

Bellingham Planning Board
Town Hall Annex
Bellingham, Mass.

Regular Meeting - October 25, 1984
Members present- Carl R. Rosenlund, Chairman
Sergio P. Rotatori, V. Chairman
Bertrand Boiteau
John P. Murray
Glenn E. Gerrior

The meeting was called to order by Chairman Rosenlund at 7:45 P.M.

Members reviewed the mail and bills to be paid. On a Rotatori/Boiteau motion the Board voted 5-0 to pay bills of: Milford Daily News \$114.00 for cost of advertising; The Call \$30.24 for advertising; Martha Russo \$16.36 reimbursement for purchases of stamps and postcards.

Mr. Rosenlund read over the notices of public hearings to be held by the Zoning Board in Bellingham and said he expects to be at that meeting, which will be on Nov. 1st.

Mr. Herr will not be in attendance at the Board's Nov. 8th meeting.

Mr. Murray asked about the final report on the ground water study.

Mr. Herr said he has the report and presented members with a booklet entitled "Groundwater Protection Strategy". He said there is a large scale map showing the areas, and a small map in the booklet.

Mr. Herr also had a large revised version of the Town street map with the street index, and a base map which does not have all the st names on it which he commented would be good for rezoning. This map will be the replacement for the one on the wall of the meeting room.

A copy of the large revised street map was given to the Police Department by Mr. Rosenlund and it was agreed other departments to receive a big map would be the Fire Dept., Highway Dept., and Post Office.

At 8:00 P.M. PUBLIC HEARING ON BOUNDARIES - REVISING ZONING MAP

Mr. Rosenlund addressed those in attendance and explained that the purpose of these changes are the changes that were initiated or requested by the Town Clerk, Mr. Remillard for clarification only, with reference to boundary lines. He said the Board has had discussions with the Town Clerk with regard to zone changes that were being proposed and being unable to significantly describe the boundary in question; therefore we usually went to lot lines rather than natural boundaries such as brooks, roads, power lines, etc. And so upon Mr. Remillard's request the Board forwarded this information to Mr. Herr for clarification.

Mr. Rosenlund then asked Mr. Herr to address the Board and explain what was requested and what he has done.

Mr. Herr began by pointing out that many years ago the town adopted its own flood plain zoning and it bounded those flood plain zones with elevations above sea level and that at some later date someone suggested that all those flood plains ought to be placed in a low density category rather than being in a relevently high density category. So that shift was made, which in effect took all the flood plain zone areas reported already in a agricultural district or similarly in a lower of the two adjacent districts, put them in that district, so that meant the use of elevation line as a boundary not only of the flood plain district but also the two adjacent use districts.

Then the Town Meeting came along and changed the flood plain zoning, which

meant they now use the Federal Insurance Agency's boundaries and not their own boundaries, and that meant that the flood plain districts were taken off the zoning map, but the use districts (residential, etc.) were still defined by those elevations. In some cases it is easier to use some physical thing that you can locate without having to determine elevation in order to know which district you're in.

With a zoning map marked showing the proposed district changes displayed Mr. Herr pointed out these areas to those in attendance. The locations are shown on the zoning map prepared by Mr. Herr and marked A, B, C, D, E, and F. He explained area A, which is on the Mendon town border near Box Pond, which is an undeveloped area and this involves moving the district boundary over to the town line, which extends the Suburban area. Area B, which is south of Silver Lake, involves moving from an elevation line to the Peters River which extends the Suburban zone.

Area C, is similar; moving the line from the elevation above the Peters River to the Peters River itself, so that its allowing slightly higher density use.

Area D, which is south of Wrentham Rd. also involves moving from elevation down to the Peters River. (A recent rezoning for Coachmen's Lodge)

Area E, north of Mechanic Street, the line moves from the elevation to the railroad tracks.

Area F, which was land that was rezoned and at that time property of Mr. Sheaffer, had a district boundary of complex description and this change would simply extend that commercial district and instead of following a complicated line it would follow a simple line along Arnold's Brook.

Mr. Rosenlund asked if anyone present would like to ask any questions regarding these proposed boundary changes.

Margaret Cardinal requested to review the map. The area she inquired about is zoned agricultural at present and this change would take it out of that zone and put it in suburban. Mr. Herr said it would allow slightly more building; however, pointed out it was primarily for flood plain and said there was very little likelihood that anyone could build there. She was also concerned about land close to this area being rezoned.

Mr. Rosenlund said the Board has been presented with several proposals on zoning changes, but ultimately it is done by Town Meeting vote. He said although it is not possible to say whether this change would encourage a zone change, he feels it is not likely to be an inducement as it is in a flood plain area.

With no further questions from the audience or from the Board, a motion was made by Mr. Rotatori to close the public hearing. Seconded by Mr. Murray.

Mr. Rotatori made a motion to recommend this zoning change on boundaries to the Town Meeting. Seconded by Mr. Boiteau. The Board voted 5-0 to recommend the zoning change. This will go to Town Meeting Nov. 15, 1984.

Mr. Rosenlund requested Mr. Herr to write up a brief outline of his explanation for the Town Meeting. Also that we will need 3 copies of the map.

At 8:15 P.M. Franklin Pond of Bibeault & Florentz Engineering appeared before the Board on the Approval Not Required plan of June S. Ambler. Property involved is off Blackstone St. showing land divided into 3 lots. Mr. Pond said Lot 1 as shown will be joined with the existing lot of Parenteau. Lot 1 is undersized while Lot 2 and 3 do conform. The one that does not is planned to be sold. The property is in a business area and residential area. Mr. Pond said he did not work on the plan and was not familiar with the zoning of the plan.

Following further discussion on this, the Board agreed to sign the plan with the map stamped "Compliance with zoning not established". The secretary was requested to get a copy of the map to the Building Inspector and the Zoning Board with a note saying Lot 1 is not a buildable lot and will become a part of the Parenteau property.

Mr. Rotatori made a motion to sign the plan provided it is stamped "Compliance with zoning not established", with Lot 1 Not a buildable lot. Seconded by Mr. Boiteau. The Board voted 5-0 to sign the plan.

At 8:30 P.M. Mr. Rosenlund opened the Public Hearing on Hilltop Estates and requested a five minute postponement so that the members can complete the signing of the plans. On a Rotatori/Murray motion the Board voted 5-0 to postpone the hearing for five minutes.

Mr. Pond presented his check for \$10.00 and the Form A for Ambler.

At 8:35 P.M. Public Hearing on Hilltop Estates Definitive Plan - Silver Lake Realty, owner Leo Dalpe.

Mr. Brisson made the presentation on behalf of Mr. Dalpe and Mr. Rhodes. Property involved is approximately 30 acres off So. Main Street in an area zoned suburban. The applicant's proposed definitive plan for a subdivision shows 19 lots between Chestnut St. and Overlook Drive. Roadway to be named Hilltop Drive ends in a cul de sac. Brisson said the plan is for drainage onto So. Main St. and onto their property, which he pointed out on the map.

Mr. Rosenlund read the letters received from the Town departments regarding their views of the plan, which was submitted to them by the applicant, after the Board's Sept. 27, 1984 meeting. The Highway Dept.'s letter of October 25, 1984 expressed approval of the plan, except for the width of the first portion of the road, but found no problem with that. No one was present from the Highway dept.

Mr. Herr pointed out that the portion of road referred to by the Highway Dept. is one of the things they spoke about. He said there are two issues about this subdivision that he feels are very plain.

1. The first portion of roadway which is the little stretch of land where the only land available to connect this with So. Main St. is fixed in location by the fact that there are existing lots on either side of it under different ownership and its only 40 feet.

2. There is a requirement of the Subdivision Regulations Section 425 which says only lanes may be dead-end streets. However, minor and collector streets may be dead-ended if necessitated by topography or other site conditions and if they are not potentially hazardous.

Mr. Herr pointed out that the roadway here is a minor street. Also that he sees nothing in this circumstance which makes it any different than any other, or any particular hazard about this or anything particularly un-hazardous about it.

Mr. Herr said there may be an alternative and discussed briefly the area of possibilities of joining that parcel with other parcels to provide egress onto Chestnut Street or some other way.

Other replies received were from the Board of Health and Water Dept. No replies received from the Conservation Commission or Fire Chief.

The letter from Water Dept. Superintendent Trudel dated October 17, 1984 states that the plan was reviewed and they found the proposal to conform with their regulations.

The Board of Health's response on Hilltop Estates dated October 25, 1984 was read and indicates that the definitive plan was reviewed and referred to their consulting engineers, Guerriere & Malnon, Inc., whose letter of October 22, 1984 was attached, signed by Donard R. Nielsen.

Reporting on the 19 lots, Nielsen's letter states that "each lot will require percolation tests, deep observation tests, and site plan for the Board of Health review and approval." Also, the lots within the subdivision will be reviewed and approved on an individual lot by lot basis. Regarding perc tests, he said "percolation tests and deep observation test pits were performed on lots 1 - 8, 10, 12 & 14 on October 18 and 19, 1984 and all percolation tests were in compliance with the Town of Bellingham Regulation and Title V of the State Environmental Code.

Remaining lots 9, 11, 13 & 15 - 19 are scheduled to be tested on October 25, 1984.

Mr. Rosenlund asked if there was a report on these remaining lots. Mr. Dalpe said there are two more lots left to do but he had no letter.

Regarding drainage, a 2 page report on drainage calculations was presented to the Board and lot closures for the 19 lots.

Mr. Herr said he questions the way in which the drainage is going to find its way down into the little pond "marked in blue" on the map. He said he had not been back on the site and can't be critical of it but feels it should be critically looked at. He noted that the drainage goes some distance within the cul de sac and than its discharged from a headwall into a swale, then it would go via that swale into the pond.

Mr. Herr said there is some question as to whether in fact there shouldn't be some different arrangement in order to comply with requirements that peak storm water run-off not be increased by development.

He feels there will be increase in run-off and therefore presumably there should be some detention there rather than just running across the land. At the other end he said he sees no problems.

Question was raised by Mr. Rotatori regarding this plan of 19 lots.

He reminded the Board that previously only 12 lots were allowed on this property when application was submitted by Mr. Roy, and feels that if the Board goes along with this 19 lots there will be some disappointment and something said about the Planning Board that would be unfavorable. He felt that Mr. Roy should have been given this same chance.

Mr. Brisson commented that he doesn't see Mr. Roy at the meeting here and he is an abutter. Brisson said that Roy has seen the plans.

Mr. Rotatori said that was not the point; the point is that the Board is doing it, not Mr. Roy. Mr. Rotatori said he wants it understood that the Board rejected Mr. Roy's 20 lots and told him only 12 lots.

He wants it to be further understood that this matter has been brought up before the Planning Board approves this 19 lot application in the event there might be a complaint.

Also, this land was to be 12 lots from the beginning.

There was some question as to whether Mr. Roy submitted a formal plan. Mr. Rosenlund said, to clarify this to the press and those present, that the Board did not deny Mr. Roy a Definitive Plan. He said Mr. Roy came in for an informal discussion and at that time he was told he could put on only 12 lots on that street, but the Board did not reject any plan as no plan was submitted to the Board.

Mr. Rotatori said Mr. Roy did come in with a lawyer at that time and was told 12 lots. He said they in fact came in at least half dozen times.

Mr. Rotatori said what the Board wants to do now is a different thing-- it was brought out about Mr. Roy and he wants it to be understood, and he said he does not want anyone coming back to say the Board is doing something illegal.

Mr. Rosenlund agreed and addressing Mr. Brisson inquired as to why the 19 lots should be generated, as opposed to the 12 lots.

Mr. Brisson said obviously they have 30 acres of property, and need approximately one acre per lot. He said if they put 12 lots in there they would not be utilizing half the property; that entire piece of property is a very nice piece of property. He said it just seems very senseless.

Discussion about the merits of 12 lots vs. 19 lots followed, using the map displayed on the wall.

Mr. Murray raised the subject of population growth, which he felt should be a part of the consideration. He said part of the reason back then with Mr. Roy when he was told only 12 houses would be allowed was because we had a school problem of overcrowding and feels that played a part in the decision at that point in time.

Addressing Mr. Brisson, Mr. Murray said it was his understanding they had an appointment with the school committee in a couple of weeks as far as growth in town. He said that should also play a part in the Board's decision now.

Mr. Rosenlund said that Mr. Murray was getting into an area now that has to be addressed throughout the town regarding population growth and he doesn't think it can be looked at, in his opinion, a given subdivision plan before the Board and impose restrictions based on expected population growth unless you put some kind of moratorium on over all building.

Mr. Murray said this isn't a regular subdivision plan, it is a subdivision plan that is asking us to waive one of our requirements.

It was agreed that consideration should be given to what impact this could have on the schools and what would be good for the whole town.

Tom Miller of 74 Chestnut St. said his property includes a great percentage of the small pond and he is concerned with the drainage of the proposed subdivision. He pointed out that about three times during the year where the pond drains underneath Chestnut St. and goes into Lake Hiawatha, the road has flooding there and any increase will significantly affect that area. He said his house is high up but has a couple of neighbors who would be affected. A review of the map was made.

Mr. Boiteau pointed out that the culvert there gets flooded and generally is in bad shape.

Several persons stepped forward to review the map. They were interested in drainage with relation to the location of their properties. Mr. King of 60 Little Tree Lane requested explanation. Mr. Brisson pointed out the drainage route.

Another party who lives at the end of Overlook Drive inquired about where the building would begin in relation to her property. Mr. Brisson pointed out that area as being lot 19, where he said there would be a home somewhere on lot 19, and it is a pretty sizable lot. She asked where the access road would be and was told So. Main St.

She asked if the building was going to be duplexes. Mr. Brisson said no, they would be single family homes.

Another gentleman asked what the sale price of the homes would be. Mr. Dalpe said in the \$80,000.00 to \$90,000.00 area, mostly cape style.

Mr. Rosenlund asked if there were any further questions from those present or from any of the Board members.

Mr. Rosenlund said there were some points the Board needs to iron out regarding this.

With no further questions, a motion was made by Mr. Rotatori to close the public hearing. Seconded by Mr. Gerrior. On the Rotatori/Gerrior motion the board voted 5-0 to close the public hearing.

(There were approximately 35 people present)

A five minute recess was called.

Meeting resumed at 9:30 P.M. The Board discussed with Mr. Herr and the applicants the points to be made regarding the Hilltop Estates plan. In discussing the lot layout, Mr. Rotatori reminded the members that if the Board does this now on the 19 lots there is going to be some problem.

Mr. Murray said there is a problem that some of the people do not understand what is going on. Is there going to be 19 lots or 12 lots.

Mr. Herr said he feels the Board can say no to 19 lots.

A mechanical point Mr. Herr suggested is that the street number should be shown in a square and the house number shown in a circle.

Mr. Brisson asked who is responsible for house numbers. Mr. Remillard, Town Clerk, who was present said that Lynda Martell was appointed to street numbering.

Mr. Herr said the plans do not show the street profile of the intersecting street and he has not seen a set of plans in Bellingham that did, as the regulations calls for.

Mr. Herr said there is a problem with the street right of way to be considered and the drawing does not show lot sideline monuments. There was a question of meeting the drainage performance specifications. He has that from Brisson tonight.

Brisson said he was in touch with the Conservation Commission and has not heard from them. The problem of the culvert was discussed; there should be improvements made on this. Discussions on waiving the index requirements, due to the simplicity of this plan; waiving sidewalk requirements to one side of the roadway instead of both; waiving the 29 ft. roadway requirement to 26 ft. This was done on the roadways of previous subdivisions of this size where it was determined that 26 feet was adequate. Also discussed was waiving the profile of So. Main Street.

Mr. Brisson presented a letter from Silver Lake Realty covering their requests for waivers on the index, sidewalk, and reduction of roadway from 29 to 26 feet as discussed above.

Mr. Herr said he thinks the waivers are fine and sees no problem with that.

Mr. Rotatori asked about road obstruction by trees. Brisson said he did not stake out the entire property with reference to the trees.

Mr. Rosenlund asked if the Board wishes to act on the waivers.

Motion was made by Mr. Rotatori to waive the index plan; to waive the street requirement from 29 feet to 26 feet; to waive the sidewalk requirement from both sides to one side; to waive the street profile requirement for South Main Street. Seconded by Mr. Gerrior. The Board voted unanimously to approve the waivers.

Mr. Rosenlund now asked the Board's opinion on the waiving of 12 lots to allow 19 lots.

Mr. Rotatori commented that he favors the dead end street where persons occupying the premises would be the only people entering there.

Mr. Rosenlund agrees the Board should definitely be concerned with the growth but does not feel a moratorium should be called on building.

Regarding Mr. Roy, Mr. Rosenlund said apparently he does not object since

he did not appear before the Board tonight. Mr. Rotatori agreed and stated that there would be more subdivisions coming in and he feels that what the Board is doing tonight, they will have to do for another builder. Although he is not against the 19 lots, he said he wants this point understood. He said the Board decided on the 12 lot rule for a good reason.

Mr. Herr said he feels it is not clearly understood by some people.

Mr. Murray said maybe the regulation should be changed.

Mr. Herr said this could be a 13 lot possibility allowing for the one lot to be a turn-around and can be held open until consideration is given to the rest of the land. He said the Board's rule is a generous one, and agrees with Murray that the rules should be changed.

Mr. Brisson commented that lot 19 could become an entirely new subdivision. They discussed having approached the owners of property abutting the area of lot 19 but nobody wanted to sell. Dalpe said they were also interested in buying a piece of property owned by Varney in the area but he would not sell.

Mr. Rosenlund asked when they start construction how long before they start developing the lots. Brisson said they would put the road in first. Provide the Board with a covenant and start.

He said the Town of Bellingham would provide the street lights.

Mr. Herr said the map shows underground lighting.

Brisson said what if Mass. Electric refuses to go underground. Herr said he has not heard of that. He also said the main benefit of underground is visual.

Murray suggested if they want this subdivision to have cable, Brisson should go to the cable company about wiring.

Mr. Rosenlund said he is in favor of underground wiring. Section 543 regarding street lighting was reviewed. Mr. Rotatori pointed out that the Town won't put in the electricity until the streets are accepted. Also the developer would dig the trench for the underground wiring. Following a discussion on this and the cost involved, Mr. Dalpe requested the Board to waive the underground wiring.

Mr. Boiteau made a motion to waive the underground wiring. Seconded by Mr. Gerrior. The Board voted 5-0 to waive the requirement of underground wiring.

Mr. Rosenlund asked the Board their opinion regarding the 12 lots vs. 19 lots. Mr. Rotatori made a motion to waive the requirement of 12 lots to allow 19 lots. Seconded by Mr. Boiteau. The Board voted 5-0 to accept the 19 lots.

Mr. Herr raised questions regarding the drainage. Mr. Brisson said the type of retention wall will be of natural stone. They did not completely agree on this. It was noted that a retention dyke could create a danger for young people. Kids would quite likely play in it unless it was fenced-in. Also it was noted retention ponds invariably become eyesores. From the last catch basin 7% more water would be running there in a 25 year storm than there is now.

Mr. Herr suggested that the applicant bring in a scheme showing the drainage and retention pond.

Murray asked how much of a problem this will create on Chestnut Street. Herr didn't think it would create much.

Mr. Rosenlund entertained a motion to approve the plan.

Mr. Boiteau made a motion to approve the definitive plan of Hilltop Estates as submitted with the 19 lots, with the waivers on the Index Plan, the street requirement from 29 feet to 26 feet, the sidewalk requirement from both sides to one side, the street profile for South Main Street, and the underground wiring. Seconded by Mr. Rotatori.

On the Boiteau/Rotatori motion, the Board voted 5-0 to approve the plan.

Mr. Brisson asked when the 20 day appeal period starts. Mr. Remillard, Town Clerk, said, "when he gets the Form D-1 Certificate of Approval the time starts".

Mr. Brisson, Mr. Dalpe and Mr. Rhodes thanked the Board and left at 10:20 P.M.

Mr. Remillard held a brief discussion with the Board regarding a newspaper article about the rezoning proposed off Hartford Ave in which he said the reporter had misquoted him, with reference to the petition of American Realty. The means by which zoning changes can be initiated was discussed. Mr. Remillard pointed out that a Special Town Meeting needs 100 signatures for a zoning change, and 10 signatures for a regular Town Meeting.

Mr. Rosenlund said the Board of Selectmen can initiate a zoning change or they can sponsor an article and request the Planning Board to hold a public hearing. Remillard said his concern is with a certification claim when it is not certified.

At 10:45 P.M. Franklin Pond returned to the Board to present the 2nd plan which is for Edward Dill. This involves property off Chestnut Street and abutts the town line of Blackstone. They are dividing their land into three lots with an open space. Members reviewed the plan and there was a question as to whether or not Chestnut Street was an accepted street. Mr. Rosenlund said at one point he had been asked by a lawyer if that was an accepted public way and he could not answer that.

Mr. Herr pointed out that the town is liable for damages from inadequacies in the road. Mr. Rotatori and Mr. Murray suggested this be held up until the next meeting so that the Board can check on this. Mr. Pond agreed and asked if there were any other problems. He was told to mark the open space on the map as lot 4. Mr. Pond is to return at 7:45 P.M. Nov. 8, 1984.

Mr. Boiteau had to leave the meeting and go home.

New Building and population growth and its impact on school enrollment was discussed. Mr. Rosenlund said he received a letter inviting him to attend a school committee meeting to give input on projected pupil enrollment. Mr. Herr presented the Board with an article regarding development and its possible impact on school enrollment, dated October 25, 1984, which is based on the six major developments proposed in Bellingham, two of which are approved.

Regarding Celtic Construction/Racicot Realty Trust, "Maple Brook" Condos, action on the special permit is still pending. Four members still present. Mr. Rotatori is concerned about the roadway; whether the road is going to be completed from Maple Street to Blackstone Street. Mr. Herr said they can insist on it and spell out that they want the road completed. The road is to start at Maple Street and Celtic is beginning with 50 units. The Board expressed their concern with egress. The street is 20 feet wide which was decided on because there would be no parking on the street as there are parking areas.

It was pointed out that Section IV 421 (h) any group of 20 or more lots shall provide for two means of egress.

The back road was eliminated on the plan and the Fire Chief is not happy with not having that road. Also the Police Chief is not in favor of eliminating the road.

Mr. Rotatori feels it is going to be a big mess for the police and fire departments. The Board had already decided not to have the road to the rear of the buildings.

Mr. Herr will write up and send the wordage and changes for the Celtic decision.

Mr. Herr pointed out that the streets leading to the subdivision must be adequate, the issue of Chestnut Street proves the point.

Mr. Herr suggests an amendment be put into the Subdivision Regulations, also requirements of street width, utilities, and sidewalks. He suggested putting together all of those things and holding a public hearing as soon as possible. Also to be considered is street lighting. Mr. Rosenlund said he went down to Lyn Court off North St. which has underground utilities and there is no street lighting, which is quite dangerous.

It was noted that Mass. Electric charges less if the developer puts up the pole. Mr. Herr said he would get the new rates from them.

A brief discussion was held on American Realty. Mr. Herr said he understands this is not going to be subdivided but they are going to rent space. He said he would make a list to send the Board for the hearing to ask American Realty.

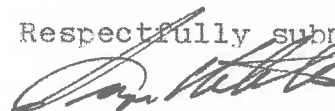
Mr. Herr left copies of his statements and progress report on the Master Plan Update.

The Board on a Rotatori/Murray motion voted 4-0 to hold a special meeting on November 19, 1984 for the express purpose of meeting with consultant Herr.

On a Murray/Rotatori motion the Board voted 4-0 to adjourn.

Adjournment at 12:35 A.M.

Respectfully submitted,



Sergio P. Rotatori, Clerk