



BELLINGHAM PLANNING BOARD

P.O. BOX 43

TOWN HALL, BELLINGHAM, MASSACHUSETTS 02019

EDWARD T. MOORE, CHAIRMAN
GLENN E. GERRIOR, VICE-CHAIRMAN
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JOHN P. MURRAY

MINUTES OF REGULAR MEETING

SEPTEMBER 25, 1986

MEETING WAS CALLED TO ORDER AT 8:50 P.M. ETM, GG, AF, AND EN WERE PRESENT. JPM AND TOWN'S CONSULTANT ARRIVED A LITTLE LATER.

DEFINITIVE PLAN SUBMISSION - DeVitt Realty

Tom DeVitt, 133 Blackstone St., Bellingham

CK #2500 received in the amount of \$1350.00 filing fees w/certified abutters list 18 Lots located on the East Side of South Main Street, in the rear of the Bellingham Water Tower.

Public Hearing Set for October 30, 1986 at 10:00 P.M.

81-P PLAN - submitted by John Andrews, 90 Mendon St., Uxbridge, MA for Applicant, Stewart Blades - property on Bellingham-Blackstone Line Cranberry Meadow Rd., and Left on Mohawk St. Consultant could not find frontage and recommended that the Board not sign this 81-P.

81-P PLAN

Submitted by Andrews Engineering and Survey, Uxbridge, for Charles J. Mullavey, Mellen St., Bellingham. Lot located on Southerly side of Mellen St. GG moved to sign; AF seconded motion; motion carried by unanimous vote of 4. All signed. Ck #2474, 9/25/86 amounting to \$10.00 received.

81-P PLAN - Submitted by Jim Reger, Millis Engineering for Gibbons. Plan prepared to show the swapping of parcels resulting from the ZBA Decision. Check #1801, 9/25/86 in the amount of \$10.00 received. AF moved to sign; GG seconded; motion carried by unanimous vote of four. All signed.

81-P PLAN submitted by Millis Engineering for Onallam Realty, 1275 Main St., Millis, MA. Location: Southerly side of Farm Street and northerly of Twin Brook condominium development. The planning board had recommended a re-zoning of this parcel to accomodate a residential use rather than industrial which would be more in keeping with the character of the neighborhood. GG moved to sign; AF seconded the motion; motion carried by unanimous vote of 4. All signed. Ck #6116, 9/24/86 in the amount of \$10.00 was received.



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81-P PLAN - presented by Gerald Brisson, 99 Harpin St., Bellingham Property owned by Hugh Gordon. Applicant: William Gokey, 12 Taunton St., Bellingham, MA. Location southerly side of Taunton Street. GG moved to sign; JPM seconded; motion carried by unanimous vote of 5. All members signed.

81-P PLAN = Gerald R. Brisson presented for Michael Burr, 336 Lake St., Bellingham, MA. Property located on Center St. (easterly side of Center St. abutting Mandeville. CK #595, 9/25/86 in the amount of \$20.00 covering the Gokey and Burr submissions. AF moved to sign; JPM seconded the motion, motion carried by unanimous vote of 5. All members signed.

REGARDING the Blades 81-P Plan, Consultant Herr offered that a plan had been presented years back to join this parcel. He indicated that when one re-separates property (as in this case) frontage is needed.

Town

Chairman was told that it didn't matter which signed 81-P plans where the property is involved in two or three towns.

81-P PLAN = Applicant: Heirs of Ellsworth R. Crook, Bellingham, MA Three (3) Lots on or around Silver Lake. Consultant advised that in the case (such as this one) where buildings are located on the lots which are being split up by 81-P, THEY ARE NOT OBLIDGED TO CONFORM WITH FRONTAGE REQUIREMENTS. Frontage is located on Cross St. Plan was prepared by Robert C. Cournoyer & Associates, 11 Main St., Slatersville, R.I. A.F. moved to sign; GG seconded the motion; motion carried by unanimous vote of 5; all members signed. Lot A has 87,000 s.f., Lot B has 216,000 s.f. and Lot C has 80,000 s.f. Check #163, 9/25/86 in the amount of \$10.00 was received as filing fee.

INFORMAL & BRIEF DISCUSSION

Vincente Forte of South Main Street and Charles Rowe also of the same area discussed a back-lot subdivision through Mr. Forte's property on South Main Street, previously owned by Robert L. Lussier of Bellingham. That parcel was carefully monitored by the Bellingham Conservation Commission to due extensive wetlands areas in the back and side of that site. Site is presently located in the Suburban zone. The Board advised that if frontage was deficient, Board of Appeals would have to become involved.

BOND REDUCTION - Rolling Hills (Extension of David Road) Forge Hill Development Corp. Fran Molla, Franklin, MA

Letter from Gerard Daigle, Highway Superintendent stated that road was 95% complete and could be reduced to \$16,500. E.N. moved to reduce the bond; GG seconded the motion; motion carried by unanimous vote of 5.

Informational: Cul-du-sacs which are opened for extension must be excavated and incorporated into normal roadway width so as not to create large circles in the middle of through streets per Highway Department.



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ROLLING HILLS ESTATES con't

Letter must be sent to Benjamin Franklin Bank regarding same.

Meetings to be set for October - 10/09/86 and 10/23/86.

Bruce W. Lord, Esq. was on hand to explain his re-zoning articles:

Fabricotti - parcel on RT 140, next to vet's office bringing the zoning of entire parcel into conformance;

Moore: Rte 126 Citgo Station, Scott Hill Motors rezoning to accomodate the business use it has been operating for all of these years;

DANIELS: Purchased a parcel on RTE 140, parcel in two (2) different zones. Rezoning would square off parcel to conform to a single zone.

325 acres: Self-explanatory in South Bellingham - The Golf Course Issue.

Board agreed to adjourn the Upper Town Hall and relocate to the Town Hall Annex. at 8:55 p.m. The moved took 4 minutes and 58 seconds to accomplishment. Meeting re-opened at 9:00 p.m.

The Fafard public hearing (continued from an earlier date) was opened at 8:30 p.m. and moved to 9:00 p.m. at the request of the applicants.

Public Hearing continuation was re-opened at the Town Hall Annex, 9:00 p.m. The Fafard Co. had engaged Ms. Hay, court stenographer, to record the meeting, verbatim. Chairman Moore requested a copy of the stenographer's minutes by mail to P.O. Box 43, Bellingham, MA.

SHORES AT SILVER LAKE - Continued public hearing.

Jim McLoughlin (JMc) was spokesperson for the company. He stated that his company had taken the sewer issue as far as they could go with it. He stated that the Board should act on the Definitive Subdivision Plan (i.e., 3 lots, roadways, drainage & utilities) tonight. If the plan was disapproved, he requested reasons for same.

Chairman countered with a request for a 30-day extension for an opinion from Town Counsel who has been working with the Sewer Commission closely regarding the issue of municipal sewer. He stated that this Board had been gracious to grant numerous extensions to the Fafard Company because they were not prepared.

JPM suggested that the hearing be continued to November 13th and give the Board until the 20th to file the paperwork for the decision.



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JMc: Reminded the Board that his company had submitted plans in January, and they still haven't gone anywhere.

GG: Is that our problem? For the record, it's not our fault.

ETM: From day one you have had problems. You had to purchase more land - you like to confer with your counsel.

JPM: Requested when consultant would be available in November.

PHERR: Second Thursday would be impossible - it happens every year was the reply. He stated he could meet on the third Thursday, 11/20/86.

ETM: What if they pushe it?

Herr: We've got til the end of the month.

Jim Ward, Esq. (for Fafard Co.) stated that he was lost. Why did the hearing have to be continued?

ETM: If the hearing is closed, no more new information can be introduced.

Ward, Esq.: Board of Health has made a recommendation, Sewage Information is in.

JMc: The gravity flow sewage plan has been prepared as promised by Fafard Co. Mass DPW informed Bellingham they could go under 495 with sewage. Charles River District has no authority over sewer in Bellingham. We're installing sewer the way we said we would unless Bellingham has another plan. That is the way we are proceeding.

Herr: Stated, Proceed? How are you proceeding?

JMcL: D.E.Q.E. is the permit granting authority.

Herr: Charles River has exclusive authority with regard to regional sewer interceptions. (interceptors)

JMc: Given that Charles River has the authority, they propose to collect sewage for some 400+ residences, the larges Industrial Plan in the area and I assume they have authority over such a large interceptor.

Herr: The Town's relationship with H.A. Fafard



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SHORES AT SILVER LAKE - continued

should not be adversary. The original scheme to Pilgrim Village was not recommended by Franklin.

JMc: At this point, this Board can't determine if this development will be sewered, or where it will be sewered from. He stated with regard to a continuance until November 20th, an emphatic NO.

ETM: Stated that the Board included them on AGENDA's when they requested continuances; extensions were granted. He stated that he didn't think they would be able to build right a way and he further stated that he didn't think the Board was being unreasonable.

E.N. stated that he was upset over the company's attitude. He stated the Board wasn't being unreasonable.

Herr: Suggested what more can be corrected; what more can town counsel bring forth. He has been working with the Sewer Board on easements and perhaps could ensure that people's "due process" rights were being protected.

JPM: Thirty days is what you've requested.

ETM: They should agree with the November 20th date.

JPM: The Board should be ready for decision. No more public hearings. A decision should be reached. October 30th would allow enough time to file with the Town Clerk.

Sousa: Abutter from Silver Lake who has spoken numerous times at prior hearing and continuances, reminded the Board and public at large that at the last 3 or 4 meetings, sewer plans and necessary agreements were supposed to have been received and signed. The matter is no further along, he stated.

ETM did state that progress had come along in the last 3 or 4 months than in the beginning.

Sousa questioned whether or not the company could go to work after the close of the hearing.

Herr: Stated that roads and drainage could be constructed immediately with the approval of this definitive plan.

ETM: Confirmed Herr's statement but stated none of the smaller or secondary roads through the development could be constructed.



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JPM: Technically we are approving a three (3) lot subdivision.

JMc: There were times I felt pressed for extensions and reminded the Board that back in February (the 27th) he was told by the Board that the Company had to request a three (3) months extension or that the plan would be turned down.

ETM: Re-stated that the Board had been more than fair and that tonight hardball almost came out and it was not from our team.

Mort BenMoar: Expressed his long standing concerns for Silver Lake and it's vegetation. Wetlands, aquafirs, flood plains - the connections between Crystal and Silver Lakes.

JMc: The flood plain is clearly shown on the plan. No work has been proposed for that area.

BenMoar: Concerned about detention ponds emptying into Crystal and Silver Lakes. He stated that Silver Lake was water resource district Number One and that meant alot to him.

JMc: Stated fair enough. He assured the public that there was nothing in his development proposal to violate the Water District By-Law. He stated that the company had already filed a Notice of Intent with the ConCom. They were following the laws of the Commonwealth regarding Wetlands Protection.

BenMoar: He reported that he had a number of lists of concerns filed with the Town Administrator, Selectmen and Planning Board.

Fafard personnel stated that the ConCom public hearing was closed last night and that an Order of Conditions was expected within 21 days.

Herr: Plan were revised on June 19th. "As I sit here, I am not sure I have a set. A week earlier something was delivered to my office. Are the ConCom and Planning Board reviewing the same plan?"

Don Nielson from design team of Guerriere & Halnon, Inc. Franklin stated that he had asked for a subsequent review of Plans by the ConCom.

Planning Board clerk assured all parties that she had personally hand carried the revised plans dated June 1986 to the ConCom. Fire Police and Water Depts. for their review and comments.

Nielson: A subsequent review was made due to the Water Dept. request for hydrants/grass plot and cross-section of roadway.



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Water Dept. approval of Definitive Plan was read into the record. It was received through a telephone conversation between the Clerk and Jean Trudel, Water Superintendent. Call had also been received by the Chairman.

Fire Chiefs letter was also read into the record, dated 9/25/86. Other mains and hydrants would have to be installed with the addition of residences to the plan and street names should be reviewed by safety departments to eliminate confusion. He also stated that the method of numbering should be reviewed and approved by the Safety Departments (Fire & Police) and a rough asphalt phase would have to be installed prior to the combustible construction phase to enable his (Fire Chief's) apparatus to maneuver safely along the development if necessary.

Herr: Suggested that a Punch List of issues be formulated by the applicant and the town based on the minutes of former meetings regarding this issue. That they should get together with Town's Consultant and review the drawings. There shouldn't be any further business to conduct. Just forming the agreement. Mr. BenMoar is not satisfied; the Fafard Co. is not satisfied.

Chairman noted that Fire Dept. called him regarding Crystal Spgs. and construction. Arcand from the Highway Dept. didn't want the road paved because the construction would "bust it up." The consensus of opinion was that if the roads (under construction) are kept properly graded, there would be no problem.

Ward Esq; For his own mind requested a clarification of what the Board was requesting of his client. He thought the continuation or extension was to be to the 23rd of October.

Herr: Suggested continuing until the 9th of October in effort to circulate the Punch List.

E.N. moved to continue the Public Hearing to 10/0/86 at 8:30 p.m.
JPM seconded the motion; motion carried by unanimous vote of 5.

JPM requested the extension be read into the record, which it was.

Atty. Ward and Consultant Herr furnished a clarification to the Planning Board regarding the extension and Chapter 41 of the Mass General Laws. As indicated by the Planning Board earlier in the year (January and February) the applicant must make a request for the extension and the PLANNING BOARD GRANTS EXTENSIONS. The applicants do not grant extensions to the board.

Applicants requested a continuation of the public hearing for the Shores at Silver Lake to October 30, 1986. E.N. moved to grant the extension; JPM seconded



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SHORES AT SILVER LAKE con't

the motion; motion carried by unanimous vote of 5.

PAVILLION AT CROOKS CORNER

Chairman read letter from Dan McCarty into the minutes record

Atty. Lord was asked for an update concerning this matter. He stated that the two plans were working together. G & H would supervise Celtic Construction work on behalf of the Town, at Celtic's expense.

McCarty's letter dated 9/19/86 indicated that Celtic was in contract with Forte Bros. and G & H Inc. would be the inspecting engineers.

SITE PLAN REVIEW (concept) for Celtic Industrial Center along rte 140. VAN LUMBER - Dale McKinnon, P.E. for Whitman & Howard was on hand for the presentation. Mr. McKinnon serves with the Bellingham Board of Health inspecting percolation testing. Van Lumber is concerned with interior doors and trim.

BRADFORD NOVELTY- another site in same complex on South Maple Street. These two firms signed letters of intent to locate there and this is a workshop session according to McCarty. ETM remarked that he saw fill coming into property.

Racicot: Stated that they tried to get a gravel removal permit. Always dealt with the Board of Appeals in the past. His company ended up at the Bldg. Inspector's office because the removal was incidental to construction.

JPM questioned McCarty and Racicot regarding sewer.

McCarty stated that Celtic had put up \$10,000 to Weston & Sampson to study the best route for their development in conjunction with the town's master plan. Depending on which routes the towns of Franklin & Bellingham agree to go, you're looking at 1 to 2 years before sewer for the easy route and 3 - 4 years for the difficult route, that is providing that money is on the table right now. (Funding in place.)

Bradford Novelty is proposing no drainage on So. Maple. Series of catch basins and two (2) retention ponds are proposed facing left of the site as you look on from So. Maple. Drainage easement will be required between the industrial and duplexes.

Herr: Reminded the applicants that depending on which way the drainage went, alot of people would have to sign off. He told them to be prepared.



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ETM: Reminded the applicants and Board members that there are a lot of drainage problems with So. Maple St. A letter would be required from Gerry Daigle, Highway Super.

Bradford Novelty deals with Christmas supplies, items toys. 60 employees are scheduled for facility which would mean an increase in staff of 40 people.

ETM suggested that the applicants introduce themselves at the time of S.P.R.

Racicot stated that Bradford was concerned with import/export the busy season would be Christmas.

He further stated that Van Lumber was established 40 years and was headquartered in Medway. This site would become home office. They employ 15 and would be increased to 35 to 40.

Herr reminded the applicants to get Site Plan to him for review prior to coming to this Board. He stated that if a laser was going to be used at Van Lumber special consideration would have to be given to noise pollution and the surrounding environment.

HERTHEL ESTATES preliminary plan discussion with Bruce W. Lord, Esq. for applicants.

Prepared by Guerriere & Halnon, Inc., 205 E. Central St., Franklin, MA. They would have to request a waiver from slope easement and the R.O.W. nearness to North Main Street.

The Board reminded the atty. that Mr. Iacovelli created his own problem. He had once owned the entire parcel. Plan was dated 1976. The remaining land would require a variance - Note #2 on the 1985 G & H Plan.

Herr emphasized the "short sight" distance coming out of the hill and North Main St. He suggested that if 4th Street were an accepted town way, the building in the middle of the street should be removed to all for proper access into the site. What about the drainage plan? Could an easement be obtained from Mr. Baptista's store? If any alternative can be found as an alternative to egressing High St. it should be incorporated into this proposal.

Herr stated that this is a rare plan which could be rejected and that an alternative should be sought.

Lord stated that water would come up High street - his clients would be glad to come in from 4th Street. G & H shows the drainage going down to the Charles River.



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HERTHEL ESTATES preliminary plan discussion con't

Herr stated that for four (4) lots, that drainage was unreasonable. The consultant suggested that the Planning Board send a letter to Mike Jaillet informing him that a structure was blocking public access to 4th Street. And that the 4th Street entrance to the proposed "Herthel Estates" would be the only viable solution, to the access shown on High Street. The selectmen should be made aware that a "garage" is encroaching on a public R.O.W. (i.e., 4th Street).

GG moved to disapprove the preliminary plan due to the egress on High Street which is much too dangerous with its proximity to North Main Street; E.N. seconded the motion; motion carried by unanimous vote of 5.

NEW BUSINESS: Regarding two (2) family dwellings as proposed by the Board's consultant.

He suggested that the numbers should be double those for single family development. We must send the proposal off to the Board of Selectmen requesting that they include on their next warrant and ask them to request us to set a public hearing for the proposed by-law amendment. The area of land required to build duplex homes would be two (2) times that of the area required for single family home. The amendment would slow-down the panic on duplex housing. E.N. moved to present the amendment to the Selectmen; A.F. seconded the motion; motion carried by unanimous vote of 5.

JPM completed the Survey for Rural Massachusetts as requested by U-Mass Amherst.

JPM: Regarding the Fafard Decision, if we deny same, we have to have good reasons; if we approve it, it has got to be written up.

Herr: Stated that it was inappropriate to discuss the matter until the minutes are reviewed by all, to determine what is the best way to reconcile that situation at this time. Approval with a set of conditions is the way the Consultant sees it. An approval that will be wonderful!

ETM: What about their construction of single family homes???

Herr: They couldn't construct until the municipal sewage was in place.

AUCTION OF TOWN LAND - Consultant informed the Board of the proposed auction of certain town properties. The members felt they would like to review the locations before making comments, decisions or determinations. They suggested Phil look over the locations and advise.



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Herr regarding the Golf Course rezoning, would support same if a secure system of covenanting what they promised to develop was first in place, that is, visible and executable. The Town must be assured against density. The number of dwellings (dwelling units) must be limited. With out viable and strongly enforceable covenants the Board shouldn't do it.

GG moved for two (2) meetings during month of November and One (1) Meeting during the month of December. Dates set for November are the 6th and the 20th at which time the consultant will be in attendance.

Site Plan Review for the Celtic Construction Co. regarding So. Maple St. (Van Lumber and Bradford Novelty) was set for November 6, 1986 at 8:30 p.m. Possibly two (2) others will be heard that evening.


PUBLIC HEARINGS FOR THE FOLLOWING BY-LAW AMENDMENTS SCHEDULED AS FOLLOWS:

- 1) 8:00 P.M. Bernon Land Trust
- 2) 8:30 P.M. Fabricotti
- 3) 9:00 P.M. Daniels
- 4) 9:30 P.M. Moore
- 5) 10:00 P.M. DeVitt (Definitive Subdivision Plan/Hillside Estates)

These hearing to take place October 30, 1986. The golf course will be heard on October 23, 1986.

Bills were signed for payment. Additional general correspondence was reviewed


Edward T. Moore, Chairman


Glenn E. Gerrior, Vice-Chairman


Emile W. Niedzwiedz


Anne M. Farris

John P. Murray