

Bellingham Planning Board  
Town Hall Annex  
Bellingham, Ma.

Regular Meeting - September 12, 1985

Members Present - John P. Murray, Chairman  
Glenn E. Gerrior, Vice Chairman/Clerk  
Emile W. Niedzwiadek  
Matthew F. Pytko  
Edward T. Moore

The meeting was called to order by Chairman Murray at 7:40 P.M.

Gil Trudeau presented a Approval Not Required plan on property located on the northeast side of Arcand Street. The plan shows one lot being divided into Parcel A and Parcel B. Members reviewed the plan and found no problems with it. Mr. Moore asked if they were going to run in their own water. Mr. Trudeau said yes. On a Niedzwiadek/Pytko motion the Board voted 5-0 to sign the plan. Mr. Trudeau presented his Form As and \$10.00 filing fee in cash and was given a receipt. Mr. Trudeau is scheduled to return on Sept. 26th at 10:00 P.M. to discuss Arcand Street.

8:00 P.M. Public Hearing on proposed 11 lot subdivision called "Cliff Estates". Applicant is Dennis Marguerite, Oakridge Construction Co., Franklin, Ma. Property involved is about 14 acres off High Street opposite Fifth Avenue in Bellingham.

Secretary read the notice of the hearing. Following this, Chairman Murray requested a motion to postpone this hearing until 8:35 P.M. which would allow time to complete the signing of Form A plans.

Also the meeting in the Selectmen's Room might be over where seating capacity is adequate for the number of people present. No opposition to this from anyone. On a Niedzwiadek/Pytko motion the Board voted 5-0 to postpone the public hearing for "Cliff Estates" until 8:35 P.M.

At this point, Mr. Murray requested a moment to reply to an editorial written in the Milford Daily News August 28, 1985 issue which was directed toward him in critical terms in regards to an Article (on growth) which the Board held a public hearing on, and the newspaper editorial cites him for failing to submit an article for the October 2nd Town Meeting after a public hearing on the matter was continued. Mr. Murray stated that "it was doubtful that a revised article could be drafted and acted upon in time for the meeting, anyway. The revision being so drastic that a new hearing must be advertised."

Mr. Murray also denounced the comments in the editorial with regards to their opinion that he is speaking on the side of developers, not taking the entire matter into account.

He said that "in 10 years of public service in this town, I have not seen a newspaper article that was so narrow-mindedly written and slanted because a reporter failed to take all the facts into account".

To sum it up, Mr. Murray said, "the real dilemma here is what I see as irresponsible reporting, and reporters neglect of fulfilling his or her responsibility to the newspaper and to the people that read it because of what may be his or her own personal opinions. I consider the editorial and those responsible for it, not following their own code of ethics".

Mr. Murray addressed the reporter present about this article, and she said she was not responsible for editorials and any questions would have to be taken up with the editor.

Robert Ballarino of Residential Homes, Inc. Franklin, Ma. presented his Form A and plan of land located off Chestnut Street showing 3 lots. There were two lots on this property which they have divided into three. Members reviewed the plans and it was pointed out by Mr. Ballarino that his lots are across the street from Mr. Dill's proposed subdivision, and Ballarino said he agreed to cover the cost of putting in the water line in Chestnut Street, which would be done by Mr. Dill.

Mr. Murray read the agreement dated September 9, 1985 signed by Robert Ballarino and addressed to Mr. & Mrs. Edward Dill that he will pay the sum of \$6,000.00 for installation of a six (6) inch water line to be installed in Chestnut Street by Edward Dill and to be accepted by the Town Water Dept. This agreement is between Mr. Dill and Mr. Ballarino.

Mr. Murray pointed out that there were some problems with getting water onto the subdivision proposed by Kathleen & Edward Dill and had suggested the Dills contact some of their abutters and see what they could do about getting water up in that area. Mr. Murray felt this was one solution to the water problem of both parties..

Mr. Moore questioned who determined the size of the pipe, and did the Water Dept. say a 6 inch main was adequate. Mr. Ballarino said yes. On a Niedzwiadek/Pytko motion the Board voted 5-0 to sign the plan.

Clem Brisson presented the Board with a Form A plan for applicant Olive M. Burr, 50 Railroad St., Bellingham on property located off Center Street in a suburban area. The plan shows one lot marked "A" containing 44,971 Sq. ft. with 150 ft. frontage on Center Street. Clem Brisson presented his check for \$10.00 filing fee and Form A.

On a Niedzwiadek/Pytko motion the Board voted 5-0 to sign the plans.

At 8:35 P.M. Mr. Murray re-opened the public hearing for Cliff Estates and requested a motion to postpone the hearing for 10 minutes in order to complete signing of the Form A plans. On a Gerrior/Moore motion the Board voted 5-0 to postpone the Cliff Estates hearing for 10 minutes.

Lloyd Rhodes, 242 Lake St., Bellingham presented his Form A and plans on property off Lake Street. Area is zoned Agricultural, Business II. He proposes to divide his property into two parcels. Parcel A contains 36.263 acres and Parcel B 17.735 acres as shown on plan by Paul Robinson Associates dated August 30, 1985. Members reviewed the plan and found no problems with it. On a Gerrior/Niedzwiadek motion the Board voted 5-0 to sign the plan.

Albert A. D'Aniello, 372 Washington St., Franklin, Ma. presented the Board with his Form A and plan on property bounded by Locust Street and Pulaski Blvd. in suburban district. The area contains about 14 acres and the plan drawn up by William J. Rossetti of Franklin, shows 9 lots already subdivided with frontage on Locust Street and on Pulaski Blvd. Mr. D'Aniello pointed out a location next to designated Lot 3 and said a woman owns that. Mr. Gerrior inquired about that. D'Aniello said they wanted to retain Lot 3 for possible future use as a right of way to the back lot area, and the house is presently located on what would be Lot 4. Mr. Murray pointed out that this plan is a formal plan; its lots are already on approved streets. He said when the frontage and lot requirements are met the Board cannot turn the plan down. Mr. Murray asked Mr. D'Aniello what he proposes to do. D'Aniello said build duplexes.

Because D'Aniello's property fronts on accepted streets he can divide it under Form A plan. On a Moore/Gerrior motion the Board voted 5-0 to sign the plan.

The Board convened to the Selectmen's meeting room.

Mr. Murray re-opened the public hearing on "Cliff Estates" at 9:15 P.M. The developer is Dennis Marguerite, Oakridge Construction Co., Franklin who is seeking approval of a definitive subdivision plan showing 11 lots off High Street.

Attorney Neil Roche, representing Mr. Marguerite, presented copies of the definitive plan for the Board's review. Mr. Pytko and Mr. Niedzwiadek noted the varied and odd-shaped lot lines in the project, some of which come to a pie-shaped point in back of the lot.

Mr. Roche gave the Board a copy of the deed on the High Street property from Marion Grover to Oak Ridge Construction Co. for our files.

In going over the plan Mr. Roche said this plan shows 11 lots, 2 of which are right on the street. He said since our last meeting the engineer had prepared a Form A plan for lots 1 and 11, which he said he had with him.

At this point Mr. Roche presented the Form A and plans showing Lots 1 and 11. Mr. Murray said, so realistically the subdivision is not 11 lots. Mr. Roche said, "we are talking 9 lots, not 11 lots".

Mr. Murray asked if he had gone over the drainage and other things with our consultant Phil Herr. Mr. Roche said they submitted calculations in the form of a booklet which was passed out previously and he said we have a young lady, Joyce Hastings, with us of GLM Engineering who can answer any questions. Mr. Roche asked Miss Hastings to explain the drainage system.

Miss Hastings went over the plans with the Board, pointing out the catch basins and drain easements as shown. Her explanations were inaudible to the floor.

Miss Hastings then requested to show another plan. She said this has been revised since they submitted it to show the grading. She pointed out that they have graded the low point to act as a retention area.

Mr. Murray then asked if she is saying that this is different than the one previously submitted. Miss Hastings said, yes, that it has been revised. She said she would submit other copies to the engineer.

Mr. Murray asked what the revision is. Miss Hastings said there is only the one showing the grading for the retention area.

Mr. Murray expressed concern whether this would create a problem, they are not looking at what was proposed originally. Mr. Murray asked Miss Hastings whether Phil Herr has a copy of this. Miss Hastings said no, but he will get one.

Mr. Murray said the Board would not act on this tonight allowing time for Mr. Herr to receive the plan and review it and see if that is indeed the only revision.

Mr. Roche said he thinks those revisions were made as suggested by Mr. Herr.

Miss Hastings continued to outline the drainage system. Pointing to a retention area as outlined on the plan, she said it would drain into the existing wetland area. Another area would be picked up by two catch basins and piped out into the existing wetland. She said it has been designed so that there is no increase in the existing runoff.

Regarding the profile of the roadway, Miss Hastings points out that the road slopes down from High Street towards Circle C, and shows the drainage areas.

Mr. Murray asked the width of the street. Mr. Roche pointed out the plan shows 60 feet and thinks this is classified as a lane, but he said he thinks they did that because at the end it winds up with an existing 60 ft. easement.

Mr. Roche said ~~what~~ they would like to do is keep the right of way as 60 feet. They would like to cut the pavement width to 26 feet.

Discussion followed on what was to be in the back part of the 60 ft. right of way. Mr. Murray asked about the possibility of further development. Mr. Roche said he didn't know, but they did reserve the right to have an easement and said they are obviously saddled with that. Mr. Murray asked if that was Hill who required this. Mr. Roche said no, it was the agreement between the developer and Cliff Grover to leave that right of way there, the way it was. The direction of the areas showing Grover's property and Hill's property was pointed out, and both have access.

Mr. Murray pointed out that they have exceeded the requirements regarding roadway and he questions that. Mr. Roche replied that with the permission of the Board they would like to leave it like that as it lines up with the 60 ft. right of way. Mr. Murray inquired if they take a 60 ft. right of way, does that require them to put in more than a 26 ft. pavement, or would they request a waiver to put in a 26 ft. pavement. Mr. Roche said if the Board requires a request for waiver they would ask for a 26 ft. waiver. Also he said they would want above ground utilities, cape cod curb and one sidewalk.

Mr. Murray said they, of course, do not know what is going into the back. It was pointed out that the property is zoned Industrial and it is believed that you can't go through a residential area to an industrial area. Hill's is said to be zoned industrial. One member thought not all of it is. Mr. Roche pointed out a Supreme Court case decision that you cannot enter through a residential area for access to an industrial zone; you have to enter an industrial zone through another industrial zone or from access off a public way. Mr. Murray inquired if this would be access off a public way. Mr. Roche said yes, but, you would have to cross through a residential area, and you can't cross through a residential area to get to an industrial area.

Mr. Niedzwiadek inquired if these are to be single family homes. Mr. Roche said yes.

Mr. Pytko pointed out an area on the plan and asked if they are selling those particular lots. Mr. Roche said yes. Mr. Pytko then asked if they are going to have retention ponds right in the middle of somebody's backyard. Mr. Roche said that's the way it's designed. Mr. Pytko was quite displeased. Mr. Roche said some of the lots are in excess of 50,000 sq. ft. Mr. Pytko said he knows they are, but he wouldn't want to buy one with a retention pond in his backyard or right in the middle of his land.

Mr. Roche's reply was, "today that's the way everything is designed".

Mr. Rick Zeamer, representing the Conservation Commission stated that there is a serious wetland consideration in this area. He said, referring to the drainage easement into the wetlands, that in the wetlands there are two species of orchids growing, one of which is called the purple fringe and is one of the most notable wildflowers in New England. He said, moreover, that plant, and all orchids, are protected under Massachusetts law. He said this was discussed with the Conservation Commission and Mr. Zeamer said he hopes that this development would not impact the environment where the wetlands are concerned.

He expresses concern that they provide for wetlands protection.

Mr. Zeamer said as he stated in his letter of August 17, 1985, which is in the "Cliff Estates" file, that the New England Wildflower Society has offered to transplant, but only if all efforts fail to save their habitat. They would transplant the entire colony (over 50 plants) to the Garden in the Woods in Framingham.

Mr. Zeamer said this is quite a distinctive natural feature.

He said he has been interested in orchids from around 10 years old and has not before seen them in the United States.

Mr. Murray asked Mr. Zeamer whether he is on the Conservation Commission. Mr. Zeamer said no, but is speaking as a representative.

Mr. Murray noted that the Board had not heard from the Conservation Commission about this area.

Mr. Roche said they have not yet filed their letter of intent.

Mr. Moore pointed out before they can do anything anyway, they have to file a letter of intent with the conservation commission.

Mr. Murray expressed concern that the Board had not as yet heard from the other departments about this plan, as well as the Board of Health.

Mr. Roche said the Board of Health received a copy of the plan which was delivered by his son on July 26, 1985. Mr. Murray noted that they have 45 days to reply.

Mr. Murray pointed out that normally we do hear from them, especially on something like this, referring to the Conservation Commission.

Mr. Zeamer said he has talked to the New England Wildflower Society about this (the orchids) and they would much prefer that the environment not be impacted. He said for these plants it is necessary to keep the water level just right. In other words, no impact is desirable.

He said he doesn't know much about developments, but perhaps it could be done if care was taken. The concern is about the runoff.

Zeamer said if one were to walk further down into the swamp you would find that it is not like the area above. The area above he calls a botanist's paradise; whereas further down there are only a few species of plants and the reason for this is that the water level seems to go up and down too fast.

Mr. Zeamer stressed that this is a very special place; it is of interest to the community at large, educationally and certainly environmentally.

Following further discussions regarding the Conservation Commission, and establishing that the Board has 60 days from the filing date of July 25, 1985, to act, Mr. Rosenlund addressed the Board. He pointed out that he does not have any basic problems with the development, as far as houses are concerned, across the street as he had seen the plans. He said he also talked with the Board of Health and was surprised there was no letter from them. Their secretary had information that she was putting together and Mr. Rosenlund said he assumed she was going to send a report. He said he also talked to Phil Herr today, (calling him on his own to find out if he is satisfied with the plans). Mr. Rosenlund said Mr. Herr commented that basically he had no problems with the plans, but he has not seen the changes as suggested by the young lady. So he has not seen an up to date plan. Mr. Rosenlund said he is not suggesting that there is anything wrong with it but if the Board is going to continue it anyway he can look into it.

Mr. Rosenlund said regarding the street, he agrees with Mr. Roche as far as the width of the road is concerned. It would be kind of ridiculous to have a 60 ft. road across from Fifth Avenue.

Mr. Rosenlund said the other concern he has is the cul de sac in the back where it acts as the easement. Mr. Rosenlund asked if that would be fenced off in some way because there are people coming through there now.

Because Cliff Grover wants access they can't really do that, but they were agreeable to putting a fence with a gate in there.

Mr. Rosenlund said it doesn't really bother him that much, but if he were buying a house down there, some of the jalopies coming out of there tends to be unattractive.

It was agreed to continue this hearing on September 26, 1985 at 9:45 P.M. The secretary was requested to send a note to Conservation Commission for input on "Cliff Estates".

Mr. Murray said he did talk to Mr. Trudel and the Highway Dept. and they didn't have a problem with it. Although they should send a letter, Mr. Murray said all the Town departments are quite busy with time limits.

On a Niedzwiadek/Gerrior motion the Board voted 5-0 to continue Cliff Estates hearing on September 26, 1985 at 9:45 P.M.

Attorney Roche to send a copy of this new revised plan to Mr. Herr.

Also, Mr. Roche presented the Form A on the property showing the two lots off High Street, and the approval not required plan, on lots 1 and 11. On a Gerrior/Moore motion the Board voted 5-0 to sign the plan.

As representative and attorney for Oakridge Construction Co., Mr. Roche gave the Board a letter requesting extension of time for action to be taken on the Definitive plan to October 10, 1985.

On a Pytko/Niedzwiadek motion the Board voted 5-0 to accept the request to grant the extension for action on the definitive plan to October 10, 1985.

At 9:50 P.M. John Halnon of Guerriere & Halnon Engineering presented preliminary plans on behalf of Ted Goguen, Marlex Realty Trust, showing 17 lots for single homes. The area is approximately 17 acres off Saddleback Hill Rd. and Brook Street, and is proposed to be called "Brook Estates".

Mr. Halnon said they plan to extend the paving off Saddle Back Hill Rd. and propose an access off Saddle Back Hill Rd.

He said basically the parcel has about 37 acres of which about 4 acres are wetlands. The plan shows the areas of wetlands and their plans for drainage. He said the drainage system would run through a stream. He pointed out the land bank for the development and noted that there is a 50 ft. right of way onto the reserved property. He pointed out the houses will be well away from wetlands.

Mr. Murray asked Mr. Halnon to send a copy of this preliminary plan to Mr. Herr. Halnon said he would, and also file a copy with the Board of Health.

Mr. Halnon said that last June they took perk tests themselves and said they were quite favorably impressed.

Members were not satisfied with the idea of the 50 ft. right of way. They will discuss this with Mr. Herr at the next meeting.

Mr. Goguen presented his check for \$425.00 filing fee. They will return on November 14, 1985.

At 10:10 P.M. Mr. Murray opened the continued hearing on a subdivision known as "Chestnut Estates" owned by Edward and Kathleen Dill. The major problem they have had is with supplying water to the lots. They had made arrangements and an agreement with Robert Ballarino of Residential Homes in Franklin regarding installation of a water line on Chestnut Street which was presented earlier. Mr. Ballarino will pay and Mr. Dill will do the work, which satisfies both parties since Mr. Ballarino has 3 lots across the street from the Dill's project. Al Florentz of Bibeault & Florentz presented the revised plan showing plans of water line to be installed. Members reviewed the plans.

Mr. Murray asked Mr. Florentz if the hydrants are in accordance with regulations. Mr. Florentz said there is one thing that isn't...from the existing hydrant on Chestnut Street to the proposed hydrant on the intersection is 670 ft. and is supposed to be 500 ft. He said they have the other hydrant at the end of the street which was requested by the Fire Chief. Discussion followed regarding the footage between the existing and proposed hydrants. It was determined that if the hydrant were located 500 ft. from the existing one on Chestnut St. that the other would be 170 ft. Mr. Niedzwiadek's inquiry was whether any of the houses would be outside the 500 ft. Mr. Florentz said the houses will be within the 500 ft. Members were satisfied with this.

The proposed street within the subdivision is to be named Rockland Circle and is a cul de sac. Mr. Murray asked about their request of waivers previously discussed. Mr. Florentz said they have another one which requests 18 ft. pavement. Mr. Murray read their list of waivers as follows: sidewalk only on the westerly side of Rockland Circle, above ground utilities instead of underground, use of cape cod curbing instead of the vertical type, pavement width 18 ft. instead of 26 ft. Following discussion on this the Board found no problems with it.

Mr. Murray entertained a motion to approve the definitive plan of the subdivision. Mr. Pytko made a motion to approve the plan of "Chestnut Estates" as shown on the plan presented on September 12, 1985 with the stipulation that sidewalk only on the westerly side of Rockland Circle, above ground utilities instead of underground, use of cape cod curbing instead of vertical type, pavement width of 18 ft. instead of 26 ft., and water line connections as proposed and approved by the Water Dept. Motion seconded by Mr. Niedzwiadek. The Board voted 5-0 to approve the plan.

Mr. Murray explained to the Dills the Board does not sign the plan tonight. A decision is to be written up, Form D-1 Certificate of Approval, signed by the Board and filed with the Town Clerk. There is a 21 day appeal period, after which the Board signs the plan. Mr. Florentz granted an extension of time to September 26, 1985, which is the next meeting and when the decision will be written up.

Al Florentz presented a Form A plan for Roger Parenteau, 29 Blackstone St., Bellingham. He is proposing to swap a parcel of land with abutter John Bruce which changes the lot lines. As shown on the plan, parcel A goes to Bruce and parcel B goes to Parenteau. Members found no problem with this. On a Gerrior/Moore motion the Board voted 5-0 to sign the plan.

At 10:45 P.M. David Arnold appeared before the Board on his request to return to the Zoning Board of Appeals within two years regarding his plan for a day care center which would be near Crooks Corner. Attorney Robert Wallace was unable to attend.

Noting that he must show substantial change in the plan, Mr. Arnold said first there is a new name on the application. He is applying personally. They have a new play area location and new parking.

He said the new parking should be more than adequate for the day care center as well as the other structure which is on the site, Arnold Engineering Co. which he owns. He said they re-routed and put more thought into the traffic flow going in and out of the area. They have revised the landscaping plan. Traffic flow and safety was an issue previously. Now a public hearing date has to be set. The procedure was explained, which is similar to the Iacovelli request, and was all handled by his attorney. The applicant or his attorney, gets a certified list of abutters and sends them notices of the hearing date and what it's about. Notices are sent certified return receipts and all of this material brought to the meeting. This does not have to be advertised in newspapers.

Mr. Murray suggested Mr. Arnold check with Town Counsel Ambler.

On a Pytko/Niedzwiadek motion the Board voted 5-0 to hold a public hearing on the request of David Arnold on October 10, 1985 at 8:45 P.M.

On a Pytko/Niedzwiadek motion the Board voted 5-0 to adjourn.

Adjournment at 12:10 A.M.

Respectfully submitted,

Glenn E. Gerrior, Clerk