

BELLINGHAM PLANNING BOARD
TOWN HALL ANNEX
BELLINGHAM, MA.

Regular Meeting - March 26, 1981

Members present - John Murray, Chairman
Gerald Brisson, Vice Chairman
Sergio Rotatori
Carl Rosenlund
Joan King

Vice chairman, Gerald Brisson called the meeting to order at 7:46 PM. Bills for the Woonsocket Call (\$63.84), the Milford News (\$56.00), and the secretary's salary (\$76.66) were approved unanimously on a Carl Rosenlund/Gerald Brisson motion.

Mrs. King brought to the attention of the Board an article that was in her paper announcing a Franklin Planning Board Public Hearing but it was not a paid ad. She wondered if maybe the Bellingham Board could do this. Mr. Murray stated that it was not a paid legal ad and this suggestion could be taken up with Mr. Herr. Mr. Rosenlund said the law states a notice of Public Hearing must be published in a newspaper of general circulation and at least 14 days prior to the meeting. Possibly it need not be in two papers.

Mr. Murray then explained that although notice of a Public Hearing for this meeting was published in the Woonsocket Call and the Milford News there was a mistake in not publishing it in the Town Clerk's office. The Board could go ahead but that if they (Zoning amendments) were approved, the attorney general could not certify them because the Public Hearing was not posted in time with the Town Clerk. If one of the amendments is not recommended by the Board then that one need not be readvertised. There would be nothing to be certified.

Mr. Rosenlund said he researched this point and there is a legal technicality in the Public Hearing not being published with the Town Clerk. He wanted to continue this to a later date. At this point the Board could not conduct a proper hearing and any discussion could sway members' decisions. They could be biased over a technicality.

Mr. Brisson said he agreed with Mr. Rosenlund.

Mr. Herr said it was advertised and at least could be discussed.

Mr. Murray said if there is no problem, the Board could go ahead and discuss the amendments as advertised.

Mr. Herr said it was the Board's decision. Everyone who is interested is probably here at the meeting.

Mr. Rosenlund stated it was a mere technicality that it was not posted but it can be called a foul.

Mr. Herr said having another Public Hearing was too bad for no purpose. He suggested going ahead with the discussion.

Mr. Rosenlund asked if the discussion was ethical in lieu of a hearing. There is a fine line. Shouldn't change anything because the Public Hearing was not posted.

Mr. Remillard, Town Clerk, said someone was in his office that day (March 26, 1981), upset because it was not posted and asked when it (the Public Hearing) was going to be posted. Mr. Remillard did not know when it would take place. Mr. Remillard agreed with Mr. Rosenlund that if the Public Hearing was not posted it should not be discussed. Minds could be swayed.

Mrs. King stated for someone to even know about the Hearing he would have had to have heard or read about it in the paper.

Mr. Murray reiterated he felt the amendments could be discussed with possibly not having to advertise all of them.

Mr. Brisson said no decision could be made tonight.

Mr. Rosenlund made a motion to continue the Hearing and to schedule it for Thursday, April 23, 1981. The Hearing would be to hear the Zoning Bylaw amendments - Townhouse Development at 8:30 PM; Earth Removal at 9:00 PM; Signs at 9:15 PM. This will give ample time for posting in 14 days. Mr. Brisson seconded the motion.

Mr. Murray asked for any discussion on the motion. He stated he wanted to discuss the amendment on sign regulations. There is no need for study in his mind. A sign can be over 100 square feet and the amendment wants to change it to 60 square feet. He stated he was happy with the present regulations. There are many signs in town over 100 square feet. Many people have spent a lot of money to advertise.

Mr. Rosenlund said this could be discussed at the hearing. The motion stands.

Mr. Murray called for a vote. It was 4-1 in favor of holding the Public Hearing on April 23, 1981.

A short break was taken.

Mr. Murray then stepped down as chairman for the purpose of the Board reorganizing and electing officers. Mrs. Canelli then asked for nominations for chairman. Mr. Murray/Mr. Rotatori motioned to nominate Mr. Brisson as chairman. There were no other nominations. A 5-0 vote in favor of Mr. Brisson as chairman. Mr. Brisson then asked for nominations for vice chairman. Mr. Rosenlund was nominated by Mr. Rotatori/Mrs. King motion. There were no other nominations. Mr. Rosenlund was elected on a 5-0 vote.

Mr. Brisson then asked for nominations for secretary. On a Carl Rosenlund/Sergio Rotatori motion Mrs. Jeanne Canelli was nominated. There were no other nominations. The motion passed 5-0.

Mr. Murray stated he has enjoyed serving as the Planning Board Chairman and wished Mr. Brisson good luck.

Mr. Brisson, as chairman, called the meeting to order at 8:24 PM. Mr. Vincent Thayer arrived.

Mr. Herr stated that tonight the discussion would center around Brookside Estates and any revisions. He reminded the Board that they had until tomorrow (March 27, 1981) to take action to approve the plan or the plan with modifications or ask for an extension. Then for 21 days the plan goes to the Town Clerk. If there are no objections after 21 days the plan is approved. The plan can not be signed tonight. The covenant agreement will be filed with the plans after the 21 days.

Mr. Thayer asked who engineers the covenant.

Mr. Herr stated that it is a form agreement. He said the only concern he had with the Brookside Estates plan is the grading system and connecting it with a new system and whether it is adequate.

Mr. Rotatori asked if it was the size of the pipe being connected and Mr. Rosenlund said this had been discussed before.

Mr. Herr stated that the plan states a 24 inch pipe will be connected down Brookside. The back area is upgraded. The water goes this way and that way to the crest of a hill abutting Route 140. There is no drainage. The calculations are fine and are done correctly. His concern is this part (looking at the map) - apparently there is only one way for the water to run - onto the road if there are heavy rains.

Mr. Rosenlund asked if this was an historic concern with heavy rains.

Mr. Herr said the water backs up.

Mr. Thayer stated there has never been a problem - never been any drainage problems in this area. We have planned for a 10ft. x 3ft. culvert - carry water at 65 cu. ft. per second.

Mr. Herr said the flow could be 70 cu. feet per second and asked if this could be handled. The requirements are 2-10 feet per second. The Board could waive the requirements. If the land is developed upstream the concern is whether this system is adequate. The system could be blocked up and cause a problem.

Mr. Thayer stated the brook has never been blocked up and never on the highway. Route 140 is state property.

Mr. Herr said this could happen.

Mr. Rosenlund asked if this was a problem. How can something else be added for drainage without state approval? Have the same problem by the man hole.

Mr. Herr said there is no catch basin carrying the water through. Maybe a catch basin beside it.

Mr. Thayer stated there is no water on his land or on his mother's land.

Mr. Herr then asked where does the water go . The only way is from one side of the street to the other. There could be problems upstream.

Mr. Murray asked if there has been any evidence of this.

Mr. Herr said the capacity is adequate with a 30 inch pipe. There is no way the property owner can change to a culvert. The state has to do it. There could be a continued flow of water. Provisions could be made on the plan. The flow increase is by 10 %. The water would be running on a hard surface. The run off is .05 - .25 - .45 - doubling or more the rate of run off. The concern in the future is upstream. Mr. Herr explained there is not a huge difference but is up by a factor of 2.

Mr. Rosenlund asked what is upstream. What is in the rear of Scott Hill Gardens? Is there run off there?

Mr. Thayer asked if the Board had the origin of the Brook - Silver Lake to Peters River. Both equal amount from Silver Lake to his property. It goes this way and that way.

Mr. Brisson said the area developed - another 27 acres upstream - what happens is that the increase of flow will go to Route 140.

Mr. Herr stated you can see the problem on a larger scale on a town map.

Mr. Rosenlund said he could not see the problem.

Mr. Herr said it was his judgement and the engineer's figures.

Mrs. King asked that this was a concern or problem but that it really does not effect Brookside Estates. The problem won't really arise unless the property upstream is developed.

Mr. Herr suggested that the problem could be solved by having a 4 ft. x 5 ft. culvert.

Mr. Rosenlund said - resolved - simple solution.

Mr. Thayer stated Scott Hill Gardens was built 25 years ago - on lowland and swampland.

Mr. Herr said the run off coefficient is more. Reduce the volume of water in another way to resolve it. It means taking 4 lots from the area but he needs to know the topography of the land.

Mr. Rosenlund asked that is the same in the remaining 27 acres. Let's assume to put a retention wall - a small pipe - then does the water back up to the other land.

Mr. Herr suggested a retention area.

Mr. Rosenlund stated he had never seen any streams going across the highway. Almacs would be the first to complain.

Mr. Brisson stated there is a high coefficient of run off.

Mr. Herr said the total area is involved with a run off coefficient 17 cu. ft. per second - 60 cu. ft. per second.

Mr. Brisson stated he felt a retention is an eye sore.

Mr. Herr stated that if you have a retention area and the land filled up with water, the retention area would provide a back up.

Mr. Thayer said he never saw any water there.

Mr. Rosenlund said if there was a problem on Route 140 lots of water would back up.

Mr. Herr said the numbers are there and there could be a problem if the land beyond Brookside Estates is developed.

Mr. Rosenlund said he didn't see any major problems with the design.

Mr. Brisson said if that land was developed there would have to be a new draining system. A catch basin would not be adequate. That engineer would have to go through the same thing.

Mr. Rotatori asked who owns the land.

Mr. Thayer said Mr. Varney does.

Mr. Robinson (Mr. Thayer's engineer) said the 24 inch pipe goes into the catch basin. So what Mr. Herr proposed is up to the other developer to build a catch basin or another man hole.

Mr. Brisson said it would be more complicated to develop.

Mr. Thayer asked what he is to do with the drain to alleviate the problem. What Mr. Herr is adding is here (pointing to map). Is what we are doing following what the state would want?

Mr. Herr said a 30 inch drain into a catch basin.

Mr. Brisson said a catch basin and a 2 x 3 culvert.

Mr. Herr said - do you need to get state permission.

Mr. Brisson said the state would go along with it. It takes a long time to hear from them.

Mr. Herr said the state might say no. They might say it can be adequately handled.

Mr. Thayer asked until then there is a problem? With a 2 x 3 culvert there won't be a problem then. In 5 years if he sells and if there has been no problem with the man hole and catch basin. It's not a necessary expense now.

Mr. Brisson said it could be part of the approved plan. It would be up to the state to indicate if it does not go along.

Mr. Robinson said we will propose a man hole and a catch basin.

Mr. Brisson said fine.

Mr. Robinson said - o.k.

Mr. Herr said then before they do it to propose approval from the state.

Mr. Thayer said he hoped this was solved and that the Board could sign the plans after 21 days. Are there any further conditions and would they be stated on the plan.

Mr. Brisson said the catch basin does not get built if the state says no.

Mr. Herr said state a written agreement - what happens with bond to replace covenant - bond releases lots. Does not get built - left up to the builder. Must get release. Lots without roads. Covenant to be set - fine on the plan. He had no figures for the covenant. Can't sell and build until he has sold all the lots.

Mr. Murray said then what happens.

Mr. Herr said someone buys the covenant. A covenant is adequate. Adequate only to date of application and date of filing. One only has 24 months - certificate of approval - after that no longer in effect.

Mr. Rosenlund/Mr. Murray made a motion to waive that portion of the covenant. It was passed 5-0.

Mr. Brisson said the date of construction is not on there.

Mr. Herr said the second condition is a 2 inch binder course for street and ways. It is less restrictive.

Mr. Murray asked if the Board approved the lighting.

Mr. Herr reminded the Board that there is no underground wiring there.

Mr. Brisson said Massachusetts Electric services that area.

Mr. Herr said it will have to be above ground lighting.

Mr. Murray/ Mr. Rosenlund made a motion to approve the plans for Brookside Estates with the following stipulations:

1. All streets or ways shall be surfaced with at least a 2" binder course prior to application for occupancy permits for any structures served by such streets or ways.
2. The catch basin on the south side of the Mendon Street culvert will be converted to a manhole, and a new catch basin installed.
3. Drainage improvements shall be installed as shown on Plan and Profile of Proposed Thayer St. Drain, Paul N. Robinson, February 24, 1981.
4. Electric service shall be placed above ground rather than underground.
5. All other improvements shall be installed as shown on sheets 1-4 of the definitive plan of the Brookside Estates as revised March 21, 1981.

The motion passed 5-0. In 21 days Mr. Thayer should return for the signing of the plans. Mrs. Canelli was directed to file a Form D-1 Certificate of Approval Definitive SubDivision Plan with the Town Clerk on the following day, March 27, 1981. Mr. Thayer was directed to return to the Board on Thursday, April 23, 1981 at 8:00 PM.

Mrs. King asked if a Public Hearing has to be advertised in a paid legal ad.

Mr. Herr said yes but that it was not necessary to advertise in two newspapers. Maybe the Board could decide on each hearing as to which paper to advertise in.

On a John Murray/Gerry Brisson motion it was unanimously voted to approve payment for those members who wished to attend Massachusetts Federation of Planning Boards Southeast Area Spring Conference.

On a Carl Rosenlund/Sergio Rotatori Motion it was unanimously voted to adjourn at 10:41 PM.

Respectfully submitted,



Carl Rosenlund, Clerk