



BELLINGHAM PLANNING BOARD

5 COMMON STREET
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January 23, 2003 Meeting Minutes

- **Present at the meeting:**

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

Other officials: Phil Herr, Town Consultant Planner
Beth E. Partington (BEP), Coordinator
Thomas Guerin (TG), Fire Safety Officer
Amy Cook, (AC), Commission on Disabilities

RVD: Motion to accept 11/14/02 Minutes.

RRL: Second. Vote: 4-0, approved. BJS abstained, as he was not present at the 11/14 meeting.

BJS: Motion to accept the 12/12/02 Minutes.

RRL: Second. Vote: 3-0, approved. SDC, RVD abstained as they were not present at the 12/12/ meeting.

- ♦ **81-P, Letourneau, Corsi St.**

Bruce Lord had the covenant signed. He received Phil's covenant and will replace it.

PH questioned who releases the covenant for the lot, the Planning Board or DPW? He is concerned with the road being acceptably improved to DPW standards.

BL preferred the DPW to release the lot for the road improvements, as it is more accessible, more efficient from the developer's point of view.

RRL was in agreement with that and would like it added to the covenant.

BJS stated he would like to see it come back to the Board for completeness.

SDC wanted to make sure the owner is aware of the improvements necessary.

BJS: Motion to approve the endorsement of the 81-P on the Letourneau plan of land with covenant stipulating the plan come back to the board (not DPW).

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

Neil Stanley, 9 Bliss Road, asked if this qualifies as an 81-P since it is a paper street.

PH stated that fronts on an existing public way make this an 81-P. Whether it is navigable is arguable. It involved a set of occurrences that must take place before that lot can be built on. The next step is to go to ConCom, then DPW, then security must be posted. If any piece of this doesn't proceed it won't be okay. You may not want to live near it, but it will be okay according to the law.

NS stated it is going to cost a lot of money to bring it up to par.

SDC: Correct, a lot of money.

RD asked to reconsider original vote, as two members were not present during the first 81-P presentation. Second Vote: 3-0, RVD, SDC abstain.

◆ **Maple Street Construction Garage, Funari Construction 231 Maple Street, Modified Development Plan:**

Bob Poxon of Guerriere and Halnon presented the application. The building was constructed in a different place than originally shown. The proposed use was for dropping off and picking up of trucks in construction business with activity in the early morning. They are proposing a fence all the way down to the end of the property of permanent pvc, tan in color as opposed to stockade fence which would deteriorate. Lighting has been hooded to eliminate the glare. Trees have been planted.

Bruce Lord, representing the Fiskes of the Wishing Well Kennels, stated the fence is acceptable to the Fiskes.

RVD: The approved plan shows trees, are they in?

BP stated the trees along the line of the property were not in because during the construction process, the neighbor indicated she wanted a fence instead of trees.

SDC stated there have been oversights on the project. The Form H was never done. The as-builts were signed off on without the building being put in correctly.

EWG asked the hours of operation.

BP stated people come in, pick up a truck and leave.

EWG asked, "So they idle trucks?, Pick up dumpsters?"

BP stated dumpsters are loaded at night.

EWG asked how they proposed to keep the dust from blowing into neighbors properties?

BP stated they would sprinkle with a hose as needed.

RRL asked who defines as needed?

EWG asked how he waters it.

BP stated with water on the property. These people don't want any problems.

SDC asked if we had gotten any resolution on the multiple uses.

PH stated he and Lee agree on the lot area, that two times the lot area is required.

RRL: If it's trucking, it's trucking. Loom piles are not allowed. If it's construction, waste trailers are not allowed. Would storage of waste containers be considered as processing? If so, it doesn't come in under this use.

PH asked in what way is the dumpster process in relation to the construction business.

BP stated to remove of construction materials.

BJS thanked the applicant for observing the parking rules. He feels a solution would be for extra vegetation to catch the dust. He feels they are not just selling loam. They're screening it and manufacturing it. If you stopped the dumpsters, the Board could address the real business.

Mr. Funari: This all falls back on that I don't have two lots. I had to bring in revenue. It cost me \$30,000.

SDC: When you first came to us it was going to be a construction garage. When you found out it was going to be a second lot, you should have come back to us. We should have put more restrictions such as earth removal under section 4600.

BP stated he believed it falls under bulk storage.

SDC brought up the scenic road special permit.

PH stated that has to do with acting on a scenic road, making alterations. It doesn't apply to what he does back on the lot. The only thing you can enforce under the scenic road by-law is the stonewalls and trees.

SDC stated again, had we known about the loam deliveries, we would have restricted use.

BP stated the problem is you've got a scenic road in an industrial use.

BL stated he represents the Fiskes and issues they are concerned with.

1. Bulk storage definition – this is a processing plant
2. Originally approved as a contractor's yard, does not include processing.
3. 4 large piles, besides the pile itself, sifting is going on, more subject to being blown on 140, mulch piles have to be watered constantly.
4. Gravel – water containment problems. There is no leveling of this property. There should be some indication as to how high these piles are allowed to be.
5. The hours of operation. Clearly there has to be some control. They cannot be waking people up and putting them to bed with noise. They want the peaceful use of their own property without being interfered with.
6. Dumpsters clearly do not fall under a contractor's yard.
7. Lighting: would like to have this checked and documentation submitted. We're not sure if it meets the standards.
8. Drainage has disappeared.

There is very little on this plan that was done according to the original plan. They could have gone for a variance. If you approve this, I would suggest a bond to ensure that the plans are brought to completion.

Chris Funari asked the difference between what J. Cobb is doing down the street and what they are doing?

RVD stated they're doing what they're approved to do.

SDC: So you agree dust is a big problem. If it's earth removal, it says you should use chemicals.

Mr. Funari asked how many violations is that dog kennel in?

SDC stated if you have a complaint, to go to the proper authorities.

BL stated the difference is they bought in an area completely isolated. My clients aren't saying get rid of it. They're saying control it. Run off - where is it going? Any package as to what this entails, are you going to water all these roads? You've got to give them a waiver if they're going to have dirt roads. Pavement is required. The other aspect is how much water use this would require.

SDC stated Rosenveld has a tire washing facility.

BJS: One line item in reference to the dust control. When the board met informally with you and offered watering as a dust control measure, I expected you would come back with something more than one line item, You stated you would water with a hose. Is that a fire hose or a garden hose?

RRL asked if it is required that they pave the driveway as Mr. Lord stated.

PH stated it's not that clear. The by-laws refer to parking areas.

RRL: Motion to continue the Development Plan Approval Application of Landmark Realty Trust to February 13, 2003 at 9pm.

BJS: second. Vote: 4-1, (SDC voted nay), approved.

Chris Funari asked if someone could explain to him how the rubbish is not trucking. Trucking is trucking.

SDC stated he was transporting garbage; it wasn't trucking.

The Board discussed conditions Issues that are currently being examined during the application process and need to be resolved:

1. Drainage, run-off control;
2. Documented process for dust control for loom piles as well as roadway per OSHA regulations, with the possibility of a tire washing facility or sweeping of Maple Street;
3. Hours of Operation; noise control of trucks idling during hours of operation;
4. Verify the lighting with submitted documentation, checking the glare on Maple Street and to neighbors;
5. Eliminating one of the businesses under the multiple principle uses of zoning under section 2570;
6. If the dumpster business is allowed; all dumpsters are to be stored empty on the premises.
7. The erection of a fence along the entire line of the property.

PH stated the motion doesn't preclude him getting more lot area

BL stated the neighbors are not complaining about the separate uses. The contractor's yard begins work at 7am, while the dumpster trucks start up at 4am. It's the hours.

RRL: Motion to Notify Stuart to extend the occupancy permit to 2/14/03.

BJS: Second.

Vote: 4-1, (SDC nay), approved.

RRL: Motion to accept the extension for Landmark Realty Trust for the Maple Street Construction Garage Development Plan Approval through February 18, 2003.

BJS: Second. Vote: 4-1, (SDC nay), approved.

◆ **Maplebrook Commons Condominiums:**

Endre Hollosi stated they are currently working on the schematics. The building is inspected structurally. They expect approval by DEP some time in February.

RRL: Motion to grant extension to 3/4/03.

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

RVD: Motion to continue public hearing to 2/27/03 at 8pm.

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

◆ **Beaver Pond Estates, Grove Street**

RVD: Motion to accept the extension to 3/4/03.

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

RRL: Motion to continue hearing to 2/27/03 at 8:15pm.

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

◆ **General Business:**

◆ SDC brought up for consideration the parking spaces consumed by snow storage.

PH stated the Board could put something in the by-law on this issue.

◆ RRL sated he spoke with Dennis regarding the filling of the Planner Position now vacant with the leaving of Paige Duncan. One of the Selectman had suggested not filling it. Denis concurred that it is a necessary position, that even with out a planner, we have always had a consultant planner.

PH suggested advertising the position in the N.E.Planner or with the MAPD.

BJS discussed traffic and parking at Dominoes. He had been approached by residents who wanted to know how the Planning Board had approved the business and parking at Dominoes. The Board discussed that the Building Commissioner decided that it falls under the use of a bakery and did not need to come before the Planning Board.

RRL stated the Building Inspector made his ruling; it's up to him and the Board of Selectman to enforce the parking.

EWG wondered why they don't rent part of the parking at Joanne's.

RRL recommended calling or emailing to the Board of Selectmen.

- ◆ JPI - BJS stated the ZBA wants everything resolved by 2/28. He asked the board if they were still asking for the same items as on the letter sent to the ZBA last fall. The consensus was "yes".

13th house lot of Edwards Estates:

RVD asked who orders the cease and desist.

SDC said it would have to be Stuart. He went to see the 12' retaining wall.

BJS and RVD asked Phil how the number 12 was decided upon for a dead end street.

PH stated he could go back and try to find the history on it. He feels that 12 may have been an arbitrary number that was decided upon. It could have come from him. He feels the consequential reason is if access gets blocked. The other thing is that any time a service is distributing, it's a wasteful pattern because of the inefficiency of the service. If it's a large number of dwellings, with many trips being made, traffic deteriorates very quickly, if there's no second way out.

With the subdivision off South Main Street, the Planning Board dug their feet in to control growth. It was arbitrary but reasonable. There have been a number of exceptions.

There was a discussion to invite the Building Inspector to the next meeting to discuss it.

BJS: Motion to pay bills.

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

RVD: Motion to adjourn.

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

Minutes Accepted on: February 13, 2003
(date)



Steven D. Choiniere, Sr.



Edward W. Guzowski



Roland R. Laprade

(prepared by: Beth E. Partington)



Brian J. Sutherland



Richard V. Dill