



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

TOWN HALL, BELLINGHAM, MASSACHUSETTS 02019

EDWARD T. MOORE, Chairman  
GLENN E. GERRIOR, Vice-Chairman  
EMILE W. NIEDZWIADK  
ANNE M. FARRIS  
JOHN P. MURRAY

### MINUTES OF REGULAR MEETING

January 8, 1986

Meeting was called to order. All members were present.  
Clerk arrived at 8:15 - it was her volunteer night in  
Cumberland, R.I.

#### 81-P Plan

Applicant: Edward Cameron, 209 Blackstone St., Bellingham, MA  
Surveyor: G.R. Brisson, 99 Harpin St., Bellingham, MA  
Location: Northerly Side of Blackstone St.  
\$10.00 fee received. EN moved, GG seconded - motion carried  
by unanimous vote of 5. All members signed.  
Purpose - Correct a lot line.

#### 81-P Plan

Applicant: Textile Machine Shop, Summer St., Bellingham, MA  
Surveyor: G.R. Brisson, 99 Harpin St., Bellingham, MA  
Location: Northeasterly side of Summer St.  
\$10.00 fee received. Purpose - not taken down by GG.  
A.F. moved to sign the plan; GG seconded the motion; motion  
carried by unanimous vote of 5.

E.N. and ETM reviewed a plan of 1968 prepared for Howard Wilson  
Parcel located off South Main St. next to Citgo Station.  
Plan would have to be brought up to current zoning requirements.

#### Public Hearing - Zoning Amendment - BERNON LAND TRUST

Peter Fried represented the Bernon family. One parcel 10.7 acres  
and the other 4.2 acres. Chairman requested the proponent to  
point out the land to be rezoned. All members inspected the  
zoning maps. It was explained that land owned by these indi-  
viduals on the left side of Maple St. had recently been recommended  
for rezoning by this Board. At that time the Board suggested that  
they reappear before this Board for a recommendation on the remaining  
parcels on the opposite side of Maple St. which were left as agricul-  
tural.

E.N. questioned what the zoning was in Franklin on the portion  
of this parcel which was located there.



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### BERNON LAND TRUST con't

GG further commented on the reasons for this re-zoning petition.

JPM questioned the plans for this land.

Representative stated that there were no plans pending. The rezoning was in keeping with the Master Plan of the Town.

JPM questioned benefits to Town of Bellingham as opposed to a convenient access to the property located in Franklin.

ETM inquired about benefits to Bellingham other than compliance with the Master Plan.

M. Jaillet, Town Administrator offered to get a zoning map of Franklin to compare zoning.

ETM called for any other questions???

AF moved to close the public hearing; GG seconded the motion Carried by unanimous vote of 5. AF moved to recommend the re-zoning; GG seconded the motion; motion carried by unanimous vote of 5.

### HILLSIDE ESTATES - continued public hearing

JPM moved to continue the Public Hearing to February 12, 1987 at 8:30 p.m. AF seconded the motion; motion carried by unanimous vote of 5. An extension was granted on a JPM/AF motion to February 18, 1987 - motion carried by unanimous vote of 5.

9:00 Clerk read the Notice of Public Hearing for Bald Hill Estates EN moved to open and continue the public hearing until 9:15; GG seconded the motion; motion carried by unanimous vote of 5.

### CORLAND HEIGHTS - continued public hearing from December 18, 1986 to 1/8/87 at 8:35 p.m.

Joe Hanlon from Millis Engineering Assoc. gave the presentation. He stated that a Topo Plan had been added, drainage became an issue.

ETM talked to P. Herr and was surprised to see them this evening. There were numerous problems with the plans, even now.

Doug Resnick, Esq. from Greenwald, Resnick, etc. Milford, MA introduced himself to the forum. He stated that all of Phil's questions had been addressed according to the 12/26 checklist notes.



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### Corlan Heights continued Public Hearing

ETM repeated that at 5:15 that afternoon, P.Herr told the Chairman not too worry - the Board wouldn't be seeing Corlan Hgts. tonight.

Resnick: We tried to address the concerns - I don't know why he got that idea.

ETM: read the letter into the minutes from Consultant Herr dated 12/26/86. One half of the letter was related to the second phase, according to Atty. Resnick.

GG stated that Herr jumped ahead of himself.

Hanlon: I sent Phil a plan with the buildings as a preliminary review of the proposal.

Hanlon/Resnick reviewed the checklist with ETM and the Board members.

EN pointed out that the top@ sheets were "part wrong."

Hanlon stated that only one property contour had to be corrected. Catch basins were shown at both corners. Pipe sizes were now shown. A retention pond was now shown.

ETM questioned Hanlon if all the issues had been addressed. EN questioned if all the necessary catchbasins were shown.

Hanlon answered yes.

EN questioned whether the additional runoff (stormwater) would be adequately stored.

ETM stated the plan had come a long way but was still incomplete according to Herr.

Resnick reminded the Board they were extended until January 23, 1987.

JPM moved to continue the public hearing to January 22, 1987 at 9:00 p.m. EN seconded the motion; motion carried by unanimous vote of 5.



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Paul Lemire, interested abutter at 5 Chestnut St. concerned over the drainage on the new property.

Resnick suggested that it was not his clients' intentions to have the retention area remain as such.

ETM: Spoke with Town Counsel regarding Mr. Lane's position as Assistant Building Inspector. Counsel stated that there was no conflict with his applying to this Board for a Definitive Plan approval. However, when he applies for a building permit there is definitely a conflict there because he works for that office.

Resnick asked if his clients should make the changes?

Board replied yes.

CLERK READ NOTICE OF PUBLIC HEARING "Birch Tree Estates"  
GG moved to continue the hearing to 10:00 p.m. E.N. seconded the motion. Motion carried by unanimous vote of 5.

BALD HILL ESTATES - Silver Lake Realty - Burton Rhodes and Leo Dalpe. G.R. Brisson, P.L.S. gave the presentation. 16 lot residential subdivision lots range in size from 80,000 s.f. to 133,000 s.f. The road is of horseshoe design with an extension, short cul-du-sac. John Reis, P.E. explained the drainage design and calculation. Drainage going to the southerly side of Pulaski Blvd where it naturally flows to the Jenkes' Reservoir. Minor contour changes are proposed - they are following the natural lines. On the northerly side of Pulaski Blvd. there is an existing 24" culvert. They propose increase the culvert to a 36" even though the calculations verify that the 24" could handle the additional drainage on the northerly side. They propose to build a new headwall. Drainage will flow under Pulaski Blvd.

Letter dated 12/19/86 was read into the record from the Conservation Commission requiring the applicants to file a Notice of Intent prior to any actual construction work occurring.

ETM explained that such was required due to existing wetlands.



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ETM questioned acreage in total.

The reply was 38+

Police Department - Detective Sulahian is functioning as Safety Officer in Officer Buskirk's absence. He stated that the easterly entrance should be the only one due to the heavy traffic flow at peak periods.

Roger Gaboury 1390 Pulaski Blvd. and Etorre Zaaza 1400 Pulaski Blvd. were concerned abutters with questions.

Zaaza stated that he floods out - the existing culvert cannot handle the existing drainage and stormwater runoff. He and Gaboury couldn't fully understand what the Engineer was explaining regarding the drainage.

JPM reminded the Board only 12 lots could be serviced from a cul-du-sac.

Brisson stated a waiver would be necessary for 16 lots.

Mr. Rhodes (applicant/owner) stated that he would have no problem with "dead ending" the road just above the Gaboury/Zaaza properties.

Brisson stated the Board would have to waive the requirement for 12 lots on a dead end street.

ETM: The waiver would solve two (2) problems. 1) traffic / safety hazard the 2) would eliminate the one-way traffic in front of the Gaboury/Zaaza properties. A one-way traffic situation in the area which is now their driveways, would be a major inconvenience. He also felt that drainage problems would be less impacted with the change in design.

Rhodes stated he would loop the water to Pulaski Blvd. in any event.

Gaboury was concerned over the repairs to his driveway prior to and following the water main construction.

ETM stated that the applicants/developers would fix it.

Brisson assured the forum that the construction would stop just before/above the Zaaza/Gaboury properties.



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### Bald Hill Estates con't

GG concerned about someone driving over the cul-du-sac and damaging the concerned abutters' properties.

Brisson stated there would be a 150' buffer with the existing trees.

Lloyd Rhodes stated that he was an abutter, present out of curiosity.

JPM moved to close the public hearing. GG seconded the motion. Motion carried unanimously. List of Waivers sought: bituminous curbing one side, overhead utilities, and plastic water pipe.

Hearing is dosed and under advisement. JPM stated that the Board should retract the motion to close and continue the hearing to January 22, 1987 at 9:30 p.m. He stated that solitude and privacy and concerns of the Safety Officer should be fully incorporated into the decision. JPM moved to continue the public hearing to 1/22/87 at 9:30 p.m.; GG seconded the motion; motion carried by unanimous vote.

Clerk read the notice of public hearing for the zoning amendment concerning Dalpe property and Wrentham Road. AF moved to continue the public hearing until 10:30; JPM seconded the motion; motion carried by unanimous vote of 5.

10:00 Birch Tree Estates Public Hearing - Definitive Plan  
Bruce Wright and Brad Wright were present for the hearing. Letter dated 12/16/86 from the Conservation Commission was read into the record. They stated that since there were no wetlands on the property, it would not be necessary to file a Notice of Intent.

GG questioned the applicants regarding the credentials of their engineer. He has a temporary permit for Massachusetts and they are usually good for only 30 days.

Highway Dept. letter dated 12/3/86 was referenced.

ETM stated it was his understanding that the detention area had been shifted to the other side.

Bruce Wright proceeded to explain the construction and function of a detention area. Excavate and remove clay, fill with rip/rap the water will pond and drain out gradually.

John Molloy, abutter from Hilltop Drive complained about Gerry Daigles



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### Birch Tree Estates con't

interpretation of a "detention pond" needed clarification. Mr. Molloy stated that water could not pond in an excavation that was filled flush with rip/rap.

EN stated that other Board's should review and comment on this plan.

Molloy still concerned about the rip/rap being flush in the excavated area.

GG stated that a detention pond was a construction technique and that they did work.

ETM was concerned about the runoff going towards Sunelis Harvovitz.

Dick Ranieri, abutter from Hilltop Dr. Asked if houses had to be shown?

JPM By law people have to have numbers on their homes, for fire and safety protection.

Ranieri: As fire chief stated that the plan now showed two (2) hydrants. There was no indication for the size of the main- for the record his department was requiring 8".

ETM: Questioned the size of mains on So. Maple.

Chief responded - 12" to accomodate future planning.

George Gallivan, abutter Hilltop Drive expressed concern over the stonewall which currently existed at the back of his property line and the subject property. He wanted same to remain in tact. He stated that as Mr. Murray put it so eloquently, maintaining peace and solitude should be observed with this new development.

Brad Wright stated they were not going to disassemble the wall, it was probably a property line. He stated that the lots were restricted to 40,000 s.f. and restricted to single family development.

Mr. Trottier abutter from So. Main St. asked if the Armstrong house was part of the proposal.

ETM stated that it fronted So. Main Street and was not part of the subdivision.



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### Birch Tree Estates - con't

JPM stated the subdivision "looked" good, but felt input was necessary from the Consultant regarding the subdivision checklist. The validity of the Temporary Permit should be verified and the Plan itself was dated 1/15/87. He further reviewed the history of the parcel of land from the proposed initial rezoning to the subdivision before the Board. The Board had recommended the subdivision to preserve the residential characteristics of the abutters.

EN stated that he wanted assurance that the abutting residences would not receive the drainage runoff.

Molloy voiced the concern of several abutter regarding drainage. He stated for the record that the builders/owners had been very cooperative. He was not personally in favor of water running off down to the backs of people's property.

ETM stated that more information was required regarding stormwater runoff and its direction.

GG stated that drainage was the biggest issue. Mr. Therrien (R.I. engineer and surveyor) should be present to discuss the design. It is his profession.

EN moved to continue the public hearing to January 22, 1987 at 10:00 p.m.; GG seconded the motion; motion carried by unanimous vote of 5.

### REZONING HEARING - Wrentham Road (Dalpe Bros. properties)

14 acres total which abutts the golf course (recently rezoned residential) They are seeking rezoning from Agricultural to Suburban which would enable their properties to conform to one zone. Right now the properties are split part Ag and part Sub. A single zone would provide houselots for their children.

ETM pointed out that 14 acres could be divided into 7 houselots. With suburban probably 13 or 14 houselots could be provided.

Proponents displayed plan dated October 1981 as prepared by Robert C. Cournoyer Assoc.

GG pointed out that tonight the Board recommended rezoning Bernon land which makes a wealthy family wealthier. '

Board questioned whether Vander Wal, Phillips and Lavalles wanted





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### DALPE REZONING - Wrentham Road

to go along with the Suburban zoning. The Dalpes replied that they did not wish to go along.

JPM suggested a recommendation - the family had been there for 50 years.

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

EN moved to recommend the rezoning as it brought the property into a contiguous zone; GG seconded the motion; motion carried 4 in favor and A.F. the dissenting vote. Ms. Farris stated that the Board was encouraging zoning changes and more development when in fact they should be trying to control growth.

Comments on preliminary/definitive subdivision in the works:

- Lake View Estates: Townhouses aren't appropriate  
30 single family homes would be better alternative;
- Corlan Hgts: Tonight the plans were better;
- Bald Hill: The Board was more in favor of one (1) street and looping the water;
- Birch Tree: License/Permit must be checked concerning the R.I. surveyor/engineer;  
A registered/professional engineer would be required to design and explain the drainage.

ETM stated that regarding the litigation involved with Shores at Silver Lake Definitive Plan - Executive Session and Fafard don't belong in the same sentence. JPM and ETM felt that executive session wasn't necessary.

EN disagreed and stated he would move for executive session on the advice of Town Counsel.

Bruce W. Lord, Esq. was present and explained Town Counsel's reasoning as follows (an assumption or deduction):

Lee has to go into Court, a trial situation, with Fafard reps.



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### LITIGATION REVIEW - Shores at Silver Lake

If the negotiations were to fall through, it would be very prejudicial for the other side to have the advantage over the Town by knowing through the press and at public meeting, how the Planning Board was thinking things through or the Board strategy. The Board wouldn't be making any deals behind closed doors. Lord cautioned they be careful in what they were doing. An open session could prejudice the Court at a later date.

GG moved to pole the members for executive session. EN seconded the motion.

Anne Farris	yes
Glenn E. Gerrior	yes
Emile W. Niedzwiadek	yes
John P. Murray	yes
Edward T. Moore	yes

\*\*\* Executive Session Minutes under separate cover.

### HILLTOP ESTATES - Reduction in Bond

Bruce W. Lord, Esq. present for ROL Realty

GG questioned the large approx. 8 acre lot at the end of the cul-du-sac. It was unkempt.

Lord explained that the bonding covered - roadway only.

JPM moved to release the bond per letter from Atty. Lord as follows: release \$12,750 plus interest earned and retain \$2,250 representing 15% required under sections 365 and 366 of Bellingham Subdivision Control.

AF seconded the motion. Motion carried by unanimous vote of 5.

Board questioned Lord about the ROL - Bellingham Plaza Special Permit and condition of that property.

GG noted that Menfi had made substantial use of the property by stripping the property of its loam and surface cover and transporting it off the site to his other projects. The property is left a wasteland or dust bowl.



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Hilltop Estates - Clerk left meeting with Glenn E. Gerrior to go to basement of old Town Hall to obtain the original file from the Planning Board/Conservation Room. When they arrived, the room was ajar and lights were on in the basement. They immediately left and reported the findings to the Police Dept. Since litigation is pending between the Town and the Fafard Company, Mr. Gerrior thought it best to report all findings. Recently the Board and Clerk have received requests for information from that company.

The police escorted Gerrior and Lavallee back to town hall for an inspection. The file cabinets were in tact (for the Planning Board anyway), so they returned to the annex with the Hilltop File.

### SPECIAL PERMIT EXTENSION - ROL Realty - Bellingham Shopping Plaza

Lord requested an extension for his client based on the fact that the town had allowed a recent extension without seeing a site plan, or permit, or sewer work, etc. Maximum extension for a special permit according to state regulations is two (2) years.

JPM noted that the other development was awaiting sewage.

EN The night we voted on that we were under pressure.

Lord stated his client could put a mall in without an anchor store but that would not make a quality project. He is working very hard to secure an anchor store and reliable tenants.

AF moved to grant ROL Realty a 6 month extension with the condition that no further consideration will be given to future extensions unless the subject site is loamed and seeded to resolve the dust/drainage adverse conditions and the drainage culvert directly effected by the dust bowl must be cleaned.

HIGH MEADOWS - Atty. Lord took exception to that fact that he was not notified of the discussion regarding the preliminary plan. Modifications to preliminary plans are customarily the agreement between the Board and the applicant. He went on to explain the history of the lot. It had been originally designed with the "back lot subdivision regulation" in mind.

EN moved to close - GG seconded the motion, motion carried by unanimous vote of 3. AF and JPM had left the meeting.




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Meeting adjourned at 1:30 p.m.

  
Edward T. Moore, Chairman

  
Glenn E. Gerrior, Vice-Chairman

  
Emile W. Niedzwiedz

  
Anne M. Farris

  
John P. Murray