



BELLINGHAM PLANNING BOARD

5 COMMON STREET
BELLINGHAM, MASSACHUSETTS 02019
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September 23, 2004 Meeting Minutes

• Present at the meeting:

Roland R. Laprade (RRL), Chair
Edward W. Guzowski, (EWG), Vice Chair
Thomas J. Guerin (TJG), Secretary
Brian J. Sutherland (BJS)
Arthur P. MacNeil (APM)
Glenn C. Wocjik (GCW), Alternate

Other officials: Stacey J. Wetstein, (SJW) Town Planner
Amy Cook, (AC), Commission on Disabilities

General Business:

RRL: Opened meeting at 7:00 pm.
TJG: Motion to sign the minutes for September 9, 2004.
BJS: Second.
Vote: 3-0, Approved, 1 Abstain (not present).

BJS: Motion to sign the vouchers.
APM: Second.
Vote: 5-0, Approved.

Jolicoeur, Lake Street, 3 lots- Revised 81P

Gary Jolicoeur presented new plan based on the September 9, 2004 meeting, where he was advised that under MGL subdivision regulations, only three of his proposed properties could be split in to separate lots. The new plan combines Lot 1 and 4, creating 3 lots as allowed under 81L in subdivision definitions. Structures on all three lots were built before zoning subdivision regulations were in effect.

TJG: Motion to accept 81 P.
APM: Second.
Vote: 5-0, Approved.

Daigle, South Main Street – Re-sign 81P

Resubmittal of plans that had been signed previously by the Planning Board, but never filed in Dedham at Registry of Deeds. Plan to divide lot into two lots had not changed.

ARM: Motion to sign 81P.

BJS: Second.

Vote: 5-0, Approved.

Bellingham Estates (aka Pierce Estates) Bond Discussion

Bill Keaton of Toll Brothers ready to post performance bond, as they are getting ready for lot release and road construction. Project is phased, but performance bond would be for entire project, they proposed a bond of \$1,250,000.00. After meeting with Toll Brothers, Don DiMartino (DPW) suggested an additional \$15,000.00 be added for temporary cul-de-sac costs, making bond total \$1,265,000.00. Toll Brothers may request partial return of money during completion process, but do not expect to make more than one request during completion process. Don also recommended condition that all sidewalks be constructed with binder course before building occupancy permits are issued.

Toll Brothers want to use a surety company and had Form E2 from subdivision regulations. This form of bond has not been used in Bellingham, but is allowed under MGL. Board discussed best method to facilitate process. Once Toll Brothers had agreed upon amount, they could begin securing bond. RRL suggested that the amount be approved pending town counsel review and the Board agreed with that approach. SJW informed Board of comments of Attorney Scott Ambler regarding form E2. Scott suggested that Board impose a condition that surety company be in MA, and that provision be written stating that should Toll Brothers go under or otherwise be unable to finish roadway construction, the surety company would step in immediately to complete project. Board agreed that Attorney Lee Ambler would write the provisions and review Form E2 and that the Board would retain the option to impose conditions as well. Board agreed to tentatively approve amount of bonding so that Toll Brothers could begin to work with a MA chartered surety company to secure bond.

Board expressed concern about sidewalks being left uncompleted until development was complete. Toll Brothers responded that they have disclosure statement which all homeowners must sign restricting them from touching sidewalk area. Board asked them to verify this documentation regarding sidewalks and take issue up with Don DiMartino. Board asked that binder course for sidewalk is in place to clearly demarcate sidewalk area as matter of public safety.

APM: Motion to set bond at \$1,265,000 along with contingencies of town counsel.

BJS: Second.

Vote: 5-0, Approved.

Pine Acres Major Residential Development Special Permit/Definitive Subdivision

RRL: Open public hearing and recused himself, as he would benefit financially by access to public sewerage. Alternate Glenn Wojcik voting on Special Permit.

BJS: Motion to waive reading of public notice.

TJG: Second.

Vote: 5-0, Approved.

Attorney Richard Cornetta, representing Mr. Dalpe, reviewed proposed 28-lot cluster subdivision on the site of Pine Acres golf course. Development will include public sewerage as they are building in a sensitive area in water resource district. Applicant requested waivers to subdivision and zoning regulations. Request was made in writing and Attorney Cornett stated each waiver and the reason for request, as follows:

- Subdivision Regulation, Section 321 -soil test-The proposed site is on gravel pit and sewerage will be installed;
- Section 323-streetlights. Streetlights are intended and will be coordinated with MA electric;
- Sect. 324-Environmental analysis- there is adequate access on Wrentham Road. Site adjacent to town wells and water supply, but town sewer will protect ground water;
- Zoning by-law 4332-Landscape plan-site is 90% open land; landscaped monument at intersection of Wrentham Rd. and proposed road. Lots, being residential, will be landscaped;
- 4332 Alternate plan-excused by planning board at preliminary determination.

Waivers were not discussed, but board discussed changes in drainage system and new culvert. Town would provide culvert and there would be discussion on whether some of the costs would be handled by Mr. Dalpe. No guarantees of payment have been made and the cost cannot be determined until plans are finalized. Plans are not finalized as they had just received comments for engineering peer review from Meridian and design plans for sewer, which are still subject to Don DiMartino's review. They will need to resubmit a final plan that incorporates all the comments from DPW, peer review, and necessary changes before the Board makes any decisions.

Attorney Cornetta agreed to an extension on the decision of the special permit and requested a continuance until October 28, 2004 meeting so that they have time to update their plans for final submission for definitive subdivision.

Because project is in a water resource area, Board also asked Gerry Brisson, project engineer, to submit verification proving project did not exceed the triggers that would require them to get a special permit for water resource district as stated in the Zoning By-laws, section 4900.

There were no opponents to the sub-division at the hearing.

APM: Motion to extend special permit deadline to 11/12/04.

TJG: Second.

Vote: 5-0, 1Abstain.

BJS: Motion to continue hearing for definitive subdivision and special permit 10/28/04, 7:45 PM.

TFG: Second.

Vote: 4-0, 1Abstain.

Bellingham Shopping Center, Dunkin Donuts Special Permit Drive Thru

Neal Faulkner asking for special permit for drive-thru. There will be a double lane around building including fire lane inside the plaza; drive-thru is set well off the road. No change to plan.

TJC: Motion to grant special permit for drive-thru.

APM: Second.

Vote: 5-0, Approved.

Depot Street Industrial Parks II & III, Preliminary Subdivision

Bart Malloy, representing Varney Bros, Linda Varney, and Donald Neilson asked for suspension or continuance of hearing until zoning by-law is addressed. When asked if plans for this preliminary subdivision were submitted mainly in response to proposed zoning change of parcel in order to freeze zoning for future development, applicant answered that they were.

Board agreed that postponement until after Fall Town Meeting made sense.

TJG: Motion to continue until 10/28/03, 7:30 PM.

APM: Second.

Vote: 5-0, Approved.

Planner's Report

Discussion on upcoming newsletter being published SJW. Hopefully the first release will be before Spring town meeting. Newsletter will be available via the town's web site and e-mail distribution. SJW/MC currently reviewing feature ideas and the Board was asked to submit any ideas or topics for articles they feel would be useful. A question and answer column is also being entertained.

After discussion, zoning articles for Town Meeting were divided for presentation as follows:

RRL: Pearl St Mill Reuse and Definitions

BJS: Power plant, and Site Plan Review

APM: Family apartments and Definitions

EWG: Cell tower bylaw

There was discussion about changing wording of "Mill Overlay" District to "Redevelopment Overlay" before the fall Town Meeting. Topics for the Spring Town Meeting were also discussed including noise by-law, traffic and preservation plan. Board agreed that noise by-law be held off until the Fall 2005 Town Meeting.

RRL suggested formation of subcommittee to address the sign by-laws. The committee would be comprised of members of Board of Selectmen, Planning Board and Zoning Board to try to get a by-law formed by Fall Town Meeting 2005. Board felt it may be helpful in include the Bellingham Business Association in sign by-law discussions.

Brian Cook, Scott Hill Boulevard Backlot Division Special Permit

RRL: Open public hearing.

BJS: Motion to waive reading of public notice.

APM: Second.

Vote: 5-0, Approved.

Robert Gately, Shea Engineering and Brian Cook presented plans for backlot subdivision. Mr. Cook intends to build his residence on the backlot, and sell the other parcel as a building lot. Board informed Mr. Cook that although the property is zoned B1, the backlot is intended for a single residential dwelling, and business operation would be limited to a home office.

Abutters, Julia Jung-Hanns, Ray Alarie and Martin Rudolph wanted to review plan. Concerns about business development and tree clearing were addressed.

TJG: Motion to grant special permit for backlot subdivision.

APM: Second.

Vote: 5-0, Approved.

ART: Motion to adjourn.

TJG: Second.

Vote: 5-0, Approved.

Minutes Accepted on: 10-14-04

(date)

(prepared by: Mary Chaves)

Roland R. Laprade

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