



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 12/04/86

Meeting Opened at 7:45 p.m. with 4 members present. JPM was delayed and arrived at 8:15 p.m.

DEFINITIVE PLAN SUBMISSION "Bald Hill Estates" by Gerald R. Brisson, P.L.S. 16 lots on the Franklin/Bellingham line at Pulaski Blvd. \$800 received for filing fee. \$25.05 received in cash for certified mailing. Set public hearing date.

81-P Plan Conservation Commission

Cliff Mathews, Chairman of Cons Comm was present. The \$10.00 fee was waived because it was a town boards interdepartmental transfer situation. The land was located at Box Pond, donated by Marge Fennessy which provides the commission with state requirement for access in order to proceed with the diagnostic and feasibility study of Box Pond. E.N. moved to sign the plan; GG seconded the motion; motion carried by unanimous vote of 4.

SITE PLAN REVIEW - Consolidated Coatings, RTE 140, William Way. Plan prepared by Andrews Engineering and survey out of Uxbridge. Marty Barnes was present for the applicant.

ETM reviewed the proper S.P.R. submission procedure with Mr. Barnes. He indicated that a John Moscatello distributed revised site plans throughout the town agencies which were directly involved. ETM stated that the Fire Chief complained about the "last minute" nature of the submission and refused to review same on such short notice.

Consultant Herr had written comments including no architectural drawings with the submission and didn't like the steep grading in the rear of the building.

ETM stated that comments from the water department were missing.

Barnes stated that the building was 44,000 sq. ft. and that the water department had indicated to him that he would send a letter for the file.

THE OWNER of the company was present and explained his firm's operation. They apply coatings to computer components mostly.

JPM commented that if the SPR wasn't complete, it shouldn't be on the agenda.

Barnes indicated that he had also been before this board for Bradford Novelty.



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SPR con't CONSOLIDATED COATINGS

A.F. commented that the Board had o.k.'d foundation permits before this case.

ETM countered with "that doesn't work." We o.k.'d a foundation down there (pointing toward No. Bellingham) and sent a letter to the Building Inspector to issue a foundation permit only and not a building permit. You (A.F.) told me you already had a building permit.

Section 1420 has to be dealt with, with the Consultant.

Chief Ranieri was present and gave his opinion about the "last minute" submission to his department. He confirmed that he could not review at the last minute.

GG commented that it was essential for the other boards to review and render their input regarding water volume & pressure, sprinklers, impact on adjacent wetlands, waste disposal, etc.

A Board member debated the issue of the importance of other Board's input.

Chief Ranieri spoke again and echoed the words of the Chairman. Site plans have a way of coming back to "haunt the town". Among other issues to consider are the sprinkler systems. "It had better become this Board's business" of gaining input from other departments prior to issuance of recommendations to the building inspector. Debate between Barnes and Fire Chief ensued.

JPM applicants should have plans to the building inspector's office at least two (2) weeks before being scheduled for review by the Planning Board.

E.N. moved to postpone the hearing the the Two-Family By-Law amendment; GG seconded the motion; motion carried unanimously.

Mr. Barnes was rescheduled for the next meeting providing that his submission was in order and input obtained from the various board's concerned.

HUNA ROSENFELD regarding the definitive plan submission by mail for Bellwood - he simply stated that he acted on advice of counsel to freeze the zoning. He had originally submitted a preliminary plan in April or May. The preliminary plan is good for 7 months - at which time the zoning freeze would expire



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Rosenfeld explained.

ETM asked what Mr. Rosenfeld's intent for the property was.

Rosenfeld indicated that he would prefer to build the town-houses in accordance with his special permit.

JPM stated that "it got his goat" because each and every developer who came before this board with major proposals was instructed to seek a combined sewer route with the Fafard proposal for the Town's master plan, so that a comprehensive sewer system could be achieved.

The clerk returned Mr. Rosenfeld's checks for the submission because the fee for the lots were grossly overstated and the check for the postage was incorrect and labeled as advertising instead of "Postmaster Boston."

Chairman instructed clerk to trace the history of this application back to "preliminary", and make an outline report of same for chairman to submit to Town Counsel for his evaluation.

The Chairman stated that the Fafard Co. had assured the Town that all the paperwork could be completed quickly regarding sewer and now the company has stated that it cannot be done therefore they are suing the town.

9:15 - ZONING BY-LAW AMENDMENT PUBLIC HEARING

Two-Family increase lot

Chairman read the notice of public hearing. He explained that the purpose of the by-law was to deal with isolated lots, under Section _____. Under Section 2600 the lot size increased to twice the size of the residential lots in each zone.

A by-law such as this would eliminate the threat of major duplex subdivision such as in the Davna - Huna Rosenfeld case on Rte 140 entitled Bellwood. This is another means for the Town to control growth.

Pat Tropeano - local builder - repeated the Chairman's statement that "townhouses were better for the environment than duplexes.

ETM stated that large complexes could not be individually sewered. He further explained that more of the natural environment was undisturbed than in the case of duplex development due to clustering and on-site sewage disposal facilities.



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JPM quoted 2.7 units per acre. ETM stated that "condo's" were limited to two-bedroom units.

Tropeano stated that he saw this by-law as having an impact on the small builder. "Aren't small builders entitled to make a living?"

John Molloy member of the Finance Committee present for the hearing was recognized. He stated that the initial intent of a duplex home was for the owner to occupy one side and the tenant's income helped defray the mortgage expense. He had found that surrounding towns have "neighbor problems." One side is kept one way and the other "another way." Now people buying duplexes cannot swing the entire building and have no control over their next door neighbor.

ETM stated that there were problems with small duplex "condo type" associations.

E.N. moved to close the public hearing and recommend the article to town meeting. GG seconded the motion; motion carried by unanimous vote of 5.

HEARING WAS CLOSED AT 9:35 p.m.

REZONING PUBLIC HEARING - ABS Realty Trust -
Location: 700 South Main St.

Bruce Wright was spokesperson for the amendment. They would attempt to rezone 48,200 sq.ft. from Suburban to B-2. A house exists on the lot.

John Drew (Chairman of Board of Appeals) asked whether that was an illegal auto body shop.

ETM replied no.

James Molloy (Finance Committee) question the possibility of "spot zoning". He questioned whether anyone had performed a traffic study in that area or an environmental study. He had serious reservations about the neighborhood's ability to carry the traffic generated from a B-2 location.

Norman Trottier stated he owned the property right next door to the parcel to be rezoned. He wanted to be notified by mail.

ETM stated that Planning Board only made a recommendation to Town Meeting that it could not change the zoning/

Molloy restated his concern over "spot zoning."



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REZONING - ABS REALTY TRUST - 700 So. Main St. con't

He reminded the Board that collectively the Planning Board and Finance Committee have refused to recommend rezoning other properties along that route - he cited Bel Aire Gardens.

JPM countered that from Scott Hill Blvd to Daigles curve had been rezoned.

Brad Wright (the other proponent) stated that originally a strip mall had been proposed with a self-serve gas station.

Malloy offered that it took him 8 minutes to leave the Getty station at the high school the other morning at 7:00.

Bruce Wright indicated that traffic flow would be directed through design layout of curbing and the two-story building at the corner would be razed. The proponents would prefer to feature a "walk-in" medical clinic on the site.

Norman Trotter from 680 So. Main St. complained that the rezoning would go right to his property line.

George Pennington 699 So. Main St. indicated that he abuts the project from across the street, and was seriously concerned about a trailer-truck depot locating there.

Malloy repeated that a traffic study of the area was in order.

JPM questioned J. Drew regarding the limits of buffer zone.

Drew replied 20' away from the sideline.

JPM stated the frontage problem - distance between Trotter and the B 2 zone.

AF stated either you like it or you don't.

Malloy stated that the applicants were under no legal obligation to grant an extended buffer zone to Trotter and splitting lots was not right.

John Drew stated that only through a "variance" could demands be placed on the applicant.

AF stated that she did not like the "whole thing." Traffic would be significantly increased.



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JPM looked up the by-law and stated that Mr. Trottier would end up with a 30' buffer zone.

ETM stated that all residents should go out to town meeting and voice their opinion. Whether one is from the north end or the south end that shouldn't make a difference.

Malloy cautioned the chairman to be aware of the abutters vote and opinion. He would convey their vote to the Finance Committee when they meet.

Pennington stated that it was not his wish to look out his window into a medical center.

It was stated that Mr. Wright had taken the Board's suggestion and proposed a small housing development in the back land which was originally proposed for rezoning.

E.N. moved to close the public hearing; AF seconded motion. Motion carried by unanimous vote of 5.

HEARING CLOSED AT 10:15 p.m. AF moved not to recommend the article at town meeting; there was no second. EM moved to take the matter under advisement. GG seconded the motion; motion carried 4 in the affirmative; AF in the negative.

PUBLIC HEARING - DEFINITIVE PLAN - "Fairview Park Executive Estates"
Opened at 10:20. Roland Lavallee, P.E. project engineer was present. Lavallee explained the history of the parcel for the benefit of the forum. First came the cluster development special permit and then the definitive plan. There were a total of 9 lds, 5 of which fronted Center St. Those lots were the subject of an 81-P plan. This hearing addressed the roadways, utilities and drainage for four (4) lots. The entire parcel is comprised of 55+ acra. The special permit allowed the developer to reduce the frontages and total acreage per lot. In compensation, the other acre for each lot developed would be deeded to the Conservation Commission to preserve open space, protect the wetlands and wildlife habitat. Lot 5 in the subdivision is approximately 37 acres which the developer will retain as his personal lot.

Letter from the Fire Department dated 12/2/86 stating that the plans were in good order and in compliance with Town's regulations.

JPM pointed out that this submission was unique in that 30 residences could have been planned for the property or 90 townhouses.



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FAIRVIEW PARK . . .continued public hearing

ETM stated that P.Herr, the Board's consultant had stated that there were minor mechanical questions, but they could all be worked out. One sited was that the steet pitched down from the intersection.

Lavallee addressed that issue by stating that Park St. sheds inboth directions - catch basins are already in place.

There was a question about the zone. Lav llee answered that the property was zoned agricultural, but through the special permit for the cluster development, it was reduced to Suburban zoning.

The water department had no major complaint except that the hydrant shown had to be relocated to the end of the cul-du-sac.

JPM asked if there were any abutters present. There were none present. JPM moved to close the hearing. GG seconded the motion.

The Board question the applicant about waivers such as one sidewalk and cape cod berm. The members stated that in the past the Highway Department favored Cape Cod berm. One sidewalk requests are frequently granted for 20 lot subdivision; and then the utilities.

The applicant indicated that he would prefer underground utilities but that since Center Street was all overhead (even with the latest reconstruction) he saw no value to installing underground. Therefore, Lavallee requested the following: Sidewalk on One Side, Cape Cod Berm in lieu of bituminous curbing, and overhead utilities. The one sidewalk would service only 4 lots

JPM moved to approve the Definitive Plan entitled "Fairview Park Executive Estates" in accordance with the terms of the Special Permit granted to this applicant and recorded at the Registry of Deeds with the following waivers: 1. One sidewalk to be located on the left side; 2. Cape Cod Berm in lieu of Bituminous curbing; and 3. Overhead utilities in lieu of underground utilities. GG seconded the motion; motion carried by unanimous vote of 5.

10:35 MeadowWood Condominium Project - Discussion
Bob Loverud from Design-Science International Inc. and Pat Marguerite, Marguerite Builders were on had with associates for the presentation.



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MEADOW WOOD DISCUSSION con't

Loverud requested an extension of Special Permit which was issued in February of last year. He gave an explanation of the project aided by three-dimension model of the project. He stated that the road had be re-aligned to go through wetlands so as not to disturb them.

(This portion of the minutes were taken by GG)

The applicants have met with the sewer commission and requested that this project be placed on central sewer. The request for extension would enable the applicants to invest in central sewer rather than the "on-site" disposal plant.

ETM read the letter from the Sewer Commission. The sewer commission recommended the extension so as not to force the applicants into the "ground disposal" system.

Clerk returned to the meeting after picking up the coffee.

JPM stated that applicants were showing good cause. He's like to see the extension granted with the buildout rate moved up one year as well - a build out rate extension.

ETM we should state so many townhouses in a 12 month period instead of sticking to dates.

Loverud: If we go central sewer route, we'll pay for a substantial portion of it - if we start 2 years late, we'd prefer to complete the units in the remaining three (3) years.

ETM We were asked by other departments to hold the line to 15 units per year - we've extended that to 50.

LOVERUD: Regarding the water situation, Trudel stated that we would be on-line in one year.

JPM added that we don't have enough condo's constructed and occupied yet to evaluate the full impact on the Town's resources. We could always accelerate the build-out rate for your project and others when the water system is on-line. In exchange for the extension, we'd like to see the full build-out rate extended accordingly. He cautioned against setting unwanted precedents.

Pat Marguerite stated that the clock should be moved ahead with the build-out rate as well. If the water situation improved, we could come back to the Board. We will go along with your suggestion



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MEADOW WOOD discussion con't

and extend the build-out rate as well.
Bob Ficco, Esq. attorney for the applicants added that the extended build-out rate could be taken as a condition of the extension. The time table should be moved ahead one year in tact.

JPM moved to grant the extension with the extension of the build-out rate by one year - E.N. seconded the motion. EN seconded the motion and stated that the applicants showed "good cause."

11 : 15 p.m. Continued Public Hearing

ZONING AMENDMENT - 325 Acres & Golf Course by Blackstone Valley Partners - Agricultural to Residential.

The members moved to open and postpone the hearing for 5 minutes so that they could address Onallam Realty Trust.

Sylvie Micchelutti wanted to have the "Beechwood Definitive Plan" signed but failed to bring the appropriate number of copies. The members requested that she come to the next meeting prepared and the plan would be signed.

11:25 GOLF COURSE continued public hearing.

Bruce Lord, Esq. for the proponents displayed a Quitclaim Deed - A. land to be conveyed to town and B. Atty Ambler's requirements. They are requesting a "cushion" relative to economic marketplace - amendment to Page 2, section 7. The proponents feel that it is a reasonable request.

A question came up concerning the measurement of a real acre - answer from the audience was 43,560 ft.

Letter dated 12/3/86 from Town Counsel stated that the Deeds, Covenants and Restrictions needed full legal description along with reference to a recorded plan and or metes and bounds. Town Counsel cautioned that all documents be read with a curious eye and contemplated well in advance of Town Meeting.

JPM questioned the area - the larger parcel or the smaller one?

Lord stated only the area under purchase and sale agreement or that which has already been purchased.

ETM cautioned that if under M.G.L. perpetuity meant 30 years, the golf course could be developed into 20,000 sq.ft. lots when the restrictions expire.



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GOLF COURSE CONTINUATION - the street could be opened up onto Paine Street.

Lord indicated that depending upon the buildout rate the last lots with restrictions could be locked into 37 years.

ETM questioned whether the sewer was a guarantee and where the route was expected to be layed out.

JPM added "and a pipe down to Peter's River."

Michel LaPlante for the Valley Partners - reminded the Board that their consultant advised against putting a dollar figure on the sewer proposal and the Partner's contribution.

ETM reminded the forum that the planning board was attempting to control growth and that earlier this evening the board endorsed an article controlling duplex growth and these proponents are asking the Board to rezone one third of the town.

Lord added that the Board was charged with overseeing the best use of the land in town.

Joe LaPlante stated from the audience that the lots were always going to be 30,000 sq.ft.

ETM stated that the remaining land would be 20,000 s.f.

JPM questioned the possibility of the golf course being deeded to the town with a provision that the town lease it back to the partners for \$1.00.

M. LaPlante - we've worked with your legal and planning consultants. It has cost us alot to carry it this far. Such an arrangement could not be done quickly.

ETM read a letter from Mayor Charles C. Baldelli of Woonsocket, The city could provide the development of 300 homes with waste-water connections. He stated he was secure in assuring a future connection.

ETM stated that 300 home/600 cars were his major concern. He preferred to see "big house lots." This rezoning provides for the smallest lot possible.

Lord reminded the forum that the golf course would be a major asset. The south has not been economically active.



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GOLF COURSE CONTINUATION

ETM reminded the forum that at the last meeting the Conservation Commission voiced grave concern over wetlands and the aquifer

Joe LaPlante from the audience interrupted with "Eddie you are assuming there are alot of wetlands"

ETM read their letter of concern into the minutes - the concern was unanimous.

Michel LaPlante stated that it would be unfair for them to make that decision from a "vacuum". They (the Cons Com) don't know what we are proposing.

Lord reminded the Board that the Consultant stated at the last meeting that the Cons Com could be wrong - that this proposal could be environmentally better.

Michel stated that the Partners would address all of the concerns of the Cons. Com.

GG stated that Mr. Rosenfeld compared his condo proposal with duplexes. The Partners are comparing their proposal to a conventional subdivision.

Joe LaPlante reminded everyone in the room that the covenants state no lots smaller than 30,000 s.f.

AF voiced concern over Paine Street after the thirty year covenant elapses.

Lord stated that his believe was that the covenants would go on - extend.

Michel reminded the board that there was no vehicle to extend the restriction period per Bellingham's own Town Counsel.

JPM repeated his suggestion that the Partners deed the golf course to the town and the town in turn lease it to the Partners for 100 years or so.

Lord stated that the golf course hadn't been designed and questioned liability to the Town.



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GOLF COURSE CONTINUATION

Bob Cournoyer stated that if the document could be tied longer, the Partners would go with it.

ETM reported that in a conversation with counsel that afternoon, Counsel stated that the document was "liveable" but not the best. He thought (ETM) that the rezoning was a scary thing - he couldn't picture another 600 cars on Paine St & Wrentham Road impacting Crooks Corner intersection.

Michel reminded ETM that their project had access to Diamond Hill.

JPM stated that once the golf course is designed and the plan defined, the Planning Board would rezone that portion back to agricultural.

Lord asked his clients, Michel and Joe if that idea seemed satisfactory to them. They assented.

Mr. Vanderwal, abutter from Wrentham Road stated that some of their parcels were involved in litigation. An abutter owns 10 acres and was trying to establish a farm. The man's name was Louis Daigle from Uxbridge.

Michel stated that the Daigle parcel was under P & S and he cashed earnest money for the transaction.

Abutter, Richard Lavallee 481 Wrentham Road was against the rezoning. He has lived there since 1947 and has had livestock. He stated he did not want aggravation from his new residential neighbors over his livestock.

Laurent (Larry) Dalpe questioned that if the Partners went bankrupt would the restrictions still apply to the next owners? That as abutters they were not for or against it.

JPM moved to close the hearing at 12:15. GG seconded the motion; motion carried by unanimous vote of 5.

JPM offered the following: Herr said that 270 sewered units was far better than 140 unsewered units. The only real opposition thus far came from Mr. Vanderwall who could be well protected under the subdivision control laws. There were obvious advantages for the town such as private roads, a golf course and the 30,000 s.f. lots.

JPM then moved to recommend the rezoning providing that all of their P. & S. agreements were binding and that as soon as we see subdivision plans, the Planning Board be allowed to sponsor a



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rezoning of that golf course portion to agricultural. GG reminded the board of the back yard problem - meaning that a portion of the small house lot would be contributed to the playing portion of the golf course as "rough" area or whatever. The back yard problem would definitely be dealt with through subdivision control.

JPM further stipulated that there would be no homes in sight of Mr. Vanderwall's property and that Mr. Lavallee's right to raise and keep livestock on his property would not be endangered.

After the second - Emile W. Niedzwiadek - offered the following comment: This proposal is the biggest thing in this town in 30 years. No one has come forward to speak for or against it. If the residents are not here, then I think they must be in favor of it. My opinion is that anything this huge should attract an overwhelming audience - 300 homes there are many abutters involved. In conversation with Baldelli a hook up with the Woonsocket sewer would cost approximately \$3500. The general lack of interest on behalf of the townspeople is too much for me to understand. Traffic will be a hell of a problem for South Bellingham. I would hope that it wins or loses by a landslide. Planning Board control will come at a later stage.

Anne Farris spoke up regarding impacts on police, fire, water and the eventual re-opening of Paine Street. She said she could not see where the advantages outweighed the disadvantages.

ETM called for the vote: Emile W. Niedzwiadek in favor, John P. Murray in favor, and Glenn E. Gerrior in favor. Opposed: Anne M. Farris and Edward T. Moore, Chairman.

Hearing was over at 12:30 a.m.

ABS Realty Trust - rezoning vote. GG drew a comparison between this request and one previously requested by Donald Moore on Rte 126. He reminded the board that the majority opinion was not to rezone to business where it extended into the suburban or residential zone.

AF moved not to recommend ABS Realty Trust's application for rezoning. GG seconded the motion. Motion carried 4 in favor - JPM abstained.

The clerk reminded the members of the outstanding preliminary plans which have yet to be discussed: Letourneau - Oak Crest; HKUassociates on Pine St. (Franklin-Bellingham line)



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The members signed the clerk's pay voucher and a few bills from the Call and Milford Daily News.

Chairman requested that the clerk research the preliminary submission and outline the subsequent transactions concerning Bellwood property and the Davna Corporation.

Meeting adjourned at 12:45 a.m.

Edward T. Moore
Edward T. Moore, Chairman

Glenn E. Gerrior
Glenn E. Gerrior, Vice Chairman

Emile W. Niedzwiedek
Emile W. Niedzwiedek

Anne M. Farris
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John P. Murray
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