



# BELLINGHAM PLANNING BOARD

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2 MECHANIC STREET  
BELLINGHAM, MASSACHUSETTS 02019  
(508) 657-2892 FAX (508) 966-2317  
[PlanningBoard@bellinghamma.org](mailto:PlanningBoard@bellinghamma.org)

## March 27, 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  
Amy Sault, (AS) Coordinator

BJS opened the meeting at 7:05PM.

DB: Motion to approve the minutes of December 20, 2007.

SB: Second.

Vote: 5-0 Approved.

DB: Motion to approve the minutes of January 24, 2008.

SB: Second.

Vote: 5-0 Approved.

DB: Motion to approve the Executive Session minutes of January 24, 2008.

SB: Second.

Vote: 5-0 Approved.

DB: Motion to approve the minutes of March 13, 2008.

SB: Second.

Vote: 5-0 Approved.

GCW: Motion to sign the vouchers.

DB: Second.

Vote: 5-0 Approved.

**Dwyer Business Park, 316 Hartford Avenue, Development Plan Review, Continued Public Hearing, Decision Deadline: 5/30/08**

SJW advised that Dwyer asked to continue to May 22, 2008 at 7:15pm. BJS asked if they have that much more to do. SJW advised that they added a variance request.

GCW: Motion to continue Public Hearing of Dwyer Business Park, 316 Hartford Avenue, Development Plan Review, until May 22, 2008 at 7:15 pm.

DB: Second.

Vote: 5-0 Approved.

**Cedar Hill Estates Definitive Subdivision 4-lot Subdivision off to Cedar hill Road, Continued Public hearing; Decision Deadline: 4/11/08**

SJW advised that Graves was able to review and sign-off on their comments to the plan. Steven O'Connell from Andrews Survey advised that Graves had completed their 4<sup>th</sup> review as well as written correspondence from Andrews Survey to Graves regarding their comments. Mr. O'Connell has read through the Graves report and explained that he is new to the project. He also advised that he has spoken to Don Dimartino of the DPW and Don is preparing their annuity. SJW advised that in addition to the annuity, Mike Graff, Department of Health, has commented and he advised that everything was accurate and that the right soil was used.

BJS advised that some of the neighborhood residents were concerned that the perched water table would cause subterranean problems and wanted to know if there a way to assure this will not happen. Mr. O'Connell advised that with regards to the road construction, sub drains which are standard when ground water is present are sized and connected to the sewer system. Models from the soil test range are from a high of 26 inches to 41 inches below the surface. Mr. O'Connell advised that this does not present a problem in his eye with the septic systems. The septic systems may be worked into the ground or landscaping, displacing them would cause the water to go somewhere else. Mr. O'Connell is hesitant to move them based on the soil conditions as advised to him and the Board of Health. BJS advised it is not about the septic systems but about the other homes in the area which will cause some additional water because it is elevated especially at seasonal highs. BJS explained there is an issue with some abutters. Mr. O'Connell advised there are building requirements and he would address the displaced ground water. BJS advised this is a particularly sensitive area because the abutters have already experience water problems.

SB: Motion to accept the waivers as requested on the stature received by the Bellingham Planning Board received on March 27, 2008.

DB: Second.

Vote: 4-1 Approved.

SB: Motion to draft a favorable decision on the Cedar Hill Estates Definitive Subdivision 4-lot Subdivision off to Cedar hill Road pending the DPW's approval of the basement

drains being allowed to discharge into the roadway drainage system and the agreed receipt of the annuity.

PMB: Second.

Vote: 4-1 Approved.

The Board solicited comments of the public as the public hearing had not been officially closed.

Donald Symonick, 43 Cedar Hill Road, questioned what the requirements are to do an existing hydrology report and advised that his sump pump runs constantly.

Mr. O'Connell advised that the excavating does not allow the water to purge into the ground because of the quality of the soil is not porous. Mr. Symonick is concerned with the recharge of the swale and wanted to know what is going to defer water running off to the existing neighbors. Mr. O'Connell advised that often times the water issues could improve with the new vegetation and that the Graves reviewed all the reports and systems. SB advised that now all the ground water will go into the swale and away from his property not towards it. BJS advised that the Building Department will not allow the runoff water to run into someone else's property. Mr. O'Connell advised Mr. Symonick to write a letter to the Board of Health expressing his concerns. BJS also agrees he should express his concerns to the Board of Health. GCW also explained that everyone involved is assuring that the water runoff works properly.

Mary Luskin, 27 Cedar Hill Road, advised she has to question the project because the last development that went in (Rosin Rd.) caused much water damage and they have spent a lot of money out of their own pocket to correct it. BJS advised that there are many new updated rules and regulations to prevent this from happening. BJS also advised that there is no guarantee that water damage will not occur but that everyone is doing all they can to assure it should not happen again.

Dawn Davies, 116 Grove Street, advised that one member of the Board of Health is a certified wetland scientist and has septic design background and is well aware of different septic systems and how water runs off.

Continued to April 10, 2008

**Calarese Professional Building, 2 South Maple Street, Continued Public Hearing, Development Plan Review, Decision Deadline: 3/28/08 and Drive Thru Special Permit, Decision Deadline: 3/28/08**

Attorney Richard Cornetta, Roger Calarese, Calarese Properties, Anna Fil, VHB Traffic, Don Neilson, Guerriere & Halnon, engineers. Mr. Cornetta advised that parking spaces they needed to correct have been made and they have submitted all of the plans as well as the VHB traffic analysis has been through Don DiMartino's office. Mr. Cornetta advised they made some modifications regarding the moved parking spaces and some sign modifications which were consistent to the recommendations of MDM. Mr. Neilson stated that they also included the exhibit plan for the proposed easement area, the 15 foot area around the boundary of the property for the proposed traffic improvements.

They have also updated the plan to show where the crosswalk would go and have put that plan into the package as well.

Mr. Cornetta advised that Ms. Fil's office submitted a revised presentation of the information that they have already been presented with regard to the operation of the intersection, the original request was to see how the overall operation of that intersection worked with the proposed mitigation.

Mr. Cornetta advised that he had submitted the proposed easement language to SJW. Mr. Ambler had some changes to the language and they have been sent them back to SJW.

SJW advised that they not requesting any waivers for the development as they were able to meet the parking and loading requirements as well as the environment controls. SJW advised that Franklin did approve there site plan and special permit for exceeding the impervious surface coverage. Don DiMartino has no additional comments as well as Meridian who signed off last time.

GCW advised that he thought the mitigation was inadequate; that the need in the area for retail office space is little to none; he doesn't see the value they are adding to the town. He is suggested restricting the hours of operation to Monday through Friday 8am-5pm until the new intersection is built.

SB: Motion to sign the Development Plan Review for Calarese Professional Building, 2 South Maple Street approval.

DB: Second.

Vote: 5-0 Approved.

Role call vote taken per request of Mr. Cornetta.

Vote: 5-0 Approved.

SB: Motion to sign the Drive Thru Special Permit for Calarese Professional Building, 2 South Maple Street approval.

DB: Second.

Vote: 4-1 Approved. GWC: Nay

Decisions were signed at the end of the meeting.

### **Thundermist Car Wash Discussion**

BJS advised that there was a request made for an interpreter for the Wessels, abutters, they were not able to comply with the request for this meeting. The Board is in receipt of a letter from Attorney Todd Rosenfield, attorney for Mr. Lussier, to continue the discussion because he is new to the case and has not had much time to review it. PMB asked if Mr. Rosenfield has been retained, SJW advised he has been retained to represent Mr. Lussier. BJS is concerned that after meeting with Mr. Lussier there is still

some level of misunderstanding as to what the plan is supposed to look like with the curbing, he advised that Mr. Lussier is also concerned about the timeframe of the site and that the conditions are not consistent with the final approval.

DB was also concerned that the curbs are not in the correct spots. SJW advised that the only available date to continue is April, 24 2008. BJS would like a copy of the plan sent to Mr. Lussier and his attorney.

Wayne Poitras, 40 Arthur Street, was advised by BJS that he cannot talk about the aspects of the project because Mr. Lussier and his attorney are not present.

Charles Trottier, 81 Pleasant Street, wanted to know what the protocol is for public hearings and what the law stipulates because 2 meetings have taken place without the public being notified. BJS advised these meetings were not a public hearing, but only a discussion and no notice to the public is required for discussions. BJS advised he did go along with DB and other town officials to Mr. Lussier's site and gave him an opportunity to speak. BJS advised that no decisions were made nor could be made at that on-site meeting. Mr. Lussier was just explaining his position and no conclusions could come out of it.

Mr. Trottier asked what department would handle Mr. Lussier not following the terms of the temporary occupancy permit. BJS advised to draft a letter and send to the Building Dept. of their concerns.

Marie and Edward Wessels, 20 Arthur Street, wanted to know what happens if Mr. Lussier does not show up for the scheduled meeting of April 24, 2008. BJS advised that by continuing this hearing it will give Attorney Todd Rosenfield enough time to review the information and then the discussion could take place whether Mr. Lussier shows up for the meeting or not. SJW advised Mr. Lussier has a temporary occupancy permit and if nothing is done to meet those conditions he would be shut down. The permit was granted February 21, 2008 and would expire after 90 days, on May 21, 2008.

Kristen Wessels, 20 Arthur Street, wanted to know if the reason Mr. Lussier obtained legal council is to run his business the way he has been. BJS advised that the public cannot comment on this case with out Mr. Lussier's council being present.

Discussion to be continued to 7:05pm on April 24, 2008.

SB: Motion to recess until Town Planner returns to the meeting.

DB: Second.

Vote: 5-0 Approved.

Calarese Professional Building Development Plan and Special Permit decisions signed.

SB: Motion to adjourn.

GCW: Second.

Vote: 5-0 Approved.

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)