



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

APRIL 9, 1987

Meeting opened with all members present.

81-P Plan

Applicant: Davna Corporation (Huna Rosenfeld). 2 Milliston Road. Millis, MA 02054

Surveyor: Davna Engineering, 2 Milliston Rd., Millis, MA

Two Lots - One Condominium and One Business

Situated on the southerly side at its intersection of Mendon Road abutting Brook Street.

GG moved to sign the plan; E.N. seconded the motion. Motion carried by unanimous vote.

Letter from the Conservation Commission

Town of Bellingham - purpose to request Blackstone Valley Parnters to file and E.N.F. regarding the golf course property.

Clifford Matthews, Chairman was present. The Planning Board chairman explained that if two (2) town agencies requested the filing, the applicant must comply under state statute. Conservation Commission was concerned over the potential damage to the environment and the aquifer recharge area.

Matthews informed all that with the request for the filing of the ENF the state would intervene as the town's consultant.

Michel LaPlante managing partner for the Blackstone Valley Parnters emphatically stated that the town was not within its rights to request this of his project.

John Feinstein from Vanasse Hangen assured the Board that the Notice of Intent would be prepared and filed within the week and repeated the town was not within rights to request the E.N.F.

ETM replied that if the Town was out of line the state wouldn't hesitate to say so.

AF asked LaPlante, "What are you afraid of?"



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LaPlante: We are not going to play games - the project is environmentally sound and we are creating wetlands.

Feinstein echoed that this was a hallmark project. He stated that certain thresholds trigger the filing of an E.N.F.

LaPlante stated that with initial meetings with the Conservation Commission, George Holmes stated that it was his Board's prerogative to request the E.N.F. At the last meeting the "Partners" had with Conservation, Holmes confirmed that they have to follow the thresholds. We agreed to do an extensive Notice of Intent. The Environmental study will be filed in the form of the Notice of Intent. There is a scheduled field trip for Saturday with the Conservation Commission.

I'm not sure what function you're requesting - if you're asking the state to be your consultant, I don't believe they will allow that.

LaPlante: Threatened that they (Valley Partners) would not be encumbered by arbitrary decisions. . . By requesting us to supply additional information, you are encumbering our project by four (4) to six (6) months.

Matthews stated Herr was not contacted. We made it clear at the outset we wanted an E.N.F. When two (2) or more agencies request it or 10 signatures are obtained, we are in our rights to request the filing of an E.N.F. Matthews read directly from state statute. He cited the Board's concern over pesticides, nutrification of subsurface. . .

JPM stated that if the Board hadn't seen the Notice of Intent, how can they know that an E.N.F. is required.

Feinstein: We are receiving roadway runoff from the shopping centers above us. He cited the fact that the Town was locating a well there. The golf course had been operating there many years prior. There was no problem with pesticides or herbicides under those conditions.

LaPlante: The proposed well abutts the existing golf course and it's passed -- we are many holes away from it. The species of turf we are installing requires a minimum amount of fertilization.

Feinstein: Chemicals from the past are worse than the present. We are co-ordinating efforts with the Town regarding the well.

ETM Emphatically stated that this matter should be between the Conservation Commission and the Planning Board. He accused the Valley Partners of asking the Planning Board not to assist the Conservation Commission.

JPM stated he hadn't seen the site. He said that before the N.O.I. is filed the request for an E.N.F. is premature in his opinion.



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Conservation Commission for E.N.F.-Valley Partners

Matthews replied that it was certainly not premature to file an E.N.F. The E.N.F. should be filed prior to subdivision plans and before any damage is done to the environment.

A.F. requested the ConsCom vote on the E.N.F. request of the Valley partners.

Matthews: The vote was 6-0. One member was absent. Matthews had checked with Lee Ambler and Ambler said to go ahead and request the E.N.F.

ETM stated that sewer was not the issue - drinking water and conservation of the environment was the issue.

E.N. remarked it was a question of legality. Valley Partners had expressed a question of doubt. Both parties had valid points.(ConsCom & Valley Partners). The matter should be taken under advisement until the matter is checked by the Planning Board with Town Counsel and until Phil has been consulted. Also the minutes should be checked.

ETM wanted a clarification - the vote was 6-0 with one one absent. He repeated that the ConsCom was seeking Planning Board support in obtaining additional information. Other than the time problem and monetary problem which the Blackstone Valley Partners would incur, he found no fault with the request for additional information.

EN repeated that in his mind there was a cloud of legality. The Board should proceed along the legal path.

ETM Boston will ultimately determine the legality - THIS BOARD SHOULD RELY ON THE EXPERTISE OF THE CONSERVATION COMMISSION.

Feinstein: If it has to be prepared (the E.N.F.) what would be the scope. . . wetlands, and water quality?? We have addressed these voluntarily in the Notice of Intent to be submitted this next week.

JPM called for a point of order. . .did he hear a motion? (referring to the statement previously made by Emile W. Niedzwiadek about taking the matter under advisement)

Clerk asked the Chairman for a clarification of JPM's statement. She had in the records that Mr. Niedzwiadek suggested that his verbal thoughts on the matter be made into a motion - it was not formally presented as a motion.

ETM repeated that the issue of this letter was clearly an issue of one Board to another and that the Valley Partners had no business threatening this Board about legal rights and intimidating this Board not to support another Town Board.



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Conservation Commission for E.N.F.-Valley Partners

Glenn E. Gerrior volunteered to abstain because his Landscape Firm is doing business with Blackstone Valley Partners at the New England Country Club.

JPM got a clarification about one member of the Conservation Commission being an abutter to the Golf Course.

Joe Pasciuto, 27 Wethersfield Road stated that this letter to the State would assist the Conservation Commission. He suggested the Board not "leave the Fox in charge of the hen house." It would be ridiculous.

JPM had left the Planning Board when he called for a point of order (reference P.3 of Minutes, paragraph 9).

Planning Board Chairman stated that Mr. Murray would be voting from another room.

EN moved to have the Board take the matter under advisement until such time as the Conservation Commission walked the property and a legal opinion could be obtained from Town Counsel regarding the validity of this request to the state, that an opinion be obtain from Philip B. Herr, Planning Board Consultant regarding the necessity of the filing; A.F. seconded the motion motion carried as follows: Emile W. Niedzwiadek, John P. Murray and Anne M. Farris in favor, Glenn E. Gerrior, abstention, and Edward T. Moore, opposed due to his opinion that the Planning Board should support the Conservation Commission.

SPECIAL PERMIT SUBMISSION - Lakewood Development - Celtic Construction Co.

Applicant: Kenneth S. Racicot, Trustee (Lakewood Realty Trust)
72 South Maple St. Bellingham, MA 02019
Owner: John Kaitz, 439 F Dedham St., Newton, MA 02159.
Location: Lake St. between Railroad St. and Cross Street.
Zoned Agricultural totaling 50.47 acres.
Engineer/Surveyor: Whitman & Howard, 45 William St., Wellesley, MA 02181
Fee received \$35.07 postage/\$375.00 filing fees.
Public hearing tentatively set for May 14, 1987 at 9:30 p.m.



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LOT RELEASES - CHESTNUT ESTATES - (DILL PROPERTY)

- 1) Letter received from Water Department 3/17/87;
- 2) Letter received from the highway department dated 4/9/87
Rockland Circle approved construction;
- 3) Letter from Bibeault & Florentz stating Stone Bounds have been set for
for the road on 12/6/ and 12/13, 1986.

EN moved to release the three (3) lots; GG seconded the motion; motion carried by unanimous vote of 5.

E.N. moved to accept the covenants and sign the plan entitled "Hillside Estates".
AF seconded the motion; motion carried by unanimous vote of 5.

PRELIMINARY PLAN DISCUSSION - SHELENDY ESTATES

G.R. Brisson, P.L.S. representing Diane Renaud, owner/applicant.
ETM spoke with Consultant who stressed that house be built in the Bellingham portion of Lot 5.

JPM we've got problems - we are giving Franklin a hard time on the same issue. Can you put the house in Bellingham.?

Brisson: Septic system would definitely be in Franklin. If Bellingham were to approve this plan, a Form A would be submitted in Franklin for their approval.

ETM stated he thought the applicant would lose lot 5 if house couldn't be built in Bellingham.

GG John has made a valid point.

Brisson : The restriction to build in Bellingham limits the use of the best portion of that lot. Franklin can't turn it down if you approve it.

ETM you are going to have to move a lot line if you want to keep Lot #5.
Lot # 4 is 62,000 s.f.

GG stated the Board was working in reverse.

Brisson stated it would have to be worked on.

GG cited too many problems.



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SHELLENDY ESTATES PRELIMINARY PLAN - DISCUSSION con't

Brisson questioned the legality of the Board's placing stipulations that a house be built in Bellingham.

EN cited definite problems with Fire and Police.

Brisson - you can tell people to use Franklin. We would be creating an undersized lot.

PRELIMINARY PLAN SUBMISSION -NORTHEAST ACRES

Raymond Daniels (Northeast Fire and Safety)

Surveyor:G.R. Brisson, P.L.S. 99 Harpin St., Bellingham

7 lots located northerly side of Mendon Road westerly of the Town Center approximately 1500 feet..

EN stated that this was much different than what he presented at the rezoning hearing.

ETM stated the lot got rezoned, the neighbors were assured that very few vans would be coming and going from one "benign" business.

AF "I am shocked!" You are bringing in 6 other businesses and it was well documented that this was not your intention at the rezoning hearing.

Brisson: He is getting the best use of the parcel.

JPM "Are we anti-business now?" We asked Garelick what their intentions were and they didn't answer us and we went along with them.

Brisson: This is not an industrial zone it is a business zone.

ETM this is directly impacting a residential area of route 140, even though route 140 was rezoned for business.

JPM Is this similar to the Fabricotti rezoning?

ETM Replied to John Murray's question that this is a much larger area than the Fabricotti property.

GG: Mr. Crimmins sold off a piece of his land to create this.

JPM: This is no different than anyone else's.



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SUBMISSION -NORTHEAST ACRES PRELIMINARY PLAN

ETM reminded everyone that the applicant stated at the rezoning hearing that the only traffic generated would be from vans for his business, Northeast Fire and Safety.

He further stated that this discussion should be continued to the next meeting.

Clerk, members and audience witness a verbal exchange between Ms. Farris and Mr. Murray.

JPM shuffled some papers in front of his place at the table and stated "I thought you were a lady, Ms. Farris." JPM abruptly packed his briefcase and left the meeting at 9:40 p.m.

Clerk reminded the Chairman that the Board had not acted on the preliminary plan Shellendy Estates and that there were time frames to be observed.

Brisson suggested that the Board approve the plan subject to the Definitive Plan showing lot area on #5 sufficient to support the construction of a home in Bellingham.

GG moved to approve the Preliminary Plan entitled "Shellendy Estates" contingent upon the Definitive plan showing sufficient area on Lot #5 to construct a house in Bellingham. E.N. seconded the motion. Motion carried unanimous vote of 4.

Chairman called a 10 minute recess in order to sign Hillside Estates Plan in the zoning room.

PRELIMINARY PLAN DISCUSSION - BEAVER BROOK GARDENS

Applicant: Nautilus Trust, Russ Santoro and George Dowley
276 Village St., Medway, MA 02063.

Engineer/Surveyor: Millis Engineering Associates, Inc., 1275 Main St. Millis, MA
Location: 5 lots south of Hartford Ave. and westerly side of Wethersfield Rd.

Dowley couldn't get a variance to access the property so they bought a house to be moved to one of the lots for access. The site had been walked with the Conservation Commission.

GG: Contours taken from the Town Maps, referring to a note on the plan before Wethersfield Road was constructed, 18 years or so ago.

DeSimone representing Millis Engineers stated that wetlands location were done on the ground - should be accurate to date.



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BEAVER BROOK GARDENS PRELIMINARY PLAN con't

ETM cited a letter from the Board of Health dated 4/9/87 stating that while three percs were performed on the property, each lot would need to be perced -The three percs referred to were witnessed in Spring of 1986. The audience remarked that Spring of 1986 was one of the driest seasons ever.

DESimone offered that two (2) percs would be performed for each lot. Duplexes are proposed for this location.

GG questioned the zone.

ETM replied with residential.

GG: one lot here is half wetlands.

Hanlon (also from Millis Engineering): We still have enough area.

ETM can't be counted on a condo project.
Detention areas bother me. They were all full last week.

Pasciuto resident of Wethersfield Road offered the information that three (3) leach fields were lost on that street with the heavy rains.

GG stated that the plans shows the frontage and lot size.

ETM Before we act on it , we'll have to discuss this with our consultant.
May 10, 1987 is the 60th day.

Santoro: Stated the homes would be designed to look like an oversized single family garrison - not the standard duplex variety at all.

ETM oversized homes seems to be the trend.

GG three (3) of these homes won't be seen from the street.

Jim Langella from the neighborhood asked if a basement was planned.

Santoro replied yes.

Mary Cialdea from the neighborhood questioned the price range.

Reply was \$125,000 for two-bedrooms, 3 bedrooms would be between \$135,000 and \$145,000.



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BEAVER BROOK GARDENS PRELIMINARY PLAN con't

Nancy Dills of Wethersfield Rd. questioned what the law says about buffer zones.
ETM stated that the developer would have to stay 100' away from the wetlands.

DeSimone interjected "unless we file a Notice of Intent".

ED Stevens, 31 Wethersfield Rd. stated the Board should take a look at this proposal.

Pasciuto stated the Board would have to see it to believe it. The area was horrendous.

ETM: Re-read letter from Conservation Commission and questioned whether applicants had had their meeting with ConsCom yet.

Santoro stated yes they had and the results were in the letter.

DESimone: Waiting to see the definitive plan before drawing up the "order."

Pasciuto stated that 2 or 3 lots were in questions. Lots 3 and 4 were definitively in the ConsCom jurisdiction.

DeSimone stated that a Notice of Intent would not be filed until the Definitive stage. He believed he could squeeze in six (6) lots.

Hanlon reminded all that a house had been purchased for access.

ETM why not 5 single family homes. Is it a situation of Duplexes or nothing at all?

Pasciuto cited concerns over Beaver Brook and the town well at the end of the street.

ETM stated that everywhere you go in this town there are two (2) types of land available. Good land which nobody wants to sell and problem land which is very difficult to develop. Developers would build on stilts if they could get away with it. He cited a landlocked parcel in Wethersfield where one lot would have to be sacrificed for a road, move the house back on one of the four (4) approved lots and build single family homes.

Pasciuto questioned whose responsibility it was to oversee the construction of quality homes.

ETM answered the building inspector.



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BEAVER BROOK GARDENS con't

ETM stated that the building inspector issues permits and oversees the construction.

Pasciuto reminded the audience that if the developer defaulted, it was the town's responsibility to provide the sewage and drainage to these homes later on in a fail situation.

ETM: That is a major reason why we need a town engineer. Most of the rights are on the builder's side.

Pasciuto: We need a regulating authority. When they feel like it they take down all the trees.

ETM stated that drainage calculations, roadway width and length, etc would be furnished to this Board at the definitive stage.

EN: Many times we've found it has helped for developers to meet with the neighbors and voice their mutual needs and concerns.

STevens (a neighbor) what is the recourse the neighborhood has with major developers?

Nancy Dills, What about noise pollution? What about the brook.
Price tags on the last two homes in Wethersfield were \$150,000 and \$160,000.

ETM stated that if the neighbors were concerned over a development such as this devaluing their property, they should buy the property. Four times (4) he stated he would prefer to see single family residential homes there.

This board fought hard for the duplex by-law.

Pasciuto: It is not only a matter of the price of my house.
It is a water resource district. If we beg off on this property, the town will have to put up the money to drain it. Beaver Brook is in the aquifer. One year from now those septic systems will be in Beaver Brook.

GG assured all that this would be a highly scrutinized project. Usually developers have a good working situation - this does not seem to be the case.



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Beaver Brook Gardens - Preliminary Plan Discussion

EN stated there were laws governing distances to well sites.

ETM remarked that there were a number of people against this. He felt there would be more harmony if the homes were single family.

James Langell (neighbor) was confused - was this a duplex or a condo development.

ETM explain that a condo was a type of ownership.

Different laws governed condos.

GG explained that Paine St. is the best example. Two people own one building. They are duplexes but with condo ownership.

ETM lots of cases the units are rental and aren't always owner-occupied. Question is, who maintains when foreclosed upon.

Question arose about percs.

DeSimone: replied the lots would be perc'd as soon as the B.O.H. hired an agent, and as soon as the lots were defined.

ETM there is a perc waiting list.

Dowley stated that his lots were perc'd with a neighbor present and Mr. Kennedy who was there for the testing threw the neighbor off the property.

That information caused an uproar in the audience regarding the behavior of a member of the Board of Health.

Other neighbors cited stories and accounts of the same incident.

Santoro reminded all that he came in with the spirit of co-operation.

GG moved to take preliminary plan entitled "Beaver Brook Gardens:" under advisement. E.N. seconded the motion. Motion carried by unanimous vote of 4. Deadline to notify town clerk is **May 10, 1987.**

Correspondence: Water/Sewer Commission informed the Planning Board that Tuesday 4/14/87 there would be working meeting regarding sewer plans at the N.E. Country Club.



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Correspondence:

letter from ConsCom dated 3/19/87 re: Hillside Estates
Letter from ConsCom dated 3/19/87 re: OakView Condominiums-Crestview Commons

Letter from Planning Firm James a. Miller dated 3/26/87
re: StonyRidge Village/Wong Property
stated zoned residential could have 35-40 single family homes would be seeking approval for 57 townhouses.

Letter from Philip B. Herr, Associates
RE: Stony Ridge Village
Doesn't require a concept plan approval
Problems with Hartford Avenue egress.

Letter from Philip B. Herr, Assoc. dated 2/18/87
RE: West Pine Village
questioned elevation of buildings, directly piping the drainage into the wetlands and without a detention basin.

Letter from L. Miller of Holliston regarding Corlan Heights


Letter from D.E.M. dated 3/20/87 regarding F.E. Morse Enterprises and the Railroad Bed - Trail he agreed to turn over to the state in an appropriate state so as to be used for biking and hiking between towns.

Hillside Estates /no appeals/Town Clerk

Birch Tree Estates/no appeals/Town Clerk

Chairman concerned about the water resource district and 30% impervious cover rule. If the lines are redrawn, and the board reduces the parking from 290 to 47, will their be sufficient area with the redrawn lines to meet the rule.

Meeting adjourned at 1:50 p.m.


Edward T. Moore, Chairman

Glenn E. Gerrior, Vice-Chairman



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Emile W. Niedzwiadek



Anne M. Farris