



BELLINGHAM PLANNING BOARD

5 COMMON STREET
BELLINGHAM, MASSACHUSETTS 02019
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October 10, 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)
Richard V. Dill (RVD)
Glenn C. Wocjik (GCW), Alternate

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

SDC opened the meeting at 7:02pm.

EWG: Motion to accept 9/26/02 minutes.

BJS: Second. Vote: 4-0-1, approved. (RVD abstained, as he was not at the 9/26/02 meeting).

- **81-P, Csezmesia on Lake Hiawatha:**

Bill Halsing presented an 81-P for James and Clarice Csezmezia on Lake Hiawatha. Applicant is changing the lot between residence and Chowder Bowl Restaurant.

RRL: Motion to endorse the 81-P for James and Clarice Csezmezia.

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

- **81-P, Howard Wilson, 837 South Main Street:**

Applicant is moving a lot line to increase parking and make the business lot two acres.

RRL: Motion to sign 81-P for Bel-Air Gardens, Howard and Haila Wilson.

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

- **Maple Street Informal Discussion:**

Don Nielson of Guerriere and Halnon presented the applicant's potential development plan. Bel Castro Brothers, masons, proposing a potential development plan. The lot is owned by Mr. Leonard French. This is going to be a subdivision of the 22 acres into 3

parcels, 7 acres, a building is on the second parcel, the third parcel has an access drive.

The Bel Castro Brothers have been displaced by their current landlord and are looking for a parcel to place their business on. Mr. French has a potential buyer for a 12,000 s.f. building on the second parcel because they want to expand their business. On J & J drive, there is an access, we're going to increase it to 22' to make it an accessible road. We're relocating the access to Maple Street. There is 400-500 feet of sight distance this way. There will be a private right of way and utility easement that runs to the back. We'll bring water up to the back and if ConCom give s us permission, we'll loop it back to Maple Street. The back warehouse building might be divided up to 7 smaller units with any different storage uses. The Bel Castro Brothers would have use of the back area. They're masons, so there would be storage of construction supplies. We were hoping the Planning Board would give us a consensus as to the plausibility of this plan before we went ahead. We've covered the basics as far as following the zoning by-laws, but the question is whether or not the Board wants a road with cul-de-sac. We feel the plan works and puts the responsibility on the industries and not the towns. The drainage would be placed below the parking lots, the water usage would be low.

RRL: Basically you're asking the Board to waive the road, but it would apply as a road as far as the development goes?

DN: Well, we're building it as a private way, but we could build it as a road if you want.

RRL: Personally, I'd like to see it as a driveway and not a town road.

PED stated there may be regulations regarding the number of buildings per lot that are allowable.

RVD stated the only question he has regarding the storing of staging. Would the staging take up spaces in the parking lot?

DN stated it is purely conceptual at this point, it could be a separate area.

RRL stated it should be separated by a fence to impair the storage in sight.

EWG: On the mason building, there is 5,000 s.f. of retail. What kind of retail are you talking.

DN stated it was Boston Rental, they do small construction, lighting, equipment.

EWG: So it's not going to be a Dunkin Donuts or anything like that?

DN: No, absolutely not.

Mr. French stated the building in the back is just for lease. There is a possibility of batting cages coming in there.

SDC asked that even though it's not a town road, would they be willing to have it inspected by the DPW.

DN stated they would be willing to do that.

- **Discussion with Stuart LeClaire, Building Commissioner:**

SDC explained to Mr. LeClaire about a form the Planning Board would like to implement, so that regulations are followed and plans are adhered to. It's a form the Board has started with other departments such as DPW, Lee Ambler, ConCom and the Building Department. Once the form is filled out, the Building Commissioner would know what needed to be enforced or that occupancy permits could be given out.

SDC stated the Planning Board gets letters from developers' engineers stating, "To the best of my knowledge the project has been completed." But in many cases, it hasn't been done according to plan, such as Cumberland Farms and Antron.

RVD: They want to take occupancy, the landscaping isn't done, so they post a bond, we do it all the time.

RRL: Unfortunately, they wait so long that by the time the work needs to be done, the bond isn't worth what it would take to do the work.

RVD asked if we should pull the bond money ourselves and have the work done?

Discussion regarding occupancy permits. PED discussed a form for the Planning Board, ConCom and DPW to sign off on approval for Certificate of Occupancy, that plans were adhered to for each department, and once that is done, then the Building Department can issue a CO.

SL stated it is very difficult to stop an occupancy from happening.

PED stated it's two separate issues; state building codes and then the local zoning issues.

BJS suggested approval of all 3 boards be required before CO's are even issued.

SL stated Town Counsel should provide counsel as to who enforces what. Sometimes he feels as though his hands are tied. He has to give CO's and plans aren't completed.

RVD stated they can be fined \$100 a day.

Earl Vater stated you can't just fine people.

SDC stated that maybe instead of after the fact, before a license is issued, they need to be forced into compliance.

Home Depot was discussed. It hasn't been cleaned up. The seasonal garden storage needs to come before the Planning Board every year.

SL discussed a letter that can be sent to the BOS, stating, "Please do not issue license as they are not in compliance with the Planning Board Plan."

SDC stated we should connect with Lee Ambler and Denis Fraine.

Stuart felt the Planning Board should use a financial trigger such as \$25,000. on a project, as that has worked in other towns.

- **New England Country Club Discussion:**

Rod Walkey, owner came in to discuss the development of the property.

RRL stated Bound Road is owned by Randy Philips. The original country club proposal got an agreement to use the road.

RW stated the Assessor stated no one pays taxes on that piece of property.

RRL stated he asked they go through Bound Road and Woonsocket. Then Woonsocket decommissioned Bound Road.

RW stated, "With all due respect, you're saying Randy Philips owns the land, the Assessor's Office is telling me, it's not owned by anyone, no one's paying taxes on it."

SDC suggested Mr. Walkey do more research on the property.

RRL suggested finding the original agreement.

SDC stated we should get proof from Lee and Mr. Walkey could come back.

- **Riolo Special Permit, Backlot Subdivision:**

50' was taken off the first 3 lots in Highridge to get the correct amount of frontage for this property.

RRL stated, "Now if you didn't do this, there would be a duplex, two houses attached, is that correct?"

Craig Riolo stated yes.

EWG asked what would be done with the original house he owned?

CR: Tim Jones is purchasing it .

RVD stated he's not happy with the layout of this. Just because you don't like the development going in, you want to upgrade now?

GCW stated they didn't know where the pumping station was going. He thinks it's a better solution to the duplexes.

Michael Burr, 336 Lake Street, asked, "Don't they need 200' of frontage for both lots?"

RVD stated that's why they're going for the Special Permit for a Backlot subdivision.

BJS: Motion to accept plan for 351-355, based on findings being satisfied in Section 2580 for Craig Riolo with stipulation that the back-lot be for a single family dwelling.

RRL: Second. Vote: 4-1 (RVD voted nay), approved.

GCW would like it noted that because it was a duplex, that no net increase in dwelling units is occurring.

- **Shores of Silver Lake:**

Endre Hollosi appeared before the Board presenting the application for the Shores of Silver Lake. The plan shows 3 lots, extending the cul-de-sac 200 feet. He explained to the board and general public that there would be a benefit to the town by connecting the sewer for the adjoining area at Silver Lake to the Woonsocket Waste Water Treatment Facility. He showed plans depicting such a connection. Discussion from area residents again centered on the number of dwelling units for the development. BJS indicated that in the decision if approved, it would be for three lots, and any increase would require the applicant to come back to the board.

RRL: Motion to close the public hearing.

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

RRL: Motion to approve Shores of Silver Lake with conditions noted in the plan.

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

- **Hixon Farm Estates Bond Release:**

BJS: Motion to release bond for Hixon Farms Estates, minus \$8,000 for the maintenance fund for the detention ponds.

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

- **General Business/Old Business:**

BJS: Motion to pay the bills.

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

- **EMC, Maple Street Development Discussion:**

There was discussion regarding the proposed compromised plan for Maple Street and High Street property.

BJS: Motion to inform EMC that the Board supports EMC in pursuing the compromised plan and proposed mitigation package with consideration of using \$221,225.00 flexibly on traffic impacts associated with the project, and also with the intersections of : 126 and Maple Street and 140 and Maple Street, to be done prior to development. Timing

- **EMC, Maple Street Development Discussion:**

There was discussion regarding the proposed compromised plan for Maple Street and High Street property.

BJS: Motion to inform EMC that the Board is supports EMC in pursuing the compromised plan and proposed mitigation package with consideration of using \$221,225.00 flexibly on traffic impacts associated with the project, and also with the intersections to be done prior to development. Timing of other mitigation projects shall be associated with the development plan approval process.

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

- **Connor's Crossing Definitive Subdivision:**

RRL: Motion to accept Connor's Crossing extension to 10/15/02.

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

BJS: Motion to endorse Connor's Crossing Definitive Subdivision with plans revised through 10/10/02.

RRL: Second. Vote: 4-0-1, approved. (RVD abstained, as he was not present during initial hearing)

- **401 Hartford Avenue, Special Permit Backlot Subdivision:**

EWG: Motion to sign the decision for the 401 Backlot subdivision.

BJS: Second. Vote: 4-1, approved.

RVD: Motion to adjourn at 10:50pm.

BJS: Second. Approved.

Minutes Accepted on: 11-14-02
(date)

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

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