



# BELLINGHAM PLANNING BOARD

5 COMMON STREET  
BELLINGHAM, MASSACHUSETTS 02019  
(508) 966-0991; FAX (508) 966-2317  
[PlanningBoard@bellinghamma.org](mailto:PlanningBoard@bellinghamma.org)

## August 8, 2002 Meeting Minutes

- **Present at the meeting:**

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

**Not Present:**

Glenn C. Wocjik (GCW), Alternate

**Other officials:** Paige Duncan (PED), Town Planner  
Beth E. Partington (BEP), Coordinator  
Amy Cook, (AC), Commission on Disabilities

EWG: Motion to accept 7/11/02 Meeting Minutes.

RRL: Second. Vote: 3-0, approved. (RVD, SDC abstained as they were not present at the 7/11/02 meeting.)

- **Cumberland Farms Bond Release:**

The applicant is requesting a release of their bond. PED did a site inspection. There is a gravel section in the back that people are using for parking and there is trash and debris on the ground adjacent to the fence.

SDC asked what she was calling the back.

PED stated the back of the building along Pearl Street.

RRL thought that in the future, it would be a good idea to take pictures, perhaps with a digital camera. RRL Stated that this has been going on since 1994 that maybe we should pull the bond.

RVD stated Stuart has one. The thing that bothers him is that the Planning Board allowed them to put up the bond in the winter. RVD feels it is not the Planning Board's job to police these businesses. This is the third or fourth time we've given Certificate of Occupancy in the winter and the work hasn't been done in the spring, up to years later. Stuart is supposed to be the one to go out there, inspect the site, say it is or isn't according to plan and sign off on it.

SDC stated with Blendtek they were given a Certificate of Occupancy and didn't even post a bond.

PED stated that the Planning Board sent a letter to Stuart regarding Antron, but we haven't heard back from them yet.

RVD felt that Paige shouldn't have to drive by and do policing on these sorts of issues. That's the Zoning enforcement, that's Stuart. He thinks the Board is just going to have to take a stance and say to applicants, "You know the schedule, get it done," and not give out a CO until the work is complete. This is the third time that we've been bit.

EWG stated that a car dealership near Chestnut Street and South Main. They have excess cars over there and haven't filed a permit to sell cars with the Selectman. People were complaining to our department and we sent them a \$300 by-law violation and that can be done per day.

RVD stated that was an agenda item for the all-boards meeting.

PED stated maybe Stuart could come in before the Board and discuss it.

RVD stated that in the past Stuart has always been more than cooperative. We should send him a letter stating the issues we want to discuss so he doesn't come in blind-sided.

BJS stated that by sending him a letter, he could maybe work on the system he has and maybe how he could change things to make it work. He also said that if we wanted a digital camera that the one he has saves them on a disk on jpeg and it could go right in the file.

PED thought it was a great idea to get one, that when we needed pictures it would be readily available, and asked how much that one cost.

BJS stated several hundred.

PED stated the one she has was \$169 and came with the software but was a pain to download.

RVD asked what are the uses of the camera, we're going to be looking to do with this? I see us getting into the policing area. Who's gonna go out, what are we going to use this for? I have no problem buying it, but what's the path that we're sending the board down? Are we gonna go out to sites and take pictures? Are we gonna police, are we looking for zoning violations?

BJS stated no. His concern when we come into situations such as, he borrowed a video camera. If we have a question, it would be available for the Board for documentation. We'd have our version. We'd have it for our records, stated he has no

problem buying a camera, but wondered what we would be using it for. Would it be to police the applicants, because that's not our position.

PED stated she could take a couple pictures for her report, so everyone could see it.

RRL thought there would be many uses for it not just policing, so that if someone has something to relay, the picture tells a lot.

BJS stated it would be a photocopy of an issue and prevent delays.

RVD said it gets to the point that we're cutting out Stuart.

PED stated even the policing issue, she could have taken a picture of it, passed it on to Stuart and stated our concerns. PED stated the problem is we are the ones who have to release the bond.

RVD thought the problem is that we're cutting out Stuart. The Board takes the written word of Don DiMartino and Stuart saying the work is done. Maybe that's what we need, another form saying the work has been done and Stuart and Don signed off on it and the bond is all set. Maybe that's what we need to do.

RRL stated I still think a digital cameral is a good idea.

RVD stated he just doesn't want to keep spending money and spending money and spending money.

PED stated she didn't think we spent that much money at all.

BJS stated he doesn't want to waste money either. We could use it as a tool. We run into so many "he said-she said" type things, that this would be a great way to avoid that.

RRL made a motion to authorize PED to purchase a digital camera.

BJS: Second for purposes of discussion. I understand your concern about spending money. I think it would be worthwhile to pursue.

RVD stated Stuart has one, I have one and you have one. If anyone needs one, I'll bring it over. I just can't see spending the money on it right now. You can't get a good digital camera for under \$300. I just don't think at this time we should frivolously spend \$300 bucks. This Board has lived without a digital camera, a Polaroid camera and throwaway cameras since it's inception. We've never had a need for it. What do we need to buy one now for. That's my thing. It's the Board's decision.

BJS stated he doesn't have one.

SDC stated the throw-aways were a good idea, but then you have to have them developed.

RRL stated this way it's instant and you can put it into the computer.

PED stated she had a digital cameral she bought for \$169, has taken a thousand pictures of her son. Just because we've never used it in the past doesn't mean we can't live without it. It's not a good reason not to buy it. It's not frivolous. It's a tool.

BJS thought of it as a tool as well. We all wanted a printer, it turns out there is one available. So many times we run into the he said/she said things so many times, we could go take the picture.

RVD asked who would go take the picture?

BJS stated we would. Look at the number of times we had problems with those trees. Look at the number of times when someone isn't in compliance, we could just send a picture. Instead of going back and forth and back forth, it eliminates the questions.

RVD suggested we use Stuart's in the interim and see how it goes, and if you think you have to have it, buy it. I was always brought up, don't be impulsive. If you still feel the need for it in another week, go out and get it.

RRL stated last year we had a surplus, he thought it would be fine.

SDC asked about funding for Phil Herr and asked if that would come out of our budget?

RVD stated while PED was out, it would be coming out of her salary.

PED stated he wasn't costing as much as she would in the three months she would be out.

SDC stated he just didn't want to spend extra money, if it was going to be needed. He asked how many digital cameras, Stuart has one, you have one?

RVD stated he had one, PED had one. Stuart's is sitting on his desk.

PED stated that with availability, it could be difficult getting it from Stuart.

RVD said have his secretary get it out. He's just not a money spender.

PED stated we beat this one to death.

SDC stated we have a motion made and seconded. What kind of vote is necessary? Just motion to buy it?

PED stated she didn't think we needed to go out and purchase right now. She could just look into it. Talk to Stuart, see what's out there. She thought maybe she should look into it first before we purchased anything.

RRL/BJS withdrew their motion and second. PED to look into digital cameras and let the Board know her findings.

On Cumberland Farms, the Board decided to send a letter to Stuart and Cumberland Farms stating we were leaning toward taking the bond.

**Brookside Estates:**

PED stated the Board received a letter from Don DiMartino stating they had taken the bond money and don't have enough money to do all the work. There was discussion on what should be done with the money.

RVD was upset that Mike Civatarese assured the board the work would be done and here we are with the bond money and not enough, and now the Town has to do the work.

EWG: Motion that the Planning Board authorize the DPW Director to utilize the remaining funds in the Brookside Estates security account to first establish the Town's ownership of the sewer easement, second to install set the roadway layout bounds, and third to provide the Town with as-built drawings of this project.

BJS: Second.

SDC asked if there was any discussion.

RVD asked the time frame on when this had to be decided. He specifically remembered when the residents of Brookside were here. The owner was here. Don DiMartino came in with a spreadsheet and work that had to be done and how much it would cost. The owner lives there, and he assured us the work would be done. He thought we should get a copy of that spreadsheet and find out the most important items that were on it to make sure they got done.

EWG specifically remembered a fence around the detention pond was of most importance since it is a by-law and should be adhered to.

EWG/BJS withdrew their motion and second to inquire of the spreadsheet and minutes of the what the Board had required initially.

• **Bellingham Planning Board Procedural Rules:**

PED discussed the fees. She stated that BEP did a spreadsheet of the fees of surrounding towns.

There was much discussion on increasing fees. Franklin had done a survey on how much it cost to review plans for the different departments. PED would see if they used a formula and how they came up with the figures. BEP would average out the information from surrounding towns and fees would be discussed again.

The language was added for letter confirmation and advertising. It was discussed the hearing would be continued until the fees were further explored.

BJS: Motion to continue the Planning Board Procedural Rules to 9/26/02 at 7:30pm.

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

RVD: Motion to purchase 7 copies of Roberts Rules of Order. (one copy to include "Roberts Rules in Plain English")

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

- **JPI Luxury Apartments, North Main Street:**

It was discussed to have a meeting with ConCom next week, but PED will be on vacation.

BJS felt we shouldn't rush into it, that the chairman of the ZBA, Bill Hermistone said we weren't in a rush to get this in.

PED suggested that if the Board wanted to participate, she could just post it as a meeting.

RVD said that was a good idea.

BJS added changes to the letter that PED thought were appropriate. *Letter follows:*

August 8, 2002

Mr. William J. Hermistone, Chairman  
Bellingham Zoning Board of Appeals  
Town Hall  
Bellingham, MA 02019

Re: JPI Apartments

Dear Mr. Hermistone and Members of the Board:

The Planning Board is continuing its review of the proposed JPI Apartment development on North Main Street. As you are aware, we have taken an active role in the review of this project and appreciate your Board's willingness to allow us to offer input on the project. Despite continuous involvement in the process, and a special meeting held in late July, the Board will require additional time to review the project and provide final comments/recommendations to your Board. It is difficult to put a timeframe to the process, however, as so much is dependent on the applicant's responsiveness. As you are aware, a general misunderstanding with respect to information submittal to the Town's consultants and the

Planning Board had existed. Although this has precipitated the need for additional time, the Planning Board is hopeful this matter has successfully resolved. At a minimum, we will definitely require another 6 weeks. In the meantime, we are able to offer some insight into the Planning Board's primary concerns on this project. Please understand that these comments are our initial comments only and will be followed up with a more detailed report in the future.

1. Water Resource District – Based on the provisions of 310 CMR 22.03(7), there is a question as to whether the Town's Water Resource District bylaw applies to this project. The Town's Special Counsel will be meeting with the Board in the next week or so to discuss the specifics as to whether the Bylaw applies to the project and, if so, to what extent.

It is the Planning Board's opinion that water resource protection is of paramount concern to the Town of Bellingham, especially as we have recently been advised that there are no additional feasible locations for additional wells in town. Therefore, we feel that the current wells must be protected at all costs. The JPI site is located within 2500± feet of Well #12 and portions of the site fall within the Zone II (recharge area) for this well. Given the intensity of development coupled with the requirements of 310 CMR 22.03(7), we feel that, to the extent possible, the development should comply with the Town's Water Resource Protection Bylaw. The Planning Board will be reviewing the project on this basis and will seek the support of the Zoning Board on this matter. We have engaged the services of a professional engineer to assist in this review. While the Board is aware the applicant wishes to defer all such matters to the Conservation Commission, the PB is greatly concerned about making any recommendations without this difference of opinion resolved and adequate input from our consultant incorporated into our report to you.

2. Land - A clear understanding so the BOARD can understand: a) who is agreeing to purchase what amount of property from whom; b) so that when and if the ZBA issues the appropriate permits necessary to construct this project, we know the footprint of the property that is available for development, c) the amount of land available to mitigate any concerns of the board; d) and the NEED for the waivers that are being requested. The Board does not share the applicant's opinion that this information is unnecessary and the Board is unwilling to make any decision based on insufficient information.

Building Height – Despite assurances that the two four-story buildings proposed at the rear of the property will not appear taller than the three at the front, the Planning Board remains concerned about the impact such tall buildings will have on the community and its character.

3. Parking – The Planning Board is still worried that the proposed number of parking spaces will not be sufficient. We would like to see additional information on how parking spaces will be allocated, whether oversized vehicle parking restrictions will be implemented, whether handicap spaces are sufficient in number and location, and the like. The likelihood that the site will have additional land available suggests there is room available to address the Board's concerns about co-mingling the parking use at the Club House and visitors for the residents.
4. Commission on Disability – We strongly recommend that the ZBA seek input from the Town's Commission on Disability.
5. Access to the rear – We are still concerned about access to the industrial zoned land to the rear.
6. Affordability – The Board recommends you seek perpetual affordability of the affordable units. Also, we would request additional information on how they intend to market the affordable units to the local elderly population (with the understanding that they can't limit to elderly, but that they can focus on this group).
7. Inspections - We recommend that a condition be included requiring that JPI pay for inspection of underground infrastructure (water, wastewater collection, drainage) by the Town for both the roadway and on the project site, in accordance with Article V, Section 51 (Inspections) of the Planning Board Regulations.

8. Mitigation – The Planning Board is still concerned about the project's impact on the already-stressed Hartford Avenue corridor.

We will continue our review of this project and forward a more complete report to you as soon as possible. In the meantime, please do not hesitate to contact us if you have any questions or require additional information.

Sincerely,  
BELLINGHAM PLANNING BOARD

Steven D. Choiniere, Chairman

Copies to:

Bellingham Board of Selectmen (via email)  
Bellingham Conservation Commission Agent (via email)  
Bellingham Department of Public Works (via email)

Proponent: JPI Apartment Development, L.P. (via email)

SDC discussed the building height and asked if there were any additional areas if parking were maxed out, to create additional parking if needed.

Kevin Maley of JPI, stated that he would need to speak with W.S. Weiner or whoever was going to retain the property.

SDC asked as far as the property is now, could there be any additional parking?

K. Maley stated no.

There was much discussion on the property. BJS made the recommendation to send the letter to the Zoning Board that we needed more time.

RRL felt the water resource was of paramount concern, that the Town spent several million dollars on this and the town had no capacity to obtain any more wells. This one is in the center of the property and is critical.

SDC asked about inspections and asked if PED could add that to the letter. PED stated she would run it by Don DiMartino.

EWG stated he had a question on the schedule of the timing on mitigation.

K. Maley stated he believed it would be when they pull their building permits, if all went things went well, within a year.

EWG stated that for mitigation proposed, a gift of \$250,000 to straighten out the traffic in the center of town.

John Schipe of JPI presented their landscaping plan.



Rob Daley, 129 North Main Street, asked if the septic was up against wetlands.

John Schipe answered that the septic was further down and would not be up against wetlands.

The Board decided to send the letter to the Zoning Board.

▪ **Connor's Crossing Definitive Subdivision, Mechanic Street:**

RRL asked if there was going to be any additional run off?

S. Pultz stated not for the 100 year storm.

PED stated that Tom Sexton said the plans weren't revised to show the system works, but that the numbers worked.

S. Pultz stated the areas hadn't changed, but the volume has.

RVD asked if the intent was to develop the houses first and then the businesses.

Tim Jones stated yes. He doesn't know what is going in there for businesses.

RVD stated his concern because the first lot on Centerville Lane was so supposed to a business that looked like a house and it created a lot of problems. Now it's going to be a duplex because they went and got a variance.

T. Jones stated he would inform the residents it was going to be a business, that they should have no problem knowing that if they were told when they buy it. He also stated that if it was going to be a high use business the lots would have to be combined.

SDC asked how deep the leaching areas were.

T. Jones stated just like septic, 4'.

BJS stated his concern was that certain things were not addressed and put on the plans. He would like to see the issues regarding drainage indicated on the plans.

T. Jones stated he had no problems with that, they would be on the plans next time we met.

RVD Motioned to accept the extension for Connor's Crossing to 10/4/02.

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

RVD Motion to continue Connor's Crossing Public Hearing to Thursday, September 26, 02 at 8:00pm.

- **General Business:**

BEP asked the Board to sign the bills.

RVD: Motion to pay the bills.

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

- **Planner's Report:**

1. **JPI:** Richard Hucksam, the Town's special counsel on JPI, cannot attend the August 8<sup>th</sup> meeting. He will be sending us a memorandum regarding the Water Resource District issue. He was unable to get it to us by this afternoon (Tuesday), but assures me it will be available at the Thursday meeting.
2. **All Boards Meeting - Monday, September 23, 2002:** Possible agenda items:
  - Frontage waivers/variances.
  - Communication and interaction between Boards.
  - Advertising policy – all boards.
  - Use of Town website.
  - Private site inspections/bonding.
  - Bonds for condo developments.
3. **Excavate:** The fact that the front of this lot at 215 Depot Street faces the "IDC property" which is now residentially zoned means that a 100-foot setback is required. The Development Plan submitted only shows a 20±-foot setback (in June a variance from the 100-foot rear yard setback was granted). I have a call into the applicant to find out why he didn't seek the front setback variance. From the email we received from Lee, it seems that this will be a major problem for this site. I'll keep you posted as things develop.
4. **Bevilacqua Paving:** This project is still in front of the ZBA (continued to next month's meeting). No filing has yet been made with the Planning Board.
5. **EMC:** Beals and Thomas, Inc. emailed me about alternatives required for a Definitive Subdivision Plan. Most of you probably saw the email where I proposed a special work session with Town Staff (DPW, ConCom, Police, Fire, etc.) and one or more members of the Planning Board to develop alternatives that satisfy the needs of both parties. I will keep you posted on BTI/EMC's response. They may not be willing to work collaboratively, in which case I'd suggest that we tell them to evaluate the following options (suggested by Brian) not including the conventional plan, which varied very little from their "Single Tenant Campus" plan:
  - The relocated Maple Street alternative.
  - Two cul-de-sacs off Maple Street, not connecting through High Street.

6. **Pierce:** We are trying to arrange a meeting between VHB and Mainstream Engineering to discuss drainage. This meeting will most likely be scheduled for Thursday, August 15<sup>th</sup> or Friday, August 16<sup>th</sup> in the Planning Office.
7. **Mainstream Engineering Reviews:** I have asked Tom Sexton to provide a sense of priority to his review letters. He is willing to work with us on this. See attached email.
8. **Surveyor's Right to Trespass:** We had talked about the right of surveyors to trespass on abutting property. Excerpt from MGL included in weekly packet for clarification.
9. **Vacations:**
  - I will be out on Tuesday, August 13<sup>th</sup>.
  - Beth will be out from October 11-18<sup>th</sup>.
  - Steve – October 17-27<sup>th</sup>.

PED discussed Excapave, that she listened to the tape of the ZBA meeting and the applicant asked for a front variance. The ZBA told him he didn't need it because it was zoned Industrial. So now, he could lose up to \$20,000 in deposits for work he was to have done. This process has taken him over a year and he's really frustrated. The ZBA is considering having him come before them next week at their special meeting and see what they can do.

RVD: Motion to adjourn.

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

Minutes Accepted on: \_\_\_\_\_

8/22/02  
(date)

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

Steven D. Choiniere, Sr.  
Steven D. Choiniere, Sr.

Brian J. Sutherland  
Brian J. Sutherland

Edward W. Guzowski  
Edward W. Guzowski

Richard V. Dill  
Richard V. Dill

Roland R. Laprade  
Roland R. Laprade