



# BELLINGHAM PLANNING BOARD

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## February 14, 2008 Meeting Minutes

- **Present at the meeting:**

Brian J. Sutherland (BJS) Chair  
Glenn C. Wojcik (GCW), Vice Chair  
Stephen Bartha (SB) Secretary  
David Brown (DB)  
Patricia Buckley (PMB)  
John Sexton (JS) Associate Member

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

BJS opened the meeting at 7:00 PM.

Minutes will be reviewed at a later date.

GCW: Motion to approve vouchers.  
DB: Second.  
Vote: 5-0, Approved.

### **Former EMC Parcel, Land Court Plan Signing**

EMC requested the Planning Board endorse Land Court plans of the subdivision parcel on Maple Street because the parcel consists of registered and unregistered land.

### **Dwyer Business Park**

The Applicant asked for continuance for March 27, 2008 meeting because the Applicant is still before the Zoning Board. Also requested an extension until May 30<sup>th</sup>.

GCW: Motion to continue the public hearing for Dwyer Business Park until March 27, 2008 at 7:15 PM.  
DB: Second.  
Vote: 5-0 Approved.

GCW: Motion to extend the decision deadline for Dwyer Business Park until May 30, 2008.  
DB: Second.  
Vote: 5-0 Approved.

**Cedar Hill Estates Definitive Subdivision**

Scott Medeiros, Andrews Survey and Engineering representing the applicant. Due to the request of the DPW Director, Don DiMartino, changes were made to the retention basin, bringing it into conformity with a more standard and less low-impact design. This resulted in wholesale changes to the plan, which is still need to be reviewed by Graves Engineering. Initial discussions with Graves indicate that they will have no major changes to the revised design.

SJW questioned whether the drainage swale remained in the design. Mr. Medeiros said they do have 2 different mechanisms for drainage; the swale on left side and the no pavement in the center of the cul-de-sac. BJS questioned whether driveways would be going over swale. Mr. Medeiros advised there is no need for driveway to cross the swale. It is not being proposed at this time to cross the swale. SJW wanted to make sure the swale was not part of the private lot. Mr. Medeiros advised the swale will be part of the Town's Stormwater maintenance agreement.

Waivers are being requested in relation to some of the design submittal requirements such as the locus plan size. They also need a Request for extension.

Mr. Medeiros requested a waiver for the Cable utilities under 444 and 4442 street lighting, as the road is not being extended. Some existing residences are concerned about lighting overflow. Mr. Medeiros asked for waiver for lighting for street poles. SJW said received email from Mike Graffs and he is comfortable the way the soils have been determined and is ok with the project.

Donald Symonick, 43 Cedar Hill Road, was concerned with the existing lots and the water flow this development may cause. Concerned that when new lots are built he may have problems with his septic system and the way the water will run off. Mr. Medeiros assured him that the water will run off to the new subdivision roadway system the way it does now and that it is almost impossible that the new project will cause it to run off differently and he also argued it may help the current situation. Mr. Medeiros also assured that trees will provide a buffer between properties. BJS advised that because this development does not fall on a scenic road there are no requirements to replace trees taken down. It has to perform as if it was a subterranean design and it would have to meet the 100 year storm and meet the capacity of the peer review. BJS advised that the town now has an annuity or an independent source fund despite the budget cuts to maintain the swale and the Stormwater drainage system.

Dean Dahlberg, 47 Cedar Hill Road, commenting on the project.

Dawn Davies, 116 Grove Street and Selectman, wanted to know if the drainage system was designed for the 100 year storm. The engineer and SJW responded that the project was designed according to the Town standards, which includes the 100 year storm.

Bruce Langley, 39 Cedar Hill Road, asked if there is a concrete liner in a swale. Mr. Medeiros advised it is constructed of a reinforcing mat which is then covered with 6

inches of crushed stone and then another reinforcing mat then 4 inches of sandy loam pipe material which is then covered with the required seed. It is a multi-layered structural type unit. Mr. Langley asked if the water from the swale migrated into his corner lot. Mr. Medeiros advised that the swale rises between the roadway and the retaining wall passage of water into where his motor home is. Mr. Langley concerned with the size of the houses to be built and septic systems. Mr. Medeiros advised the size houses have yet to be determined for each of the lots. Depends on what the market is. Mr. Medeiros advised that the perched water table is less than 15 minutes an inch and they fall under the highest classification of soils in terms of quality. Also advised that they went out in the middle of this subdivision process and paid the Board of Health to do official testing for the four lots and all the Title V compliant number of tests and could have the septic design on them and approved tomorrow.

BJS concerned that the existing houses will experience water issues, he also wanted to know if the new houses will experience problems. Mr. Medeiros advised that new houses should have in ground foundations and install sump pumps. Mr. Medeiros advised that the Title V will adequately protect the environment and allow the septic systems to function. Also all the water from either adjacent properties or his property is not impacting anyone around them and is all migrating away to where the flow is being promoted. They have done their calculations according to local and state standards for mitigation pre and post development discharge.

Jackie Chappell, 40 Cedar Hill Rd. wanted to know if anyone looked at the displacement of ground water and runoff. Also, what happens to the water already under the ground that you cannot see and comes up from the basement once you move it? Mr. Medeiros advised it doesn't work that way. BJS advised the ground water flow will not be affected and the septic system will not be in the ground water it will be above it.

Still some outstanding peer review issues to be resolved.

GCW: Motion to continue the public hearing to March 27, 2008 at 7:30 PM.

DB: Second.

Vote, 5-0 Approved.

### **Calarese Professional Building**

Richard Cornetta, attorney for the project, Don Neilson, engineer with Guerriere & Halnon, and Ana Fil, traffic engineer with VHB, were present for the project. The Board noted that the following items still need to be added or corrected to the plans:

- Corrections to the depiction of the parking spaces as shown on the plans for the northwest corner of the building: a corner space needed to be removed and the green space shown as more of a triangular area.
- The revised traffic analysis should include the retiming of the signals and how that impacts the build situation.

SB: Motion to continue the public hearing for the Calarese Professional Building Development Plan Review and Special Permit to March 13, 2008 at 7:15 PM.

DB: Second.

Vote: 5-0, Approved.

### **Thundermist Car Wash**

Mr. Lussier, developer and owner of the carwash, was present at the meeting. He stated the importance of the site work being thought of in advance so you don't need to cut up pavement for running wires. If a 3<sup>rd</sup> light pole needs to be installed before studies, his electrician can easily disconnect. Mr. Lussier is concerned that it is too dark and needs extra light at night and puts his safety at risk. BJS advised that the light cannot spill onto adjacent property. He has met the rules of the by-laws as long as the lighting does not spill onto adjacent properties. Mr. Lussier will have the engineer plan done by the end of March. SJW advised that instead of having plans done, she could see if Dan Drake could go out the next night to determine if it spills onto the adjacent property. BJS also requested a more substantial temporary fencing along the abutting property until the permanent one can be installed in the spring.

Mr. Lussier addressed the striping on the parking lot. SJW thought that not having the stripes to guide the drivers through the property was a safety issue. After talking with Guerriere & Halnon, Mr. Lussier agreed that it should be done, will be done on the first 35 degree or above day. Also it was determined by the safety officer that 2 stop signs at the end of the relief egress on the north side of the building needed to be changed to one stop and one yield sign.

Regarding the south egress on Arthur Street, BJS wanted to know what the distance is across the driveway. Mr. Lussier advised the distance is 16 feet. BJS advised that the left turn and stop signs should be larger to reflect the importance. Sgt Rolls requested they stay the current size for visibility around the signs. Mr. Lussier advised that the "no left turn" issue had come up later in discussions. SB advised that he would be satisfied if the street curb could come up and match existing curb. Sgt Rolls and BJS advised that the curb needs to give 16ft, which is not currently there, and also advised to make it more of a curve. Mr. Sgt Rolls advised will not get a proper angle unless you take out the green space you put in. Mr. Lussier advised would dismantle the sidewalk street curb and lengthens it to match the other side walk curb. SJW asked about the timing and if everything can be done in the given timeline. Mr. Lussier advised the things he was constrained to do as the absolute minimum for the issuance of a temporary certificate of occupancy should be probably be put in a separate column of things that he promised to do according to his occupancy permit.

Mr. Wayne Poitras, 40 Arthur St., stated that he hears a lot of talk about the garbage trucks and is concerned about the many kids that live right next door to the car wash and what would happen if cars were able to turn left onto the street. Advised that Mr. Lussier signed an agreement that the left hand sign should be installed and has proof of his signature. Mr. Poitras advised that he is concerned with the safety of Arthur Street.

Mr. Poitras also has issues with the hours that the car wash was to be operated. Mr. Poitras stated that the minutes from the 2005 hearings said that the hours would be 7am -9 pm. Mr. Lussier stated he thought he was complying with the hours, but could change accordingly.

Charles Trottier, 81 Pleasant Street, advised that Mr. Lussier should have had enough time at the other hearings to update the property by putting in a left hand curb as he was asked for in other meetings. Mr. Trottier expressed concern that there are several safety issues. Mr. Trottier advised that he is also concerned that the Wessels do not have an interpreter at the meeting. SJW advised all attempts were made but The Commission on The Deaf were not able to get someone out on short notice. BJS advised that he would give the Wessels daughter an opportunity to speak.

Edward Wessels, 20 Arthur St., had issues with the smell of car wash, wax etc; light spill over reflects from their metal pool into their living room. Also he almost got hit by a car pulling out of the south egress onto Arthur Street.

Elizabeth Metivier, 30 Arthur Street, wanted to know if clarify the height of the fence. Mrs. Metivier advised that there were signed copies that it should have been 8ft. BJS advised the plans show 6ft. Mr. Poitras advised there is miscommunication from what they were told to what is actually on the plans. BJS advised it has to go down to 3 ft so that people that are driving can see.

John Murray, 86 Norfolk Street, wanted to know why the Board is discussing a temporary permit and wanted to know why Mr. Lussier needed a 90 day grace period to take care of things that should have originally been done. BJS advised the temporary permit was granted because some things can only be taken care of seasonally. Mr. Murray advised there is more curbing that originally shown on the plan and some curbs are not specifically put in the plan but are on the site.

Kristin Wessels, 20 Arthur St., had concerns that Mr. Lussier should not be allowed to do whatever he wants to do, that he should do what he said he would do.

PMB suggested that perhaps some speed bumps at the south egress would help solve the safety problems, but Mr. Lussier would not agree to putting them in due to cost, snow plow issues and lack of necessity for them because that egress will most likely not be used. PMB made a motion to add a speed bump or raised walkway at the south egress to the plans, but the motion was withdrawn after discussion by the Board that more information would be needed on the issue.

The Board determined the following needs to be done by Mr. Lussier to receive both a 90-day temporary occupancy permit and later the permanent occupancy permit:

1. The light poles shall remain off until such time as shielding has been provided to prevent light spillage onto adjacent residential properties. This condition should be completed before the expiration of the temporary occupancy permit.
2. The hours of operation shall be 7 am to 9 pm and if the hours of operation are represented on any signage, it shall be as noted (7 am to 9 pm).

3. The following items shall need to be resolved by the Planning Board prior to the expiration of the temporary occupancy permit:
  - a. The height of the light poles, which were approved at 14' but constructed at 20'; and
  - b. Condition #3 of the Special Permit decision dated October 26, 2006.
4. A more significant temporary fence should be installed prior to issuance of a temporary occupancy permit.
5. The following items shall be completed by the dates specified:
  - a. May 1, 2008: Landscaping as shown on the Landscape Plan of the July 7, 2006 approved plans;
  - b. May 1, 2008: Permanent 6' high stockade fence as indicated on the plans;
  - c. May 15, 2008: Final binder coat of pavement, including all permanent pavement markings;
  - d. May 15, 2008: Installation of vacuum cleaner slabs/islands, vending kiosks and dumpster enclosure.

The Board continued discussion of the south egress written decision requirement to March 27 at 7:45 PM. Was this a motion?

DB: Motion to adjourn.

SB: Second.

Vote: 5-0, Approved.

MINUTES OF THE PLANNING BOARD

February 14, 2008

Minutes Accepted on: \_\_\_\_\_

4-10-08  
(date)



Stephen Bartha (Secretary)



David Brown

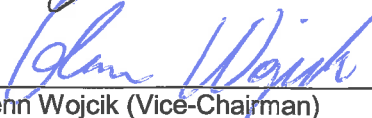


Patricia M. Buckley

  
(prepared by: Amy Sault)



Brian J. Sutherland (Chairman)



Glenn Wojcik (Vice-Chairman)