



# BELLINGHAM PLANNING BOARD

5 COMMON STREET  
BELLINGHAM, MASSACHUSETTS 02019  
(508) 966-0991; FAX (508) 966-5844  
[PlanningBoard@bellinghamma.org](mailto:PlanningBoard@bellinghamma.org)

## July 25, 2002 Meeting Minutes

- **Present at the meeting:**

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

Other Officials: Paige Duncan (PED), Town Planner  
Beth E. Partington (BEP), Coordinator  
Amy Cook (AC), Chairman, Commission on Disability  
Tom Guerin, (TG), Fire Safety Officer

SDC called the meeting to order at 7:05pm

- **81-P, Maple Street, George Funari, Landmark Realty Trust:**

The applicant is combining two lots into one, removing a lot line to increase square footage to comply with zoning.

RRL: Motion to approve the 81-P, lot 2A for Landmark Realty Trust.

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

- **Meeting Minutes:**

EWG: Motion to approve 6/27/02 meeting minutes.

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

- **Planner's report:**

1. **Update on My Recent Meetings:**

- Pierce – the proponent has agreed to pay up to \$250,000 for the intersection improvement project (not just signal installation). A check will be written, which is much preferred by DPW. If drainage issues can be worked out, then it would seem possible that a vote could be taken at this meeting. I requested that the proponent's attorney draft a DRAFT decision approving the project. It is included in your package for review. The

plans referenced in the decision address our requests such as a buffer to the Schaeffer land and building envelopes (which is why they are not specifically mentioned . . . they are shown).

- Bellingham Shopping Center – it seems very likely that a Stop & Shop will be developed on this site. The potential developers met with Denis Fraine, Don DiMartino and me to discuss permitting implications of reducing the size of the project to 100,000± sf. They will need to amend their Special Permit and Development Plan. I wouldn't be surprised to see these amended applications in the fall.
  - Wellhead Protection – I met with Denis Fraine, Don DiMartino and Ron Picard about whether we can increase the 400-foot Zone I for several of our wells. Don DiMartino indicated that he didn't think the Town could this without it being considered a taking of land (since the State only requires 400-feet). However, this conversation did prompt a discussion of the Town's Water Resource Protection district bylaw. Don is currently looking into how our bylaw compares to the State's current model.
2. **Procedural Rules:** I will bring copies to this week's meeting for your review over the next 2 weeks. The continued hearing is scheduled for next meeting (August 8th).
  3. **Daprato vs. Town of Bellingham:** Still no news. I hear they are waiting to see if the zoning provision passed at May's Town Meeting will pass (provided grandfathering for certain business and industrial lots). The AG does not have to render a decision on the May zoning changes until September 4, 2002.
  4. **JPI:** Special Meeting next Tuesday, July 30<sup>th</sup> in the library!!!
  5. **All Boards Meeting - Monday, September 23, 2002:** Let's decide which agenda items we'd like to propose for this meeting. We should submit to Mr. Mayhew as soon as possible.
  6. **Vacations:**
    - I will be out on Tuesday, August 13<sup>th</sup>.
    - Beth will be out from October 11-18<sup>th</sup>.

PED discussed meetings held this past week. The Elm Street light was discussed and mitigation for Pierce Estates.

PED asked about agenda items any of the Board members might want on the All-Boards meeting to be held in the fall. The Board discussed variances, construction of private sites, interaction between boards, establishing quick response time.

*(Glenn Wocjik arrived at 7:22pm)*

- **Maplebrook Commons Condominiums Development Plan:**

RVD: Motion to waive reading of the public hearing notice.

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

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Endre Hollosi discussed that a major obstacle to the project is the sewer. He requested a continuance and extension to work out sewer issues with Don DiMartino.

RVD read a letter from the Board of Selectmen.

Dear Mr. Hollosi:

The Board of Selectmen discusses your offer to construct street sewers on Center Street, Cross Street and cross-county sewers between Cross Street and your Maplebrook Common project, if the Town were to construct the Cross Street Sewer Pump station.

The Board decided to reject your offer at this time because we feel that an on site solution will enhance recharge of our groundwater aquifer, unless you have some proposal beneficial to our mutual interests.

RVD suggested the applicant withdraw, as ninety days is not a long time to get MEPA approval. Residents keep coming out; it takes up the Board's time.

E. Hollosi stated the Special Permit conditions that if the second part of the development plan is not able to be completed, then the Special Permit can be extended.

BJS read an email from Lee Ambler, Town Counsel, stating options for the board regarding denial/approval.

"The condition of the special permit speaks for itself, i.e. Development Plan Approval shall not be granted unless the applicant provides documentation that sanitary sewerage connections have been approved by both State and Local authorities to provide service to all units in that phase. If this documentation has not been provided the Approval cannot be granted. As opposed to denial I believe that the appropriate action would be a vote not to grant Approval.

As to extensions I would need as the board does , information for the reasons for the extension."

SDC stated the applicant sat back and did nothing while waiting to see if the sewer passed.

BJS stated the re-charge/infiltration system would recharge instead of just pumping and getting rid of it. That's why MEPA liked it.

PED stated that on-site sewer proposals can take up to a year. It can go less, but with MEPA there's no guarantee.

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RVD read from the Maplebrook Special Permit.

Section C, number four (4):

Development Plan Approval shall not be granted for any phase unless the applicant provides documentation that sanitary sewerage connections for that phase have been approved by both State and Local authorities to provide service to all units in that phase.

Section C, number five (5):

Development Plan Approval shall not be granted for any phase until documentation has been submitted and found by the Planning Board to be acceptably certain and enforceable in assuring that the obligation of the developer to provide facilities for sewage collection from unsewered units now existing within the Maplebrook premises will either be carried out prior to completion of this development or that the required percentage of owners of those units have documented preference for that obligation being waived.

Section C, number six (6)

This special permit shall expire on April 27, 2001, unless substantial use of it or construction has begun prior to that date, as provided by Section 1550 of the Bellingham Zoning Bylaw. "Substantial use" shall be deemed to include simply making a submittal for Development Plan approval for one or more phases only if that submittal has been determined by the Planning Board to satisfy Condition C.5. The special permit shall expire on April 27, 2002, as it applies to any proposed dwellings not included in a Development plan submitted to the Planning Board for approval and prior to that date, determined by the planning Board to satisfy Condition C.5.

Endre stated the letter from the BOS was a shocker.

EWG asked about his understanding of the extension process. They meet #5 under the special permit. He asked why they should grant an extension.

E. Hollosi stated they bought this project and are trying to fix the problems that other people started. The roadway and basins are approved.

RRL stated the applicant has sewer capacity for 80 units and asked why they didn't just go for those 80?

E. Hollosi stated that MEPA denied the 80.

PED asked if they had seen if the 110 units could fit into the recharge unit.

E. Hollosi stated that is what they are having the engineer look int. they are looking to re-instate the discharge permit.

BJS stated his concerns in attempting to use something approved and built so many years go.

E. Hollosi stated the original station was designed for 250 units.

RVD stated that from the beginning I've wanted to see this project completed. I understand you're trying to fix an old project, but it came with a lot of baggage from the beginning. As far as the extension, I don't know. I thought we were doing a good thing getting the residents sewerage. This agreement from the residents stating they don't want the sewerage surprises me.

Kathy Hagarty, resident of Maplebrook, stated that they were told they were never going to have sewerage. Then coming to all these meetings, we thought we would get it stubbed to the front doors. Someone even on the Board told us to take the money and run, someone who is no longer on the Board now. We put that money in trust in case we ever need it.

RVD asked if the residents wanted to see this finished.

K. Hagarty stated yes. There are 23 poor souls in Birch Wood. I don't know how they survive.

Wayne Morey, 3403 Maplebrook Road, stated they opted out of the umbrella trust. This system was designed for more than double the capacity. If this doesn't go through, we're hurting bad. Is it benefiting residents? Is it benefiting Fafard? Yes. We're going to finally be able to drive to our neighbors. This is a bad situation that the town was part of. We're not asking to break any laws but to help move this along. To grant them the extension is how we'd like to see this go. We pay the taxes in Town, we'd like the project to be finished.

RRL asked him to clarify what he thought the Town was responsible for.

SDC stated he felt the Board has been working hard to get this to be a good project.

Paula DeSimone, 26 Maplebrook, stated she felt appreciative of the work the Board had done thus far. She said they took the money, so that if sewer ever came down the road, they could tie in at no cost. We've got 20 systems that could fail. The money could be used to fix any problems that arise. From the beginning it was thought this project would be 250 units, the residents have wanted this finished.

EWG asked how long it would take to develop a viable system on site.

E. Hollosi stated 30 days.

RVD stated (to Mr. Morey) I hope you understand sir, that we have been trying to help the residences. We've been trying to fight to make this a good development and something that works for everyone involved.

RRL: Motion to continue Maplebrook Commons Condominiums Phase II and II Public Hearing to November 14<sup>th</sup>, at 7:30pm.

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

BJS asked if he really believed he could gain the necessary approvals, that he'd rather give a more realistic time.

PED stated that MEPA approvals can take a long time.

SDC asked if they were going to an onsite sewer treatment facility.

E. Hollosi stated they have no other options.

SDC asked again, so you're going to an onsite sewer treatment facility?

E. Hollosi said, "What else can we do? Yes."

RVD: Motion to accept the extension request for Maplebrook Commons to 12/6/02.

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

Wayne Morey stated that he appreciates the Board's help in trying to work this out and get the development completed.

- **Shores at Silver Lake:**

RVD Motion to waive the reading of the public hearing notice.

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

Endre Hollosi, on behalf of Benchmark Engineering, presented the plan for the definitive subdivision. A cul-de-sac is being extended 200'.

RRL stated you are not telling these people anything about what you intend to do.

EWG asked how they would do that?

E. Hollosi stated these are approved roads. We could subdivide tomorrow. I have no idea what Mr. Fafard has planned.

PED asked for a copy of the 1992 plans and decision. She also stated the Board is allowed to limit the number of lots in their approval of the plans.

John Constantino, Silver Lake Road, President of Silver Lake Association asked when the original plan was approved. He asked about sewerage. He thought the capacity was released to the Maple Brook Development.

E. Hollosi stated the capacity is for Medway for Maple Brook. This project will go to Woonsocket and create no problems.

J. Constantino asked if there was documentation about the sewerage.

Mike Lendemen, stated he had heard there might be tie in to through Scott Hill Acres and thought this would create a lot of traffic problems.

Robert Coleman asked Mr. Hollosi what he proposed to put on the lots A, B and C.

E. Hollosi stated nothing is proposed yet. It doesn't stipulate what Fafard is going to build.

R. Coleman asked if the Town had any say on what is going to be built.

SDC stated if they meet the letter of the law we cannot deny it;

RRL stated that back in October the Planning Board presented at Town Meeting a zoning change to decrease density from 20,000 to 40,000 s.f. He came in before the October Town Meeting. This freezes the zoning to 20,000 s.f. and moved a few things to lock in this zoning.

Dawn Cudat, Douglas Drive stated she is very concerned about traffic. People flew through the acres on 4<sup>th</sup> of July to get through. I have a great concern because these plans have changed so much through the years.

Mort BenMaor, Lakeview Drive, stated he remembered the first time he came through with all different plans, and asked, "So they're not proposing anything? Just adding to a cul-de-sac?"

BJS stated for the crowd of people in the room, that this was to lock in zoning, that they were only proposing the addition of 200' to the cul-de-sac.

Arthur Richards, Silver Lake Road, stated he thought this meeting was very unfair. He was in the back of the room, out in the hall with all the other people, since there was standing room only in the Selectmen's room, and could not hear what was being said.

He could not hear anything that was going on, nor could the rest of the people in the hall.

SDC stated to Mr. Richards, "You're absolutely right, we'll stop the meeting right now and continue it to a date where we can get a larger meeting room to accommodate everyone.

RVD: Motion to continue to September 12, 2002 at 8:00pm in the Upper Town Hall.

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

RVD: Motion to grant Shores of Silver Lake to September 20, 2002.

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

▪ **Pierce Estates:**

EWG: On advice of Town Counsel, I recuse myself, as I am an abutter to an abutter within 300'.

Richard Schwartz, counsel for the applicant, introduced the project. He stated Steve Blaise is stepping in for Kathy Noonan. A landscape berm has been added to the parcels behind Schaefer Farms. Streetlights have been reduced and will be at the end of each driveway. Sewer lines have been altered from 8" to 10". An easement of 240' to South Main Street has been granted to accommodate future expansion.

The DPW requested change on cross section  
John Jennings of VHB stated that because of the waterline and tree plantings, they're asking consultation from the Board esthetically. They're trying to work with Don DiMartino to figure out the best place for the sidewalk and the water line.

R. Schwartz stated they have nothing else to present tonight; they're asking for approval of the D-1.

RRL asked if Schaefer was approving of the berm.

Mr. Steve Schaeffer conferred with Mrs. Schaeffer, and they agreed.

RVD read a letter for the record. He asked about a grate.

Jeff Pierce stated he would be glad to do a trash rack.

Tom Sexton stated it would be best to research the best kind of grate.

SDC asked about the ConCom appeal.



R. Schwartz stated the DEP agrees it was intermittent. ConCom is appealing it to the adjudication board.

SDC asked if the drainage tied into the town drainage?

Walt Basnight stated they're not using it.

SDC stated it is a pre-existing problem and they want to make sure it doesn't get worse.

BJS asked if the building envelopes take into account the wetlands. Part of the envelope in lot 57 is over the drainage.

Walter Basnight stated they intend to put them in on each lot according to the layout and landscaping, that it will be done nicely.

Tom Sexton, the Town's engineering peer consultant, gave his report. He said the initial review was 11 pages. VHB has responded to that. Now we're at about 26 pages. Most of the issues are resolvable. He has concern relative to the conditions of storm water management policy, flood control, water quality, and re-charge to groundwater. All of the basins are looking at glacial till, possibly ledge. There appears to be basins on high ledge profile, creating a difficult case. These will provide adequate storm water retention. Further field investigation is needed to demonstrate suitable soil and water conditions.

Steve Blaise, VHB, stated Geo Tech. was out there. "We would definitely do further investigations to see if these basins could work.

RRL: You have a plan here with detention basins. You're saying you don't know if they'll work?

S. Blaise: Well, we don't know that they won't work.

W. Basnight stated that Ed Moore took a lot off that property and never hit ledge.

RRL said, "Or he took it off until he hit ledge.

There was much discussion on the storm water detention basins. Tom Sexton felt that unless they did more test pits nearer to the proposed locations, that he couldn't give it his approval.

S. Blaise stated they could be moved if they had to.

R. Schwartz stated a condition of approval could be added stating that no construction take place until the Planning Board is satisfied regarding the storm water detention.

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R. Sexton stated that this is a different location. He would like to see test pits. He's not sure if these are adequate.

RRL stated he doesn't feel comfortable approving a plan that is so uncertain.

RVD stated he had no problem waiting.

BJS stated his concern is that if a significant change takes place, such as fewer lots, that they're done before we approve the plans instead of after.

Tom Sexton and Steve Blaise discussed tests that were done.

RRL asked when these tests were done. It was determined to be in a time of drought.

BJS: Motion to, under the advice of the Town's Peer Engineering consultant, to continue the public hearing for Pierce Estates Definitive Subdivision to 9/12/02 at 9:00pm to give everyone additional opportunity to get these issues addressed.

RRL: Second.

SDC asked if Tom recommended that it be postponed or did he think they were just red line changes.

T. Sexton stated he could not recommend this plan without further testing.

RVD asked if there would be inspections.

T. Sexton stated the Town hired his former inspector.

RRL stated he would rather get these issues resolved before, rather than after.

PED stated we need an extension.

RRL asked if the applicant would be willing to grant an extension.

PED stated the issues raised in Don DiMartino's letter. They were minor issues, but if they could be cleaned up before hand, that would make things more clean cut.

EWG asked about streetlights versus street lamps on owners' properties.

It was discussed there will be streetlights at all intersections, lamps on each property.

Steve Black, speaking on behalf of Beverly Schaeffer at 767 South Main St., asked if anything existed on lot two (2). Mrs. Schaeffer requested it be vegetated without berm as the properties along the back of Schaeffer will be also.

J. Pierce stated he's not up to paying for private vegetation for people.

RRL stated he would like to be certain the drainage works. The Board has had problems with other subdivisions in the area and roads not working and he wants to be certain it works.

T. Sexton stated he would like to see three (3) to four (4) test pits per basin.

RRL stated the concern is that they were done around, not in the actual basins.

S. Blaise stated their geotechs have strong evidence that the detention basins would work.

T. Sexton stated he want to get comfortable that this is going to work. Two other things: the profiling water main be shown to show elevation and potential conflicts with catch basin laterals and for the utilities to go cross country.

S. Blaise stated they can provide the profiling.

W. Basnight asked about the extra borings. "If their engineers collect the same data, would that then satisfy you?"

T. Sexton stated it's not borings, but test pits. There are indications where ledge, seasonal high groundwater is indicated. He'd like to see three to four tests pits per basin.

SDC asked if T. Sexton would want to see the testings.

T. Sexton: Absolutely. The base cannot be constructed in fill.

There was much discussion on drainage and the test pits.

SDC stated that a motion had been made and seconded. The public hearing will be held in the upper town hall on September 12, 2002 at 9:00pm.

BJS: Motion to accept extension for Pierce Estates Definitive Subdivision to September 20, 2002.

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

RVD: Motion to Adjourn.

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

Minutes Accepted on: 8-22-02  
(date)

Steven D. Choiniere, Sr.  
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Edward W. Guzowski  
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Roland R. Laprade  
Roland R. Laprade

Beth E. Partington  
(prepared by: Beth E. Partington)

Brian J. Sutherland  
Brian J. Sutherland

Richard V. Dill  
Richard V. Dill