



BELLINGHAM PLANNING BOARD

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August 9, 2001 Meeting Minutes

- **Present at the meeting:**

Roland Laprade, Chairman (RRL)
Richard Dill, Vice Chairman (RVD)
Steven D. Choiniere, Sr. (SDC)
Brian Sutherland, Secretary (BJS)
Edward Guzowski, (EWG)
Glen Wocjik, alternate member (GW)

Also present:

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

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

- **Sandcastle Lane, off So. Maple St., Road acceptance discussion**

No one was present for this, so this was not discussed.

- **Minutes**

RVD: Motion to accept minutes from 7/12/01, 1/25/01, 2/8/01, 2/22/01, 3/8/01.

EWG: Second. Vote: 5-0 for 7/12/01 minutes, 3-0-2 for the remaining 4 sets of minutes, as RRL and BJS were not part of the Board for these meetings.

- 81-P, Ferland Woodworking, Al Florentz
Modifying lot lines so the woodworking shop is all on one lot. Currently the lot line goes through the building. It's zoned suburban; grandfathered in.

RVD: Motion to approve the 81-P for Ferland Woodworking. SDC second. Vote: 5-0, approved.

- Old Business

- **IDC Signing and stamping of plans:**

BJS: Mr. Chairman, due to a possible conflict of interest, I will not sit on the Board for this issue. (Sits in audience.)

SDC: Motion to accept the decision as written and dated 8/9/01.

RVD: Second.

BJS: As a resident of the town, living at 57 Yvonne Road, under condition 14, do we issue final occupancy permit or temporary building permits?

RRL: Yes, that was cleared up, we do.

SDC: Is this going to come in under our as-builts as requested?

RRL: It probably can.

Vote: 3-1, Ed Guzowski voted nay, Brian Sutherland abstained.

- **Form G, Lot release on Buffy Road, Lorusso Construction**

Mr. Lorusso expressed that he couldn't be here to discuss the problems with Buffy Road. PED suggested a meeting with Mr. Lorusso and coming up with a plan. Mr. Lorusso understands that the lot release was his delay. Mr. Lorusso has an extension coming up soon and Buffy Road can be discussed then.

BJS: Motion to release lots 9 – 19 on Buffy Lane. RVD: Second. 5-0, passes.

There was discussion that RVD doesn't feel comfortable with Mr. Bailey making recommendations to builders to use certain other developers such as LRC. IN the past the Planning Board was asked to dispense tri-party checks. The engineering position was created for the Planning Board and this position shouldn't use its influence to help certain developers.

Mr. Bailey stated he's an independent consultant. He only recommends vendors to a developer or site contractor in an instance where the work can't be done. He also stated he never used his influence in a way to help certain developers.

RVD discussed that Mr. Bailey has signed documents suggesting he's an official working for the town. After talking with Don DiMartino, it was discussed Mr. Bailey was hired because it's cheaper. Certain developers have said they'd rather hire an independent engineer.

- **Blackstone Fields Development, Bond Posting, Bill Eagan**

EWG stated some of the residents had concerns on Blackstone Street.

Mr. Eagan: Mrs. Bell had issues with rocks and locks. Vehicular motor bikes access the property through the gates at each end. Mr. Eagan stated he'd put locks on both gates and turn them over to the Fire department within 48 hours.

There was discussion regarding the sidewalks which will go in on the left hand side from North Street all the way to Allens Way. SDC was concerned with trees on the side of the road that were buried at the base, that it could kill the trees. Mr. Eagan said they would move the earth back from the trees. Mr. Eagan stated that he would remove the stock pile of rocks at 464, also that he would loom the house at the end which is currently filled with root fill. Tom Guerin had concerns over the emergency access road and vehicles bottoming out. Mr. Eagan stated they would level that off.

RVD: Motion to sign form G, holding until money is received

BJS: Second. Vote: 5-0.

Mr. Eagan: Hixon Farms turned into the 3rd Harbor Tunnel. We've got crews out there. We'll be out of there in 45 days.

• **7:55 Bellingham Metal Works, Development Plan, Depot Street**

Bill Halsing, of Land Planning, Inc. We've addressed the comments, reconfigured front of building to utilize existing entrance.

EWG: Is that wide enough for fire trucks?

BH: Yes, I believe it is.

RVD: Motion to approve the development plan for Bellingham Metal Works with as-builts as indicated on plan.

SDC: Second. Vote: 5-0, approved.

SDC: Should we get the as-builts for underground utilities to be completed before issuing permits for the new building, seeing as they've been a bit lax?

RRL: There will be a letter to the Building Department.

• **Maple Springs Common, Hartford Ave., Development Plan Review**

Katie Bomengen, Project Engineer: Major layout changes, removal of retention pond, all drainage is underground now, the extra parking has been removed. The Phase 2 calculation is based on potential sewer. We're working completely with Phase I, with the septic system in place now.

We're asking to withdraw the Special Permit for a drive-thru without prejudice. We've changed the exit to one lane with that side of the building for delivery exit only. We've spoken with Deputy Guerin; one of the hydrants needs to be moved and that will be addressed.

RRL: Letters from Don DiMartino suggested getting with the other businesses so they could enter and exit through your parcel.

Katie Bomengen: We've looked at this. It doesn't seem like the other businesses would want to go through our site, when they have a direct egress onto Hartford Ave. already.

RRL: I have a letter from Mike Graf stating he turned down the septic.

K. Bomengen: Mr. Graf made it very clear this system can only accommodate Phase 1 construction, not the Phase II, that's why we changed the plans.

PED: So there will be no restaurant at this site?

K. Bomengen: No, we've designed it for a small restaurant and the system is designed for it.

PED: Do you have any response to my letter?

K. Bomengen: We put all 10 handicap spaces in, the parking to the North will be revised, the hydrant can be relocated.

TG: The hydrant can't be moved there; it was my understanding the leech field would be moved.

K. Bomengen: I'm not sure if the leech field can be moved, but if it can't, we'll discuss the best possible place for the hydrant.

There will be an extended detention pond, the existing chain link fence in the back is to stay.

EWG: Do you know the level of service on Hartford Ave?

K. Bomengen: Uh, no, I don't, Mr. Cram?

K. Cram: No.

EWG: It's currently at a level of service (l.o.s.) of C, one study even rated it an F.

Kenneth Cram, Traffic Consultant: We would maybe be adding 40 cars per hour at rush hour.

EWG: Traffic on that road is backed all the way back to the lights, and if you think you're going to attract retail businesses, we're already losing retail customers due to traffic. I have a concern this is being built now, and near the school.

K. Cram: The study is dated July 20, the work was done, April, May, 2000 + 2% calculated.

BJS: One of the things we're asking is that the traffic be re-counted during school. One of the things we suggested was getting rid of one of the levels of the building. I haven't seen the seen for the septic that there is written would be "no more than _____ (so many) gallons used."

PED: You didn't follow the traffic study stipulations on the intersections.

Robert Walker: We consulted what the Zoning By-law requires. We went over and above what is required. By-laws don't require a traffic study.

BJS: But not what we asked.

Leslie Renaldi, resident: We got a petition going of people opposing this. I've had people tell me they don't want it. There were 168 accidents on Hartford Ave in the last 18 months.

Trisha Marce, resident: How many parking spaces are you proposing?

K. Bomengen: There are 157 on Phase I; Phase II has 212 being total, not in addition to.

Jeb Booth, 390 Hartford Ave.: Encroachment of commercial zoning aesthetic value is going to be depleted. Nobody wants to live next to commercial properties. We don't like the idea of inviting people who aren't from this community near our school. Your inviting people who are going to be near our children. It should be a safety zone. There's ample space where it's already commercial. I don't want to look 10 years down the road at the worst – sex offenders – crime.

SDC: So everyone knows: it was not that long ago that this was re-zoned. We're not encroaching, everyone else was here to prevent this. When this was re-zoned, no one came.

Rob Walker: The first thing you do is go down to the Town Hall and get the Zoning by-laws. A lot of things – a lot of different uses are way worse than what we're proposing. We've gone down the whole 15 litany of issues, and gone down the Zoning by-laws. We've met the criteria from A-Z. What we're doing is lawful. We're not trying to do anything unlawful. We listened to the school. It's going to be a benefit to the town. We have every right to do what we're doing. Building this is just as lawful as you being here tonight.

Jeb Booth: In appreciation of the history lesson, just because it doesn't say I can't, doesn't mean I can. Please take into account this is our community.

Joe Legresse, Project Planner: In every community, as planner's, we try to find the best use of the land. I can't solve the traffic problem. Someone said if you took away the fence, it could be an ally way for the kids. So we added fence, now someone says, no matter how high you make the fence, the kids will climb it. Through fencing, decorative shrubs and visual open space, we've solved a lot of issues raised at the last meeting.

SDC: Do you have any floor plans? The fence is vertical so the kids can't climb over it.

J. Legresse: it's a decorative fence, 6' at posts, curves down decoratively to 5'.

BJS: You say you've addressed concerns, it seems you've picked and chosen what you wanted to change. There's an office building here with windows, people will be able to watch the kids, there's no barrier. Quite honestly I think there should be a fence all the way around.

J. Legresse: Am I hearing eliminating the second story would be approved?

EWG: What about getting rid of the retail, 2 offices, no in and out all day, all weekend.

R. Walker: Would residential development be better?

RR: Is that a threat?

Jeff Duhaime, resident, Selectman: I'm familiar with that area, residential development doesn't impact the area the way this commercial development would. It's a heavily burdened area already. The Town worked to get lights there and this offsets that. It's not a good area to put in a development, not for the residents, the school or the town.

RVD: It was mentioned that the Planning Board sold out. The rezoning was a public hearing and no one was here. This gentleman brought up the most excellent point I've heard in my 6 years on the board. I have 2 twin girls going into that school in the fall and my wife is deathly afraid of them being stolen. Out of towners have to look at the best use of land.

RVD: Motion to deny Special Permit.

EWG: Second.

BJS: The Special Permit was for a drive-thru.

RVD: An applicant would ask to remove the special permit without prejudice and come in later to add it.

RRL: We have a motion and a second, is there any more discussion? Let's take a vote. Motion passes, 5-0.

PED: Can you put some grounds in there?

Bill Glose, 62 Mechanic Street, lived here 32 years. I don't see a problem this little development is going to have a huge impact. Most of the traffic is people going through to Rhode Island.

RVD: Can Mr. Glose explain his affiliation?

B.Glose: I'm an employee of Mr. Walker's.

Dick Nadolny, resident: my mother, 81, has an opportunity to sell her home and move into an assisted living property. If they're doing their best to comply with the law, my mother is ill and needs to sell her property. She has every right to sell to these people and they have the right to develop it.

RVD: How long has the for sale sign been out in front of your mother's house? This Board's not preventing your mother from selling her house.

Ted Hilliard, Hartford Ave.: You are preventing me from selling my land. The Town put a Water Department road through my property. I cannot sell that land and yes, you are preventing me from selling my land. The Board stopped me from doing that. Why does every school car go up that roadway? It was said the only way I could go on the property was through helicopter. I did that, and you were more than happy after that to give me access to the road.

RVD: You keep saying "You." We, the Planning Board, are not the ones who put in the road, please stop addressing us as "you".

T. Hilliard: Okay, I'm sorry, Rick. The Town, the DPW took my land for the road and now I have a chance to sell, and if this is denied, I might not.

BJS: Traffic is a huge concern and has to be addressed.

TG: What reasoning can the Board use to turn this down? What letter of the law?

RVD: Safety.

T. Hilliard: It will go to court and cost the town a lot of money, Rick.

Bill Glose. Whatever is developed, housing will still generate traffic. I've worked for Mr. Walker for years. I can't see why the town is going to hold him hostage.

RRL: In a comprehensive permit, they could put in low cost housing.

BJS: All I keep hearing is too bad if you don't like it, we're going to put in low cost housing.

Mr. Walker: We were before the board 2 months ago, we put up a fence, now it's what the hell did you put a fence up for? There's no solution.

EWG: Sir, that's very narrow minded; why don't you take out the retail and the third floor? That would be more acceptable to everyone.

BJS: Public safety isn't arbitrary, but it is a concern for this board and each of the residents here tonight.

Ken Cram, Traffic Consultant: We have discussed some traffic mitigation.

RRL: Why isn't that on the plan?

R. Walker: Because you have to meet with the department heads, the DPW. It's probably going to be safer now, there's 4 curb cuts, we're going to 1.

George Bezkorovainy, the traffic consultant for the Town on this project: The Town this year prepared a transportation master plan. This section of roadway is most congested in all of Bellingham, with the average of 10 accidents a year at the Maple Street Intersection. The traffic study memorandum only looks at 1 intersection

If they had asked which intersections, what hours, morning, afternoon, and Saturday, we predict Saturday 200 trips per hour. We saw many accidents occur at the approach, trip generation, each component looked at separately, retail, office, restaurant. It's curious, the restaurant had 0 trips for the morning. The traffic study did not do a single count, all the numbers were estimated, all of the trips for the school have been removed. Your analysis does not take queues into consideration. The left turn lane into site drive was mentioned but no responsibility was taken for putting it in. Conclusion: project will have minimal impact on area: maybe 5%

On 22,000 cars per day, that's 1100 cars per day; is that a minor impact? In terms of delay, 0-10 seconds delay is very good, 20 -35, 35-55, over 80 seconds. This intersection is already at a poor operating level.

K. Cram: Mr. Walker has stated he would put in a left hand turn lane.

EWG: Show it on the plans. I don't see it. If there was enough time to put it on the plans, why isn't it here?

R. Walker: If you read the traffic report it is in there? Didn't you read it?

SDC: Nothing you put in is going to solve that problem.

Tom Guerin: Is there anything they can do that would make a difference on the traffic?

George Bezkorovainy: If that entrance were moved back 400 feet, a median so people could not make a turn into the left, maybe combining the traffic. If they opened the fence, what you need is a master plan for this 1,000 feet of roadway, 400' vs. 240'.

Laurie Emperado, resident: It's got to do with bringing predators into the school, you're inviting trouble. Our children could be raped, kidnapped. If you have houses, these people live there. If people come here, they don't care about our town. If you want to build houses, go for it. What about all this empty property? People don't stop for the buses now, it's ridiculous. Our kids, living across the street from the school have to be bused to school.

T. Hilliard: We don't want your children raped!

RVD: There are other communities trying to get together on a comprehensive traffic study.

BJS: Motion to deny due to traffic and safety.

RVD: Second.

SDC: I just want to say, what's the difference between this and EMC? There is a thing we say, innocent until proven guilty...

RRL: I want you to know that if this does go through, I will never shop or do business with any business in this. It is a bad plan and I wish it would go away.

Vote: 3-2, motion to deny, approved. RVD, EWG, BJS voted aye, RRL, SDC voted nay.

RRL: Why don't we recess for a short break.

Meeting returns at 10:15pm

• **J & P Auto, 311 Farm Street, discussion on previous decision**

Gerry Moody came before the Planning board to clarify what has been asked by the Board previously on the development plan review decision.

RVD stated that the Board wanted to make sure you would do the work before they get the license. He asked Lee if the Selectman could vote on the car license and not issue it. He also stated the Board reviewed the final diagram, trying to remedy the problems in the past.

RRL: Your client's stance is that he doesn't have to do the work until he gets his license.

J. Moody: My client asked to not issue the license until the work was done.

RVD: He doesn't have to build, but if he starts he has to build according to the plans.

RVD: Motion to send letter to Selectmen, per wording of Paige.

BJS: Second. Motion passes, 5-0.

• Planner Report, Paige Duncan

Zoning Amendments: 4 of 5 advertised, except for the Major Residential Development. PED asked if everyone had received and reviewed Phil's changes on the MRD.

RVD wanted to make sure it would be on the warrant. There was discussion on the zoning changes on the MRD.

The EMC Milford/Bellingham Technology Park has requested an extension.

RVD: Motion to approve the request for an extension of EMC to 9/20/01.

BJS: Second. Vote: 5-0, passes.

PED stated that it was approved that the Planning Board would be moving to the little white house by the old library. There will be two offices downstairs, with the kitchen able to use for meetings. The upstairs could possibly be used for the construction company for the new Town Hall.

JPI is coming in before the ZBA with 300 luxury housing units, proposing renters by choice, people who don't want to deal with ownership. Amenities include a clubhouse, fitness center, fireplaces.

RRL: On Pierce estates, could we request making 10 of those houses affordable?

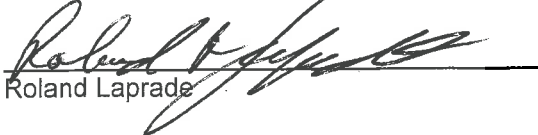
BJS: What about affordable senior housing?

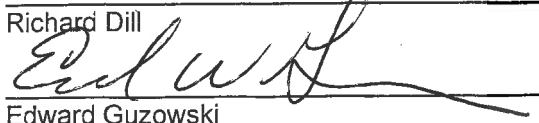
PED: Well, under Housing Certification, \$377,000 was affordable.

GCW: If it exceeds the capacity of building new schools, what can you do?

RVD: Motion to adjourn at 11:15.

BJS: Second. Vote: 5-1


Roland Laprade

Richard Dill

Edward Guzowski


Steven D. Choiniere, Sr.


Brian J. Sutherland

Minutes accepted on: