

BELLINGHAM PLANNING BOARD
BELLINGHAM HIGH SCHOOL

Regular Meeting of March 27, 1975

Members Present: Sergio Rotatori, Chairman
James E. Hart, Vice Chairman, Clerk
James A. McElroy
Glen S. Whitten

Chairman Rotatori called the meeting to order at 8:00 P.M.

Robert Cournoyer presented a plan of two subdivided lots located on the westerly side of Irving Street owned by Eugene Carrier. A variance given by the Board of Appeals dated March 26th was shown. Property and homes were in existence before zoning. Consultant Herr reviewed the plan and said it is not a subdivision. The plan did not need the Planning Board's approval. On a McElroy-Hart motion the Board voted unanimously to approve the plan of Lot A with 22,069 sq. ft and Lot B with 12,717 sq. ft.

William Redman presented a plan of one lot containing 4.79 acres located off Hartford Avenue. Redman indicated to the Board where his land had been reduced. Plan of William Redman was unanimously approved on a Hart-McElroy motion.

Minutes of the March 13th meeting were started, to be finished at the next meeting.

PUBLIC HEARING - WHISPERING PINES, Hartford Avenue

Chairman Rotatori opened the public hearing on the cluster subdivision of Whispering Pines located on Hartford Avenue at 8:30 P.M. in the Cafeteria. Secretary read the notice as it appeared in the papers. Approximately 10 people in attendance. Bob Hidell, engineer, read a letter dated March 12, 1975 from his firm requesting waivers from the rules and regulations on four points.

Paul R. Barry, 124 Hartford Avenue, requested the Board not to eliminate any of the requirements. Barry stated the Town had set rules and he thought the Town would be getting off on the wrong foot on this development by allowing these rules waived. He felt the developers should be made to adhere to the laws. Rotatori showed the Board a letter received from the Board of Health asking for Roger Belanger to submit deep test pit readings and percolation testing for Lots 16 through 21.

Letter was also received from the Highway superintendent asking that the catchbasins and pavement widths not be waived.

Board stated no waivers had been granted.

Mrs. Paul Barry asked that the Board grant no waivers on the land. She told the Board her land has been flooded out this year from excess water. She had notified the Highway Dept. several times and they have not been there to clean it up. The town went through a big expense to try to eliminate the problem in the area by putting in cess pools several years ago, but no water goes down there, all the water stays in her yard. The N.E.T.&T. dug up the land and it has never been working right

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since then. The water comes right down from Hixon Street. Malcolm Hendry of Hixon Street told the Board the description of the land in the advertisement was ridiculous. He questioned how the town knew what it was getting in the conservation area. Belanger pointed out the plans and stated the conservation area was all recorded in the Land Court.

William Redman gave the Board a letter signed by both parties stating the boundary dispute between himself and Belanger was settled.

Mrs. Barry asked if Hixon Street was going to be widened. McElroy pointed out Belanger did not own Hixon Street. Mrs. Barry stated if Belanger's road was going to open onto Hixon Street it would either have to be widened or made a one-way street. She asked if the town would have to pay for this to be done.

McElroy stated again it was not Belanger's property. Mrs. Barry pointed out he was putting in a wider street than Hixon which was only about 20' wide. William Perkins, surveyor of the subdivision, stated Hixon Street was about 24' wall to wall.

Redman pointed out a few of the lots are in wetlands during the rainy season and asked if they were going to be using any fill.

McElroy pointed out they were not in the flood plains, and asked if Redman was just saying they were wet. Hidell stated they did not feel this is a problem and the Conservation Commission feels the same way. Barry asked if they could build on these lots without filling. Hidell stated they realized they have to file under the wetlands act. Rotatori stated he felt if the Commission has any questions on this they would have been at this meeting. McElroy stated whatever they wish to do, will have to be approved by the Commission. Hidell stated they have not taken any deep hole tests yet. That question will arise when they meet with the Health Board, before any permits are issued. Rotatori asked if they are going to do what the Health Board wants then to do on Lots 16-21. Hidell stated it will be done. Belanger told the Board late in the fall or in the early spring the water table will be changed. We intend to comply with all the rules and regulations of the Board of Health and the state and the wetlands laws. Hidell told the Board they knew what they were dealing with. McElroy asked if they intended to comply within the next month. Belanger told the Board the problem is that the water table will change. Hidell stated they would do it system by system. McElroy stated he did not know how the Board of Health could give a recommendation unless they get this information.

Health Agent Henry Borowski told the Board anyone who applies for a subdivision gets in touch with him, hires a backhoe and does a test hole. This can be counted as your test in the future. The Board of Health has no way of giving a recommendation without the deep hole testing. Belanger told the Board the testing was scheduled to be done on the second phase. Barry told the Board the Corps of Engineers had been in on the back portion and thought the test borings should be done on the first phase and not on the second phase.

Arthur Mabey of 106 Hartford Avenue stated he was still against the smaller lots. He realized cluster zoning has been granted

[Handwritten signatures and initials]

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but 20,000' on these lots is pretty small to have septic tanks. The land is zoned for 40,000 sq. ft. lots, and asked the Board to please let it remain that way. The land was wet in the back. There is a lot of water in back there that goes into Beaver Pond which flows into the Charles River. Hart pointed out they have to have enough land for 40,000 sq. ft. homes., so they have to leave so many vacant feet for conservation. Mabey stated they were planning to place the homes next to each other on 20,000 ft. lots. McElroy stated the special permit has already been allowed by the Zoning Board of Appeals, we are just making sure the rules and regulations are being meet. Redman told the Board he felt the request for the waiver for the width of Belanger and Morse Road should not be granted because there are bound to be a lot of people going down to the conservation area. In case of an emergent down at the pond, emergency vehicles have to be able to get down there, and if cars are parked on both sides of the street by the people who live there, it might hinder any help. It would also be a disadvantage as far as the safety of the children was concerned. Hart stated they have never enforced sidewalks on both sides on any plans that have come before the Board. Mrs. Barry asked if the two sidewalks have been waived. McElroy stated they will take it under consideration. Hearing was closed at 9:07 P.M. on a McElroy-Hart motion, unanimous.

Consultant Herr reviewed the plans of Whispering Pines with the Board, and made the following comments:

- 1) No indication of the scale was shown on the plans. Hidell told the Board he had caught it and they had placed it on the linens.
- 2) There is no topography at 5' contour intervals.
- 3) Sidewalks are not shown. He felt it is important that sidewalks be shown on the street plans.
- 4) The pavement width is not shown any place. McElroy stated he was under the impression the plans were to show everything required.
- 5) There is no cross-section of a typical street. He felt it would be a good idea to insist on having one. It would show where they are going to put the water, wiring, etc, and where they are going to put the walks in regard to the pavement.
- 6) Lot sideline monuments are not shown, and should be shown on the plans.
- 7) Catchbasins don't appear every 350'-400', One is 425' and one that is 500'+.
- 8) There are lot area discrepancies on Lot 8, 14 and 26. Perkins stated he would put in the right area on the lots. He stated he would be consistant throughout. Lots 23/23A and 24/24A are not clear. Perkins will take care of.
- 9) Watercourses are not shown on the right scale. Hidell stated when the plans are approved and they settle with the Board of Health, they would be in the right position to go under

Chapter 131. Herr stated he would advise the Board to approve the subdivision, subject to a series of conditions. One that the section between Morse and Joyce Lane not be constructed until the Planning Board has been advised that the Conservation Commission is satisfied with the plan. Borowski stated the Commission cannot do anything until the permit is issued by the Board of Health. Herr stated his concern right now was the building of the road.

- 10) The covenant should provide until title to the conservation area has been conveyed to the Conservation Commission and accepted, nobody gets a deed to any separate lots. Belanger stated he would rather give the deed to the Town Counsel to hold until he is out of the area. McElroy stated the Conservation Commission hasn't said whether or not they want this land. Herr stated he felt approval shouldn't happen until the conservation area is taken care of. A letter should be received from the Commission that they will accept the deed approved by the Town Counsel.

On a Hart-McElroy motion the Board voted unanimously to approve sidewalks on one side of the street with berm on the other. Walks to be installed on the east side of Belanger Drive to the midpoint of Lot 22, on the south side of Morse Road and the south side of Joyce Lane to the end of Lot 6.

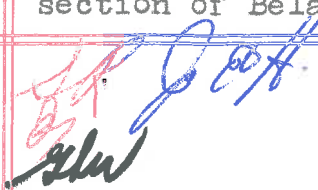
Herr pointed out Joyce Lane serves 10 lots and is no big problem. On McElroy-Whitten motion the Board voted unanimously to waive the requirement on the length of Joyce Lane.

On a McElroy-Whitten motion, the Board voted unanimously not to grant a waiver on the catchbasins per the suggestion of Highway Superintendent Daigle.

McElroy made a motion not to waive the required width of the streets. Hidell requested that Joyce Lane and Morse Road be allowed to be the 26' width and Belanger Drive to be 29'. Joyce and Morse serve a small number of houses. Belanger said he thought they had somewhat of an understanding that they agreed 29' down Belanger Drive and 26' for the lesser streets. McElroy stated he thought they had an agreement that they would discuss it, which they are doing tonight. Herr stated he did not think the number of lots that are dependent on Morse Road and Joyce Lane fit the definition of a major street, Belanger Drive would clearly be a major street. On a Hart-Whitten motion the Board voted unanimously to allow Joyce Lane and Morse Road to be 26' and Belanger Drive to be 29'.

A copy of Herr's letter to the Board will be sent to Hidell so they can correct the things pointed out in the letter.

Belanger told the Board he wanted to meet all the rules of the Board of Health, Conservation Commission, and Dept. of Natural Resources. If the above boards will not allow him to build a section of Belanger Drive, he did not want the plan subject to



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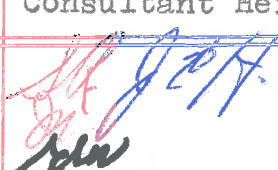
that approval. That section will be done in the Phase II, and can be stopped. McElroy stated he could also see the Board's position, until we know how the water is going to get from one side of the street to the other, they can't approve the plan. Herr stated his main concern was with that part of the stream that is in the road and not with the stream that is on the lots. He is concerned the Conservation Commission is not going to allow it. McElroy asked how soon will they be going to the Commission. Hidell stated by statute they cannot be talked to until the permits are given out. Belanger stated that he thought he could resolve the issue between the Commission and the Dept. of Natural Resources. Herr suggested the Board could restrict the building of the road over the area that they are concerned with. On a McElroy-Whitten motion the Board voted unanimously that Belanger Drive is not to be constructed beyond the south line of Lot 28 and the south Line of Lot 18 until approval is received in writing from the Conservation Commission.

Herr brought out the Board has to be careful when the land will be turned over to the Conservation Commission. Belanger stated if the land is in escrow he can still go on it. He did not want people going on it during construction for insurance purposes. Hidell stated he has to be able to release lots, and maybe completion could be defined with the completion of Belanger Drive. Herr pointed out what if one lot doesn't get built, then what. What if prior to completion, Belanger goes out of business. Belanger suggested automatic conveyance after a certain period of time, maybe 2-4 years. Hidell stated when you hold a deed in escrow under contingent consideration, the ownership is in limbo for that time. It wouldn't belong to anyone. Belanger stated he hoped to have Phase II completed in two years. Board agreed final approval would be subject to the conveyance of a deed, to be held in escrow, to the Conservation Commission with the provision that the deed would go to the Commission at the end of a twenty-four month period, said period to be from the date of approval of the plan.

Belanger stated he was going to put up a covenant and then go to a bond, moving the bond when necessary as work is completed.

Rotatori told Building Inspector Borowski he had received a couple of complaints regarding a house on Mann Street that had been converted into a two-family with no permit issued. Borowski said he knew of the house and all that had happened is that the father had moved in. The first he knew of it was when he saw the stairs on the outside. Rotatori told him there was a case on the corner of Mann and So. Main St that wanted to do the same thing and they stopped him. Borowski stated as far as he knew there was a couple of bedrooms and a bath already up and he just added a stairway. McElroy stated if he didn't put in a kitchen, he didn't violate the by-laws. Borowski stated he should have gotten a permit for the stairway.

Consultant Herr reviewed the subdivision of West View Acres



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with the Board and a letter outlining his findings were given to the Board. McElroy asked Herr if the Board has to wait until the 45 days are over to act on a plan. Herr stated he did not think the Board had to wait the 45 days to disapprove a plan. McElroy stated the Board of Health did not have to give us an answer within 45 days. He said the piece of land is bad and will be a hardship on the future landowners. Herr stated the long dead-end streets are a real hang-up. It would be a different ballgame if Hill wanted to develop his land. Plan will be discussed at the next meeting.

Two district zoning was discussed. McElroy stated the Finance Committee would approve Article 12 and Article 13 but would not approve Article 14 to plain business. The Finance Committee wanted a change in the requirements of B-1 district. On a McElroy-Hart motion, the Board voted unanimously to amend Article 12 on the town floor as follows: Under Section 3, the entries under Column B-1^f be the same as the present B Column.

Herr gave the Board copies of a proposed amendment to the bylaws on Environmental Controls.

Herr told the Board he had sent out letters to the various departments asking them to look over the old Community Facilities Report and will get back to them for an appointment.

McElroy told the Board he had received a phone call from Howard Wilson saying he was going to make an amendment to include his land in the rezoning of So. Main Street. McElroy told him he was not at all favorable to that action.

The following bills were unanimously approved for payment on a Whitten-McElroy motion:

Woonsocket Call, Belanger's hearing.....	\$23.60
Jean Brewer, postage for Belanger's hearing.....	\$ 9.50
Milford Daily News, Belanger's hearing.....	\$11.00

Meeting adjourned at 11:20 P.M.

APPROVED AS READ:

James E. Hart
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James E. Hart

Respectfully submitted:

James E. Hart, Clerk