

Bellingham Planning Board  
Town Hall Annex  
Bellingham, Ma.

Regular Meeting - November 14, 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 7:30 P.M.

Patrick Tropeano presented Form A and plans on property located off Newland Avenue. He is changing the lot line by combining a portion of Lot 42 with Lot 43A, which he sold to Gerald Burke. The Board reviewed the plan and found no problem with it.

On a Niedzwiadek/Moore motion the Board voted 5-0 to sign the plan.

Theodore Goguen, Jr., Marlex Realty of Natick and John Halnon of Guerriere & Halnon Engineering returned to discuss the preliminary plan for a proposed 17 lot subdivision located off Brook Street and Saddleback Hill Road to be called "Brook Estates"

Mr. Murray explained that this is not a public hearing but this might best serve the public interest for the applicant to explain what they are planning to do. About 30 resident of the area were present.

Also noted was the petition against this project signed by 94 people.

All of the Town Board's were present who reviewed the plan and Mr. Murray suggested their reports be heard.

Water Supt. Trudel gave his report on the water situation on this project. He said the available flow is at 300 gals. per minute and the fire flow requirement is 500 to 700 gals. per minute, which is deficient by about 200 gals. per minute. He stressed his concern about this.

Mr. Trudel said that when people have problems with wells it becomes a burden on the town.

He said they reviewed the plan with their engineer and find that there is a possibility that 4 to 5 parcels may not have the proper fire protection. The rest being in a lower elevation would not have any problems providing they tied this system in to either Mendon St. or possibly Potter St.

He said that if the Planning Board in its determination decides that for some reason it would be o.k. to put in wells, he would further stipulate that if there is to be public water being used in that area that it be looped.

He said there is no way Goguen could take water from Saddleback Hill Rd. now and put in the 17 units; we know there is a deficiency there. But if he came in from Mendon or Potter Sts. they know that anywhere from 12 to 13 there'd be no deficiency. He said he would request more data from their engineers. He said at this time if they did loop it he would recommend those 4 to 5 houses not be tied into the system for lack of fire protection.

He said his concern is if there was a fire the town would be liable.

Police Safety Officer Timothy Buskirk inquired about utilities. He is concerned about lighting in the area. Mr. Halnon said the plan calls for underground wiring.

Officer Buskirk asked about utility poles for lighting, and requested that lights be installed about 195 ft. apart in the project and also recommends vapor lights. He said they have serious problems where

they don't have lights, and referred to Irene Court as an example. He said it is a safety hazard and conducive to break ins.

Mr. Murray said the Board of Selectmen have the money for paying the electric bill, and it is a sort of catch 22. Mr. Arcand pointed out that with the underground cable there is no pole.

Mr. Halnon inquired about requesting a waiver to have above ground utilities.

Officer questioned the street layout noting that both streets were coming out of the cul de sac. Mr. Goguen said they are not going to do anything with Brook Street. He said the setback on the houses is 30 ft. in the front yard.

Officer Buskirk inquired about what happens when traffic goes into the cul de sac which they are proposing to extend. Presently the only means of egress is through Blackstone Street to Rte. 126. He asked if they considered the traffic on Blackstone Street and that it is only about 15 ft. wide. Also Blackstone Street has no sidewalks and he is fearful for the children of that neighborhood. He told Mr. Goguen that what they do to that piece of property is going to effect what happens down the street.

Officer Buskirk said he would recommend street lighting within the subdivision and also house numbering. He also feels the developer should be made responsible for improvements to Blackstone Street which would link the subdivision to Rte. 126.

Highway Supt. Gerald Daigle said their concerns is similar to those expressed by Safety Officer Buskirk. He is concerned about Road "A" coming in off the cul de sac; that this development could make it advantageous for someone to come in and develop the approximately 100 acres above that. Also there is a major concern about the possibilities of connecting Saddle Back Hill to meet Rte. 140.

Mr. Goguen said he would be willing to sign a covenant to the effect that he does not plan to do anything with the adjoining property above Saddle Back. He said he is also willing to sign a covenant and file that with the Registry that he has no intention of opening up the road.

Mr. Murray opened the floor to any residents who wish to comment.

Mr. Fran Newton of Saddle Back Hill Rd. spoke as representative of the neighborhood. He said their concerns are that the developer would further extend Saddle Back Hill Rd. at a future date and could build a larger subdivision.

He said the property on the other side of Saddle Back is owned by Mrs. Thayer who has recently died and he said they are concerned about what could happen with that other part of the land. He asked Highway Supt. Daigle what they need to do to make the road. Daigle said they have to turn it up and put in gravel and pave the road.

Mr. Niedzwiadek asked what the width of the road is. Mr. Halnon said it is 50 ft. wide, which they have named Steeple Chase Rd.

Mr. Niedzwiadek asked how wide is the 100 ft. extension of Saddle Back Hill Rd. Mr. Halnon said they could make it a 50 ft. road but the pavement can be the same, which is 29 ft.

Mr. Newton said the concern of all the people in the area is the amount of traffic that would be generated. He pointed out the dangers on Blackstone Street, which does not have any sidewalks, is in serious disrepair, is only about 15 feet wide, and is used by many students walking to the nearby Bellingham High School.

Mr. Murray requested input from the Board.

Mr. Pytko said his first concern is with the water problem there and the lack of water pressure. Fire protection is a concern and he said he sees no sign of the homes being protected. He feels this cannot be approved unless some agreement is made to tie in the water system. Mr. Pytko does not like the idea of the extension of Saddle Back Hill Rd. because he considers it a hazard to that area.

Mr. Gerrior said we are already looking at an existing cul de sac on Saddle Back Hill Road, and what you are doing is putting a road on an existing cul de sac. He told Mr. Halnon he should know that.

Halnon said they are bringing in another road. Goguen said he does not see where it is extending a cul de sac.

Mr. Gerrior said you cannot take an existing cul de sac and make it into another.

Mr. Newton asked if that area between lot 10 and 11 is a right of way. He said having the right of way allows Goguen access to the back land. Goguen said he will not connect up with the Davna Corp.

Mr. Murray reviewed the subdivision checklist forwarded by Mr. Herr, which shows that the plan does not provide all of the information required.

Mr. Herr's comments points out that this plan results in 37 lots served by a dead end street, until or unless it is extended to Brook Street. Such extension would provide a useful connection, would be a "collector", and would be damaging to many present residential properties.

It was pointed out that the subdivision control law requires two means of egress for any group of 20 or more lots.

Mr. Murray asked the Board for a decision to approve or disapprove the preliminary plan.

Mr. Pytko made the motion that the preliminary plan for "Brook Estates" be disapproved for the basic reason it does not meet the Bellingham Town Bylaws, that it does not meet the number of homes required on a dead end street, that it does not have adequate water system to serve the lots and to ensure fire protection. Motion seconded by Mr. Niedzwiadek. Board voted 5-0 to deny the preliminary plan for "Brook Estates".

8:30 P.M. Public Hearing/Special Permit for cluster development of 9 lots off Park Street and Center Street to be called "Fairview Park Executive Estates", owner/applicant Roland A. Lavallee and Billiegene A. Lavallee of Bellingham, Ma.

Mr. Lavallee made the presentation. A plan was displayed which shows a total land area of about 55 acres. He pointed out the single family house lots in the cluster with an average lot size of about 41,000 sq. ft, and the one lot of about 40 acres in the back shown as Lot 5 which Mr. Lavallee said will be left as is which will be his lot. He pointed out an area of 8.75 acres in the back of the parcel which wishes to deed to the town. He said he was waiting to hear from the Conservation Commission.

Mr. Lavallee pointed out that on a conventional plan they could put in 20 to 25 lots. He feels a cluster plan makes better use of the land providing open space.

Mr. Murray asked if he would give assurance that this back parcel will not be expanded upon.

Water Supt. Trudel said Mr. Lavallee has already made provisions for the water main. He said three or four lots on Center Street have service.

Mr. Trudel commented further that this is less than the 15 multi-family units per year recommendations made by the Water Commissioners earlier.

Mr. Trudel said that was necessary because present water lines cannot handle significant additional demands in many sections of town.

Mr. Trudel said from what he sees of the plan the development meets their requirements.

At 9:00 P.M. Mr. Murray opened the public hearing for "Crystal Springs" and requested a motion to postpone this continued hearing until 9:30 P.M. On a Pytko/Niedzwiadek motion the Board voted 5-0 to postpone the hearing until 9:30 P.M.

Mr. Murray asked Safety Officer Buskirk for his opinion on the cluster development. Officer Buskirk said the Police Dept. will request that they put in lights in the development. The lights on front lawns are not sufficient lighting. He said it's a safety hazard.

Selectman Arcand said we should be cautious about putting up light poles because the selectmen have a budget to follow.

Officer Buskirk said in this case you are talking about 2 poles and about \$200.00.

Mr. Murray told Mr. Lavallee to keep in mind that the Board is going to require lighting. Center Street lighting is all above ground. Officer Buskirk said they are going to only recommend the minimum.

Mr. Murray asked if there were any neighbors concerned about this, and asked for any comments. No comments.

Mr. Murray read a letter from Consultant Herr dated November 12, 1985 on his views and suggestions regarding Fairview Park Executive Estates.

Mr. Murray said it may be necessary to continue this hearing to another date in order to iron out a few problems. The 500 foot cul de sac exits onto Park Street to within 200 feet of Center and Park Streets which intersect at 45 degree angles. An alternative was discussed to put the road further down off Center Street.

Mr. Lavallee said he wanted to buy the two pieces of Varney property three years ago, but Varney did not want to sell. He has a 28 ft. right of way off Center Street to these parcels, which was decided by the land court.

Tom Kelly asked where the proposed drive is to be from Lot 5.

Mr. Lavallee pointed out the area as shown on the plan. Kelly asked if there is a right of way off Center Street. He was told there is a right of way in question. Some years ago Rosenfeld owned the property which he sold to Brunnell but he retained that right of way. Lavallee said he would give a covenant that no other houses will be built on Lot 5. However, Lavallee said that he might, at a later date, want to create two lots for his sons, but other than that he has no interest in making more lots.

Mr. Kelly asked about the open land and what is there now.

Mr. Lavallee explained the land abutts Peters River and there is some wetlands. Kelly asked why they want to give this part of the land to the town. Lavallee told him this is part of the negotiation with the town, and the plan for cluster allows him to put land on smaller lots, and there also has to be some distinct benefit to the town. Any open space or wetlands area usually will be deeded to the town or the Conservation Commission. Kelly further inquired if that piece of property being donated to the town has an access. Lavallee said yes, there has to be access. He pointed out the 40 ft. frontage with access roadway.

Mr. Pytko said he feels this should be continued so that the Board can see what Mr. Lavallee has done regarding the recommendations. The

Board agreed. On a Moore/Niedzwiadek motion the Board voted 5-0 to close the public hearing. Mr. Lavallee to return Dec. 12, 1985.

Mr. Murray opened the continued public hearing on the request of Onallam Realty for a special permit to build a 84 unit condominium to be called "Crystal Springs". The property is located off Rte. 126 containing about 36 acres and also fronts on Rte. 140. The frontage off Rte. 126 would be about opposite St. Blaise Church.

Attorney Gerald Moody of Milford made the presentation in the absence of Attorney Fernandes. Also present was James Reger and Gerald Lindsay of Millis Engineering.

Mr. Moody noted that the submittal date of the application had been changed to August 22, 1985. He said that since the plan was originally submitted there has been a number of changes made in accordance with meetings with the Board and with Consultant Herr.

Mr. Moody said the condominium development would be better than single family or duplex development. He presented plans of these types of developments for the Board's comparison.

Noting that one of the goals is to preserve as much of the space as possible to protect the area and the groundwater and run off, he said he believes what they have come up with in their revised plan in effect leaves more than 50% of the project undisturbed and those areas that are disturbed will be grassed areas. He said one of the major considerations for the Board regarding the effects on the environment and the effect on the run off has been minimized with this project from what would be done with a single family development or a duplex development.

Referring to this plan he said it shows a project where 59 units could be obtained, 3 duplexes and 56 single family units. He said that would obviously be the maximum that they could fit in there. He said arguments could be made that in reality that many single families could not be built in there and that may be true based on the lay of the land. But he said it was pretty clear to the engineers involved that they could get and build something in terms of 40 to 45 lots. He pointed out that the lots would be larger than lots shown on the original preliminary plan. It would probably be mostly duplex lots so they could probably get about 40 duplex units and he said that is 80 living units.

He said that comparison, be it a single family or duplex in relation to this project, of course, is the key to the entire thing.

Mr. Moody said because one way or another the land is going to be developed. It's not a comparison, of course, of condominium project vs. another development.

He pointed out that single family development or a duplex development the developer would be forced to develop the entire parcel. So, he said, the entire parcel would be cleared, basically stripped of all but the trees necessary to the house lots. The entire parcel would have to be graded and a considerable amount of cutting and fill to be done.

Mr. Moody said the impact of the condominium project would be far less on town services than 3 or 4 bedroom single family units or 4 bedroom duplex units.

He pointed out that the roads would be owned and maintained by the condominium association, as opposed to town maintained roads for other types of development.

He said perhaps most importantly is the question of school age children. The major cost in any town is educating the students.

Attorney Moody pointed out that with the proposed 2 bedroom 84 unit condominium of this type, the rule of thumb in the Real Estate Industry to figure the number of children is about 10% of the units are going to produce a school-age child and you double that, which in this case would figure about 16 children in the project. He said developments of this kind in other communities have shown this to be true.

He pointed out that having even a minimum of 50 single family units of 3 or 4 bedrooms, they estimate there would be 50 to 100 school-age children, based on a national average of 2 to 3 children per family.

Another major consideration in the area is traffic. Mr. Moody said they feel the condominium plan would generate less traffic than a single family or duplex project. He said based on the standard used as he understands it from Mr. Herr, 8.5 trips per day for single family dwelling vs. 4.5 trips per day for 2 bedroom townhouse units. He said using even 60 units equals about 510 trip per day for single family development vs. about 378 per day for this development. He said they would have to get down to about 44 single family units in order to reach a break even point in that analysis and he said 44 single family units is very unlikely.

Some discussion followed regarding estimating the flow of traffic. Mr. Murray read a part of Mr. Herr's letter dated November 10, 1985 regarding this traffic flow in which he said the differences between single family, duplex or condominium are not large enough to make it a major consideration.

Regarding the water situation, Mr. Moody said there would be less impact with the condominium project than single family development. He feels there would be less overall water usage with the condos, less lawn area to be watered, fewer cars being washed.

Mr. Moody said this would be in a moderate price range that young single couples could afford as well as older retired persons. He said the price range would be about \$90,000.00.

Regarding the water problem, Water Supt. Trudel pointed out the water ban previously in effect and said only a certain number of houses can be built during the water ban. He also pointed out that the Water Commissioners had asked that developers of new projects agree to build only 15 units per year until the town's water problems are solved. He said they anticipate resolving the problem, but until that is resolved the Planning Board should assist the Water Dept. He said he was shown this new plan only on Tuesday and there was no time for the Water Board to review it, so he will have to bring it to them and get their input.

Mr. Murray referred to Mr. Herr's letter of November 10, 1985 regarding the water question.

Police Safety Officer Buskirk in reviewing the plan pointed out an area that he said would be inaccessible to emergency vehicles.

Mr. Lindsay said some minor changes in the grading could be done to allow for emergency vehicle access behind the buildings without necessarily building a road. Officer Buskirk asked about parking. Lindsay said two spaces per unit were figured but said they would change it to 2.5 spaces per unit.

Officer Buskirk inquired if the Condominium Association would pay for street lighting because he said the Police recommend lighting within the complex.

Mr. Daigle said he noted the drainage is on a leach basin which he doesn't like because they have had problems in town with leach basins.



Mr. Daigle said he believes the Planning Board should change that law which presently allows leaching basins. He said this subdivision recommendation should be changed to not allow leaching fields.

Abutter Young asked about the dumpster as shown on the plan, which is located in a separate area. Mr. Lindsay said they feel it is preferable to locate the dumpster away from the living units to avoid bad odors.

Abutter Ralph Mundell pointed out that the area near his property is all wetlands. He asked if they were going to build a road between his house and the stream. Mr. Reger said, "yes". Mr. Mundell said, "No way".

Mr. Murray said Onallam Realty should have gone to the Conservation Commission before coming to the Planning Board.

Mr. Reger agreed and said they still have to go before the Conservation Commission.

The Board requests documentation of the wetlands area. Mr. Murray suggested they retain a consultant to mark the wetlands.

Mr. Trudell said that a few years ago he was called for a water break back of the Sterns property, and what it was turned out to be the stream coming down there and actually there were two streams. This area of the project is located at the Rte. 140 access.

Strong opposition to this project was raised in a letter from the First Baptist Church which also abutts this area.

Mr. Murray said he does not feel the Board has any choice but to continue this hearing because of all the items to be ironed out. The Board agreed. On a Niedzwiadek/Pytko motion the Board voted 5-0 to continue the public hearing to December 19, 1985 at 9:30 P.M.

Gerry Brisson presented a Form A and Approval Not Required plans for Silver Lake Realty on property located off Mechanic Street (Rte 140) and David Rd. He said they changing lot lines by creating 3 lots from the 2 lots. The Board reviewed this and found no problems with it. On a Niedzwiadek/Gerrior motion the Board voted 5-0 to sign the plans.

Gerry Brisson presented a Form B Application for preliminary plan for Richard Galuza of Bellingham for a proposed 7 lot single family subdivision. He presented the fee for 7 lots @ \$25.00 total \$175.00. Mr. Galuza to return on December 19, 1985 at 8.00 P.M.

Guy Dupont of Hood's Enterprises presented two Form As and plans on property in the Hood's Park 140 Complex. They want to divide the last lot in back of the Industrial Park which he said is lot 10 into two parcels thus changing the lot line. The Board found no problems with this. On a Niedzwiadek/Pytko motion the Board voted 5-0 to sign the plan.

Another Form A plan shows an approximately one acre parcel between JPs Lounge and William Way. The property is off Mendon Street. The Board found no problem with this. On a Niedzwiadek/Pytko motion the Board voted 5-0 to sign the plan.

Regarding the \$100,000.00 bond for the completion of the roadway, Mr. Dupont said that all they have left to do is the 6" berm and 1" coat of asphalt. He said the amount of \$19,525.00 would cover the work left to do, therefore, Hood's Enterprise would like to reduce the amount of the bond to \$25,000.00. The Board agreed contingent upon receipt of a letter from Mr. Daigle saying that this is sufficient monies to cover the necessary work to complete the road.

At 11:30 P.M. Peter Sergio of Framingham came before the Board to discuss putting up a steel building on Lot A in the Hood Industrial Park. The Board reviewed the site plan and Mr. Murray suggested to Mr. Gregoire that he send the plan to Mr. Herr for some input. Mr. Sergio said Karen Construction is designer for the project. He said he wants to rent out the building because he had success before with his building on Mill Street. He will return to the meeting on December 19, 1985 at 10:00 P.M.

Mr. Niedzwiadek had to leave at 11:45 P.M.

At 11:50 P.M. Tom Devitt presented plans for discussion on property owned by Robin Corp. which shows site and floor plans for a project shown as Robin Hood South Condominiums dated November 14, 1985 by Andrews Survey & Engineering. Parcel on the plan is off South Main Street, shown as a back lot with an access. Mr. Murray suggested that he return to the next meeting on November 21, 1985.

On a Pytko/Gerrior motion the Board voted 4-0 to adjourn.

Adjournment at 12:30 A.M.

Respectfully submitted,

Glenn E. Gerrior, Clerk