palettes together and pre-cut houses.

2. Planner's Report postponed until later.

3. Old Business:

- TMC water line issue.

PD: We all thought this was resolved stating we'd issue a temporary certificate of occupancy. There is no such thing according to Leo in the Building Inspector's Office. We asked Mr. Clark to come back and post a bond to assure the work is completed.

RL: The other issue is once occupancy is permitted we no longer have authority.

RD: For record in the past, we've issued 30 occupancy permits.

RL: The only reason to cancel an occupancy permit is a violation of building codes.

RD: So what happens when this is done?

PD: The engineer will issue an as-built plan due some time around the end of June.

RD: Why is it cost plus 20?

RL: the bond is \$40,000, cost plus 20% in case the work isn't done.

RD: Motion to accept the \$40,000 bond for TMC Services at 1 Williams Way EG, 2nd. Vote: Approved:5.

- Pierce Estates: Discussion of cluster vs. conventional.

RD: I've been going over it and asking why is he going cluster and the only reason I can come up with is because he can get more lots.

RL: Have him come in with a cluster that's making better use of open spaces.

RD: Don DiMartino, said if the road is the same, it makes no difference to him.

RD: I don't like the cluster; I don't like the idea of big houses on such small lots.

BS: If they can do a cluster with larger lots, it would be more desirable.

EG: I abstain and am not voting on this issue as I am an abutter.

RD: You can talk on this, you just can't vote.

RL: We want to proceed with the cluster, but we don't particularly like this layout. Take some of the open space away to work with.

Walter Baznight (applicant): Bigger as in frontage?

RL: Lot size, larger lots.

WB: The road originally proposed was 22, so we're thinking 24/26, but, not 30, we'll discuss that with Don DiMartino. I was just curious because the widths are close to the conventional. The depth won't make much difference in lot size.

RL: It's 2-1, You can go ahead with the cluster; that doesn't necessarily mean we'll approve it.

WB: Thank you.

- Marchand Preliminary Subdivision:

Walter Watson: Engineer representing Jerry and Joan Marchand. We're proposing a private road acting as a driveway with 3 houses.

Marchand: This is a preliminary plan with a preliminary drawing to see if the town will allow the private road, so therefore there has been no indicated road. We have changed the name to Colonial Drive.

RL: I was on the board when a similar subdivision came in and I was adamantly opposed. The only access is a 30' neck on a 40" property. Mr. Herr goes on to say anyone who has an 8 acre lot will subdivide their land and pull waivers. Who's to say it's sold down the road, the neighbors don't agree and don't plow.

EG: What if it's not plowed and a fire truck can't get through?

WW: I believe you could allow a T end.

TG: I believe we can swing a truck in 80'.

James Haughey, Safety Officer: There is enough site distance, 500' to skew and 800' looking to the Northerly direction. I'm an abutter to an abutter to an abutter, the 3rd person down and also on the Lion's club with Mr. Marchand, but if the road was moved over, I would like it better.

RL: With the building and all the cars, it doesn't cause an obstructed view?

JH: No it doesn't. I did it in the morning and afternoon to make sure.

RD: Is there an existing road there now?

WW: No.

JH: A full complete vehicle is what I go by, from wheels to roof and you've got a clear shot, 800'. McCallister's business is far enough away to still see all the way up to Cordere.

WW: We're only looking at another 2 houses extra coming onto the road. It's not like a subdivision of 50-60 extra houses.

TG: Have there been accidents there?

JH: Yes, there have, on Wrentham Road, there were 6 accidents last year.

BS: If this is an existing house, where is the existing driveway?

EG: You're going to run a water line in there, why isn't it looped?

WW: We're asking for a waiver to have it looped.

EG: What about fire protection? Is the Fire Safety in agreement with this?

WW: In a perfect world the road would be lined up. I don't believe there is any other way.

RL: Does the Board agree to all these waivers?

Joan Marchand: If we were putting in only 2 houses would we have to go by all these rules?

RL: Any more than the one house back there and it's a subdivision.

Joan Marchand: I'd just like a clearer picture.

RL: On Harpin's Way, everything was waived and it's a mess. Another thing is the detention pond.

RL: It's 8:00 the IDC Public Hearing will be opened. We'll put it off 5 minutes.

GW: Are these agriculturally zoned?

WW: No, residential.

RD: It's tough for me because I live in a house similar to this, I'd feel better with 2 houses instead of 1.

RL: It's all these waivers, that's the issue.

RD: Well, precedent has been set in the past for this.

RL: If everyone came in and did this it would impact the town.

RD: How many have you seen?

BS: Where does this put us with the road? If the road goes in and you no longer own the road and they wanted the road to be public?

RL: They'd have to finish the road.

TG: What is the minimum width on a town road?

RL: 24

PD: Don DiMartino was saying 20' would be fine.

TG: 20" would be wide enough for the trucks to get in.

RD: These regs. Were established saying the owner would maintain the road. I live on this type of road. I maintain the road. The owners could put it in the deed, they would be responsible for the road.

RL: Do we have a motion? Do we want to continue this?

EG: I think you should try and come up with a plan to fix some of these problems and come back and see us.

RL: We'll continue this. How long do you think you need to work this out?

WW: The next meeting should be fine.

- IDC

Brian Sutherland abstains due to potential conflict of interest from the IDC Public Hearing.

Joe Antonellis: We're here to request for a continuance, when all 4 members could be here.

RD: Motion to accept the continuance. Ed: 2nd.

JA: It was well known Mrs. Varney entered into contract with IDC.

RD: My feelings were that condition was put in that decision for a reason if that site plan is rescinded. IDC said repeatedly, we don't have to meet the by-laws regarding the noise, but we'll do it and there has been no regard for that. I'm not speaking for the Board, but for myself. I spoke with Lee Ambler, there is case law to support this.

JA: Relative to your noise comment that is not an area we have appealed.

RD: Why is this so late in coming to us? Here again, it show's up again at the 11th hour. Why can't you be more pro-active. Why can't you show the Town your sincerity on this issue?

JA: I apologize. Our engineers are extremely well known.

EG: Mr. Antonellis, when is IDC going before the Energy Facilities Siting Board?

Don DiCristifaro: June 27th.

EG: Are you going to honor the water agreement in which the applicant will provide 8 million dollars to the town?

Steve Pritchard: We asked the siting board to re-issue the permit.

RL: This discussion is on the extension, not anything else; those are questions for the next meeting when Steve Choiniere is present.

EG: I just wondered if they intend to keep their agreement with the town?

RL: If we start discussing that, Steve will lose his eligibility to vote. We'll discuss this issue at the next meeting.

RD: Motion not to accept the continuance on the subdivision. EG: Second.

JA: It was my understanding that we would hold off any discussion or a vote.

RL: I thought we would wait to take action.

RD: Call for a vote. RD, EG vote: yes; RL: no.

RL: Motion not to accept the continuance on the subdivision is passed.

PD: It didn't pass. There's been case law to say you need a majority of a number of members. You need three.

RL: We'll clarify with Town Counsel and let you know at the next meeting.

RL: We'll take a 5 minute break.

Board resumed at 8:55p.m.

- Planner's Report: Paige Duncan.

- ⇒ Today's seminar was on Traffic Study Impacts. Our consultant's of Bruce Campbell and Associates led the discussion. The town of Braintree had an excellent model on traffic.
- ⇒ The second one had to do with permitting large developments. The third one, Don Schmidt, the zoning guru, the zoning god. He was amazing with his depth of knowledge. So when we get together for our workshop, I'll be bringing some of these ideas with me.
- ⇒ We have a daycare issue at 1068 South Main Street. There's an existing home there. The grade isn't going to allow an approach back there. 20

students, 2 sessions. The parents pull up to a gate, they queue up and the last car in line has their blinker on.

⇒ I called Don Schmidt, zoning does give educational uses leeway, but public safety can over ride the educational uses. Clearly on this road with this parking situation, this is a safety issue. The building inspector has said she needs to go through site plan review and that is why she is before us.

James Haughey: We got a complaint today, they were double parked. The town owns 25' from the center of the road. Tomorrow a no parking sign will be put up there. It's an unsafe area, 20 trips, 40 per day, possibly 80. I don't think she owns what she thinks she owns.

RL: Could you also compile the accidents at that intersection?

PD: We need to make sure we don't violate any of her vested rights as an educational facility.

RD: You mentioned schools are exempt from certain zoning rights, is it daycare?

PD: Zoning regs. state religious and educational.

BS: How many people are going to work there?

PD: She indicates there's enough parking for 8 cars, 2 employees.

Steven Patrick, School Committee: Will we be notified?

PD: I didn't want to arbitrarily impose something without bringing it before the board. It's sort of a guideline. Basically, it's 35 days. The time frame is 45 days, so I didn't want it to be cut close.

BS: You'd want to put a few laymen's terms to explain, as a guideline to post, make sure people understand.

PD: Regarding the 6/14 Zoning Meeting and advertising.

RL: My thought was we have all these rules and regs., but the public has it's thoughts. One example is sidewalks, pavement up to the road or a grass strip?

PD: Also, major residential complex, strengthening development plan review, conference center and cell phone regulations.

BS: I thought if we had an opportunity to talk among ourselves first. I thought we were trying to keep it from 7-9. It would be better to have another meeting at a later notice, showing we've done our work and we'd have more to offer the public.

PD: So it would be sort of a work session.

PD: I've actually started using the checklist, do you want me to prioritize having one of these checklists or distill the information?

RL: This is the other format I was looking at, for example, this Hoarsely and Whitten format: stating these are the issues, these have met the rules and regs.

EG: would it be easier for her to compile a list of no's?

RL: Well that's what this is, basically, the issues. This way discussion doesn't jump all over.

BS: There may be a better way of doing it.

PD: My question is which way would you rather have me do it.

RL: That's why we have to better organize ourselves.

JH: We have a gentleman on the force whose created large database. Alpha 5. Ed's aware of it.

RL: Any other issues? Where do we stand with the minutes? We didn't get our copies for review.

Beth Partington: The people who review them got them, Ed and Brian.

RL: So you're asking us to vote on minutes we haven't reviewed?

BP: That's how we've done it in the past.

RD: For clarification, in the past, the secretary would review the minutes and we'd approve them on his recommendation.

RL: So we vote on minutes we haven't seen?

RD: Well, what is the secretary for?

RL: To review and edit the minutes, get them ready for the Board.

It was agreed in the future after Brian Sutherland reviewed the minutes, they would be distributed in the packets on Tuesdays.

- 9:30 Public Hearing for Stall Brook Place

Steve Patrick, School Committee, what is the legal amount of time for abutter notification?

RL: The law is that it be posted, it doesn't give a time frame. With posting, it needs to be done 48 hours in advance of the meeting with the Town Clerk. It needs to be advertised at least 7 and 14 days before the meeting, but no time frame is given for abutter notification. We'll check with Town Counsel, but I believe they are within their legal rights.

RL: You have 1 hour, please make your presentation briefly, then we'll open it up for discussion with the board and then to the public.

RD: Motion to waive the reading of the article. BS: Second. Vote:4, yes.

Katie Bomengen, an engineer for Howe Associates representing Maple Springs Common, formerly called Stall Brook Place.

We're proposing an office building with 33,500 sq. ft. tall, 11,000 sq. ft. blue print., and a retail 13,500 sq. ft. We've asked for a special permit for a drive through. There are 211 parking spaces, with parking around all sides. It's located in an industrial and water protection and this does fall under that use. We've been speaking with Patrick Brennan of Amory Engineers. We're not increasing any run off. Water is being re-charged. We're proposing a septic system. The plans are in with Mr. Mike McGraff.

Landscaping Architect, Joe Lagrasse. We're proposing 2 buildings. The larger one, is a 3 story, with the look of a 2 story brick, with clapboard roof. We're trying to combine landscaping with parking. What we had originally were low trees, landscaping zoning is very clear, they wanted taller trees.

There are existing trees, we are complimenting them with more trees. The sign will not be illuminated conforming to by-law.

Ed: Have you done a traffic study?

KB: No.

EG: I suggest you do one. Obviously safety is an issue. I haven't seen a development plan this poorly done in the year I've been on the board.

BS: Obviously with the room this full, there are many issues regarding this development plan.

RD: It's great to see people come out, but I wish you were here when it was being rezoned, because no one was here then.

RL: I know entrances and exits are not adhered to as in Dean Bank in South Bellingham. This is not something I look forward to having in Bellingham. What have you done to address these issues raised by Mr. Herr and Ms. Duncan?

EG: Just so you know, you've done an excellent job on the proposal, it's not you, it's just eh traffic and safety, this is a bad proposal for this area of town. Have you looked into other parts of town, such as the new development proposed in South Bellingham?

RL: It's our job to make sure this meets the regulations.

BS: I think the dead end parking is somewhat of an issue.

RL: Ann Odabashian voices her complaint against this; she couldn't be here tonight.

Joe Margery: I live on Hartford Ave. We bought 5 years ago, I'm trying to raise 2 small children, it's getting difficult, this would be a traffic nightmare.

Gregg Farney, 13 Maple Street: To back out of my driveway, it takes 15 minutes. You take your life in your hands. The last thing we need is more in this area.

Holly McCartney: How close is this to the pre-school?

Steve Patrick, School Committee: The detention pond behind the school is a major safety concern. School's major issue is safety: How deep is it and how high will the fence be? I don't care if the fence is 15' high, kids will find a way to get in there. We feel the traffic study should be done while school is still in session. School gets out in 3 weeks and the traffic study will be completely different if done when school is out.

Gwenn Swanson, Is there a minimum set that before something comes before the Planning Board, that people have to follow? Before a proposal comes, I'm surprised a traffic study hasn't been done.

RL: Me too.

RD: A traffic study is usually requested by the Board.

RL: It boggles my mind why an issue of such importance was overlooked.

Steve Patrick: What is the distance of the building to the water retention?

KB: 25 feet.

Pat Brennan: The depth is 5 or 6 feet.

RL: What's the height of the fence?

KB: 4' as required by the by-law.

Terri Dmohowski: What is the lighting going to be?

KB: I did supply the lighting. It will be low lighting.

BS: No one is opposed to the development of a piece of property. You haven't addressed the issues in regard to this neighborhood. You need to look at the safety factors involved in developing in this neighborhood. That's my concern, that you haven't addressed the impact to those surroundings.

KB: I'm here to listen and take in people's ideas.

Mike O'Herron: Has the developer looked at the plaza in the south side of town? You wouldn't have school or safety issues. You might want to consider that.

Drena Kearns: The pre-school is made up of 3-4 year olds, children with special needs, there's more to this than you've looked in to.

EG: A question on drainage, this is located on our water protection area, what happens if we have a diesel truck picking up a dumpster and it drains into the drains?

KB: The first measure, water is collected into deep sump. There are several measures of filtering.

EG: So if that happens, it's not going to get in our wells?

KB: Absolutely not.

James Haughey: Why not sewage instead of septic?

RL: No capacity at that end of town.

Pat Brennan: Big issue is to do additional field testing to see if the infiltration system is going to work the way they say they're going to.

RL: We need to get this information before tonight, we need it a week before the meeting, so our consultant can look over it and it can be distributed the Tuesday before the meeting to the Planning Board.

TG: If I may comment on the lack of hydrants.

KB: I was waiting to hear from DPW. I plan on contacting you to straighten this out.

PD: Phil said you have too much parking; did you have a different calculation?

KB: The water is at 4500 gallons per day. What they wanted to do was a mom and pop restaurant, but because of sewer we can't do that. The parking is based on future build out.

PD: I wouldn't support that.

RL: I'm in agreement with that.

BS: When you figure the calculation, does that include the area of wetlands.

RL: And the reason that can't be developed is why?

KB: When you figure the 30% of wetlands, the maximum that can be built.

Pat Brennan: The septic is 4700 per day. You need the full 10.8 acres.

KB: Responding to Paige Duncan's comments and the single lane driveway. We've contacted Mindy McNeil of Vulmer and Associates for both buildings, since she just did the one for EMC. They came up with 170 trips per hour in the morning. The exit was designed for the drive-thru.

BS: I still don't hear a sensitivity to the crowd here. The only way I can see is to minimize this project. I don't see how changing a curb cut is going to improve this project or the traffic. You need to look at where you are building and developing. Understand the impacts of where you are. I'm not impressed with this development. Cecile Barrett, High Street: Who is your client? I wouldn't depend on the Building Inspector's Office to rely on enforcement. I have a huge pile of rocks that they can't do anything about.

TG: I'm not sure, but maybe a stockade fence around the area, might help.

RD: I would like to request a traffic study while school is in. They have a lot to go back to, addressing Mr. Sutherland's concern.

RL: Are you going forward with a traffic study? We will have our traffic engineer coordinate with Bruce Campbell to agree on the scope. Motion to continue.

Nan Tognacci, will it be done before the last day of school, June 20th? That will impact the study. Our kids don't even walk to school because the people don't stop, so the children are bussed.

BS: Second.

RL: What did this road get on the traffic study rating in the master plan?

TG: An F, it failed.

PD: What's going to change?

KB: We'll look at traffic. We'll look at losing the double exit, making the fence a greater height, supplying a loading area, bike racks, making illumination a issue, lowering pole height to 20 feet, would help restrict off site lighting, discuss water issues with the Fire Dept.

Mrs. Swanson: Will future presentations address construction issues?

PD: We could request construction management. We don't have any means to require them to comply.

Steve Patrick, I'm concerned of the safety of where the transformers are going to be.

Virginia Campbell, 331 Hartford Ave: In re-zoning the power plant, why can't we re-zone this so it doesn't happen again?

RD: We tried, no one showed up.

RL: It's too late, they've already submitted.

RL: That was a public notice that went before the Planning Board; there was no public concern back then. Now, we have to deal with this before the Board.

BS: Will the scope of this go down?

Owner: You will see this project scaled down, when we come back.

RD: Make a motion to continue to August 9, 2001 at 8:00p.m. BS second. Vote: 4 approved.

- There was discussion about the coordinator position and the salary. The job can't be done in 15-19 hours. It deserves more than the money it's getting. The position isn't at the top of the range right now.

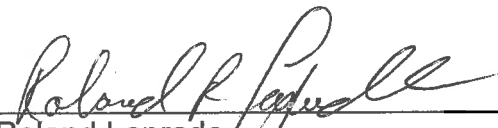
RD: Motion to approve signing of letter to raise the salary of the coordinator. EG: Second. Vote: 4 approved.

- BS: The Board had looked at Box Pond Rd. Some kid fell, he put up a fence. Would the board support some of his land being taken for safety?


RL: That would be an issue for the Selectmen to look at.

BS: Motion to adjourn, 11:15. EG: second. Vote: 4.


Minutes Accepted on: 6/28/01
(date)


Roland Laprade


Richard Dill


Edward Guzowski


Steven Choiniere


Brian Sutherland