



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

TOWN HALL, BELLINGHAM, MASSACHUSETTS 02019

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

### MINUTES OF REGULAR MEETING

JANUARY 29, 1987

Meeting opened at 7:50 p.m. Anne M. Farris was absent.

#### 81-P Plan

Presented by Bruce W. Lord, Esq. for Land Inc., 381 Chestnut St., Wrentham, MA. Property Location: Prospect St., South Maple St. and Lake Street, Bellingham. Two lots proposed. Fee \$10.00 received. He stated that this was a re-drawing of lines. The original 81-P plan used the county layout as boundary on the north side. The client obtained a variance and the two (2) lots are to be sold together. (the old farmhouse) The new 81-P plan shows the land as it is. E.N. moved to sign; GG seconded the motion; motion carried by unanimous vote of 4. All signed.

#### Preliminary Re-Submission - Herthel Estates

(former Iacovelli property at High St. and No. Main)

Owner/Subdivider: Lawrence Herthel, 22 Madonna Street, Natick, MA

Engineer/Surveyor: G&H, Inc., 205 East Central St., Franklin, MA

Name of Subdivision "Herthel Estates" (5) lot subdivision

Location: Land on High Street near its intersection with North Main Street and at the end of Third Street and Fourth Street.

Fee not collected at this time. Consult with Board members.

#### Land Court 81-P Plan

Presented by Brian Feeny, Esq. with Greenwald, Resnick, Poirier & Williams, 409 Fortune Boulevard, Milford, MA

Purpose: to combine small lots in the Charles River Grove plat and register with land court to clear title.

Applicant: Michael J. Iacovelli, 360 So. Main St., Hopedale, MA

Engineer/Surveyor: Millis Engineering Assoc., 1275 Main St., Millis, MA 02076 - Francis X. DeSimone.

Description of Location: 37 Third Ave., Bellingham being Lots 198, 199 and 200 on the plan of land entitled "Charles River Grove", Bellingham, property of Bay State Realty Exchange, Mar. 1, 1919, Ernest W. Branch, C.E. recorded in Plan Bk 89 Plan 4344.

Three (3) lots total. JPM moved to sign; GG seconded the motion; motion carried by unanimous vote of 4. All signed.



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### ROAD BONDING-Crystal Springs Condominiums

Sylvie Micchelutti present for Onallam Realty Trust,  
1275 Main St., Millis, MA 02054

Engineer Micchelutti explained that they estimated and factored-in an inflation figure of 25% over and above actual estimate.

She presented an estimate for paving from Lorusso dated 9/11/86. She presented a letter from Highway Dept. dated 1/27/87 confirming the figure. Irrevocable Letter of Credit from Home National Bank #8702 was accepted as collateral/security.

JPM suggested a name change for the proposed street to Crystal Lane, or Way or Drive because Bellingham already had a spring street. Further he advised that the applicant check out the name with both Police and Fire to make sure there was no duplication.

JPM moved to accept the \$20,000 irrevocable letter of credit; GG seconded the motion; motion carried by unanimous vote of 4.

LAKE VIEW ESTATES - Attorney Jim Roberti from Milford was present to Request an Extension to March 5, 1987 to provide further time to review and design his client's proposal.

JPM inquired as to which route his clients would be pursuing for access to the parcel located behind Scott Hill Acres.

Robert, Esq. answered they were seriously exploring the possibility of exiting through town land to Blackstone Street.

The Chairman opened the public hearing (continued from an earlier date) for Lakeview Estates, JPM moved to continue the public hearing to February 26, 1987 at 9:30 p.m.; E.N. seconded the motion; motion carried unanimous vote of 4.

Jim Miller for TWO ACRE REALTY TRUST- pre-preliminary presentation, & Richard Andersen from the development company. Planner Miller explained that the 22.4 acre site would be developed for residential purposes. The property was located generally on the North side of Hartford Ave. between Cedar Hill Road and Deerfield Lane. Bounded on the east by Rte 495 and residential properties and southerly by commercial properties. Since there are no vegetated wetlands, they do not expect to file with Conservation Commission. They proposed sanitary disposal on site and test pits and borings have been taken. A traffic study has been or is in the process of being performed and the proponents are well-aware of the traffic problems in that vicinity, with significant volumes.

The site will be accessed from a single road. 2-4 unit clusters are proposed for the 81-P sites. 49 residential condominium units are proposed for the interior of the site. They will be in an "attached configuration". They have four (4) form A lots.



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TWO ACRE REALTY TRUST pre-preliminary review con't  
The total condominiums would be 57 if the 81-P lots were included in the proposal.

JPM remarked that it "appeared" the applicant was attempting to circumvent the by-law by not having to go to Town Meeting for concept approval of this condo project.

Discussion ensued regarding the total acreage (22.4), minus the four 81-P lots (or eight curb cuts). The remaining acreage was 19+ which would provide for more than 57 condo units if they were looking for maximum build-out of property.

ETM stated that with more units on the interior, the eight (8) curb cuts could be eliminated.

Miller stated that given 8 lots there would be a potential for nine (9) driveways.

E.N. questioned Mr. Wilfred Arcand, Highway Foreman & member of Board of Selectmen regarding a possible drainage problem at the end of Deerfield Lane.

Mr. Arcand acknowledged the problem and stated it went toward the 495 side of the street.

ETM reminded the applicants that they would have to convince the Board that 49 condo's would better serve the town than single family residential homes.

JPM questioned whether or not John Forger was a principal of Two Acre Realty Trust.

The applicants confirmed that he was and is the owner of Two Acre Realty Trust.

Mr. Andersen took over the presentation and described the features of the property. He explained that a lot of green would be saved; they had to work around the Algonquin Gas pipeline and easement. He noted that I-495 was 175' away from the R.O.W. line.



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### TWO ACRE REALTY TRUST - continued

E.N. remarked that a "noise" fence would be required for the proposed residents abutting I-495.

Miller stated that such barriers were constructed with interstate money.

E.N. stated that the concrete barriers looked best and to his knowledge lasted longer.

Miller noted that the best barriers were trees that stayed green.

Anderson stated that one area of bedrock and outcropping of boulders were to be saved. He explained that the setbacks proposed for Hartford Avenue were between 85 feet and 105 feet. House, barn and garages located on the property would be removed. They agreed to leave a copy of the concept plan.

40 to 65 feet setbacks they propose for the side near the residential houses and promised to maintain the majority of wooded area between their proposal and the residential homes.

A private drive with a split entry would be proposed for the complex. Maximum centerline slope would be 8%. They would request a reduction of width of the road loop to 20', request Cape Cod Berm and request one side walk in lieu of two. They offered to provide a better than 2½ to 1 minimum off street parking space and they are proposing the construction of some garages. They assured the Board that the road would never be petitioned for acceptance by the residents.

ETM remarked that this proposal was the best the Board had seen yet.

JPM suggested the proponents "get ahold of the abutters" to meet for dinner or snacks and discuss this proposal. Several other developers had in their cases and had been very successful.



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CORLAN HEIGHTS - Definitive Plan continued public hearing  
Applicants: Tomken Associates, Winthrop St. Medway, MA.  
Principal: Town's assistant building inspector, Ken Lane.  
Two-lot definitive subdivision located off Chestnut St.  
on the former Larivierre property for the eventual develop-  
ment of townhouses.

Douglas Resnick, Esq. confirmed that he had Requested an  
Extension to January 30, 1987 due to the storm and re-  
scheduling of the planning board meeting as a direct result  
of the storm, over the telephone with Billiegene Lavalley, Secretary.

Joe Hanlon, design engineer from Millis Engineering was on hand  
to explain the revisions. Drainage had been a major issue.  
He stated that the runoff would be picked up at the corner  
of the proposed Bucky Drive and drain down the street to  
a drainage easement overland.

ETM got a clarification that indeed the abutters would not  
be adversely effected by this drainage scheme.  
He asked Mr. Lane directly if he owned the land.

Resnick, Esq. stated that the land was under agreement.

E.N. moved to close the hearing. GG seconded the motion.  
Motion carried by unanimous vote of 4.

ETM reassured the forum that the Board's consultant had  
foreseen "no problems" with the proposal before them.

E.N. qusted whether Paul and Debbie Lemire (immediate abbtters  
to the project and present) had any concerns with the project.

They answered no.

E.N. moved to approve the definitive plan entitled "Corlan Heights"  
JPM seconded the motion; motion carried by unanimous vote of 4.

The Chair recognized Mr. Arturo Paturzo candidate for Planning Board  
as being present for the meeting.



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BALD HILL ESTATES - Definitive Subdivision Plan continued from an earlier date: Chairman opened the hearing - E.N. moved to grant them an extension and continue the public hearing to February 12, 1987 at 9:00 p.m. GE seconded the motion; motion carried by unanimous vote of 4. G.R. Brisson had requested an extension verbally through John P. Murray, January 21, 1987 at Murray Enterprises office.

ETM stated that the Board had reached a decision regarding the Special Permit entitled "Shores at Silver Lake". He stated that the members have digested all the information available to them and had worked closely with their consultant, Phil Herr regarding the decision. He read the decision as prepared. Basically the reasons for denial were the following: that many townhouses at that location would not best serve the needs of Bellingham; that the need for multifamily housing may have been perhaps filled to excess with the approval of Twin Brook, Maplebrook, Meadowbrook, Crystal Springs and Bellwood Condominiums; the town could really use less costly units; the sewer proposed by Fafard Co. levied capital charges against all users but themselves, there could be problems with groundwater quality and surface water runoff given the excess of impervious surface; traffic was seen as a major problem and impacts on the South School District were viewed as a major problem given the condition of schools in that district presently

JPM moved to deny the Special Permit known as the "Shores at Silver Lake", he read the criteria by which the members based their decision directly from the by-law. He pointed out that this proposal appeared to have only one positive point that being the build out rate for condos could be regulated - single family build out rate could not. He stated he saw perhaps only one other positive that being business for the town being generated for local goods and services.

ETM commented that most condo residents he had observed at Maplebrook seemed to leave very early in the a.m. and arrive back home very late. He suspected that what goods and services they required would most likely be purchased "out of town" where the residents worked for most of the day.

E.N. seconded the motion. Motion carried by unanimous vote of 4. Anne Farris was not present for the initial proceedings in December regarding this proposal. Therefore her absence was immaterial to this decision.

ETM stated for the press that this proposal had been reviewed



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### Shores at Silver Lake - Special Permit decision con't

at length since the night of the open and closing of the public hearing December 18, 1986. He had called for a vote because the the Fafard Co. deserved to know where the Planning Board stood, regarding the Special Permit.

GG stated that he had no prior knowledge of the decision until this night. He stated he had not made up his mind prior to this night. His decision was made tonight.

ETM further explained that the night of the public hearing he had given the Fafard Co. the option of a full complement of the Board. (Anne Farris was absent) The proponents wished to proceed they were confident with four (4) members knowing that it would require four (4) positive votes to pass. John Murray and the Chairman had had several discussions regarding the special permit. Mr. Niedzwiadek had had discussions regarding the special permit. In light of the views of the two Board members and his own opinion, the Chairman requested that Mr. Herr prepare a draft incorporating the concerns. Copies of the draft were received the day before yesterday (which would be Tuesday) and copies were also forwarded to the Town Administrator and Town Counsel.

JPM remarked that if you (meaning ETM) knew how you were going to vote at the close of the public hearing and it was negative it was in order to call the consultant and have the decision put in writing. He stated that he wanted the "suit" to name all four (4) of them.

ETM repeated that "Phil did not make the decision." He provided the Board with an analytically supported decision.

GG stated that this meeting was originally scheduled for last week. If this decision were acted upon at that time, he wouldn't have been around. He had been vacationing.

### Birch Tree Estates - Continuation of Public Hearing from an earlier date - Definitive Subdivision Plan

10:00 p.m. Chairman re-opened the hearing. A letter dated 1/29/87 from the Highway Dept was read into the record regarding the use of leaching catchbasins on this site. He was allowing them in this case only due to the small size of the project (four lots) and the fact that the perc rate was so good in this area. He further noted that no other construction would be added abutting this subdivision and catchbasins. He stated that this exception would not become the rule.



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### Birch Tree Estates con't

Norbert Therien from National Engineering and Survey was present to explain the status of his temporary permit in Massachusetts. Temps were good for only 30 days. His had expired so he was seeking another 30 day permit for 1987. He introduced Alan Brodd who was registered in three states (Ma. R.I. and N.H.) whose stamp also appeared on the plans. Therien explained the drainage system with the leaching catch basins and auxillary chambers. He stated that concern had been raised about maintenance of a basin at the rear of Lot #3. To alleviate the concern and based on perc rate and advise of highway dept., Mr. Herr recommended the leaching catchbasins and auxillary chambers.

Bruce Wright requested an extension to February 18, 1987. GG moved to grant the extension and continue the public hearing to February 12, 1987. E.N. seconded the motion. Motion carried by unanimous vote of 4.

Mr. Molloy stated that the residents of Hilltop wished to thank the Board and the Wright Bros. for their cooperation regarding their concerns.

Fairview Park Executive Estates - Signing of the Definitive Plan  
GG moved to accept the Covenant; JPM seconded the motion; motion carried unanimous of 4. JPM moved to sign the plan; E.N. seconded the motion; motion carried by unanimous vote of 4. All members signed.

Philip Herr entered the meeting at 10:45 p.m. The Consultant came with a plan of land owned by Howard Wilson which had been signed and resigned by different compositions of the members of Planning Board. The new engineer contracted to work with this property is Stavinski Engineering Assoc. Inc. who has expressed a willingness to work with the Board and current regulations to bring the drainage scheme up to par with current regulations. Lot sizes are adequate under present regulations. The drainage does not work as shown on original plan, and the width of the proposed is not in compliance with current zoning given the number of lots showing. Consultant stated that the subdivision couldn't be built from that plan. He suggested that the Board request a profile and drainage scheme, stay with the same basic configuration and accept the 40' roadway. Herr repeated that the new design team wanted to work and "come in under" and in accordance with current regulations.





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Wilson Subdivision - Off South Main Street abutting  
Saddleback Hill Road con't discussion

JPM stated that a lane only needs 40' but 12 or fewer units were restricted to a lane, reference page 2, Section II. (also referenced was Heritage Pines - the original title of this subdivision)

Herr pointed out for the Board's perusal that the subdivision had been approved and re-approved (several times). However, it was questionable whether or not it had been recorded. In order for the board to reject this concept, the original subdivision would have to be rescinded which was a detailed process and carried with it a cloud for the subsequent developers. The question became, would the Board be willing to accept the 40' width of street to keep with basically the same layout.


Consultant suggested a letter be sent to SEA, Inc. stating that the Street Layout is fine, whether more than 12 units are allowed on the 40' wide lane is questionable, and that an alternative drainage scheme must be shown that is in accordance with current regulations... With 12 or fewer dwelling units the configuration is fine. More than 12 dwelling units off the roadway no longer classifies same as a lane and the Board would seek some compensatory efforts on behalf of the developer.

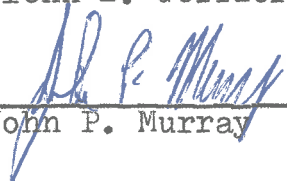
Discussion ensued on the Brook Street Definitive Plan. Basically did the proponent purchase the big white house at the corner of Brook and Rte 140 to improve the access.

Meeting adjourned at 12:45 a.m.

  
Edward T. Moore, Chairman

Glenn E. Gerrior, Vice Chairman

  
Emile W. Niedzwiedz

  
John P. Murray