



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

TOWN HALL, BELLINGHAM, MASSACHUSETTS 02019

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### MINUTES OF REGULAR MEETING AUGUST 27, 1987

Meeting was called to order at 8:00 p.m. Anne Farris was absent due to vehicle problems out of state. She had notified the clerk of her unexpected absence the day before the meeting.

#### Site Plan Review - Oakcrest Commons Bucky Drive

30 units (4 1-bedroom). Police and Fire have reviewed the plans. They were before the Board to discuss the cul-du-sac. They were hesitant to change the design - the detention pond is still in the same location.

Herr suggested the elimination of cul-du-sac which would result in additional runoff.

ON a JPM/En motion the Board voted to recommend the site plan with the elimination of the cul-du-sac. Revised plans must be issued to Planning Board prior to letter of recommendation.

#### 81-P Plan Submission

Bruce W. Lord, Esq. for applicant: Rol Realty Trust, Airport Dr. Hopedale, MA  
Parcel A being given to Lucy Mulahoo, Parcel B  
going to Normand and Rolande Gentes. (This land part of Pheasant Hill Estates  
access) Plan prepared by SEA, Inc., 78 South St.,  
Wrentham, MA Lot is part of Lot #19 on Subdivision Entitled "Pheasant Hill Estates"  
Lots 19A, Parcel A and Parcel B.  
GG/EN motion the plan was unanimously endorsed.

Applicant: Professional R.E. Corporation, One Airport Drive, Hopedale, MA  
Location: Route 140 near entrance to Cove Machinery (Old Winslow Leather road)  
Three (3) lots are proposed. Commercial zone. Formerly O'Laughlin property.

Surveyor: Robert C. Salvetti, 10 Emmons St., Franklin, MA

EN move to sign the nasty "pork chop lot" plan; GG offered a reluctant 2nd; motion carried unanimously.

#### CONTINUED PUBLIC HEARING DEFINITIVE PLAN "Cranberry Meadows"

Atty Roche gave a verbal account of history of his client's plan.  
(Oakridge Construction). Referenced a "joint meeting" between Bellingham and Franklin for Sept. 2, 1987 which Bellingham cancelled.

ETM stated that the meeting was not solely for the benefit of Cranberry Meadows.



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### Minutes Regular Meeting 8/27/87

Secretary, Billiegene Lavallee gave a true accounting of the problems with scheduling joint board meetings between towns.

**Franklin set a meeting for 8/24/87 without positive confirmation from Bellingham.**

Because Franklin would have benefit of their town counsel, Secretary though Bellingham deserved same consideration. Atty Ambler left for vacation 8/27/87 and was not scheduled for return until 9/6/87 (at least) Mike Jaillet offered to help and scheduled September 16, 1987 for the joint meeting to take place in Franklin. When Lavallee contacted Ambler's office his calendar was full for the 9/16/87 meeting and Monday night meetings were always out of the question (as in the case of 8/24/87) due to Bellingham Selectmen's meetings. Atty. Ambler stated it was imperative for him to attend these meetings could they be scheduled for 9/23/87 with an alternate of 9/30/87 in the event that Franklin's council met on 9/23/87. Before Lavallee could discuss the changes with Franklin, a letter of confirmation had already gone out from Franklin Planning Board posting/confirming 9/16/87. End of story.

FF Mr. Chairman, this applicant will be presenting his case to a 4 member board. How many votes are required. Reply came back three positives out of 4.

Letter dated 8/5/87 from Bruce W. Lord, Esq. was read on behalf of the Bellingham neighbors of the proposed "Cranberry Meadows."

Cited the plan as presented was faulty with regard to Bellingham's rules and regulations. Reasons cited to name a few: no reasonable access, water showing installation from Franklin - Franklin stated services could not be provided at this time to lots in abutting towns; propose private well - figures (statistics) not given to the Board of Health, no fire, police, school, could be provided to the Bellingham lots unless access through Franklin, cited Section 365,D, (2)unwarranted hazard, etc. There was no attempt to coordinate their proposal with the ways in Bellingham and in fact the design was antagonistic to the nearest subdivision, Pilgrim Village.

A score of technical deficiencies were outline in specific detail. (Copy of letter attached hereto)

Atty Roche offered the certificate of vote from the Franklin Planning Board citing the list of waivers granted: 28 ft. of pavement on Sunken Meadow Road, sloped granite curbing, sidewalk and above ground wiring.

Atty Roche further produced the "Order of Conditions" issued June 24, 1987 and suggested that Bellingham approve subject to the water and sewer hook-ups.

ETM called for further questions from members.

Lord Esq: Suggested that approval predicated upon some future action (the hooking up of water and sewer utilities) would be a bad precedent to set. He suggested that since Bellingham and Franklin would be discussing mutual/borderline subdivisions, that the Board should act accordingly.

ETM: stated he did not feel the Board should approve this plan in all fairness, since Franklin and Bellingham would be discussing these issues.



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### CRANBERRY MEADOWS - con't public hearing

JPM suggested talks with Franklin would take several meetings to resolve the complex issues. He was most concerned over the school issue, transportation, fire, police and highway services. He was most concerned with response to emergency service between Franklin/Bellingham.

Lord Esq: Planning Board can't decide the water/sewer issue. The technical problems with the plans can be solved - rather than continue and extending - get the major problems solved.

Lord suggested there is a precedent here with Mr. Marguerite who tried to extend his townhouse project in '83 - '84 happens to be adjacent to this situation.

Atty. Roche: It was Dennis Marguerite with 10 acres in Bellingham and 30 in Franklin. He elected to pursue a different avenue of development. Franklin accepted the townhouses and 10 acres remained as open space. "Cranberry Meadows" preliminary plan was issued on 10/23/86 - we have tried to pin-point the issues.

P Herr: Reviewed his list of comments - mostly the failure to complete Bellingham's submittal requirements which could all be remedied. He suggested that Atty. Roche made Bellingham seem derelict in securing services for this development mainly situated and serviced in Franklin. The Atty and his client should have more aggressively pursued services with water, fire, highway, etc. Based on the correspondence from Paul O. Shew, Franklin administrator, he was looking for the applicant to take the initiative.

Roche: stated that a concerted effort was made in Franklin and he did not personally correspond with Mr. Daigle.

Herr: There is an obvious difference in road standards - the road is designed all wrong for Bellingham. Bellingham will have to relax their standards or the road will have to be changed. Has the school department been asked for their opinion?

JPM; repeated - have "you" spoken to school, fire, or police?

Letter dated 8/26/87 from Michael Reed of the Bellingham School Dept. was read regarding the problems with public school service.

Atty. Roche agreed that access to public services for the Bellingham lots must be obtained through the town of Franklin.

JPM questioned the width of Pine St. and reply was 17 ft.

SGT. Sulahain: expressed concern over school bus pickup. There would be 2 runs - elementary and high school. Franklin would also have 2 runs. The buses would take the same route and there would be traffic/safety problems. Also he was concerned over the psychological problems of the minority of families who would be attending Bellingham schools when their neighborhood friends would be attending Franklin.



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### CRANBERRY MEADOWS - con't public hearing

ETM suggested the hearing be closed or look for more input.

EN would like to have the meeting with Franklin. He told Atty. Roche he expected to hear that his client had been in contact with Bellingham officials and this had not been the case.

ETM read the letter from Mr. Shew stating that he had suspended his conversations with the applicant.

On an EN/GG motion the public hearing was closed.  
JPM/EN motion voted to take the matter under advisement.

9:15 SPECIAL PERMIT Bald Hill Estates - Public Hearing

Clerk read notice of Public Hearing

ETM special permit requires 4 affirmative votes. You have the option of 4 members or go with a full compliment of the Board. Mr. Burton Rhodes agreed to proceed with the 4 member board.

G.R.Brisson, surveyor, conducted discussion for proponents. He explained the history of the project - never expected the extent to which wetlands were involved with his client's property. He displayed the original subdivision and the wetlands had been outlined in yellow. The lot size changed from 80,000 s.f. to 40,000 s.f. The length of the road was shorter. 16 1/2 acres would be deeded to Bellingham Conservation Commission. 50% high ground and 50% was wetland. Drainage system are 3 separate as opposed to one original plan.

Letter from Cons. Com dated 7/3/87 to Planning Board stating their support of cluster development.

JPM Where is land to be deeded to Gaboury and Zazza.

GRB explained that with the original subdivision in "limbo", the land had not yet been deeded to the abutters, Gaboury and Zazza. He noted that the plans would remain the same.

ETM can the deeding take place before the waterline goes through? As John stated it has been almost a year and the deeding hasn't been done.

JPM - Conservtion issue came up at a later date.

Roger Gaboury: Leo Dalpe said that the area to be deeded might be necessary to figure for the area of the new subdivision configuration.

JPM questioned whether the original subdivision had ever been recorded.

Rhodes replied "not sure" due to wetlands problem.



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### BALD HILL SPECIAL PERMIT PUBLIC HEARING (P.B.)

Mr. Roger Bixby (prospective buyer for subdivision) stated that if there is a note on the plan or in the approval that indicates the land shall be deeded, it shall be done.

JPM wanted to be sure the original agreement with abutters would be honored.

ETM affirmed that JPM's question was valid.

Rhodes: If this plan is approved, we will honor the original agreement.

Herr: Questioned what happens with the green area?

GRB stated the ConsCom would own it. Rhodes stated that the Commission wanted to preserve it as open space.

ETM: Pine St. land ConsCom didn't want.

GRB: 450' - 250" of access frontage to ConsCom land.

Herr many lots are there now?

GRB responded with 18. He maintained that at least 16 were buildable/two were not and Lot #5 was questionable. The previous plan showed 17 conventional lots.

Herr: Is it realistic for homeowner in Bellingham to build a driveway across wetlands? It appears that you have taken the portion of area not buildable and taken the remainder and produced the same number of lots.

GRB a cluster is the ideal approach per the ConsCom.

Herr: Whispering Pine/Cade Estates/Fairview Park are all cluster subdivisions. This plan should show 16 or 17 lots. Question is, how is the Town of Bellingham better off with this concept? 1 or 2 lots on Pulaski Blvd. should be joined to the green area (area to be deeded to ConsCom).

ETM read section 4300 of the by law. Excess of 10 acres, 4310 must be superior to conventional plan, 4320, total number of lots should not exceed a conventional plan of same area and 4330, 80% exclusive of wetlands under water the year long. (paraphrased) must be supported by calculations and this can't be bigger than the conventional subdivision, but equal to conventional subdivision in the same zone. Purpose is to preserve open space and wetlands.

Herr: all wetlands should stay in one piece if ConsCom wants to accept the lands. 18 lots represents an increase in number of lots. Show the town how it benefits. This must be adapted to change the number of lots.



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### BALD HILL ESTATES - Special Permit P.H.

Herr suggested that two (2) form A lots have been joined - deduct the wetlands could probably loose a lot and still maintain marketability.

ETM what about the trees that have already been removed?

GRB stated that they were still in negotiations with the ConsCom regarding that issue.

ETM: The numbers (of buildable lots) bothered him. Asked for questions from residents.

No comments from the crowd.

Herr: storm water detention - how does that relate to the Conscom? Detention facilities cost alot.

A detention pond directive from Mike Jaillet's office was read.

90 days - decision due by 11/24/87.

Herr no towns around accept retention ponds that he is aware of.

ON a JPM EN motion, the public hearing was continued to 9/24/87 at 9:15 p.m.

Herr suggested that GRB and Rhodes prepare a conventional subdivision of the area for comparison with the cluster plan and make it obvious for easy reference, so as to be marked over and torn up.

Rhodes stated that this plan can't compare with the original one.

### WATER RESOURCE DISTRICT SPECIAL PERMIT

#### Lakewood Development Associates - Lake St.

10:30 It was explained to proponents that 4 positive votes would be required to issue the special permit. Due to Anne Farris' absence, the board was a member short.

They gave Celtic, Whitman and Howard and their counsel the option.

Herr noted that the well defined technical questions had not yet been resolved between the Town and Whitman and Howard. However, that resolution did not require Phil's presence at a meeting. He stated that any problems between the consultant and Whitman and Howard could be worked out, outside of a regular meeting.

The applicants overwhelmingly replied yes to the continuance.

On a JPM/GG motion the public hearing was continued to 10:00 pm on 9/10/87.



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### **PRELIMINARY PLAN - SPRING HILL ESTATES (Dalpe Bros. Property) Wrentham, Rd.**

Informal preliminary discussion.  
17 lots - talking a "real preliminary plan."

Herr questioned the "dead end" system. Each street features fewer than 12 lots. GRB stated on increase in peak storm water runoff. There may be a detention pond on this lot owned by the developers (located across Wrentham Rd.) - needs more definitive information to go by.

JPM where is section always wet?

Reply - near Lot #1 and Ronnie Dalpe's lots. The owners own the house across the street on the way to Bungay Brook.

EN drainage must be straightened out. How is the site distance. Looked to Sgt. Sulahain for his comments.

JPM stated that if GRB or the applicants were misleading the Board now, he is proceeding at his own peril.

GRB stated that this is personally better than Bound Road.

LaPlante: Unless this was a secured plan, our security would be breached if they tied into our project.

It was noted that Randy Phillips owned 12 acres abutting Bound Rd.

ETM stated that Bound Rd. was "such and issue."

GRB: questioned whether the owners of this subdivision willing to have a connection to the golf course.

Mr. Van de Wal: make note where the runoff is going. Everything is going my way. The stone wall shown on the plan cannot be touched because he reportedly owns three feet beyond it.

GRB stated that the water would be picked up and redirected. He stated that he would check the boundary for Mr. Van-De-Wall.

On a GG/EN motion the preliminary plan was approved. Unanimous of 4.

ETM reminded all that the technical questions would be answered at the definitive stage.

**TROPEANO COURT -Bond Release** letter from Mr. Burke section 365 e (2) full security full winter and 15% must be retained / 556 Record Plan ("As Builts" showing monuments, bounds, existing grads and levels of services) must be included. Basically a certification that the stuff is in the ground as approved.



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Discussion of proposed by-law changes:

- 21 days on 81-P Plans;
- water resource district refinements
- town noise by-law

All members were in agreement that the changes should be made.

Herr: town should regulate the impacts of noise (industrial, etc.) no grounds in zoning. The selectmen may have the power to restrict.

ETM: night time noise allowances apply to Sundays and Holidays?

Selectmen: General Law for work on Sundays to require a special permit and there must be specific reasons why the work is warranted. The general law will be pretty specific.

EN suggested that noise standards be tougher for night than during the day.

Focus of concern should be on the 2nd and 3rd shifts.

On a JPM/GG motion, Nussl Estates was denied - the R.O.W. did not contain sufficient width, street numbers not in squares, endorsement square doesn't appear, more serious is that the applicant created his own hardship by owning a contiguous parcel with ample acreage and rather than go to the expense of drainage and roadway, he elected to cut 81-P lots (Planning Board approval believed not required) until he left himself a 5 ± acre parcel which couldn't be accessed. Sight Distance is unsafe; no room for sidewalks, Sections 421 g and 421 specifically.

Atty Lord: for applicant stated that the Board had enough information. Motion carried unanimously.

### CRANBERRY MEADOWS - DECISION

11:25 - the reasons which were cited by the Board's consultant and voiced by the Board members were summed up in the Letter authored by Atty. Lord representing the abutting Bellingham families. 365 d(2) unwarranted hazard to safety, health, convenience. The site and configuration of roads inherently hazardous situations. There were no resolutions to water supply and sewage disposal, no resolution for fire and police protection, school bus transportation. Very explicitly, if this development is connected to a water supply, it must be documented, certified.

There is no evidence of this. Evidence must be presented in advance of approval Section 453 and 454 regarding private services. Neither Section under the Regulations has been satisfied. Drainage system shows direct discharge into wetlands. The applicants have failed to document under section 542 of Regulations.

Street Cross Section in both the horizontal plane and the drawing does not comply with the Bellingham standards at all. Obviously, it is a mismatch of road scheme to town's standards. There are a large number of discrepancies in the submittal requirements, and





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### CRANBERRY MEADOWS decision

other technicals problems from previous minutes and letter from abutters attorney.

Motion carried by unanimous vote of 4.

**HILLTOP ESTATES:** presented a pland (not an : "as built" as specified under the by-law) along with a Motion to accept the Street and property letters. On a JPM/GG motion, the Board agreed to release the bond and recommend the acceptance of Hilltop Drive.

### ANSWER TO THE MINI-WAREHOUSE ISSUE

8/27/87 to Board Members

- 1) Miniwarehouses doesn't fit definition 3320;
- 2) Apr. 1986 required number more than 10 but less than 30;
- 3) no special permit was necessary - questioned whether it needed site plan review due to 400' visibility;
- 4) The applicants have an 81-P plan over the lots preserving the Industrial zone.

### PRELIMINARY PLAN : Country Club Estates

They are proposing a through road to Bound Rd.

1"-40' topo sheets have been reduced to 1" = 100' so that the entire project could be viewed.

They will now have less lots.

Herr: Reconfiguration of main road looked good. Sight distances must be checked at Lane B.

JPM: John Van-de-Wall's privacy to be protected?

LaPlante: the longer we wait, we won't be able to negotiate. Perimeter plan has been recorded.

8/20/87 from Ronald M. Ashe & Assoc. Inc. 169 George St., Pawtucket, R.I.

Two remaining issues

The two long cul-du-sacs have been redesigned. Kings Mill and New Seabury were cited as examples.

JPM cited that fairways looked narrow.

LaPlante stated that transportation/roads were private, school bus stops would be worked out the building hasn't been designed or located yet where the children would await the bus. Safety would not be compromised with the buses, golf carts and cars.



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### COUNTRY CLUB ESTATES preliminary plan discussion

ETM you've got to convince us, then we have to defend our decisions.

LaPlante: drainage calcs checked by outside engineer - get him on line to determine the feasibility of open drainage scheme within his subdivision.

ETM: Jaillet has been talking about getting an engineer to double check open drainage system and if they can't have it changes the plan a great deal.

King's Mill has open drains.

Herr: appropriateness of open drainage are the pipe sizes right.

ETM should we see a comparison?

JPM wants aerials of New Seabury and King's Hill.

EN concerned over the bugs and open drains. Cited problem down South - he has had first hand experience.

LaPlante stated his ditches would be designed so as not to hold water.

Clerk left meeting at 12:15. Meeting adjourned shortly thereafter.

  
Edward T. Moore, Chairman

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Glenn E. Gerrior, Vice-Chairman

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Emile W. Niedzwiedek

  
Anne M. Farris

  
John P. Murray