

BELLINGHAM PLANNING BOARD  
UPPER TOWN HALL  
BELLINGHAM, MASSACHUSETTS

Regular Meeting of April 24, 1975

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

Chairman Rotatori opened the meeting at 8:00 P.M.

Minutes of the April 10th meeting were unanimously approved as read on a McElroy-Hart motion, MacIntyre abstaining.

On a McElroy-Hart motion the following bills were unanimously approved for payment:

Woonsocket Call- Advertising account .....\$11.20  
Registry of Deeds, .....\$ 5.00

Letter was received from the Greater Milford Chamber of Commerce regarding the mutual advancement of industrial development. IDC will be contacted for further information.

Zoning Agent Henry Borowski told the Board Oak Wood Development are hoping for occupancy by May 1st. Curbing and sidewalks are in and the contractor is waiting for the asphalt plants to open to put the finish coat on the road. McElroy told the Board he had inspected the development and everything is in satisfactory order. The plants are just not putting out the asphalt. They do have a contract for the asphalt. Borowski stated Building B and C are OK and the first floor of Building A is OK. They do have some small corrections to be done on the 2nd and 3rd floor of Bldg. A. He could give them a permit for Bldgs. B and C and the 1st floor of A. Rotatori asked if there were any open drains. McElroy stated there was some stagnant water, but they were pumping it out. Borowski said as far as he knew there are no open drains, but would check it out the next day. Borowski said he could give them a temporary occupancy permit until the roads were completed. Consultant Philip Herr asked if the apartments were separate lots in a subdivision, would the lots be released with the access not finished. It should be treated as any other subdivision. There is no way a temporary occupancy permit can be issued, and then try to get the people out of the units, if the work is not done. Borowski suggested they be restricted to so many people. Herr suggested a bond to cover the cost of the finishing coat up to the first apartments. Then they could move the bond. On a McElroy-Hart motion the Board voted to allow Building Inspector Borowski to set the price of the finishing coat on the road and parking lot, unanimous.

Bob Foster of Schofield Brothers and Anthony Ozella discussed West View Acres off Maple Street. Foster showed a new plan



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where (1) locus was correctly amended, (2) Datum for elevation is included on sheet #8 (3) Feasibility of private water supply - there are wells in the area that serve seven lots on Maple Street. Foster stated the Board had not requested any further proof from the developer, and asked if the Board wished for a lot to lot test. Herr stated the water is split into two parts, one for consumption and the other for fire protection. He was not familiar with the land. The soils map show several different soils variations. Someone should explore the issue of fire protection with the Fire Chief. As far as water for consumption was concerned, it would not be unreasonable to request tests on all the different lots since the soil varies. That portion might be referred to the Board of Health. Foster stated they were fighting the 21 day appeal time, and stated someone has to define for him what kind of testing is wanted. Herr stated evidence from the Fire Chief on water for fire fighting and from the Board of Health for septic systems. Foster stated every lot in the subdivision will be tested by the Board of Health on a lot to lot basis for water and septic systems. Number 8 is opened to speculation, no specific lot has been pointed out. No one has indicated they wanted this done. Letter from the Board of Health was shown which indicated the majority of the property is unsuitable for sub-surface sewage disposal due to an extremely high water table and a general wet condition. Letter was dated April 4th. Foster told the Board they were aware of the different levels on each lot but stated if there are lots that are not suitable, he thought they should be named. The Board was denying them his rights by disapproving the whole plan, because some lots might not pass. Herr pointed out the reason for the disapproval comes from a judgement that there are such a large number of problems with the land it would not do the owner justice to approve it. Foster stated the Board could approve the subdivision subject to a lot to lot basis. If Ozella makes the mistake of building a road before he finds out if he can build houses, that is his decision. There are a number of things that are nickle and dime stuff. If any work is to be done on this track of land in 1975 Ozella has to begin tests now. There is a time element; if he is being directed to do a lot by lot test, tell him. #4, dead end streets. Foster stated he would have hoped this would have been cleaned up on the preliminary plan. They are over the 500', but do come into vacant land. That is the reason for making a preliminary plan, to clean up problems like this. The Board did not take negative action on the plan then. Ozella stated at the public hearing Richard Hill said he would put up his adjacent property for sale, because the additional children would ruin his farm land. Hart stated regardless of what Hill said, the road does not conform. Herr stated they could do some things, they could get some varification from Dick Hill that his is willing to subdivide his land or consider cluster zoning for the land or provide a plan where the road would not exceed the 500' and leave the rest as one parcel. Ozella told the Board he did think about cluster zoning. Herr told Ozella it appears the land is a real bad piece of land for working with, it has flood conditions, widely varing soil conditions and





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different topography. They were no way near the density allowed. They might make better use of the land but there is a problem with water. If cluster development was considered, he would go very carefully to the Board of Health on it. Foster stated on the length of the street, short of shortening it, he did not think they could do anything more about it. Herr stated it is not only the number of feet but also open drainage. Foster said he felt it is a better arrangement rather than to have to clean out the piping. He felt it was not a dangerous issue. Herr stated the argument for piping is strongest in the front near Louise Way and the least in the rear. Rotatori told Ozella he did not see why the Board shouldn't make him pipe it. All of the other recent subdivisions that have been approved, they have been made to pipe. Foster stated the plans could be amended if that is what the Board wanted. Herr asked for the definition of the normal high water level. Foster stated it was the highest level the water will raise in a season. Piping in the back would be under water. As far as no land being designed for open space reservation, he didn't feel it was a reason to disapprove the plan. Herr asked if there wasn't a lot or lots that would be suitable. Lots 25 and 26 do not have the required dry land and might be suitable and Herr questioned if the Charles River might be gotten to this way. Ozella stated the land near the river was marshland. Ozella stated he was not against the idea of using the lots that way. Foster objected to the general wording of #8 regarding the concern for having both on site sewage and water supply on a lot. The Board of Health will test on a lot by lot basis. Anything that is considered marginal is not allowed under the sanitary code. 30 minutes per inch is not allowed, the lots are 150' wide and are  $1\frac{1}{4}$  acre and larger. There is more than adequate protection built in under Article 11. Herr stated they did not in fact have an adequate Board of Health report but it was enough to raise a concern. It could not be used as grounds to disapprove the subdivision. On item 9, Foster pointed out it seems as though the water would flow away from the intersection and therefore, a third catchbasin would not be needed. On item 10 which would require extension of all utilities, etc., the system was designed for only the lots shown. Herr questioned if the land in back does raise. Foster stated this was not a big point with them. Herr stated they did not have topo and layout and this is why they asked for a locus. They could have gotten it wrong. It is a functional concern, and he felt they could concede this point. On item 11 Foster stated they needed 36,000 ft. of dry land. Foster stated his question is the formula for the area above the river. All of the items on #12 on the cross section have been taken care of in the new plan. #5 the temporary turnaround on Pine Oak Road will be paved. Herr stated the big problems are with the length of the dead-end streets and evidence of water supply. Water could be taken care of with a written receipt from the Board of Health and the Fire Chief. McElroy stated he felt it is necessary for the Board to know both of these things are taken care of. Foster suggested the Board could approve the plan subject to certain changes. Rotatori stated he would not be in favor of that. McElroy agreed. Hart stated there are just too many things. Herr stated the

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really big issue was the length of Pine Oak Road, and questioned what they could appeal on. Foster stated the definition of a dead end road. The Board can waive this provision. Most towns have a 500' limit and this was put in when the lots were a lot smaller, now the lots are larger so the road services less homes. McElroy stated he felt it is unreasonable to ask them to vary such a long piece of road. Ozella stated he would rather not appeal. He was told if he did not appeal it within the 21 days he would have to wait for two years. Foster suggested the Board could waive Louise Way and stop at a certain point on the other road, perhaps twelve lots beyond the intersection of Louise Way. Herr stated the only thing it doesn't assure is a way of turning around. Foster stated this could be taken care of. Whitten questioned the problem of water for fire. The dead end street would be 1000'. Foster stated it was of no use to get a letter from the Fire Chief if some agreement couldn't be made on the length. The Board could approve the plan up to a certain point on Pine Oak Road and disapprove the rest. That would leave a subdivision of 29 lots, the rest being developed at a later date. McElroy stated you either approve the whole plan or disapprove the plan in total. He felt it could run the Board into difficulties if the plan was not approved in total. Foster asked for a waiver on the strict requirements of the 500' dead end street for Louise Way and to 1,000' for Pine Oak Road. Rotatori stated he was against doubling the requirement, the bylaws call for 500' limit. Herr pointed out if Louise Way were to be shortened, the Board would be killing any possibility of the road ever going through, the houses on the end of the land would fan out. Foster stated the 1,000' would be enough to service 12 houses. McElroy stated he felt the Board has stuck with the 500' in the past, and they have not given the Board any reason to change it. The Board's outlook is for the protection of the people in town. Rotatori asked who is going to pay the expense of putting in water at a future date to these houses, and who is going to pay for the schools. On a McElroy-Hart motion the Board voted unanimously not to change the requirements of the by-law regarding the length of the street and to require evidence of water feasibility with regard to fire and consumption purposes. Hart stated it just was not a good plan, Rotatori stated he did not want to change the bylaws.

Roger Belanger, and Bob Hidell spoke to the Board regarding Whispering Pines cluster subdivision. A deed for the conservation portion was given which had been OK by Town Counsel Ambler. A covenant also was given that had been approved by Ambler. Belanger will make two changes on the dates and return to Board. Marilyn Young reviewed some of the revisions requested by the Board, all had been taken care of. On a McElroy-Whitten motion the Board voted unanimously to approve the subdivision plan of Whispering Pines subject to the following in addition to the usual requirements:

An immediate deed be given to the Town of Bellingham, Conservation Commission, granting therein however a Reservation or Restriction giving to Grantor exclusive right of restricted use





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~~and possession for a period of two years from execution, in form subject to approval of Town Counsel.~~

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.

Letter will be sent to Ambler requesting what initial steps have been taken on Center Park Estates.

Herr reviewed with the Board a map showing the flood hazard areas in town, with red indicating town flood plains, yellow that is recognized by the federal people only and orange that is shown by both the town and federal people. Herr gave the Board copies of a report prepared in response to a request from the Selectmen on the consequences of participation vs. non-participation in the Federal flood insurance program. Copies will be sent to Selectmen with the Boards' recommendations that the articles be placed on the next town warrant for consideration of the town-people.

A report on the Community Facilities up-dating was given and will be passed along to the Selectmen.

Next meeting with Herr will be devoted to subdivision changes. Highway Superintendent will be invited to attend or to send along his comments on the new regulations.

Connector route between Blackstone and Bellingham was brought up by Herr. Mrs. Young stated that the Blackstone Selectmen would like the Bellingham Selectmen to send a letter to the MAPC asking that the road be placed on their construction priority list. McElroy stated they have never heard anything further from Blackstone since the last meeting. Rotatori stated Blackstone should write or contact us regarding the road.

McElroy asked Herr if the Town has a master plan. Herr stated the town does have one, and he was picking up on it a piece at a time, the community facilities report, the school census and the circulation report were all a part of the master plan. McElroy asked if this could be a function of the consultant, and could it be done as a task within a years time. Herr answered, yes. McElroy stated there were also probably going to be some zoning changes on the map due to the sewerage study committee work, and it probably should be started. Herr told the Board he was still unable to obtain a set of planimetrics and topographic maps from the Sewerage Commission. He felt it was a real concern they were unobtainable.

Under new business the secretary asked for nominations for Chairman. On a Whitten,-MacIntyre motion, James McElroy was appointed Chairman, Unanimous.

On a Whitten-McElroy motion, James Hart was appointed co-chairman, unanimous.

Meeting adjourned at 11:45 P.M. on a Hart-Whitten motion.

APPROVED AS READ:

Respectfully submitted

James E. Hart,  
Clerk