



# BELLINGHAM PLANNING BOARD

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## January 24, 2002 Meeting Minutes

- **Present at the meeting:**

Roland R. Laprade (RRL), Chair  
Richard V. Dill (RVD), Vice Chair  
Steve D. Choiniere, Sr. (SDC)  
Edward W. Guzowski (EWG)

Arrived late:

Brian J. Sutherland (BJS), 8:15p.m.  
Glenn C. Wocjik (GCW), Alternate 7:10p.m.

**Other officials:** Paige Duncan (PED), Town Planner  
Beth Partington (BEP), Coordinator  
Thomas Guerin (TG), Fire Safety Officer  
Lt. James Haughey, Police Safety Officer

RRL opened the meeting at 7:00pm

EWG: Motion to accept the 1/10/02 meeting minutes.

SDC: Second. 4-0, approved.

- **Handicapped Assessability at Stallbrook Plaza and the new High School:**

Amy Cook for the Commission on Disabilities suggested the owners of the plaza move the carriage corals away from the Handicap spaces so that people won't put carriages in the handicap spaces. The Commission would also like to see a curb cut at Payless; they believe the side cut outs are too steep, and unsafe.

RRL suggested they put the changes in writing and maybe a sketch, so the owners could have something to look at and use as a guide.

SDC stated that for ramps its 1" per foot, maybe the curb isn't following the code. Code enforcement is Stuart LeClaire, the Building Commissioner.

RRL suggested the Commission on Disabilities contact the owners first, that they've been very cooperative in working with the Town.

Amy Cook asked that regarding the new High School if there could be extra Handicapped parking along the road. There was considerable discussion on this, that it is far from the entrance and difficult for people with disabilities to get to the entrance.

During events in which there is a lot of parking, people park along the road illegally and there is no place for handicapped parking.

Parking at the Outback Steakhouse was also discussed, that during busy times such as Friday or Saturday nights, when the restaurant is on a wait, the lot is full and people line the street going toward AC Moore. They have parking across the street in the Larry's parking lot, but that is an extremely dangerous road to cross and it's not marked well.

- **Construction Garage, Lot 3A and 3C, Maple Street:**

Bob Poxon with Guerriere and Halnon stated the changes that Don DiMartino requested have been made; they added the storm ceptor.

RVD: spoke with Mike Burr and the tree plantings need to be very close in proximity to the cuttings, that the permit is very specific.

SDC asked about the 6" water service and asked doesn't Don usually keep them at 2"?

B. Poxon: We originally had a 4"; Don requested a 6".

SDC: Motion to approve the Construction Garage Development plan according to notes on plan covered under the Scenic Road Permit. Vote: 4-0, Approved.

- **Energy Electric Development Plan, South Main Street:**

PED stated that Lee Ambler feels that the advertising in the Milford Daily News was incomplete and therefore needs to be re-advertised.

RVD: Motion to move Energy Electric Development Plan to February 14, 2002 at 8:35pm.

SDC: Second. Vote: 4-0, Approved.

\*Brian Sutherland arrived at 8:15p.m.

- **Pierce Estates, Preliminary Subdivision Plan Discussion, South Main Street**

EWG stated that he is an abutter to an abutter within 300' and recused himself from this hearing and sat in the audience.

Rich Schwartz, attorney for the Preliminary proposal and the Special Permit process discussed that with a conventional plan the number of lots is 73 and with the cluster plan, the number of lots is 78. Impervious cover on 1 acre of wetlands applies to both alternatives on less than 1 acre, less than 1% of the entire parcel.

John Jennings, landscape architect, proposed sidewalks on 1 side, 8' in lieu of 2 5' sidewalks on both sides. The current plan shows the entrance at the end of the project

down the hill, they propose to change it to show it in between the two houses at the top of the hill.

Traffic: The study area, two sight drives, entrance at Fox Run. On South Main Street, 16,000 cars and Fox Run Rd., 900. The applicant feels that this subdivision will generate 825 daily trips, 425 leaving in the morning, 425 coming back. They don't feel this will impact the traffic.

R. Schwartz: On the preliminary plan, we are asking that you approve the plan we have before you tonight, moving the site entrance to where we spoke of. On the Special Permit, we're asking your input on the cluster vs. the conventional plans.

RVD asked if anyone checked the queuing on the site at peak periods. The applicant feels that there would not be a backup getting out of the site during peak periods, maybe 1-3 seconds. RVD stated that he feels the cluster permit they submitted is pushing to the edge the definition of a cluster permit, that the road is just as long, that the open space is wetlands, that this isn't really a cluster plan.

SDC asked about the gaps between houses 74 and 75 to help animal migration and possibly preventing fencing of the development to assist in migration. SDC also feels the traffic counts are incorrect, that peak periods are not from 7-9am but 6-8am and that the counts are way off and they will have great difficulty of 425 cars getting out in the morning onto South Main Street.

Two men from the audience, Mr. Petta from 783 South Main Street and Mr. Donovan from 779 South Main Street were concerned the entrance was being moved from the end of the property further down on South Main Street to in between their houses. There was considerable discussion regarding this. They felt it was unsafe for their children to get on the bus in front of their house, that if cars had to turn all the time at their house it would be even more dangerous. Lt. Haughey felt that the site distance was better at the top of the hill than further down the hill, that even though they had site distance, for the speeds cars actually travel on that road, it would not be as safe if the entrance were further down. The Board felt that if the entrance was in between their house, the bus could turn and their children could get on the bus on a side street instead of the main road.

PED asked who would be maintaining the entrance landscaping and the island.

Walter Basnight stated that they would put deciduous ground cover and low growing shrubs, not grass that needs to be mowed.

BJS stated his concern that if it is a perennial stream on the property, the number of lots will be decreased because of the 200' buffer.

R. Schwartz: We don't think the delineation of Arnold's Brook will affect the plans we're showing you tonight and we are quite confident that the Conservation Commission will render a decision that it is an intermittent stream.

SDC asked the applicant's intentions of acreage being put into open space. He asked about the difference in the length of the road and what happened to the bike path.

R. Schwartz stated that they intended to have 37 acres of open space, about 30% of the property, that the difference in the road was about 10% and that they weren't sure of the bike path, that it might still become part of the plan.

SDC asked if any mitigation had been offered.

R. Schwartz stated that no numbers have been discussed.

SDC stated that he seems to think \$250,000 would go far.

Ed Guzowski, 758 South Main Street, from the audience, stated that these people are getting out cheap, that a light is necessary, adding 825 more cars a day. If approved, he feels that mitigation should be a traffic light.

RVD: Motion to approve the Special Permit Cluster Subdivision.

RVD: Motion to withdraw the motion to get clarification.

SDC: Second. Vote: 5-0, approved to withdraw motion.

It was discussed that the Water Resource ruling would apply to either the cluster or conventional plan.

SDC: Motion to approve the Special Permit Cluster Subdivision for Pierce Estates with the following conditions:

Relief requested:	Special Permit under Section 4932 of the Zoning By-Law for the construction of a roadway, sidewalk and related improvements on premises located in the WRD, as more particularly shown on either of the following set of plans (collectively, the "Plans"): (a) plans, in eight (8) sheets, entitled "Pierce Estates Preliminary Plan for Cluster Development, South Main Street, Bellingham, Massachusetts," dated October 9, 2001, prepared by Vanasse Hagen Brustlin, Inc., as affected by revisions shown on Drawing No. C-3, dated December 21, 2001, or (b) plans, in eight (8) sheets, entitled "Pierce Estates Preliminary Plan, South Main Street, Bellingham, Massachusetts," dated October 1, 2001, prepared by Vanasse Hangen Brustlin, Inc., as affected by revisions shown on Drawing C-3, dated December 21, 2001. This permit is being issued at the Applicant's request as set forth in Application for Special Permit, dated October 9, 2001.
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## 4. The Board has determined that:

- a. The intent of the Zoning By-Law, as well as the specific criteria set forth therein, will be met based on the foregoing determinations;
  - b. The application materials were sufficiently detailed, definite and credible to support positive filings relative to the standards of the Zoning By-Law;
  - c. The proposed use meets the standards of Section 4900 of the Zoning By-Law and none of the prohibited uses set forth in Section 4931 will be made of the premises subject to this permit;
  - d. Neither during construction nor after will the use adversely affect the existing or potential quality of groundwater available within the WRD; and
  - e. That proposed control and response measures adequately and reliably mitigate risks to groundwater quality resulting from accident or system failure.
5. The application materials submitted by the Applicant support compliance with the design and operational guidelines set forth in Section 4970 of the Zoning By-Law.
  6. The proposed use of the premises will not have adverse effects which over-balance the beneficial effects on either the neighborhood or the Town in view of the particular characteristics of the premises and of the proposal in relation to the premises, after consideration of the criteria in Section 1530 of the Zoning By-Law.
  7. The proposed use is in harmony with the general purpose and intent of the Zoning By-Law, as required by M.G.L., c 40A, Section 9.

**C. DECISION**

Based on the above determinations, the Planning Board finds that the proposal meets the requirements of the Zoning By-Law, and, accordingly, grants the Applicant and its successors and assigns as owner of the premises, a special permit under Section 4932 to construct the proposed improvements within the WRD, substantially as shown on the Plans, subject to the following condition:

1. This instrument shall not become effective until the Planning Board has received certification from the Applicant that the appeal period has expired and that a certified copy of this Decision has been recorded with the Norfolk Registry of Deeds.

RVD: Second. Vote: 4-1, (BJS, no), approved.

MINUTES OF THE PLANNING BOARD

RVD: Motion to grant an extension on the preliminary plan to March 8, 2002.

SDC: Second. Vote: 4-0, approved.

The preliminary discussion is continued to February 28<sup>th</sup> at 8:30pm.

• **Old Business:**

BJS motioned to accept the 12/13/01 minutes.

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

As-built Policy Discussion:

RRL stated that this required the plan to come in and changes indicated after they are done. He feels this whole thing started out because a road was built off-plan and a water main was put in that was different than on the plan. RRL suggested each board member write 5 things, minor changes and major changes that could be looked at as a threshold to trigger the applicant coming back in before the Planning Board and we can discuss this further at another meeting.

RVD: Motion to adjourn at 11:20p.m.

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

Minutes Accepted on: 2-14-2002 Betsy E. Bartington  
(date) (prepared by)

<u>Roland R. Laprade</u>	<u>Richard W. Dill</u>
<u>Brian J. Sutherland</u>	<u>Steven D. Choiniere, Sr.</u>
<u>Edward W. Guzowski</u>	