



BELLINGHAM PLANNING BOARD

6 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 966-0991; FAX (508) 966-5844
PlanningBoard@bellinghamma.org

June 7, 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)
Tom Guerin, Fire Safety Officer (TG)

RL: Opened meeting at 7:00p.m.

- Under old business, minutes.

SC: Motion to accept April 12th minutes. EG: Second. Vote: Approved, 5.

- 81-P Edward T. Moore, piece of land partially in Franklin and partially in Bellingham.

RD: Motion to approve 81-P in Bellingham and Franklin. EG: Second. Vote: Approved, 5.

- Old Business: Marchand Preliminary Plan

RL: I am against a shared driveway, but if it's the Board's feeling we should proceed, then I feel we should present it to town meeting and make it a by-law.

EG: You have an 18' road, a 20" road would make it a lot more palatable.

Walter Watson: I'm with Guerriere and Halnon, a registered engineer. The wording says 22', the drawing, 20'.

SC: Upton had a lot of shared driveways and it turned into a nightmare.

RL: The concern I have is if we don't change zoning, the Master Plan says we will not need more schools, not to say we won't need new ones because the old ones wear out, but if a lot more land is subdivided and more people move in, it will impact the schools.

EG: My concern is setting a precedent. Is it necessary to have all three? You had mentioned two might be acceptable. We're trying to look into the future. The proposed house adjacent to the wetland buffer as is, the septic is a problem.

EG: Have you gone to conservation yet?

WW: No.

EG: You might want to do that.

BS: We're trying to set precedents and be consistent instead of making exceptions all over. You're asking for a waiver on something the town does not allow.

RD: My thoughts are total opposites. The gentleman wants to put in a couple of houses. It's his land, it's his own road, he doesn't want the town to plow it or take care of it. The people who move in know what they're buying. I've yet to see a fire truck not be able to get where it needs to go.

RL: What about down the road, when these people are no longer here and it's all new owners?

RD: Put it in the deed, just like the Planning Board had me do for my house.

SC: The existing house is not on the GOTMS map.

RL: Let's have a motion to approve or disapprove the plan, and then go through each waiver.

EG: Would you be acceptable to having an association to take care of the road and drainage?

RD: If we make a motion and waivers don't get approved, does that negate the plan?

RL: Why don't we vote on the waivers and then he could come back with another drawing.

WW: If I may, Mr. Chairman, this is a preliminary plan, with a preliminary drawing. The finalized plan will be done at the definitive subdivision plan.

RD: Good point, with that being said, I make a motion to accept a preliminary plan of subdivision of land for the Marchand Property, Colonial Estates.

SC: Second. Vote: 4, Approved. RL: No.

RL: Okay, it's 7:30, we need to open the public hearing for Dunkin Donuts and ask that you wait until we finish this up.

RD: Modify the motion to approve the preliminary plan of land Colonial Estates. EG: Second.

Jerry and Joan Marchand, 429 Wrentham Road, Bellingham, MA 02019

Waivers:

Section 42, Streets

4215: Street Intersections, required 150' apart.

423 : Dead end streets

4232: Cul-de-sac.

4241: Minimum pavement

425: grades

4258: centerline grade

432: Storm drains

444: No street lights

451: no sidewalks to be constructed.

EG: I would like to see this deeded a private road forever, with no more than 3 houses.

SC: The detention pond, we need a fund for upkeep and maintenance fees. Something needs to be done for the detention pond.

PD: Going back to the offset, it's achievable. They're going to have to go to Con. Com. The way I've done it here, I think it's achievable.

RL: Look at that alignment as much as you can, see if you can.

PD: Don DiMartino says the location of the road is not acceptable. It should be lined up.

RL: We either have to push this off or discuss it at the next meeting.

RD: All waivers except 4424. BS: Second. Vote 4: Yes, Approved. RL: Nay.

Joseph Antonellis, on behalf of Dunkin Donuts, the applicant submitting. Request for a special permit for drive-through. However something has come up with the building. We now realize it is within a water district and if more than 30% is disturbed, it needs a

special permit. However, your town planner and consultant have made suggestions. I don't have a problem requesting that. I would like to get a sense of whether the board would be favorable to adding that in.

RL: It wasn't advertised.

JA: I don't disagree with you; it would need to be re-advertised.

PD: The plan you have is un-approvable and you need to completely re-file. Considering you need to re-file, I would suggest you put it in the new plan. I apologize for letting this get through. As a patron of Dunkin Donuts and being familiar with the plans, these are just not acceptable. It would be a disaster like the one in Franklin.

JA: I would respectfully request we withdraw without prejudice.

RD: Motion to accept applicant Carlos Placido request to withdraw without prejudice.

RL: This isn't even close. We requested all information by Tuesday. In the future, all materials must be submitted a week and 2 days before the meeting in time for review from the Planner and in time to be submitted into our packets for review.

EG: Being a cop, I have a lot of experience with Dunkin Donuts. 20' is not wide enough for a drive through. You might want to consider a by-pass lane for people turning left into the establishment. That is going to create a lot of traffic.

RL: Are we ready for a vote? Approved: 5. Motion accepted to withdraw without prejudice.

- Planner's Report by Paige Duncan

- ⇒ We have a letter from the Town of Blackstone that needs to be sign, waiving notification.

RD: Motion to sign letter regarding zoning changes for Blackstone. SC: Second. Vote: 5, Approved.

- ⇒ Paige passed out packages of reading material for the zoning workshop next Thursday.

- There was discussion regarding the Dunkin Donuts and how it shouldn't have even gotten a date on the calendar as it wasn't a complete submittal.
- The office might be getting another computer and a scanner that could link the GOTMS with the computers. We have the funds.

RL: I was thinking today the clerk could enter a lot of information at the meetings, maybe we could get a lap top.

RD: I don't think a laptop will give you the capabilities you're looking for. I had discussed with Marilyn that a Neoware terminal would be installed right in the Selectmen's office where we meet and the information could be enter right there.

BS: Motion to allocate funds to buy a computer and scanner. SC: second. Approved, vote: 5.

RD: One quick thing. As far as CO's and as-built plans, we have a by-law called phasing. People are already living in Hartford Village and things were supposed to be completed before the Phasing began.

- David Streeter: Vice President, EMC EMC respectfully requests withdrawal of its submittal without prejudice.

RD: Could I just ask why? Every reporter has called me today and many are here now.

DS: At this point in time, we've gone back to the plans, vis a vis, height design and earth removal to ask you to approve a plan we couldn't build because of the Zoning Board of Appeals decision.

RD: My first thought was the first line.

DS: Our experience has been a good experience with the Planning Board, the Conservation Commission, the Board of Selectmen. We were surprised by the decision of the ZBA. Unfortunately, it came out while we were announcing cutbacks and everyone thinks that is the reason. Actually, it is purely coincidental.

RD: Motion to accept withdrawal of the EMC submittal for development plan without prejudice. EG: Second. Vote: 5, approved.

RL: Why don't we break for a 5 minute recess.

RL: The meeting is called is called back to order.

- There is discussion regarding the IDC subdivision extension.

BS excused himself. RL read excerpts from Attorney Ambler's letter indicating vote at last meeting wasn't valid since the Board never referred to the consultant and Town Counsel as stipulated in the conditions of the decision. RL indicated that he believes "voting members" would include Steve Choiniere, therefore 3 affirmative votes would have been required. RD disagreed, indicating Atty. Ambler said 2-1 would be valid. EG read section 1.4 or PB rules and procedures.

RL: That is regardless, since the extension request wasn't referred, it's not valid.

RD: I asked Lee, is IDC the owners of Depot Industrial Park? He said, "No." Mrs. Varney or the owner's. That verbiage was bogus. I would never vote on anything like that.

SC: The two year time frame was because we knew the power plant was going in and if they've been working towards that, getting permits, going before the ZBA, I don't see what delaying things will do. We put time frames on things so people won't sit around and do nothing for years and years. This isn't like they haven't been getting the plans done.

RL: It's not like they abandoned the project. They've been working diligently. I don't think we have a legal basis to not grant them a continuance.

RD: IDC is not the people that came in on the subdivision. It was the Varneys.

RL: Was the extension request by Varney or IDC?

RD: Mr. Ambler and Mr. Herr make reference to IDC, it's not. The owner is Varney.

SC: What impacts are there according to potential zoning changes.

Brian Sutherland, 57 Yvonne Rd., a Bellingham resident. You had asked about any effect if the extension weren't granted. A 200' buffer road as agricultural, this would give the applicant the opportunity to get this done.

JA: I did not have the opportunity to talk to the Depot Street attorney.

Steve Possini: I just can't answer that.

JA: I can't say that IDC is committed to the 200' buffer zone.

SC: What's the difference, is there more teeth to it if it were zoned agricultural, which is subject to change with a 2/3 vote at Town Meeting.

BS: The intent of the developer to maintain a buffer is appreciated. The old noise by-law was flawed because it did not protect the residents. The applicant had made statements previously that they were not committed to the new by-law.

RD: Motion to not accept another continuance. You build a road, design a road. It was done for a reason. EG: Second.

SC: I was on that vote as well and don't think this merits a re-submittal.

RD: For the record, Mr. Chairman, you don't want this board to be bound by a special permit, is that correct?

RL: Alright, lets vote. 2: aye, RD, EG; 2 nay, SC, RL
2-2, no majority, motion did not carry, extension is not granted.

- IDC Development Plan

Don DiCristifaro
Steve Pritchard

JA: Our team has been working diligently to put this development plan together. Ron and Tom Sexton have a tremendous level of comfort working together to remove any of the items that were a problem before.

We're requesting 2 waivers from the Board. The depth of the detention ponds to maximize storm water run-off, would create a tremendous amount of tree removal. Most detention ponds are in a public area and the reason for the depth limit is public safety. This plan will be completely secure and closed off from the public and safety will not be an issue. Under the strict rules and regulations of your parking by-law, such an enormous building would require major parking.

Steve Pritchard (SP): this will be the cleanest quietest, lowest water using plant in the commonwealth and we think in the country. Construction is expected to be 21 months from mobilization with 28 people on staff with 1/2 on at any one point. The plant site itself: circular stack, gas turban heat recovery, exhaust stack. Will be run completely on gas, which is highly efficient. Gas by itself is 30 % efficient, gas plus steam, has over 50% efficiency.

DD: There's language in the Zoning decision with regards to the vegetation and language in the special permit regarding construction.

SP: There will be a punch list of things to do once construction is completed.

SC: You're hard topping this for construction?

SP: We're hard topping what will be hard topped after construction, the construction area will be berm. We've worked very hard following your strict by-laws to make sure we followed your guidelines.

RD: As far as CO's, would some sort of bond need to be set up to ensure completion of vegetation and what you call a punch list?

JA: If you need a bond to ensure plantings grow and the work is complete that is understandable. We're prepared to do that.

EG: Florida Power and Light, was there a recent ruling where they had to correct it?

SP: I'm not prepared to talk about NEA.

EG: Are you going to abide by the new noise compliance regs.?

SP: The agreement we signed show what we're willing to do.

RD: Ed I spoke with Lee Ambler, the agreement they signed complies with more strict regulations than in the by-law.

RL: Motion to Approve the IDC Development plan with the stipulations including waivers of parking and detention ponds.

RD: Phil are we missing anything?

PH: In what document is the timing of the open space occurring? In the past, open spaces were given last.

JA: If it's approved by the appropriate commission, we have no problem with it.

PH: Normally acoustic testing, there may be verification in regards to the noise.

DD: If you put in a condition, we request you use the language regarding DEP.

PH: I don't think the Town of Bellingham

DD: In the siting board, there is specific language I can provide to Ms. Duncan.

RD: Second. Vote: 3, SC, RD, RL, aye, 1 EG, nay. Motion passes.

- Maplebrook Common Condominium Development Plan

PH: Maplebrook Commons: I have a question. Is it a good idea to look at the plan the big questions haven't been handled? Next, sewerage. We need documentation regarding sewerage I don't think they can provide. I think the application is pre-mature.

PD: We've received a public hearing notice regarding sewer from Don DiMartino. It's speculative whether they will have any sewage.

PH: I'm happy to talk to Mr. Hollosi about this and MEPA.

RL: I have no problem with that.

PD: I don't think we need to meet July 26th.

SC: Motion to not meet July 26th. RD: second. Motion approved: 5.

RD: Motion to adjourn at 10:40pm.

PH: Brian, I don't mean to put you on the spot, is it my understanding that you don't have email? The issue is the ability to communicate by email has been an asset, but I wouldn't be comfortable if all the members aren't getting it.

BS: Yes, it's true, I don't have email yet at my home.

RD: The Board has email through the town. Mr. Sutherland can pick it up in the office.

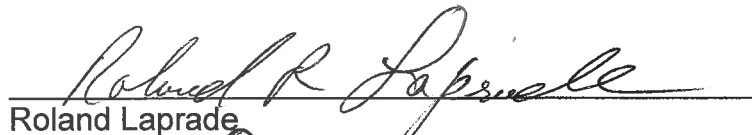
PD: We can mail it to him or he can pick it up.

BP: We can print it out in the office and leave it in a mail slot for Mr. Sutherland. There are mailboxes in the office for the Board now.

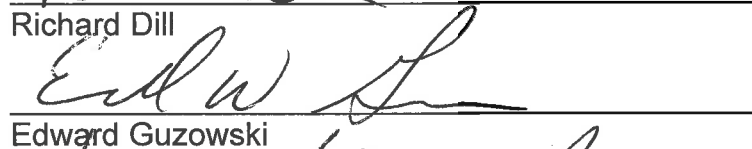
PH: I didn't mean to put you on the spot; I was just surprised that you didn't have email.

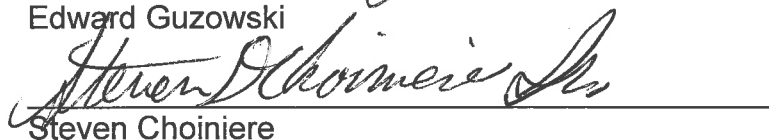
BS: Second. Approved: 5.

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


Roland Laprade


Richard Dill


Edward Guzowski


Steven Choiniere


Brian Sutherland