



BELLINGHAM PLANNING BOARD

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

April 28, 2005 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)
Glenn C. Wocjik (GCW),
Kate Buyuk (KB), alternate

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

RRL Opened meeting at 7:00 PM.

BJS: Motion to accept minutes for April 14, 2005 Planning Board Meeting.

TJG: Second.

Vote: 5-0, Approved.

BJS: Motion to sign vouchers.

EWG: Second.

Vote: 5-0, Approved.

Old Business

Isaac Cummings Subdivision Plan Signing

Wes Garner appeared with his approved plans for signing. SWG advised Board that there were no appeals. SJG noted that there was an omission on plan; a note about sewer capacity should be on front page. Wes Garner will have it added to plan and will bring eight copies for distribution.

Pine Acres Definitive Subdivision and Major Residential Special Permit Decision Signing

RRL opened Public Hearing, recused himself and sat in audience.

Leo Dalpe, applicant, appeared for the Pine Acres decision signing. EWG reviewed last meeting's decision to draft a decision. Attorney Ambler has suggested some

optional language regarding automatic rescission vs. initiating proceeding for decision regarding two-year completion. After some discussion BJS suggested that this matter of language be tabled for another meeting and let this decision go forward with the language as written. Wrentham Road residents will receive sewer line stubs as part of mitigation for this project.

BJS: Motion to sign decision approval for Pine Acres Definitive Subdivision Plan.

TJG: Second.

Vote: 4-0, Approved, 1 Abstain.

BJS: Motion to sign decision approval for Pine Acres Major Residential Special Permit.

TJG: Second.

Vote: 4-0, Approved, 1 Abstain.

Rocco Garage, Development Plan Review

RRL opened Public Hearing at 7:15 PM.

BJS: Motion to waive reading of public notice.

TJG: Second.

Vote: 5-0, Approved.

Joe Nihill, GLM engineering, appeared on behalf of applicant. The property is located directly across from Ma Glockners restaurant at 146 Maple Street with an existing house and garage. Applicant would like to remove existing garage and build a larger garage for equipment storage. Four parking spaces have been shown on plan; drainage issues have been addressed with the Conservation Commission. During process it came to light that historical artifact is on site, an Indian grinding stone. After speaking with the Historical Commission it was decided that they would work with the Historical Commission to preserve and protect the stone on site. The Conservation Commission has approved their Notice of Intent with special conditions.

After discussion the Board determined more information regarding the exact nature of the intended use of this garage is necessary. Would vehicles be repaired? Would it be heated? How many people would be on site at any given time? What about sanitary facilities? BJS suggested this matter be continued for clarification of intended use. The Board recommended the applicant look at language of similar project (Cataldo garage-Depot St) to get a better idea of what the Board is looking to see.

BJS: Motion to continue 146 Maple St Development Plan Review Public Hearing to May 12, 2005 at 7:15 PM.

TJG: Second.

Vote: 5-0, Approved.

BJS Motion to extend decision deadline to May 27, 2005.

TJG: Second.

Vote: 5-0, Approved.

Thundermist Car Wash Site Plan Review and Special Permit for a Drive-thru

RRL opened Public Hearing at 7:30 PM.

BJS: Motion to waive reading of public notice.

TJG: Second.

Vote: 5-0, approved.

Ronald Lussier appeared for Thundermist Carwash and presented graphics representing the proposed building along with proposed renovation plan. He presented his plan for an automatic carwash and highlighted the project's benefits. He stated that he has done his best to be neighborhood friendly. He has agreed to install a 12" sewer main the entire length of Arthur Street as requested by DPW. There was much discussion about traffic in the area. The traffic flow within the facility was also discussed at length and the Board suggested some changes regarding the removal of vacuum stations and dumpster. BJS noted that curb cuts for handicap access were not shown on plans. It was agreed that a traffic study is needed as well as the need for a more detailed lighting plan.

There were several abutters at the hearing to voice their concerns. Wayne Poitros, resident concerned about traffic, especially exiting onto Pulaski Boulevard. Elizabeth Metivier also is concerned about traffic in and out of Arthur St, as well as noise and lighting. She presented a list from deaf neighbor, Ed Wessel, which was read aloud and concerns included tree clearing, fencing, and trash. James Metivier, resident liked layout but was concerned about noise from waiting vehicles. Mr. Metivier was also concerned about having the facility unmanned as it may invite crime to the area and encourage loitering. Charles Trottier expressed concerns about exhaust fumes and noise from stereos. Snow removal and storage were also concerns for residents as well as the Board. Eugene Trottier, Orchard St, concerned with Traffic and water supply. The Board assured him the DPW stated we were in no danger of a water shortage.

SJW reminded Board that although this fell under the classification of site plan the Board was within its rights to request studies as with development plan for noise, traffic etc. RRL stated that this property is business zoned and the property is able to develop it such. Mr. Lussier reiterated that he intended to put some business there whether the car wash was approved or not. The Board agreed that impacts from this project are a greater scope than a typical site plan and requested that applicant come back with more studies as required in the regulations for a development plan.

The residents asked to whom they should address their general concerns about traffic. RRL stated that there are projects waiting for funding from the Commonwealth and that it takes time and there were not town funds available to improve these conditions at this time.

BJS: Motion to continue public hearing for Thundermist Car Wash Site Plan Review to May 26, 2005 at 7:30 PM.

TJG: Second.

Vote: 5-0, Approved

BJS: Motion to extend decision deadline to June 10, 2005 for Thundermist Car Wash Site Plan Review and Special Permit for Drive Thru.

TJG: Second.

Vote: 5-0, Approved.

BJS: Motion to continue Public Hearing for Special Permit Drive thru to May 26 at 7:30 PM.

TJG: Second.

Vote: 5-0, Approved.

Hunter Development, Gas Station and Convenience Store

RRL opened Public Hearing at 8:00 PM and continued until present business finished.

BJS: Motion to waive reading of public notice.

TJG: Second.

Vote 5-0, Approved.

RRL advised Mike Frisbee that they had been advised of settlement offer on the Development Plan and Special Permit that had been denied by the Board.

BJS: Motion to decline acceptance of settlement as received by Attorney Ambler

EWG: Second.

Vote: 5-0, Approved.

EWG: Motion to deny application due to non-compliance with provisions of MGL Chapter 40A Sect 16.

BJS: Second.

Vote: 5-0, Approved.

Craig Chechanowski, Attorney for applicant rebutted motion of EWG that development plan review is not subject to Chapter 40A. Attorney Chechanowski stated that "case law is clear on this point and that the Supreme Judicial Court has said, very clearly, a development plan review is not subject to Chapter 40A but is a creature of the local by-laws." He went on to further explain his interpretation of Chapter 40A sections 16 and 17

Attorney Chechanowski advised Board they were ready to move forward and present and they believed they should be allowed to do so. He also expressed his disappointment that the questions of applicability of Chapter 40A, Section 16 was brought to their attention at this time, when the application was filed a month previously.

He acknowledged that he had received correspondence from Attorney Ambler on the previous day indicating there were concerns.

Attorney Chechanowski advised Board that is set forth in Section 16 requiring the Board to send notice out to hold a hearing on whether or not there have been changed circumstances if that what the Board believes is the proper procedure. He asked what happened in the room at 8:00, as they were not in the room. RRL replied that he opened and continued the public hearing.

BJS commented that he was surprised that Attorney Chechanowski was unaware of the Board's position on Chapter 40A Section 16 as it was his understanding that Attorney Amber has been in communication with Attorney Chechanowski regarding this matter. Attorney Chechanowski replied that the only correspondence he received from Attorney Ambler was dated April 25, 2005. SJW stated that she placed a phone call to Mike Frisbee and suggested he have his attorney speak with the town attorney. Mike Frisbee commented that he asked SJW to have the town submit formal notice if there were an issue with this development plan review. Mr. Frisbee stopped in the Planning Office on the morning of April 26, 2005 to ask if there were any issue with the hearing. At that time the Planning Office was unaware of anything. He didn't receive anything until he asked his attorney to check with Town Counsel. SJW said that she had asked Attorney Ambler to address his comments to the applicant's attorney, but he initially addressed his comments of April 20, 2005 to the Board only. BJS informed Attorney Chechanowski that the Board was acting on advice of Attorney Ambler. Attorney Chechanowski started that he understood but wanted the opportunity to express their opinion for the record.

Planners Report

SJW showed the Board a preliminary draft of the newsletter being prepared planning. It is due to be distributed before town meeting in May.

BJS: Motion to adjourn:

TJG: Second.

Vote: 5-0, Approved.

Minutes Accepted on: _____

(date)

5-12-05

(prepared by: Mary Chaves)

Mary Chaves

Roland R. Laprade

Roland R. Laprade

Brian J. Sutherland

Brian J. Sutherland

Edward W. Guzowski

Edward W. Guzowski

Glenn Wojcik

Glenn Wojcik

Thomas J. Guerin

Thomas J. Guerin