



# BELLINGHAM PLANNING BOARD

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## August 28, 2008 Meeting Minutes

- **Present at the meeting:**

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

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

PMB opens the meeting at 7:00pm.

### High Ridge Estates Update

Lee Ambler, Town Council, Don DiMartino, Director of DPW.

Attorney Ambler advised that Tim Jones will not be present at the meeting due to a family emergency. Mr. DiMartino advised they are holding \$385,000 in bond. Mr. DiMartino advised there is a list of work that needs to be completed with a price range of about \$230,000- over \$300,000. Mr. DiMartino also advised there is an additional \$150,000 in contribution to the schools that Mr. Jones is responsible for.

In a meeting with Attorney Ambler and Mr. DiMartino, Mr. Jones advised he cannot get the front money from the bank due to the down economy to do any of the work. Mr. DiMartino advised that Mr. Jones has proposed to pay the money owed to the contractors out of the bond being held by the Town. The DPW will be able to approve the work being done on a job by job basis. Mr. DiMartino advised that the major pieces of work left are a water main pipe, tree plantings, and catch basins, with the water main pipe being the largest portion. Mr. DiMartino advised that the Town could not complete the job with the money that is being held due to rising costs which is why he is trying to work out an agreement with Mr. Jones. Mr. DiMartino advised that the subdivision looks done and advised that Mr. Jones has a willingness to finish the work.

PMB questioned what Mr. DiMartino thinks would be the cost to finish the project. Mr. DiMartino advised that he thinks it would cost the Town about \$350,000. PMB asked Attorney Ambler what the timeline is because his deadline is up on September 1, 2008.

Attorney Ambler asked the Board their willingness to sacrifice this deadline due to the fact that Mr. Jones, Mr. DiMartino and he are working with the bank. PMB questioned who would go to the bank for the money. Attorney Ambler presented the Bank agreement signed by Mr. Jones.

PMB opens the public hearing for the Water Resource District Zoning Bylaw Amendment. The discussion of the Public Hearing for Water Resource District Zoning Bylaw Amendment will continue later.

BJS: Motions to waive the reading of the Public Notice for the Water Resource District Zoning Bylaw Amendment.

GCW: Second.

Vote: 5-0 Approved.

### **High Ridge Discussion Continued**

GCW questioned how Mr. Jones is going to do the work and will he do it. Attorney Ambler advised that the bank is obligated to give Mr. Jones the \$150,000. SB brought up pricing and what happens if items such as trees come in priced higher. Mr. DiMartino advised that there is set pricing and it makes sense to accept the street because the Town cannot do the work with the monies available. GCW stated the fact that Mr. Jones has not kept to any of his promises and what will keep him going now if he runs out of money. Mr. DiMartino advised that the items on the list are in order of importance. PMB wants it to be worked into the agreement what needs to be done in order of importance.

BJS agreed that having Mr. Jones signing an agreement would be a better way to go about it and is not unfair or unreasonable. Attorney Ambler advised the Board to draw up a list for Mr. Jones to follow. Mr. DiMartino advised that the three major issues are the water pipe, the catch basin and the fencing. BJS advised that it should be in the order of safety which would be the basins, fencing and then the water main pipe. PMB questioned what would be left, Mr. DiMartino advised that it would mostly be cosmetic such as the trees. JS asked if there was a bond that would hold him to the maintenance of the project. PMB requested that Mr. DiMartino draft up an amendment that the Board would sign and Mr. Jones could initial later. Attorney Ambler advised that there is an amendment to the form he just handed out. Mr. DiMartino presented the list to the Boards for review, initial and signature.

Joe Doyan, 21 Highridge Road, voiced his concerns regarding Stormwater Management. PMB advised that this is not a public hearing.

BJS: Vote favor of authorizing and the signing of the agreement to amend the existing Form K thereby permitting the developer and the director of the DPW to authorize the Middlesex Savings Bank to disperse funds payable to Timothy G. Jones or Donald DiMartino director of the Bellingham DPW for work performed or services rendered. Conditioned upon the receipt of the sum of \$150,000 payment in accordance with the existing agreements as shown and the list submitted.

SB: Second.

Vote: 5-0 Approved.

**Public Hearing for Water Resource District Zoning Bylaw Amendment**

Don DiMartino, Director of DPW, recommended a revision to the zoning bylaw for the Water Resource District. Mr. DiMartino advised that the DPW is issued monitoring waivers for certain chemicals mostly synthetic organic chemicals, etc. Based on the Towns bylaws and what would trigger a special permit was anything that rendered an impervious lot more than 30%. The DEP's model says 15% or 2,500 square feet and in order to properly qualify for the waivers that are out there and saving the Town a lot of money by looking at adopting what the DEP recommends. There is really no downside to the Town adopting this and will be beneficial for the Town. He advised that the Con Com is in favor of this as well.

Mr. DiMartino advised that an average single family home would not be affected by this and that it would be more for the large scale developer which would protect the water system and keep it clean. Mr. DiMartino advised that the driving force is to minimize impervious surface and increase recharge of Stormwater which is beginning to become a big issue which is why he is proposing this change. BJS concerned with having this Bylaw change pass. Mr. DiMartino has not been contacted by anyone having any issues regarding this change, he sees no issues with this and it will give the Town more protection and will save money in the water budget. PMB added that the Town is no stricter than the State.

BJS: Motion to recommend the revisions at Town Floor for section 4900 Water Resources District Zoning Bylaw by deleting paragraph 4980 section 3 and replacing it with the wording from Article 10.

SB: Second.

Vote: 5-0 Approved.

**Stonehedge Road Street Acceptance Request**

Don DiMartino, Director of DPW, advised that no work has been done since it was petitioned in May and there is almost no security being held. The developer is still the owner of the road and therefore responsible for the bond although another developer is doing the work and has no rights to it. Most of the work being done is maintenance work as the road is now 20 years old. Mr. DiMartino sees no reason why the Town should not accept this road and as far as he can see there is no reason not to accept it because there is so little money being held and not much work to be done. BJS wants something in place in terms of snow plowing.

PMB questioned the profits of the company and why the Town cannot make them repave it due to the astronomical costs of asphalt and that the developer should be made to do this work. Mr. DiMartino advised that there is a gray area because the Town has already been plowing the street. He also commented that there is so little money being held that it is not worth the Town fighting for it. BJS advised that there is no safe place for the DPW and snow plow trucks to turn around. Mr. DiMartino advised that there is different ownership and that this person has no obligation to the Town. PMB does not think we can accept this road as is; there are too many open issues.

GCW compares this road to Fox Run Road, and the late acceptance of the road.

SB thinks we should wait until The Board gets the agreement and to make sure it is in the deed. SB also advised trying to get in contact with the developer and ask him to complete the work or authorize the release of the money and once those two things are completed then the project is done. DB agrees. SJ can see the snow removal but now with a 20 year old Road is the Town going to be held responsible for fixing the drainage and paving the Road and any other repair it may need. Mr. DiMartino commented that it is going to go into the Towns inventory and also advised that if the Town gets the remaining funds being held it will be used to repair the cracks in the road.

BJS advised that the Board would have one more Planning Board meeting before the Town Meeting to decide whether or not the Board should accept this road. The Board agrees to wait for the next meeting to making this decision of accepting the road.

### **Best Buy Warehouse Development Plan Review, Continued Public Hearing**

Sherry Clancy, National Development, updated the Board on her assignments from the last meeting. Ms. Clancy handed out the truck turn radius to see if it is acceptable to the Board with the increased radius. Ms. Clancy advised that there is an opportunity for the site to accommodate waiting trucks without being in the public way if the trucks arrived at the site before the gates opened.

Ms. Clancy advised that Best Buy has two different types of distribution centers: This one proposed is an appliance center, refrigerator and large TV's center so the hours of operation should not increase during high demand months such as Christmas time because the items distributed from this center are not considered "high demand items". There is another center in NY that handles the newer, higher demand items. The hours would remain the same as what were originally documented. Deliveries are by appointment only and trucks would not just be showing up randomly. Ms. Clancy advised that they stagger their deliveries so that all the trucks will not line up at once.

GCW questioned the noise as the trucks are exiting the facility and what noise that would generate in front of the neighbors house. Ms. Clancy showed that with all machinery running at the same time and the trucks entering and exiting that the 8ft berm complies with the C zone but they are in less restrictive A zone.

Ms. Clancy called the post master and advised that he is unwilling to move the mailboxes due to the way the mailman is currently delivering the mail.

Ms. Clancy advised that they had originally proposed \$60,000 for mitigation and wanted to know if there is something more effective that they can do now.

Diane Choquette, 46 Box Pond Road, looking for a clear definition of the hours of operation. PMB advised Ms. Clancy that she should come back to the Board with the clear hours of operation would be given at the next meeting on September 25, 2008

BJS: Motion to continue the public hearing of Best Buy Warehouse Development Plan Review until September 25, 2008 at 7:15pm.

SB: Second.

Vote: 5-0 Approved.

**The Shoppes at Bellingham, Continued Public Hearing, Development Plan Review, Water Resource District Special Permit, Major Business Complex Special Permit**

Bob Frasier, VP of WS Development, advised they will be looking at the architecture of the project tonight. Lou Allevato, Allevato Architecture, advised that he submitted updated architectural and building elevations of the project. Mr. Allevato advised he has been an architect for over 20 years as well as his team's experience. Mr. Allevato wants to involve the landscape architecture as well as music. He believes that this is what will make the Shoppes a different shopping experience. Mr. Allevato stated that the broad spectrum of retailers and restaurants will add to the life center feel. With lively and active streets designed with the shopper in mind. Mr. Allevato pointed out that there will be plenty of benches and broad sidewalks as shown on the slides of current WS projects. He also stated that there will be plenty of convenient parking for shoppers. They look at things like shopper amenities where shoppers can pause and have room to do so. Mr. Allevato advised that they will use common New England architecture as inspiration for the center. Mr. Allevato likes to look at the historical context of the Town and gets his design inspiration from that. He advised that the overall site plan, the entry way or gateway should be tasteful in design and clearly defined sidewalks and ground signage. Mr. Allevato pointed out the picturesque tree lined streets that will visually guide the flow of traffic.

Mr. Allevato advised that all of the retail streets are connected to pedestrian only streets. The piazza or plaza would feature a water jet fountain with a push button timer for the fountain. He advised that the crosswalks would be textured for driver awareness.

There will be off street parking that would provide quick access to the retail stores and which will be well lit and safe. The main buildings are proposed to be restaurants with seating to spill out onto the sidewalks with design freedom given to the landmark tenants.

Mr. Allevato advised that the materials used would mostly be stucco. The service areas are well lit and well maintained. He advised that they work with the clients to establish sustainability guidelines given by WS.

Mr. Allevato referred to The Derby Street Shoppes in Hingham as another life center facility developed by WS. BJS mentioned he has been to the Derby Street Shoppes and it is beautiful. BJS questioned the layout and how someone coming in the south entrance could get out if parking at this end. Mr. Allevato advised there are three separate ways to get out. BJS advised that especially during high peak seasons it does not seem convenient to him. Mr. Allevato advised that a shopper would most likely not park at the other end of center if you wanted a quick exit. Mr. Frasier added that the crosswalks are well delineated and the traffic does not move very fast within the Shoppes for the obvious safety concerns.

GCW questioned the capability and use of plug in electric cars and solar roofs to generate electricity.

DB stated that the architecture will be what the market determines.

JS questioned using the roof runoff for irrigation to all of the proposed plantings. Mr. Frasier advised they are looking into this. JS questioned the highest point and the height limitations under the Industrial Zone. Mr. Frasier advised that they are within the Town Bylaws.

PMB commented on their effort and that the center is beautiful. PMB questioned the speed limit of the motorists within the streets of the Shoppes. Mr. Frasier advised that in their other centers they do have posted speed limits but have several stop signs. Mr. Frasier advised that local police departments have the authority to enforce violations within the Shoppes. SB questioned the use of raised crosswalks. Mr. Allevato advised that they do have some throughout. SB advised that it would discourage speeding.

BJS questioned the parking area at the south entrance. Mr. Allevato advised there is a crosswalk and is on the site plan.

Joe Brody, Mendon, questioned the actual project that will be built according to the Water Shed association report and how they wanted it to be scaled back. Mr. Frasier advised that Mr. Proder is referring to the MEPA report and they have scaled it back. Mr. Frasier advised that under the state level, the Shoppes is a two phase project with the Shoppes and the Office component. Mr. Frasier advised he is meeting with Denis Fraine, Town Administrator, regarding the office component. Mr. Frasier advised that the Charles River watershed is not a permitting agency, they only offer comments, and is currently working with MEPA to satisfy their comments.

Lee Ramunni, 3 Grove Street, questioned the pedestrian access and where it would be. Mr. Allevato advised it would be dictated by the retailer not WS. Mrs. Remuni added that it looks like it would discourage people with young children and handicapped pedestrians etc. from certain stores due to their location and the parking.

BJS: Motion to continue the public hearing of The Shoppes at Bellingham, Development Plan Review until September 25, 2008 at 7:30pm.

DB: Second.

Vote: 5-0 Approved.

BJS: Motion to continue the public hearing of The Shoppes at Bellingham, Water Resource District Special Permit until September 25, 2008 at 7:30pm.

DB: Second.

Vote: 5-0 Approved.

BJS: Motion to continue the public hearing of The Shoppes at Bellingham, Major Business Complex Special Permit until September 25, 2008 at 7:30pm.

DB: Second.

Vote: 5-0 Approved.

BJS: Motion to sign the vouchers.

DB: Second.

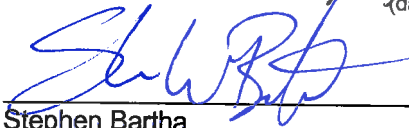
Vote: 5-0 Approved.

BJS: Motion to adjourn.

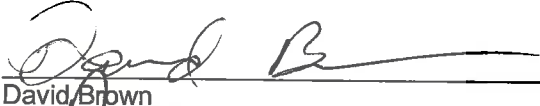
SB: Second.

Vote: 5-0 Approved.

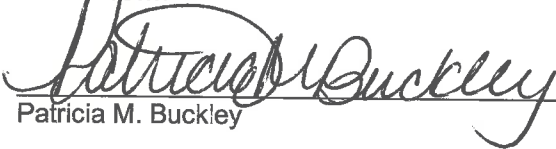
Minutes Accepted on: 11/13/2008  
(date)



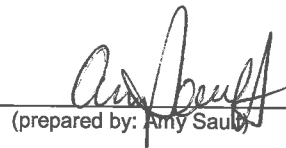
Stephen Bartha



David Brown



Patricia M. Buckley



(prepared by: Amy Saul)



Brian J. Sutherland



Glenn Wojcik