



BELLINGHAM PLANNING BOARD

5 COMMON STREET
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September 28, 2006 Meeting Minutes

- **Present at the meeting:**

Brian J. Sutherland (BJS) Chair
Glenn C. Wojcik (GCW), Vice Chair
David Brown (DB) Secretary
Thomas J. Guerin (TJG),
Roland R. Laprade (RRL),
Stephen Bartha (SB)

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

BJS opened the meeting at 7:00 PM

RRL: Motion to sign the minutes of 8.24.06 as amended.

TJG: Second.

Vote: 5-0, Approved.

RRL: Motion to sign the minutes of 9.14.06 as amended.

DB: Second.

Vote: 5-0, Approved.

RRL: Motion to sign the vouchers.

TJG: Second.

Vote: 5-0, Approved.

Dalpe, Wrentham Road 81P

Leo Dalpe appeared with plan for 81P to create easements on existing lot.

TJG: Motion to accept 81P as presented on plan September 5, 2006.

RRL: Second.

Vote: 5-0, Approved.

Crystal Springs Condominiums Informal Discussion

Mark Allen, Allen Engineering, and Attorney Stephen Greenwald appeared before the Board. Mr. Allen reviewed the history of the project for the Board. In 1985 a special permit was issued for 84 units to be done in phases. To date, 42 units have been built and they are proposing 21 additional units at this time under the same special permit. Mr. Allen stated that it was because they were waiting for sewer to come to the site that development had been delayed all these years. Attorney Greenwald had prepared a brief that he believed demonstrated that unless otherwise specified in the special permit, there is no expiration date on the special permit and that because the original developer had passed away without further development, the development rights had reverted back to the condo association.

RRL asked if Town Counsel had an opinion on the validity of the special permit. MC advised that she had spoken to Attorney Ambler and that there was still a question of the validity of the special permit. The area in which the new condos are intended does not appear to be the same as was referenced on the approved plan in the permit. Attorney Ambler did not have enough documentation available at the time to form a definitive decision, but could not advise that this special permit was still valid, and further stated that any development of this parcel should comply with all existing zoning regulations including Section 4400, Special Residential Uses.

Attorney Greenwald countered that the courts had upheld a decision very similar to the Crystal Springs situation, finding that the special permit can go on in perpetuity unless otherwise specified.

BJS stated that he felt that although many years had passed, it was not the fault of the developer that it took the town 5 years to decide on sewer, thus delaying further development. SJW asked if Attorney Ambler had commented on the brief provided by Attorney Greenwald. MC stated that she had never seen the document before the meeting and that she did not know if Attorney Ambler had seen it, but that it was not discussed. RRL suggested that SJW forward the document to Counsel for further advice and let the applicant know town counsel's opinion.

FW Webb Development Plan Review

BJS opened the public hearing at 7:40 P.M.

SJW advised the Board that there had been a clerical error in the public notice stating the address as 37 S. Main Street instead of 37 S. Maple Street. Due to this error she asked that that public hearing be continued to the next meeting that abutters could be renotified of the address correction. SJW read the public notice to be resent.

"The Bellingham Planning Board will conduct a public hearing on September 28, 2006 at 7:15 PM in the Arcand Meeting Room in the Municipal Center on the application of JM Coull, Inc., 20 Powdermill Road, Maynard, MA 01754 under Section 1400, Development Plan Approval, of the Zoning Bylaws. The application is for FW Webb Distribution Center and Showroom, utilizing the existing 67,000 s.f. building and

increasing impervious surface by 35,000± s.f.. The parcel is located at 37 South Maple Street on an 8± acre parcel, Map 57, Lot 6 in an Industrial Zone. The plans were prepared by Cubellis Associates, Inc., 97 Libbey Industrial Parkway, Weymouth, MA. Interested parties are invited to attend the public hearing. The plans may be viewed at the Planning Board Office, 5 Common Street, Tel: 508-966-0991, on Tuesday or Thursday 8:30 AM – 3:30 PM and Friday from 9:00 AM – 1:00 PM and also at the Town Clerk's Office, Municipal Center, Bellingham, MA during regular Town Hall business hours.

Brian J. Sutherland, Chairman
Bellingham Planning Board"

BJS apologized to any who were present for the public hearing for any inconvenience.

RRL: Motion to continue public hearing to October 12, 2006 at 8:00 PM.

TJG: Second.

Vote: 5-0, Approved.

Woodbury Ridge Decision Discussion

Michael Moonan appeared on behalf of applicant, David LaChance. Their Conservation hearing was not closed out at their meeting last night as the Conservation Commission felt that the swale should be vegetated instead of rip rap as proposed by the DPW. Mr. Moonan will provide the Commission with information regarding the salt tolerant plant species they intend to use to vegetate the swale. The Board felt it would be best to have the hearing closed by Conservation and the new plans in hand before the decision was finalized.

RRL: Motion to continue public hearing for Woodbury Ridge Definitive Subdivision and Major Residential Special Permit to October 12, 2006 at 7:10 PM.

DB: Second.

Vote: 5-0, Approved.

RRL: Motion to grant extension of decision deadline for Woodbury Ridge to October 13, 2005.

DB: Second.

Vote: 5-0, Approved.

Cumberland Farms Development Plan Review

Peter Paulousky Attorney for Cumberland Farms and Sam Hemmingway, engineer for the project appeared before the Board to discuss the proposed project, a Cumberland Farms convenience store with an eight bay, self-service gasoline station. They propose to stay open 24 hours per day with 2 employees on shift at all times. Attorney Paulousky stated that they met with abutters on September 19, 2006 and have some renderings that try to address some of their concerns He then turned the presentation

over to Mr. Hemmingway who reviewed the layout of the project. The lots consist of about 1.25 acres on the corner of Elm and South Main Streets with the entrance facing South Main Street. The gas pumps will also be perpendicular to South Main Street. They will be requesting a waiver for amount of parking spaces. They propose that 23 parking spaces is more than adequate for their needs based on operations of similar sites. The utility and grading, lighting, drainage and site plans were reviewed. They propose two egress points, one each on South Main St and Elm St. Lighting was discussed and there will be no glare or light off premises. Underground drainage is proposed for storm water management. The relocation of a drainage ditch is being proposed, and is currently under review the Conservation Commission.

TJG asked if they were familiar with the Cumberland Farms in North Bellingham and if this proposal is similar to that facility. He had concern about cars being able to park in front of the store close to the fueling canopy. RRL questioned the stacking plan, especially if people leave their vehicle to use the store. DB asked about making the pumps one-way, but after discussion it was determined that that could restrict movement at the egress points. TJG asked about drainage ditch and water problems on Elm Street. The Board asked Sgt. Rolls, safety officer for his opinion, but he had not had a chance to review the plans and had some concern he would address with the developer

The Board asked the applicant about safeguards to protect the area from spillage TJG asked about how the site would be leveled off and the responded that they will be about 2.5 feet above the Log Cabin's preset elevation

BJS stated that he was not in favor of 24-hour operation and opened the meeting to comments from residents.

Bob Morrey, 23 S Main St, expressed concern about a left turns on to South Main Street. Questions were raised about how the fueling truck would approach and exit the site.

One resident was concerned about water contamination of his son's newly dug 700 ft well. BJS advised him that the likelihood was not very high based on the depth of the well and amount of the spill that would be necessary.

Mike Wobanks, 31 Elm St Rear was concerned about a Northbound left turn on to Elm Street.

Bill Alsop South Main St suggested that it would not only be tanker trucks but box storage trucks as well entering the site. He also suggested that the value of residential property would be decreased

Debra Sacco, 41 Elm Street, asked about the process and stages a project takes with different Boards, namely the Conservation Commission, Board of Selectmen and Planning

BJS suggested he would ask the DPW to address comment on the statement that the 126 drainage was overburdened

Kristin Thornton 29 Elm St Rear was concerned about a generator that backs up to Elm St rear. The applicant advised her that the labeling is incorrect. It should be transformer, not generator. She was also concerned about the store being so close to Elm St Rear as it does change the area that is totally residential.

Paul Kerans, South Main St, expressed three areas of concern, The first was that the store's signage will block the signs of his tenants on the other side of the intersection, second., that any spillage will be running down to his property, and third that people will use his driveway to circumvent traffic.

John Sacco 41 Elm St Wes opposed to the idea of another gas station and concerned over the moving of existing wetland.

Steven Chenniere-concerned about drainage on Elm Street towards Blackstone and suggested that the applicant tie into sewer further down Elm Street and provide stubs to residents along the way.

TJG asked about placement of fire hydrant, and the proposed location on Elm St was pointed out.

RRL: Motion to Continue public hearing for Cumberland Farms to November 9, 2006 at 7:30 PM

TJG: Second

Vote:5-0 Approved

RRL: Motion to accept request for continuance of decision deadline to December 29, 2006.

TJG: Second.

Vote: 5-0, Approved.

Bellingham Commons II Definitive Subdivision, Development Plan Review and Special Permit for Drive Through

Mark Beaudry, Meridian Associates appeared with George Levine of 191 Mechanic St LLC. Mark reviewed the history of the project. They had submitted this project earlier in the year but ran out of time for a vote on the special permits the Board members had changed. They withdrew without prejudice and resubmitted an amended plan incorporating suggestions made by the Board and the peer review engineers. He reviewed the subdivision plan and proposed roadway and asked that the Board consider voting on the definitive subdivision portion of the submittal.

Mark reviewed the waivers requested for the development plan and special permit.

Waivers requested:

Sect 322 11e-provide soil testing along roadway- They've done soil testing in other places around the site and have been consistent –Also, the roadway intended to remain private.

RRL Motion to waive 32 11e.

TJG Second.

Vote: 5-0, Approved.

Waiver from separate erosion control plan as they've worked the measures into their plan.

RRL: Motion to waive 322 11h erosion control plan requirement

TJG: Second.

Vote 5-0, Approved.

Waiver regarding local plan-call for 800 scale-shown at 150 scale to be able to show more detail.

RRL: Motion to waive 32 11 for locus at 800 scale.

DB Second.

Vote: 5-0, Approved.

Waiver of certificate from attorney that the plan has been agreed to by the property owner.

RRL: Motion to waive 3212 sec h certificate that application is agreeable.

TJG Second.

Vote 5-0, Approved.

Waiver of explanation of the entity that is developer. It was submitted as part of the original filing.

TJG: Motion to waive 3212 5.

DB Second.

Vote 5-0, Approved.

Regarding cul-de-sac at end of road-asked for relief from building cul-de-sac turnaround at the end of the roadway-will also minimize impervious surfaces

TJG Motion to waive 42330 dead end streets closed with cul-de- sac design

DB Second

Vote: 5-0, Approved.

They would like to use Ts in the catch basins instead of the hoods. They are easier to maintain and work as well.

DB concerned that this was a better system, that they should change the regulations. They will check with Don DiMartino at the DPW.

RRL: Motion to waive 4332.

DB: Second.

Vote: 5-0, Approved.

Curb inlets required but not necessary for this design.

RRL: Motion to 4333-curb inlet around catch basins.

TJG Second.

Vote 5-0, Approved.

Basin depth not exceed 5 ft beyond bed elevation

RRL: Motion to waive 4341 Detention basin not above 5 feet bed elevation

TJGL Second.

Vote: 5-0, Approved.

Waiver from sidewalks on both sides of roadway.

RRL asked that there be sidewalks on at least one side.

RRL: Motion to amend waiver 3451 requirement on both sides request to a sidewalk on the east side of the roadway up to the entry of lot 1.

TJG: Second.

Vote 5-0, Approved.

Street trees should be planted 40 ft on center.

RRL: Motion to waive 4532-trees at 40 ft intervals modify to 30 ft on west side and incorporate into planning materials on east side

TJG: Second

Vote: 5-0, Approved.

RRL: Motion to write a favorable decision for Bellingham Commons II definitive subdivision including waiver granted and meeting the conditions of the DPW condition that a workable maintenance plan be developed for the common storm water basin with Van Lumber.

TJG: Second.

Vote: 5-0, Approved.

RRL: Motion to continue public hearing for Bellingham Commons II Development Plan and Special Permit for a Drive-Through to October 6, 2006 at 7: 15 PM.

DB: Second.

Vote: 5-0, Approved.

Chaves, Mary

From: Wetstein, Stacey
Sent: Thursday, December 07, 2006 10:18 AM
To: Chaves, Mary
Subject: FW:

Just two small things. See blue below.

From: Chaves, Mary
Sent: Thursday, December 07, 2006 9:54 AM
To: Wetstein, Stacey
Subject:

At the Tuesday night meeting I asked the committee members to state any concerns, objections or fears they may have about what the creation of a village district may bring to Bellingham. The mention of an affordable component really stirred things up.

Overwhelmingly the greatest concern was having this area becoming something similar to our neighboring Woonsocket and Blackstone downtown areas. i.e. "a welfare state" with units overcrowded with undesirables in subsidized housing. Please pardon the "politically incorrectness" of this statement but I feel it's important you realize how much of a concern this is. On the flip side, we would like to have a place for Bellingham residents to live once they go out on their own and/or elderly / special needs.

For some reason there is objection to free standing residential. I think for the reason mentioned above, but was not at that meeting so can't state for certain.

We will need to address this issue at the next meeting on December 19.

Other concerns were:

Density-the committee may have an idea of what they would like to see as a potential end result-we are having difficulty figuring out what the previously proposed density would "look like". We all agree that a maximum buildout scenario is necessary to determine appropriate density.

Also, our Town Attorney is concerned about bypassing the Town Meeting for major residential development (over 50 units). This bylaw may result in more residences than 50 but in adjoining parcels, with a similar impact. (Any suggestions on how to resolve this concern?) I think that looking at the maximum buildout scenario would be helpful here as well.

Parking-we need to identify strategies to provide parking in the area.

Transitioning-Although we are confident that the end result will benefit the town we need help figuring out how the transitioning process will play out. What guidance can you give us on how we get to where we want to be with the smoothest transition.

Lack of incentive for redevelopment due to inflexability in the bylaw is also a concern. How can we balance all of this and achieve the desired result?

Planner's Report

SJW reviewed the status of the overlay bylaw and some of the irregularities that occurred during the public hearing process. It was suggested that based on the input from other Boards, Town Counsel and local area business owners and residents that it made more sense to broaden the overlay before presenting it at a Town Meeting and the Committee which had been approved move forward with this initiative. MC read the names of the committee members:

Jerald Mayhew, Board of Selectmen
Jeffrey Scornavacca, Zoning Board of Appeals,
Roland LaPrade, Planning Board
Mary Chaves, Southwest Advisory Planning Council,
Neil Standley, Conservation Commission,
Guy Fluette, citizen at large
Peter Harty, citizen at large,
Stacey Wetstein, ex officio,
Don DiMartino, ex officio,
Denis Fraine, ex officio

RRL Motion to pass over the assumption parish overlay article at town meeting.

TJG: Second.

Vote: 5-0, Approved.

RRL: Motion to accept members for subcommittee as read for Village Overlay Pulaski Blvd. Subcommittee.

TJG: Second.

Vote: 5-0, Approved.

TJG: Motion to adjourn.

DB Second.

Vote: 5-0, Approved.

Minutes Accepted on:

Oct. 12, 2006

(Date)


Prepared by: Mary Chaves)



Roland R. Laprade



Brian J. Sutherland



David Brown



Glenn Wojcik


Thomas J. Guerin