



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 JULY 23, 1987

Meeting was called to order a 7:45 p.m. All members were present. Consultant, Philip B. Herr was also present.

Submissions:

"Towne Lyne Estates", Developer Robert H. Mayo, Jr.
Fee submitted, \$2,025 for 27 lots (paid \$75 per lot)
Situating on Franklin Town line at Beech St. Engineering performed by Gary Baxter of East Coast Engineering, Medway, MA.

81-P for Land Court submitted by Walter Darling, Esq.
P.O. Box 129, Norfolk, MA - Location Silver Lake
P. Herr stated that the drawing didn't show a subdivision. On an E.N./JPM motion the plan was signed.

81-P Plan - 416 Center St., Bellingham, MA
By Stephen Frechette. Acquired land from a neighbor to enlarge his lot
Plan prepared by SEA, Inc., 73 So. Street, Wrentham, MA
On a A.F./J.P.M. motion the plan was signed.

81-P Plan revised for Hillside Estates
due to minor grade changes which occurred in the proposed road.
On a AFM/JPM motion the plan was signed.

OVERVIEW OF THE STALLBROOK CENTER PROPOSAL.

Dave Dankes from National Development Associates gave the presentation.
Members of the team for the project: Barbara Jerrior, Jack Tuttle and Mrs. Varney
The drainage system was explained which included the use of leaching catchbasins.
Statd there would be localized detention basins. And, that our 30% Water Resource District regulation would apply.

They propose sewer out to Maple St. and Pilgrim Village. Improvements would be made to Route 126 to include some traffic signalling at their site which may facilitate the back-up problem which occurs at the intersection of No. Main and Hartford Ave. He reminded the audience that the site was a former gravel pit which would be landscaped and feature retaining walls.

SGt. Sulahian suggested that a special permit for signals would be obtained from the State.

A remark was returned that since Route 126 is a "town road" a permit from the state was not necessitated. Signals anywhere along this strip of 126 would promote safety. Lights will be proposed in front of their major commercial complex.



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Continued Public Hearing on Brook Estates postponed to 8:50 on a JPM/EN motion.

Site Plan Review

Consolidated Coatings

Marty Barnes present for owners. Building located in Part 140 on William Way. Plan was prepared by John Andrews. The grass area had been increased and they proposed to cut down the size of the building, by floor area of 10,000 s.f. The parking spaces were then reduced by 11. On a JPM/AF motion the site plan was recommended to the building inspector.

EMPIRE CIRCLE - Definitive Subdivision Plan located in the old subdivision Country Club Estates II

James Reger from East Coast Engineering was present to lead this discussion. His client, Hyper Construction, proposed to end the road on both ends of Rome Avenue, rather than cross the wetlands and loop the water. He proposed to use the same plan which had been approved and come in with an 81-P plan showing the easment.

JPM stated that this proposal must conform to the zoning regulations of today.

Reger stated that since there is no covenant on this property, the developer could go out tomorrow and build.

Herr stated that his remark was **arguable**.

REGER: stated the flood plain had changed.

Herr stated board had authority to reequest a new hearing.

ETM stated than "no one remembers this, it's 15 yrs. old".

REGER stated he wanted to plead with the board not to call a public hearing. Hyper Construction owned it now. The Conservation Commission came down to stop it. Two hearings were held with ConsCom to resolve the problems.

AF moved to request a hearing on Country Club Estates II
EN asked Herr if that was necessary.

Herr: it's a matter of judgment.

AF noted that ConsCom saw a change in it.

EN stated he didn't want to rehear the entire subdivision, just the area which applied.
JPM removed himself as a potential abutter.



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Empire Circle Con't

Reger stated that 4.5 and 9+10 (stationing ?), would be joined and the connections between Rome Avenue would be abandoned.

Baxter attempted to submit "Beaver Brook Gardens" definitive plan. Clerk refused because he did not have a current list of abutters and postage accompanying same.

JPM/EN motion to postpone the Water Resource public hearing to 9:30 p.m. carried by unanimous vote.

9:00 BROOK ESTATES- continued public hearing

Atty. Theodore Goguen from Marlex Realty Trust gave the update of the project. The Board's major concern was the Brook St. access to Rte 140. He stated that he obtained an easement over the property at the entrance of Brook St. to provide a safe access. There was nothing else he could do, this was the fifth (5th) time he's been before this Board.

JOHN D. HALNON, PLS stated that Goguen had obtained an easement to make a right angle intersection. He stated that Goguen was proposing to reconstruct the culvert which was a matter of concern from past appearances. Water would be detained on site.

ETM read letter from Gerry Daigle, Highway Superintendent stating that Brook St. actually ended at D'Errico property, marked by a stonewall on the right side of the street.

Atty Goguen stated he had recorded plans from the Registry of Deeds showing Brook Street.

Halnon: We have addressed all the issues of concern.. Trailer trucks could not make the turn safely.

JPM Do you have evidence of the easement with you?

Goguen searched but did not have it with him. He did however, have a 1975 recorded plan which showed variable public widths (for Brook St.) and said that his title to the property predates this plan.

ETM stated that there was a problem with flooding and the stream.

Halnon reviewed the proposed "improvements" by replacing the box culvert with concrete and that half-way down the hill runoff would be picked up to detention areas and leaching catch basins were proposed. We have discussed leaching catchbasins with Mr. Daigle who has no problem with them as a temporary measure. When the title is resolved, the leaching catch basins would be transferred to a permanent system. The road had been moved down at the expense of a lot which solved the visibility problem where Steeplechase Rd. proposed to intersect with Brook St. Now there were only 17 lots in the subdivision.



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BROOK ESTATES CON'T

JPM reminded all that only "lanes" could be dead-ended.

GG: A couple of years ago, Tom DeVitt came in with a bunch of old plans - some plans recorded stated that Brook St. was not an accepted street.

Herr; Stated that he didn't think it was germane here. The Developer was making Brook St. physically better. They sent drawings fully documenting what they are about. Without additional takings along Brook St. they cannot make it any better. They have remedied the problem with Route 140. They did not fully resolve the drainage problem. Daigle is supposed to have okayed the "leaching catch basins."

Herr stated that he would be better satisfied with a letter from Gerry Daigle.

ETM stated that a reason to reject the plan would be use of leaching catch basins.

Halnon stated that those catchbasins were not proposed within the subdivision.

Goguen stated that if drainage was the problem with Brook St., then allow him to connect his road to Saddleback Hill Rd.; he would be glad to make it a through street. Perhaps he could sell it to Davna for his condo project.

JPM stated a through street must be 36' wide (paved).

JPM cautioned that a precedent would be set here.

Goguen: You will not permit me to hook up to Saddleback Hill Rd.

SGT. Sulahain: The problems with sight distance on Rte 140 had been resolved. They propose to widen Brook St. wherever possible. The intersection of Steeplechase Rd. and Brook St. is impossible. It's a sharp curve where Brook St. takes a left/ 24' width and 90° angle. A large treet abuts one side and there is a house on the other side. He suggested that emergency vehicles may have a problem making that turn. He stated that speed bumps may not be allowed on public roads.

Goguen stated the property had been perced two (2) months ago.

Halnon stated that unofficial percs were taken a year ago. This spring every lot was tested.

JoAnn Pacquette, 13 Brook St.

Denied access to Saddleback Hill Rd due to adding traffice to the "dead - end" situation. There are lots that will come in from land court, looking at about eight 81-P lots on Brook St. after "the estates clear land court."

Goguen: That land has frontage on another street. There is nothing else I can do.



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BROOK ESTATES CON'T

Pacquette requested the Board demand proof of easment to Rt 140. With the easement, the road is moved closer to Rose Ave. Extension which is impossible to exit now.

ETM: stated that on August 5th the extension is up.

Pacquette stated that even with the wider radius, the road (Brook St.) would be inadequate during winter even with the 20 to 24 ft. widenings.

Fran Newton - Saddleback Hill Rd.

Confirmed 17 houses in the proposed development. Goguen should make public representation that he has an easement over the property at Rt 140.

JoAnn Pacquette: 90° angle problem still exists with intersection of Steeplechase Rd. and Brook St.; the drainage has to be rectified - she would have a river in her back yard.

JPM stated that this was the "toughest subdivision in 10 years". He read the purpose of the by-law. The crowd applauded.

Goguen stated that he was legally entitled to 17 lots.

JPM Davna proposal was one that we thought would be good for this town.

Goguen: The 200 acre parcel that various abutters eluded to would be tied up for two (2) years in land court. His development proposed a "less intense use."

JPM suggested six lots (6).

ETM stated that the Board put enough time into this hearing they should close and take the matter under advisement. He suggested that the last item on the agenda had to be 10:00. If additional meetings were required, they would be called.

On a JPM/AF motion the public hearing was closed under advisement.

LAKWOOD WATER RESOURCE SPECIAL PERMIT

Tony Lionetta was present for Whitman & Howard. Gave overview of project. Located off Lake St./68 acres/6 lots with 5 two-family dwellings and the 6th lot would be townhouses. Septic System plan - collect septic through pipes, utilize a common leach field. The project was located in Water Resource District #2 coming in 1,000 ft. from Lake St. Disturbance to the ground can be no greater than 30%, impervious cover can be no more than 30% and cannot discharge over 15,000 g/p/d. There indicators showed no more than 10 million parts nitrate would be charged into the site. Estimated nitrate in septic field by the townhouses. Town wells are not on their site.

Mort BenMoar question the method of arriving at results (nitrate).



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water resource hearing "lakewood development" continued.

First the amount of nitrogen is estimated. Then the amount of nitrates in the leaching field is estimated. Monitored through a computer of dispersion looking at nitrate levels at various levels. Results were lower than 10 parts/million.

ETM We should have heard from Water Dept., Conservation Commission & Board of Health.

ETM questioned the Board Members.

EN wanted to know what the Conservation Commission said about the proposal.

Lionetta: Stated that they had filed informally and scheduled walks to flag the wetlands.

The Conservation Commission had received a copy of the "nitrate" report.

BenMoar: question whether the "orange colored" area on the exhibit conformed to Title V.

Debbie Burr Lake St.

Questioned how the engineers arrived at the parts/million.

Lionetta explained the technicalities to her.

Burr: Are you talking coliform?

Lionetta: No, nitrates.

Ben Biron represented an abutter with a driveway to the left of the project.

Lionetta: Stated that Section 4960, submittals, "d" and "e" complied with the 30% rule, no problem.

ETM stated they would have to prove that. "E" coliform, nitrate below 15,000 g/p/d/ their figure is 11,000 does it sound reasonable.

Burr: We don't want their water running onto our property. A pipe was illegally placed under the pavement. There was never an easement obtained to install it. Burrs closed the pipe.

BenMoar: How far away is the town well. Is there a stream running around there.

Herr: Coliform die/running distance of 1/4 of mi. recharged 1/2 into the ground.

Cant't dismiss the nitrates what if everybody did this? What would happen then?

The concern here is density. His numbers indicate is a factor of 3 under the acceptable level.

Roland Arcand Lake St.

Water flows under his driveway, under the streets, under the rr tracks and into well system and Peters River. Questioned the impact on private wells.



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Burr: "if" their figures are correct.

BErMoar: Are these guestimates?

D. Burr: Can this be monitored? Is there a follow-up policing of the situation-follow up testing.

ETM: What recourse for sampling down the road.

Herr: What many commissions do is install monitoring wells and allow town to go on property and seek testing.

Joe Antonellis, Esq.: Monitoring wells are already on the property. Incorporate them as part of your special permit.

Mike Burr: Who's going to maintain it? The Neighbors have to pump regularly.
Condo associations don't want to hear it. "I've never seen water not run down hill."

Arcand: Lot #1 - no pipe coming out as an overflow?

ETM: The Planning Board cannot make a decision without input from ConsCom, B.O.H. and Water Department.

On A AF/GG motion the public hearing was continued to August 27, 1987, at 10:00 p.m.

Herr suggested that his office in conjunction with the Planning Board would pursue an hydrologist to review "Lakewood" proposal.

continued public hearing LAKEWOOD DEVELOPMENT townhouse proposal

Reviewed the proposal for Lot #6, multi-family/townhouse development.
Detail was shown on Lot #6.

Herr stated that 30% requirement must be satisfied for each lot separately.
Water resource testing should be tested separately for each lot for compliance with 30% rule.

The buildings take advantage of the slope - nice view over the hill. They plan to file a Notice of Intent.

Mr. Biron, Esq. stated that at one time, all this property was Taft family property. mr. Kaitz originally purchased property. 12" pipe goes through the driveway of his client. Kaitz promised that when the land was developed, he would install a larger pipe to handle the runoff. He respectfully requested that this issued be addressed and incorporated in the Special Permit Decision.



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Lakewood Townhouse proposal can't public hearing

JPM confirmed that with the installation of a 24" pipe Mr. Biron's client would be satisfied.

Biron added that before the land is disturbed, the pipe should be installed.

Atty. Antonellis nodded agreement for his client, Celtic Construction.

Claire Couture stated her property would be directly affected by this development. She requested that the proponents raise her driveway to alleviate additional drainage problems.

Herr stated that he had originally had a number of questions regarding the submittal. He is satisfied with these (the most current). Questioned the downhill elevations and the architectural view from the downhill side.

RAcicot (Celtic Construction/a/k/a Lakewood Realty Trust) proposed glass sliders for basement.

Herr: Any units go that kind of unit which may be converted to a third (3rd) bedroom? Submittal must make it clear how many have more than 2 bedrooms. The amount must not exceed 10%. We have never seen a floor plan or elevation on lower level. JPM requested the architectural for the lower units be submitted at next meeting.

Mike Burr: expressed concern over pipe under Lake St. and lakewood's using it for drainage. He repeated that there was no easement on record and the developers would have a lawsuit on their hands.

REgarding the "limited access" we should hear from ConsCom remark by ETM.

Antonellis Esq. on behalf of his clients stated that "clap board" was proposed for the back of the buildings on the hill. Small "rat hole" windows would be installed and a steel type door would provide outside access from the lower level. His clients intend to build 2-BR units.

Herr stated that this condo development was very low density given the total acreage. He stated in response to my response to his traffic study the end result is 40% more traffic.

D. Burr: Could the hearing be continued to satisfy the questions raised at a later date.

On a GG/EN motion the public hearing was continued to August 6, 1987, at 8:00 p.m. and this Board would push for other boards' input.

**SHELLENDY ESTATES continued public hearing on Definitive plan
11:30 p.m.**

GR Brisson reviewed the project and cited questions on drainage. Detention basin had been added to the lower part of Lot #2. We were at 14% at the time, and we have now reduced the additional runoff to zero net increase.

Letter from hi-way superintendent, Gerard Daigle discussed problems with the culvert.



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Shellendy Estates - Definitive Plan can't public hearing

Shows existing driveway with washout problem and added two (2) 18" culverts to the existing 12".

The combined capacity of the three (3) culverts, a 24" on the Bald Hill side - drainage from Shellendy Estates is less than the capacity of the 3 culverts installed.

Herr questioned who would take care of the detention basin.

Daigle could not respond in writing in three (3) days. A letter is forthcoming.

ETM: referred to Daigle's letter confirming that the drainage system is old and cannot be added to. The letter is quite explicit.

JPM could we continue this to 8/6/87 at 8:45 p.m.?

John Murgu Locust St.

64-67 Locust St. has lived there for 2 to 2½ years. Serious water problem in his new house with a bunch of natural springs. How can a house be built in wetlands. I'd prefer not to get worse. This subdivision could compound my situation - it is a potential problem.

Diane Renaud testified that she had lived on Pulaski Blvd. all her life and for many years in their (abutters) area. She has no water problems in the basement.

Al D'Aniello wants more input. He is building duplexes. He just up-graded the drainage on site where the two driveways washed away, he wanted that on record.

Ernie McQuarrie abutter directly across the Street

He has a brook in his yard and his property is solid clay. There is no drainage. Will the sewage be going into that brook (his yard).

Arthur Chadbourne abutter

He has the lot next to the narrow strip of land. He questioned whether the property had been purchased 25 to 30 ft. from the back property line. He stated that major fills would increase the water going to Pulaski Blvd. He cited an underground drainage pipe between McQuarrie and Mr. Chadbourne's.

Herr stated that the detention basin held water back, restricting the outfall, outflow. He questioned the maintenance.

SGT. Sulahain: On site inspection yielded an excess of 400 ft. sight distance in both directions.

Murgu: cited frost heaves and demanded to know why his property wouldn't be impacted.

On a JPM/GG motion the public hearing was continued to 8/6/87 at 8:45. GRB requested an extension to August 14, 1987



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Tom Palli from Farm St. sent a letter of complaint to Building Inspector regarding Ken Lane's 81-P lots on Farm St. The road had been dug up since September (only recently had it been repaired), the shoulders needed landscaped and the stonewall is gone as well as gates at the power line. Mr. Lane supposedly threatened go ahead and put pressure on me. The area will be raked and graded and will seed and sod.

ETM replied that although he sympathized with Mr. Palli, the lots were 81-P (Planning Board Approval believed not required).

He suggested that Mr. Palli drop a note to the selectmen who in turn can put the pressure on the highway department to ensure that Lane completes the work.

A letter dated 7/22/87 from the Building Inspector regarding the MINI-WAREHOUSES and the working being done there is a departure from the Board's decision regarding the site.

Glenn E. Gerrior left the meeting so as not to be in a "conflict situation" over the "New England Country Club Estates" preliminary subdivision plan.

Preliminary Plan Discussion - N.E. COUNTRY CLUB ESTATES

Michel LaPlante gave the overview. The plan was to resemble a N.E. village with private roads, minimum 30,000 s.f. lots and some 40,000 s.f. lots. The access would be Wrentham Road - they had obtained the 300' frontage necessary. They would be crossing the wetlands two (2) times.

The site consisted of rock outcroppings, wetlands and sizeable old trees.

They require an "Order of Conditions" for the wetlands and "An order of Conditions" for wetlands.

Testing would be performed for the bridge piers. Three notices of intent would be required for the entire site.(the third being the golf-course)

Herr stated up front he needed a copy of the partners agreement with the town. (Clerk provided him with same). He stated that the project should contain a "major spine road" with clean "off-shoots" In his opinion, the plan has gotten worse and a 300 unit development should consider safety & protection for individuals than protection of wetlands.

Herr insisted he would continually raise the question - privately maintained roads or not, the roads in this development miss the Town's standards by a "long shot." The proposed major road is a connector street. Sight distances are in question.

Radii problems were cited as well as the departure from the 60 ft. R/O/W.

ETM If this Board sat down with the Conservation Commission, concessions could be made with both departments, not just the Planning Board.



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PRELIMINARY PLAN DISCUSSION - NEW ENGLAND COUNTRY CLUB ESTATES

JPM we are not going to approve this project with 24 ft. lanes. In the past the Board has waived down from 36 ft. to 29 ft. and from 29 ft. to 24 ft.

LaPlante: Stated that this was his projects' liability. Walks will meander through the woods for 5 1/2 miles. Granite around the club house and we would requested Cape Cod Berm for the rest of the subdivision. No sidewalks were proposed for within the R/O/W.

Herr: This meet the regulations procedurally either. The lots don't scale, in either frontage or depth. We don't have the preliminary finds of an Environmental Study.

LaPlante: The grades are severe. We are working with the grades and the ConsCom.

Bob Courmoyer: Stated that the Board needed a "Site Visit." This configuration was not done to get around a spine road - we are looking to make things right.

JPM: Everytime we see an out-of-state engineer's stamp, we have problems. (This is a R.I. firm)

ETM stated that "technically" this in not a submission.

LaPlante: Sarcastically complained about the late hour and having to wait.

ETM: In heated response replied "Don't tell me we're not giving you time. Make a plan that comes close, but 'we made you wait, though.'"

Herr: In this drawing, we are playing golf inside the 30,000 s.f. lots. Are the golf facilities going to be contained in the 30,000 s.f. deeded rights.
The reply was holes and greens.

Herr: I said before "didn't 325 houses and a golf course on there make double use of the land?"
Serious problems with double coverage, 50' R/O/W on main road, 40' on other roads and pavement widths of 24' to 20'.

ETM stated that the plan must be designed to our regulations or come close and tell us why you can't comply.

Herr stated that they are looking for "open drains", 26' and open drainage doesn't fit. Regarding that aspect, I think your regulations are too stern. (To the proponents of the Country Club Estates) please tell us why pavements must be 20 ft. and 24 ft. and not "simply because this is the best project in the northeast." This Board and myself need more graphic support. They cannot prepare a definitive plan from this.

LaPlante: stated that the project would be entirely sewerred through Woonsocket. They have a signed agreement with Woonsocket City Counsel.

Herr advocates that type of drainage proposed in this subdivision - open ditch.



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Discussion - Commercial Building Hartford Ave.

Located at 167 Hartford Ave., across from Farm St.
11,000 s.f. total with 68 parking spaces.

Herr cautioned that the developer be aware of building height restrictions.

Cranberry Meadows informal discussion with Herr

Franklin will not supply sewage or water to lots located in Bellingham.

Under Section 454 - Suitable for adequate Fire Protection
no police, ambulance, highway, fire or school bus services.

Other explicit regulations they have not met:

- 1) problems with the Franklin Cross Section on Bellingham (Sheet 4 of 8)
- 2) no locus plan showing 1" = 800'
- 3) no index sheet/key sheet doesn't work
- 4) owner's address not shown
- 5) applicant's address not shown
- 6) lot numbers not in circles
- 7) Street numbers not in squares
- 8) lane is shown as 56' wide
- 9) pavement shown as 32' should be 26'

A "landing strip" was built to service 4 lots.

- 10) No reference to datum for vertical measurements
- 11) Data in cross section inconsistent with our regulations
- 12) Sidewalk shown on one side
- 13) Stormwater - discharged into wetlands - how do they accomplish this?
no detention, retention, settlement, other mitigation

Herr stated that everything he cited is "cureable".



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Discussion informal between Board and Consultant

Simply an untenable situation (Herr)

Must satisfy Section 413, §a and §d

(a - must be a way accepted by town meeting vote; and 1956 sufficient for needs of access (safe)_
(That was paraphrased - Board to quote from Regulations for decision)

Despite Mr. Goguen's efforts the safety issue is still unsolved regarding intersection of steeplechase Rd. and Brook st. Also, the leaching catchbasin issue is unresolved. The serious drainage problem may be exacerbated. There is no guaranty easements for permanent could or would ever be obtained from the Land Court parcel. Only a "lane" may be dead - ended. Only 12 lots are allowed on a dead end street.

ON an AF/GG motion the Definitive Subdivision Plan entitled "Brook Estates" was denied.

Meeting adjourned at 1:30 p.m. .

Edward T. Moore, Chairman

Glenn E. Gerrior, Vice Chairman

Emile W. Niedzwiadek

Anne M. Farris

John P. Murray