



# BELLINGHAM PLANNING BOARD

5 COMMON STREET  
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## December 8, 2005 Meeting Minutes

- **Present at the meeting:**

Roland R. Laprade (RRL), Chair  
Brian J. Sutherland (BJS) Vice Chair  
Glenn C. Wojcik (GCW), Secretary  
Edward W. Guzowski, (EWG),  
Thomas J. Guerin (TJG),  
Kate Buyuk (KB) Alternate

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

RRL opened the meeting at 7:00 PM.

### Old Business

BJS: Motion to sign minutes of November 10, 2005 meeting.

TJG: Second.

Vote: 4-0, Approved, 1 absent (GCW not present).

BJS: Motion to accept minutes of November 10, 2005 Executive Session.

TJG: Second.

Vote: 4-0 Approved, 1 absent (GCW not present).

BJS: Motion to sign vouchers.

TJG: Second.

Vote: 4-0, Approved, 1 absent (GCW not present).

### Walgreens decision signing and discussion

SJW briefed the Board on meeting held between the applicant and Don DiMartino (DPW) and herself regarding traffic mitigation and responsibility of signaling for the intersections in the Town center. Synchronization of the lights is a major issue. The DPW wants the applicant to install the conduit connection between the signals and the applicant was prepared to do time synchronization. The DPW does not expect the applicant to pay for new workings. Attorney Joseph Antonellis appeared on behalf of the applicant with Scott Weymouth of Arista Development and explained that contrary to what the applicant believed at the time of their meeting, they are not tearing up Route 140 and that it was not included in the scope of the discussion with the Board. They

had spoken of time based coordination with guarantees including periodic checking of the intersections.

TJG agreed that prior conversations had been about signal timing not the installation of a conduit.

Scott Weymouth of Arista Development gave an explanation of the radio signaling, which would most likely work well between two new units. In the interim, timing would be adjusted until a new signal is installed at Mendon Road.

BJS: Motion to sign decision for Walgreens Pharmacy Development Plan as amended.

TJG: Second.

Vote: 5-0, Approved.

BJS: Motion to sign decision for Walgreens Pharmacy Special Permit for Drive-Through.

EWG: Second.

Vote: 5-0, Approved.

### **Colonial Estates 3-lot subdivision**

RRL opened Public Hearing at 7:15 PM and continued until the old business was finished.

BJS: Motion to waive reading of Public Hearing notice.

EWG: Second.

Vote: 5-0, Approved.

Gerald Marchand, applicant, and Paul DiSimone, DiSimone Associates, engineer for the applicant, proposed a 3-lot subdivision at the intersection of Lake Street and Wrentham Road. There is an existing home on one of the proposed lots. A preliminary plan had been approved on December 18, 2000. Major waivers included a reduction in pavement and a super elevation of road so that drainage runs into a berm. One of the lots is within 200 feet of Bungay Brook and they will eventually file with the Conservation Commission when a house is constructed.

The Conservation Commission suggested that the roadway cul-de-sac is also within 100 feet of wetlands; Paul DiSimone disagreed but said he would clarify the issue with George Holmes of Conservation Commission. SJW went over some of the discrepancies found during the peer review process. There had not been enough time for the applicant to respond to all the peer review comments.

One change that had been made to the plan was the elimination of a stone retaining wall and the substitution of a gradual slope to the abutting property. The applicant has obtained an easement from his neighbor.

BJS: Motion to continue Public Hearing for Colonial Estates 3-lot Subdivision to January 26, 2006 at 7:15.

TJG: Second.

Vote: 5-0, Approved.

BJS: Motion to accept request for extension of decision to February 6, 2006.

TJG: Second.

Vote: 5-0, Approved.

### **DaPrato Subdivision- Irene Court, 1 lot**

RRL opened the public hearing at 7:30 PM.

SJW advised the Board that Attorney Robert Knapik had faxed a letter requesting a continuance as their meeting with the Conservation Commission had been cancelled due to a power outage.

BJS: Motion to continue public hearing for DaPrato, Irene Court subdivision to January 12, 2006 at 7:30 PM.

TJG: Second.

Vote: 5-0, Approved.

### **South Maple Street Business Center, Development Plan Review**

RRL opened the Public Hearing at 7:45 PM.

Paul Maggiore appeared with Don Neilson of Guerriere and Halnon. At the previous meeting there were a couple of items that were of concern to the Board. The applicant agreed to deed-restrict fast food establishments, restaurants and convenience stores/mini marts. Mr. Maggiore agreed to pay \$20,000.00 for traffic mitigation. The mitigation monies are to be paid prior to first occupancy. Mr. Maggiore requested that the Board grant his request for a 3-foot waiver in the landscaping requirements. EWG mentioned a complaint from an abutter regarding property flooding of a neighboring home. Mr. Maggiore said that they contain all water on their site; RRL suggested that the way the Bellingham lot is laid out without a drainage system functioning, it might be creating a change in the water flow. Mr. Maggiore agreed to speak with Ed Moore, whose daughter owns the home affected by the water flow. BJS noted that the lighting from the Franklin facility was illuminating properties in Bellingham. He requested that although the property was in Franklin the lighting be changes to remove the off-site illumination. Mr. Maggiore agreed to look into it and if possible change the lighting.

They had changed plans to reflect comments by Meridian Associates, but there were still some comments that were left to the discretion of the Board. The Board noted that the rear loading doors had not been changed as previously requested and KB had concerns about the amount of parking provided. Mr. Maggiore agreed to deed conditions that would limit the number of retail tenants and the mix of warehouse/office space in order to accommodate the septic system. Snow removal would be required as well, since the snow storage on site is so limited.

EWG: Motion to draft a favorable decision for South Maple Street Business Center Development Plan Review conditional upon addressing the outstanding issues (to be reflected in the plans and deeds).

TJG: Second.

Vote: 5-0, Approved.

BJS: Motion to continue public hearing to January 26, 2005 at 7:00 PM.

TJG: Second.

Vote: 5-0, Approved.

BJS: Motion to accept request for extension of decision until February 10, 2006.

TJG: Second.

Vote: 5-0, Approved.

### **EMC Preliminary Industrial Subdivision Plan – Maple Street**

RRL opened the Public Hearing at 8:00 PM.

Chris Toomey stated they had received a letter from the DPW regarding this subdivision. Dan Feeney of Beals and Thomas had comments on the water system and what changes to the plans the DPW wants to see in the definitive stage. He addressed suggestions that he said would be made at the definitive stage.

Mr. DiMartino is concerned about individual businesses ability to manage the wastewater treatment system. He also was concerned about private utilities on a public road. Mr. Toomey advised the Board that he had been mistaken and that the road will remain private that comments of private utilities on public roadway are no longer valid.

Chris Toomey discussed the roadway design and traffic issue comments made by the DPW. Don had commented that the proposal could be viewed as segmentation and a new ENF may be needed. After the applicant had their attorneys review the comments they stated there is no activity being proposed in connection with the subdivision, even so, any development would fall within the impacts of the previous filing, They didn't believe there were any additional aspects of development that would trigger a need for a new MEPA filing and they would follow the DEP regulations for maintenance and bond to ensure proper maintenance of a wastewater treatment system.

Brian Hall, 34 High Street, asked if the subdivision of this land recused them from liability of traffic mitigation. He also asked about a resident's only restriction being put on the road. RRL informed him it is a public road and there are no vehicle restrictions. David Barrett 58 High Street is concerned about safety on the road. Doug Porter, 3 Stonehenge Road asked about any restrictions of traffic on scenic roads.

RRL advised the abutters that due to a loophole in the Major Business Complex special permit; the applicant is within their rights to request a preliminary subdivision without a plan for the development. In the Major Residential Special Permit this is not allowed. RRL asked SJW to look into amending the bylaw to close this loophole.

BJS: Motion to wait for response from MEPA before making a decision and to continue to January 12, 2005 at 7:45PM.

TJG: Second.

Vote: 5-0, Approved.

### **Tim Jones, Lakeview Estates discussion and update**

Tim Jones appeared to advise the Board that all the work has been completed except for the top coat on a small section on Railroad Street. It's approximately a couple of hundred feet of road. Trees will be planted, as built plans provided and fencing constructed before he goes to Town Meeting.

The Boy Scout area is being changed around. They will talk with conservation to figure a way to stabilize the area from erosion.

### **Planners Report**

SJW reviewed budget. Planning Board wants to include 3% raise increases that are standard with all other town employees, otherwise continue to level fund the budget. They feel the standard 3% increase is necessary on a yearly basis to prevent a much larger request for an increase at a future date. SJW will amend the budget accordingly.

Lake View estates traffic study and full sets of plans are available for the PB to review. The PB scheduled a discussion to review information on January 26, 2006 in order to allow all the Board members to be present.

SJW, Gino Carlucci, Planning Consultant, Denis Fraine and George Holmes reviewed Gino's idea of using transfer of development rights with various parcels throughout town. Development rights of one property are transferred to another property leaving the former lot as open space, while allowing for higher density to the transferred lot.

RRL mentioned that the Major Business Complex Special Permit needed to be changed to reflect the same stipulation that the major residential has, a plan can not be submitted for subdivision without a complete plan for the area. SJW also suggested creating a new section of the subdivision regulations to allow for the road waiver requests that usually accompany 3-lot subdivisions.

SJW updated the Board on the seminar attended by MC and BJS....

BJS: Motion to adjourn.

TJG: Second.

Vote: 5-0 Approved.

Minutes Accepted on: 12-22-05  
(Date)

Mary Chaves  
(Prepared by: Mary Chaves)

Roland R. Laprade  
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Brian J. Sutherland  
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