



BELLINGHAM PLANNING BOARD

6 MECHANIC STREET
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April 11, 2002 Meeting Minutes

- **Present at the meeting:**

Roland R. Laprade (RRL), Chair
Richard V. Dill (RVD), Vice Chair
Brian J. Sutherland (BJS)
Steve D. Choiniere, Sr. (SDC)
Edward W. Guzowski (EWG)
Glenn C. Wocjik (GCW), Alternate

Other officials: Paige Duncan (PED), Town Planner
Lt. James Haughey, Police Safety Officer
Beth Partington, Coordinator

- **81-P: Bernon Family Realty Trust a/k/a Garelick**

Creating two lots. There is a Parcel A that is in question of ownership. The applicant wants to split the property now and resolve the ownership of Parcel A in land court. Ed Moore (abutter to the property) feels they are accessing their property through his property. RVD showed plans done in 1969 by Ed Moore's father and the parcel A in question was on the Moore property. At some point the parcel became in question and is indicated as such on the plans.

RRL has concerns that the board would be subdividing land that ownership is in question. It was discussed that the language could be added that stated the Planning Board is not inferring ownership. RVD stated he would feel more comfortable seeking counsel from Town Counsel regarding the language block referring to Parcel A. PED thought Lee Ambler might be at the meeting later, so the Board tabled the discussion on the 81-P until they could seek further counsel. (Town Counsel never attended meeting.)

- **Craig Riolo, Lake Street Lot discussion**

Mr. Riolo and Mr. Jones came before the Board to discuss the first lot of the subdivision on High Street. It seems that Mr. Riolo bought a house abutting the subdivision and the pumping station is on his lot line. The first lot is a lot on it's own and listed as a duplex lot. Mr. Riolo wants to split the lot and have a single family home and Mr. Jones is willing to swap lots with Mr. Riolo and help him to do this.

RVD stated that he is going to abstain from making a decision on this as he is an abutter. The Board expressed that they have no problem with Mr. Riolo going forward with his plans to come in and divide the first lot from a duplex lot to two single family homes. He was reminded that he would need to conform to requirements of a Special Permit. He was also advised that the PB was not giving any guarantee of acceptance,

only that they agreed to review the plans to be submitted and give any approval based upon his submittal.

- **Infectious Waste/Hazardous Materials Zoning Public Hearing:**

RRL opened the public hearing for Infectious Waste/Hazardous Materials.

RVD Motioned to waive the public reading of the article.BJS: Second. Vote: 5-0, approved.

RRL stated the hearing would be postponed for several minutes until the discussion on Lake Street was Completed.

- **Lake Street, High Ridge Inspection Issues:**

RRL asked Tim Jones if he was aware of the money needed for inspections. Ted Bailey has left as inspector for the Town and taken another position.

T. Jones stated he put \$5,000 in an account this week for inspections. Mr. Jones feels the transition to the new inspector is not going to be smooth. PED stated that Mr. Bailey can still be reached. RVD stated Mr. Bailey made direct changes with contractors. Mr. Jones stated he changed certain structures, drainage going into retention ponds. RVD stated he doesn't want what happened to Lorusso to happen to Tim Jones, where changes were made in the field and the contractor went by the plans and things were done incorrectly. T. Jones stated he asked Ted to come down, that he gave him 72 hours to inspect the pipes, but that Ted was working in Provincetown while they laid the 300' of sewer. Now, Don DiMartino is stating that the 300' won't be approved. He told Aaron from All Phases how to do it.

PED stated that there was no money in the inspection account. RVD asked if she was implying that because there was no money in the account, Mr. Bailey wouldn't inspect it?

RVD stated that Mr. Bailey was still on Bellingham's dime and should have finished the job. It's a million dollar project and we know Mr. Jones is good for the money for the inspection account. I just don't feel Mr. Jones should be stuck with "uninspected" sewer.

T. Jones wanted the Board to know that he has concerns regarding the changeover. BJS requested an accurate list of what was changed. Mr. Jones felt this would be difficult since the developer and contractor were cut out of the process.

BJS stated that there must be a very limited number of people who could have been contacted by Mr. Bailey and it wouldn't be that difficult to get it under control. Contacting the contractors would eliminate any of them coming back later to blame Ted for changes when they may have made mistakes.

RVD asked Mr. Jones if he was getting time sign in sheets from Mr. Bailey, and he said, no.

PED asked if Ted had done anything yet that needed sign off for.

RVD stated: \$1500 is already gone and now he's got another \$5,000 in his inspection account.

SDC: Are you saying Ted contacted suppliers directly and changed what was on the plans?

T. Jones: Yes.

SDC: Well, even though you're not the one making the changes, it's your development, isn't it still your responsibility? Changes shouldn't be made without you approving it.

T. Jones: Yes, but what am I going to do? My hands are tied, he's the inspector and what he says goes. Now I'm just afraid that this new inspector isn't going to be aware of the changes that Ted made and I'm going to be stuck

The Board decided they would consult with Don DiMartino, see where Ted left things as far as the red line changes go and see what could be done through the transition.

- **Infectious Waste/Hazardous Materials Zoning Public Hearing:**

Bob Badzmierowski, representing the Board of Selectmen, came before the Planning Board proposing Article 26 for Town Meeting proposing an amendment to the Zoning by-laws. We're trying to insert Section D, 3250. You cannot deny a developer to come in and put this type of facility in industrial use areas, but as it stands now, without this provision in the by-laws, they could put one in Commercial, Residential and Suburban zoned areas and this would prevent that.

It seems there is an aggressive developer, Chris Haynes, who tried to put a medical waste facility first in Uxbridge and then in Upton. Mr. Badzmierowski feels this town has been through a lot in the past few years with the power plant issues. This developer is very aggressive. He told the Town of Upton there was no way they could deny him.

RVD asked if Town Counsel approved the Article. Mr. Badzmierowski stated he does.

RRL asked, "Isn't this exclusionary?" Mr. Badzmierowski stated that it isn't because it is still allowed in Industrial Areas.

BJS stated the Board of Selectmen wasn't trying to be exclusionary, just trying to control it in certain areas. He also confirmed that the intent was not to be exclusionary toward any developer, rather that the town did not want to have this type of facility in areas that are not regulate by State mandates.

SDC: So in industrial areas, they still could come in and apply? PED stated it would be under a Special Permit.

Mr. Badzmierowski stated the Town could appoint a commission

RVD: Motion to recommend Article 26 for Town Meeting.

BJS: Second. Vote to recommend: 5-0, approved.

- **Energy Electric, Development Plan Approval, Blackstone St/So. Main St.**

Bill Halsing, Land Planning, Inc., Proposing a building on corner of Blackstone Street and North Main Street. Proposing a professional office building with access on Blackstone. The site has been approved by the Conservation Commission and an order of conditions has been approved. Per the DPW we have shown the new lanes for the new light. PED asked if they got variance. They did and were able to move the building closer to the lot line and move the parking from under the building to the lot.

SDC asked about the windows. There will be windows on the Blackstone Street side. Mr. Dubeau, the owner, stated there will be windows on the side and back, that it would look nice. He stated, "It's going to be our office; we want it to look nice."

EWG asked if they were aware this is a dangerous intersection; that currently the kids in that neighborhood use that lot to walk across to get to school. He stated a sidewalk for the Saddleback Hill neighborhood would be nice. He asked the applicant if as a condition of approval, if they would be willing to give the town a sidewalk for the kids to walk on.

RVD stated he did not want to be part of this discussion of giving gifts to the town. He recused himself and left the room.

Mr. Dubeau stated that we've done everything in our power to make sure this isn't a store or candy store so as not to make it a dangerous crossing. He felt that since the state was going to be doing the intersection and putting in sidewalks that he didn't need to. Mr. Dubeau felt that they were leaving the area there for when the state does come in and re-work the intersection, why should he pay for it now, when the state is just going to come in and tear it up anyway.

EWG asked that as a condition of the development plan, would the applicant be willing to make it a walkway, could even be grass, not necessarily paved, as a safety consideration so children did not have to walk in the street.

Mr. Dubeau agreed to provide a walkway, as he agreed he shared EWG's concern about providing safe access for children. He would even consider gravel as a possibility. He agreed to extend the walking area from the Main Street property line to the driveway access off Blackstone Street.

BJS suggested the number Arborvitae bushes be reduced to accommodate the applicant, as they would not be required in the walkway area at the property line on Main Street.

SDC asked about the slope of the parking. Any lighting?

Bruce Dubeau stated they were 20' high on the plans. They've discussed it with Mr. Lawson. Very minimal lighting and on a timer so as not to have any excess lighting on his lot.

8:30 RRL opened the zoning public hearing.

EWG motioned to waive the reading of the article.

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

RRL asked Ms. Cook if she had any issues with the handicap accessibility. She did not.

PED asked if the applicant could do 10' poles with the cut off so there's no glare and it will be on a timer.

SDC motion to approve Energy Electric Development Plan with the following conditions:

- Wood frame building
- Windows on at least 3 sides
- No parking in basement
- Sidewalk easement will be cleared and graded as a walkway from driveway entrance on Blackstone Street to southern lot line on Main Street
- 50 arborvitae trees along southern property line up to sidewalk area
- 6 oaks on frontage
- lights: 3 10' poles with shoe boxes for no glare onto adjacent residents property, 2 wall lights for handicap ramp
- no sign on building
- 3 6' tenants sign, 4' tall brick posts

EWG: Second. Vote: 4-0, approved, 1 absent.

RVD rejoins meeting.

• **Consigli Office Building, Intersection of Depot Street, North Main Street:**

Mary Beth Carney, Land Planning, Inc., presented the proposed building for the site. Mrs. Carney indicated that the ZBA had issued a variance to allow construction on this site. (Copies of ZBA decision were attached.) The building will occupy 9% of the site. They have Conservation Commission approval, proposing oak trees, juniper bushes, arborvitae and azaleas, 20' high lighting. The curbing will be pre-cast concrete curbing. PED asked the applicant to keep the lighting in decorative style with the common and they agreed. They wanted it that way originally, but the by-laws mandated

20'. Signage will be 15' back, a 4'x6' sign with gold writing. The board was concerned about access to the back of the building and parking. The plans met the minimum, but the applicant agreed to limit the number of employees. They also agreed to extend the guard rail (referenced as a fence by the ZBA) from Main Street to Depot Street along the northerly property line.

RVD: Motion to approve the Consigli Office Building with the following conditions:

- 2 10' High lights, aesthetically similar to those on the Town Common
- partial basement, to be used for storage only, no office space
- "No Parking" signs to be posted and paid for by applicant
- continuation in guard rail on the side of Popular Pre-cast
- signage to be either a 4'x 6' sign on brick supports or on the building, black with gold lettering, not internally lit
- 4 employees maximum

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

• **Pond View Estates Definitive Subdivision, Lake Street**

Mr. Lorusso brought in plans for approval, mainly locating the driveways within the confines of the original roadway, and was looking for the board's approval.

Mr. Rhodes, an abutter to the property and original land owner, thought there was a dump on the property with a 48 Buick buried in it. Mr. Babcock stated the Lorusso's bought it in good faith, that as far as he knows, there is no dump. Mr. Lorusso stated that maintenance for the drainage swail could be written into the deed. Mr. Rhodes asked if the Conservation Commission approved the plans. The applicant has yet to file and go before the Conservation Commission. SDC asked about the 9' drywells.

SDC: Motion to approve Pond View Estates definitive subdivision with the following conditions:

- Lamp post on each lot at street for driveway identification
- Individual H2O
- Street numbers shall be obtained and on the plans before endorsement
- Deed restriction prior to sale of house, storm water swale has been maintained as necessary
- Hydrant on Lake St
- Trees removed if necessary for site distance, subject to town approval on town property
- Waiver of all infrastructures except those shown on 3/6/02 plan

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

SDC: Motion to waive infrastructure as shown on plans dated 3/6/02.

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

- **Planner's Report:**

1. **Re-Zoning:** Reminder that the Finance Committee will hold their hearing on our articles on April 16th at 7:30 pm. The budget will also be discussed.
2. **JPI:** Next hearing is scheduled for Thursday, May 30, 2002. An Expanded ENF has been filed with MEPA, and I have a copy in the office.
3. **12 Lot Limit on Dead End Streets:** I am continuing to look into this matter, but I think Phil Herr's memo sums up the background rather well. It is up to the Board on whether they want to revisit the 12-lot limit.
4. **Public Works Inspection:** (Excerpted and slightly edited from an email from Don DiMartino) - Ted Bailey has taken a full-time job and will no longer be performing the Town's engineering inspections. The DPW has hired Mr. Doug Ballum (working under Mainstream Engineering / Tom Sexton) as the inspector to fill Ted Bailey's shoes and cover the many project presently underway and planned. Doug will be working until and unless DPW replace him with an individual to work on a part-time and temporary basis to do this job. An ad has been placed in the Call and Milford News with due date of May 2 to try to get other interest. In the meantime Doug has an excellent resume and at a rate of \$45/hour is the least expensive. This will save us money on Chapter 90 projects he will manage and will be fair to developers whose work he will inspect.

Discussion took place on the new inspector. It seems Ted Bailey took another position elsewhere. RVD stated that this is a good time with Ted Bailey leaving to clarify with Don DiMartino, the role of the inspector.

Discussion regarding taking money from the Hixon Street Development, Hixon Street and Beaver Pond Road, Bainbridge Woods, Bainbridge Road, and Pine Meadow Homes, Brittany Road.

Article 6. SUBDIVISION SECURITY FOR ROADWAY COMPLETION CAPITAL OUTLAY

To see if the Town will vote to appropriate a sum of money raised from collection of Planning Board Subdivision Security Deposits for the purpose of financing the construction, inspection and engineering costs on the streets established under the Regulations Governing the Subdivision of Land for the listed subdivisions.

BJS: Motion to recommend co-sponsoring Article 6 with Don DiMartino for the next available Town Meeting.

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

SDC stated Blendtek already put a fence up and is telling abutters the Planning Board is forcing them to take down the fence. PED stated they will be coming before the Board at the next meeting and we can clarify these issues.

RRL stated that he spoke with Mr. Bennett and he'll be in with the 2 abutters. PED feels the 286 trees is significant, that it was a public hearing process and abutters were notified, that this would be setting a precedent.

BJS requested a name plate for Beth at meetings. The Board agreed.

RVD: Motion to adjourn.

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

Minutes Accepted on: _____

4/11/02
(date)


(prepared by: Beth E. Partington)


Roland R. Laprade


Richard V. Dill


Brian J. Sutherland


Steven D. Choiniere, Sr.


Edward W. Guzowski