



BELLINGHAM PLANNING BOARD

P.O. BOX 43

TOWN HALL, BELLINGHAM, MASSACHUSETTS 02019

Edward T. Moore, Chairman
Glenn E. Gerrior, Vice-Chairman
Emile W. Niedzwiadek
Anne M. Farris
John P. Murray

MINUTES OF REGULAR MEETING 10/30/86

Meeting opened at 7:55 p.m.

All members were present. Consultant Herr not in attendance.

Preliminary Plan Submission: Bruce Wright/ABS Realty Trust.
Received check #1537, amount of \$100.00. 4 lots located off
Chestnut Street, behind 720 South Main Street. Plan prepared
by National Engineering and Land Surveyors, 601 Great Rd.,
No. Smfld, R.I.

ETM reprimanded the CALL for fantastic and incorrect headlines.
The Call has been observed as "sensationalizing headlines"
and distorting the issues.

Michael Holtzman stated that reporters don't write the headlines.

Anne M. Farris moved to request input from the Conservation
Commission regarding Chris Zocchi, his position with commission
and his recent acknowledged employment with the H.A. Fafard Co.
and a possible conflict of interest which "could negate the
Board's decision regarding "Shores at Silver Lake." Glenn E.
Gerrior seconded the motion; motion carried by unanimous vote of 5.

Chris Zocchi spoke in favor of the "Shores at Silver Lake"
at the meeting of October 23, 1986 and the Board was unaware at
that time that Mr. Zocchi was an employee of the Fafard Company.

81-P Plan - Applicants: Silver Lake Realty Trust, Burton Rhodes
and Leo Dalpe. 269 Lake St., Bellingham, MA Surveyor: Stavinski
Engineering Assoc. 78 South St., Wrentham, MA (4) Lots subdivided
right through the lake. Fred Stavinski gave the presentation.
He recalled that the plan had been submitted earlier. Since that
time, the original frontage was on Lakeview. P.Herr stated that
if that lot was labeled as "Not a Building Lot" he'd recommend
signing the plan. Stavinski stated that his clients chose not
to go that route. Mr. Dalpe approached Gail Dacquerry (sp)
to purchase the required frontage so that it could be considered
a buildable lot. Arrangements were made between the two (2)
parties and notes reflecting same are printed on the plan.
Stavinski also brought the documentation to back-up the plan
and agreement. Stavinski explained that Ms. Dacquerry was
left with in excess of 200' of frontage. He stated that this
plan was going to Land Court-it was registered land. The plan



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was designed such that each lot has a piece of the island.

ETM: Stated that he wanted Phil Herr to see that plan. It may be 100% correct but somewhere down the road, this land will be considered to have a hardship.

E.N. asked Stavinski if he could wait another week.

Chairman inquired as to time frames involved with a Form-A 81-P Plan. Clerk explained procedure to the Board regarding Chapter 41; filing with the Town Clerk.

GG moved that SEA, Inc. get a copy to P. Herr for response prior to the November 6, 1986 meeting. E.N. seconded the motion; motion carried by unanimous vote of 5.
No fee required/Fee paid on initial submission.

81-P Plan - Applicant Leo Mayewski, Pentad Realty Trust, / AF moved to sign, 385 Hartford Avenue, Bellingham, MA 02019 - Four Lots/ JPM, seconded, Maple Street (second or third re-drawing) Surveyor: David E./motion carried by unanimous vote 5.
Beede, 3 Mt. Vernon Street, Reading, MA 01867./ ried by unanimous vote 5.

81-P Plan - Applicant: Two Acre Realty Trust, John GEFteas, 93 Charles St., Boston, MA 02114. Two large lots. Location: Route 126, Hartford Avenue northerly side of Deerfield Lane and Cedar Hill Road. JPM moved to sign; GG seconded the motion; motion carried by unanimous vote of 5.

SPECIAL PERMIT SUBMISSION - H.A. Fafard, 290 Eliot St. Ashland Scott Ian Patrowicz representing, Fafard. 448 townhouses are proposed for the 160 + acre parcel. The filing fee was predicated upon (2) spaces per unit - garaged or otherwise as determined by the members of the planning board. The Board received a check in the amount of \$1,344.00 which represented fee for 1/2 of the parking spaces. In addition, certified mailing fee (147 abutters @ \$1.67 per abutter) was not collected. The Board received assurances from Mr. Patrowicz that the outstanding filing fee of \$1,344 along with the \$245.49 certified mailing fee would be forthcoming.
E.N. reminded the applicant to mail a complete package to P Herr, consultant for his scrutiny and review.

ZONING AMENDMENT PUBLIC HEARING: Bernon Land Trust
(9:00 p.m.) Clerk read the notice of Public Hearing. The parcel contained a little more than 35 acres. The proponents felt that this re-zoning was appropriate due to the fact that most



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BERNON LAND TRUST con't

of the abutting land was industrial. They referred to the recent rezoning to industrial land of the Hill property. Their petition would continue the trend to make Maple St. the Industrial corridor.

Their petition to rezone was in keeping with the Town's consultant's Master Plan. They spoke of the 10 acre parcel on the opposite side of Maple Street which bordered Franklin and indicated that they would seek to rezone that parcel to Industrial to maintain the overall integrity of the area.

Lord, Esq. remarked that the large zoning map, colored in, was the way to go for illustration purposes.

JPM inquired as to the "intended use" of the parcel after the re-zoning, if it should pass town meeting.

Response was returned as "no specific purpose". Industrial zoning would provide for the best and highest use of the land.

JPM reminded the Board and the applicant that the rezoning could be reduced but not increased.

Joseph Marino, Esq. who represents Mr. Thomas Wong stated that he would like to rezone the Wong property on their behalf to Industrial.

Consultant Herr's opinion was that the Bernon proposal was in line with the Town's master plan.

GG moved to close the public hearing; A.F. seconded the motion; motion carried by unanimous vote of 5.

Lord, Esq. advised Ms. Bloom (spokesperson for Bernon family) that they should move on a request to re-zone the second parcel. All in one article on Town Meeting floor would be the easier way to go.

MM. A.F. moved to RECOMMEND FAVORABLY THIS ARTICLE ON TOWN MEETING FLOOR: GG seconded the motion; motion carried by unanimous vote of 5.



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PUBLIC HEARING- ZONING AMENDMENT- Fabricotti
Clerk read notice of Public Hearing at 9:10 p.m.
Bruce W. Lord, Esq. offered the presentation on behalf of Joseph C. Fabricotti. The parcel is located on the southerly side of Mendon Street and west of the animal hospital. Parcel contains 7 acres \pm . The parcel is 500 - 700 ft. in depth. The purpose for the rezoning is to bring the parcel into one zone. presently, the front is B1 and the rear of the parcel is Agricultural.

ETM requested that a detailed map be exhibited.

Lord, Esq. presented a detailed map. He indicated that the area next door was industrial and that his client could have requested an industrial change. The parcel is approximately 7 acres (actually 6.5) Owner proposed to erect 3 buildings and offer retail office space. Developer: Rol Realty is Joe Menfi who has been responsible for the developments of Hilltop Estates and Pheasant Hill.

GG remarked "was it the same developer as the Bellingham Shopping Plaza " coming soon. He continued that dust blows unchecked all over that site - he would like to make the developer "put something over it" to at least control the erosion and air pollution.

Lord Esq. stated there were no tenants as yet.

ETM repeated to Esq., your client would rather a business zone than industrial.

Esq. replied that business provided a buffer between the residences and the industrial zone.

John Drew, Zoning Board of Appeals inquired about this proposal not being a subdivision. It was confirmed that this was a single lot.

Esq/ confirmed that this was a single lot (Parcel 2).

Drew questioned the frontage even extending into the Algonquinn Gas Line easement. The reply was 428.78 feet.

Kenneth Shea, owner of the Former Fabricotti Animal Hospital, questioned the point of entry and ascertained that it would not be the brook.



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Esq. stated that no engineering had been performed on the parcel to date.

Robert Kempton 35 Mendon Street - questioned whether the back of that parcel would be considered wetlands. He feared that construction would bother the trout in the brook referred to by Dr. Shea.

ETM reminded Mr. Kempton that his question was not a "zoning issue."

E.N. moved to close the public hearing; A.F. seconded the motion; motion carried by unanimous vote of 5. A.F. moved to favorably recommend this article to Town Meeting; JPM seconded the motion; motion carried by unanimous vote of 5.

PUBLIC HEARING - Ray Daniels - Rezoning Mendon Street (9:30 p.m.) Clerk read the Notice of Public Hearing. The purpose of the rezoning was to bring the entire lot into conformance with one zone - Business 1. Mr. Daniels owns Northeast Fire & Safety originating in Woonsocket on Social Street and has a branch in Lowell, Massachusetts. He "retails" fire and safety equipment. Bruce Lord, Esq. represented Mr. Daniels. Lord offered a sample sales book. He employs 25 - 7 of whom are Bellingham residents.

Lord, Esq. explained that the frontage is less than shown on Assessor's Map - the property hadn't been surveyed. Lord explained that "apparently when the Assessor's Map was drawn, the curve was placed on the wrong end of the property - it should have been up front which would show the proper frontage. Esq. stated that his client was negotiating for more frontage.

ETM - asked if the house was grandfathered.

JPM stated that the land has grandfather rights.

Esq. repeated that the line on the Assessor's Map was incorrect. The description in the deeds, which was published in the newspapers was correct. The parcel contains 4.75 acres.

ETM questioned whether the proposed use was industrial rather than business.



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DANIELS REZONING con't

It is not a warehouse, Esq. replied. It is a retail sales office hydrostatic testing is done there - nothing is manufactured there. He stated that furniture business utilized "tractor trailers". They are selling to the final user. Esq. stated they supply business and industry.

Buskirk (safety officer) Confirmed that he (applicant) was a retail sales outlet. N.E.F. & S. installs extinguishers.

ETM repeated that he thought it was an industrial use sliding in under the premise of commercial enterprise.

Daniels stated that his company was listed as a commercial business in both Massachusetts and Rhode Island.

JPM stated he was satisfied that it was a commercial use.

Esq. stated that the landowners/abutters were aware of the rezoning and the proposed use.

Drew from ZBA inquired as to the lines on the map being o.k. for the Town Meeting.

E.N. confirmed that this rezoning accomplished bringing the lot into a contiguous zone, that is, all business.

ETM stated that there were already rumors of opening up Judy Lane for a continued subdivision.

Drew reminded the applicant that if the zone is changed, the "grandfather status" does not remain with the land.

ETM questioned the applicant about number of vehicles using the site. The reply came back 3-4 small vans.

E.N. This definition does not correspond to Map.

ESQ. there is no map of this parcel at Dedham. The deeds are old.

Mort BenMaor: from the ZBA remarked about the 45' frontage. He reminded the forum that the by-law dictates distance from side lines and the required width for pavement.



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DANIELS REZONING con't

JPM moved to close the public hearing; GG seconded the motion. Motion carried by unanimous vote of 5. AF moved to grant a favorable recommendation to town meeting; JPM seconded the motion; motion carried by unanimous vote of 5.

Chairman Moore stepped down from the Board for the next hearing and left the room/building completely.

PUBLIC HEARING - ZONING AMENDMENT - Donald J. Moore (10:00 P.M.) Bruce W. Lord, Esq. represented Mr. Moore. The attorney explained to the public that the Chairman had not spoken with Atty. Lord with regard to this re-zoning petition. Donald J. Moore is the father of Planning Board Chairman, Edward T. Moore. The subject property is located on Route 126, South Main Street better known as Scott Hill Motors presently located in a residential zone. The business is a gas station, car repair-storage facility and has been a non-conforming use for years. As a residential zone, the requirement for a houselot is 20,000 s.f. If the site were subdivided, 10-12 homes could be built. The applicant prefers the business character of the property and would like to explore other business ways of utilizing his property. A zone change would provide that.

E.N. explained that the inconsistency in the assessor's maps were created because they came from two separate sheets and had boarders printed all around the sheets.

A.F. asked for a specific intended use for the property with the zone change.

ESQ. stated that office/retail space was being considered. He stated that abutters had not been individually notified.

GG stated that Mr. Delonise (sp) who ran the Town Dump immediately abutted the site.

Mort BenMaor requested a copy of Silver Lake plan (which had nothing to do with the Moore hearing).

GG acting in his capacity as vice-chairman called for questions from the Board Members and then from the floor.



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MOORE REZONING con't

There were no questions. E.N. moved to close the public hearing; A.F. seconded the motion; motion carried by unanimous vote of 4.

E.N. moved to recommend the article to town meeting.

THERE WAS NO SECOND TO THE MOTION.

JPM recommended to rezone back to the 309.43 line as business as requested in the petition. To rezone the entire parcel which intruded into a heavily residential zone, would be to go against policy previously set by this Board and cited the case of the Bruce Wright petition at 720 South Main St. and Chestnut St. heard by this board earlier this year.

E.N moved on the JPM recommendation, JPM seconded the motion; Motion carried 3 in favor, one nay vote due to "spot zoning".

JPM moved to reconsider the Motion on Moore rezoning. A.F. seconded the motion. Vote was taken to recommend: GG, A.F. and JPM in favor of recommending this article, E.N. in the negative due to spot zoning.

JPM reminded the Board that traditionally zoning was set up to establish zones from the street line back 400 feet and in some cases 200 feet.

A remark was passed that the lines where the assessor's maps came together was deceiving and confusing due to the "map's borders" which has nothing whatsoever to do with lot or parcel lines.

JPM explained the zoning recommendation as the 2.7 acre parcel would be rezoned to Business and the remaining 3.4 acres would remain as residential. JPM incorporated the explanation into a motion; A.F. seconded the motion; motion then carried by unanimous vote of 4. No dissenting votes.

JPM stated that such a vote was in keeping with what has happened here in the past. Someone had to find Chairman Moore.

CHAIRMAN RE-ENTERED THE ROOM at 10:20 pm. and resumed his position on the Board.

Clerk reminded the Board that public hearings had to be set on the Planning Board Article and Bruce Wright. Town Meeting would probably be scheduled for December 15, 1986



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Ken Lane Definitive Plan must also have a public hearing.
"Shores at Silver Lake" must also have a public hearing
scheduled.

Board instructed clerk to set everything subject o.k.
from Phil Herr for the 4th of December.

PUBLIC HEARING DEFINITIVE PLAN 10:45
Hillside Estates - Tom DeVitt Realty, Blackstone Street.
ETM asked the applicant to explain where all the streets
were located with respect to the proposed development.

Abutters were present. Applicant explained that in back
of his proposed development was Crystal Springs and
to the front was South Main Street. Joe Hanley from
Millis Engineering Associates explained the drainage design
for the plan.

DeVitt had a copy of the letter from the Conservation Commission
regarding his proposal. Also unofficial percs had been performed
with the Board of Health. Conservation Commission stated that
there would be no significant impacts to the wetlands.

J.P. Trudel, Water Superintendent called the clerk on 10/29/86
and stated that this proposal conformed to all the town's rules
and regulations.

Safety Officer agreed with the proponents on their request
for a waiver to overhead utilities.

Further waivers which applicant was requesting were addressed
in a letter to the applicant from the Highway Superintendent
dated 10/22/86. He stated that drainage met all the requirements,
that a single sidewalk would be sufficient all around the outside
perimeter of the roadway and that Cape Cod berm would be sufficient
so as not to hamper snow removal.

Letter from the Fire Department dated 10/28/86 stating that
one name would be sufficient and less confusing for the development.
That was the recommendation of both the fire and police departments.

Hillside Estates abutts the rear yards of residents of Harper
Boulevard. He stated that there was no proposed street name.

E.N. questioned runoff down to Harper Boulevard.



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DeVitt indicated that 10' deep testholes were dug and groundwater was not reached. He indicated hearsay was, the lots had to be filled where the duplexes are located in the front on south Main Street.

E.N. what is the origin of the water problem residents from Harper Blvd. are experiencing.

DeVitt stated that his site was the highest point in town.

Joe Borelli, 12 Harper Blvd. stated that water was coming out of the woods for many years. It seemed to be coming from above Kerivan's house and that everyone on the street gets water in their basements.

JPM questioned which way lots 3.4.5 were sloping.

GG inspected the plan and according to Millis Engineering water runs down into swale, collects and is piped out to Crystal Springs.

Priscilla Stringfellow, Harper Blvd. has french drains in the basement. She lives at the bottom of the Crystal Spgs. Development where there is a brook running by her property. Each spring they must use the squeegee obtained from the Fire Department and clear out the basement. We are at the base of the hills. The brook has got to be 100' from the stone wall to the rear of the subdivision.

GG repeated ~~XXX~~ the road will act as a swale and collect all the runoff.

Devitt stated that the water would be caught and piped down to Crystal Springs.

GG said excuse the expression but "how the hell" do you build on lot 11,12,13, and 14.

ETM asked if there was a possibility of tying into sewer.

DeVitt stated that sewer had been shot down in that area.

JPM then dry sewer those lots. The Town needs a by-law change.

DeVitt stated that he had "hit" all the Boards. Has the Board any recommendations.



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ETM spoke with P.Herr yesterday and P.Herr stated that he had not heard of the proposal. ETM did not feel action should be taken without input from the Board's consultant.

Mr. Borelli asked how big the homes, how many bedrooms and would the kids be using their yards to cut through to Candace Drive to get to school. He suggested a chain link fence be installed around the development to protect the yards on Harper Blvd. and ensure privacy.

Answer was three (3) bedroom homes and some 4.

Borelli stated that a metal fence was more reliable - wood rots.

DeVitt cited several trails had already been cut through the woods to their properties which had nothing to do with his development.

Brelli stated that with Hillside there would be more kids and they wanted ways to assure privacy.

A.F. suggested shrubs in the buffer zone.

GG suggested 3 - 4 ft. arbovitae.

ETM stated that the shrubs would have to be alot higher.

DeVitt suggested that wood fence could be easily knocked down.

JMP move for a fence to be drawn on the plan for the next meeting.

DeVitt are all in favor of a fence?

Abutters present stated that they would and some spoke for those abutters unable to attend the hearing.

DeVitt wanted the opportunity to research types of fence, prices and liability.

Mrs. Stringfellow questioned that if the water problems increase do they have recourse?

ETM stated that recourse lies with the developer



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HILLSIDE ESTATES con't

GG explained that the road design created deep swales to collect the water and send it through to Crystal Springs. to the watershed.

ETM stated that it was necessary to see the drainage easement in writing from Crystal Spgs. to DeVitt for Hillside Estates.


DeVitt assured the public that water doesn't run uphill. The road would act as a collector.

gg questioned the purpose for two cul-de-sacs.

JPM moved to continue the hearing to November 6, 1986 at 9:00 p.m. in order to get response from P Herr and review the easement agreement between Onallam Realty and DeVitt Realty and for Mr. DeVitt to research the fence issue. E.N. seconded the motion; motion carried by unanimous vote of 5.

A.F. moved to adjourn the meeting after 12:00 p.m. JPM seconded motion; motion carried unanimously.


Edward T. Moore, Chairman


Glenn E. Gerrior, Vice-Chairman


Emile W. Niedzwiedz


Anne M. Farris


John P. Murray