



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 September 10, 1987

Meeting was called to order at 8:55 p.m. Emile W. Niedzwiadek had notified the Board that he would be absent.

81- P Plans (Form A's)

Applicant: Kenneth Burr, 28 Richmond St., Blackstone, MA
Owner: Howard Burr, Railroad St. Bellingham, MA
Location One Lot, located on Assessors Map #80, Parcel (Portion of lot 9)
Surveyor: SEA, 78 South St. Wrentham, MA 02093
On a GG/AF motion the vote was unanimously in favor of endorsement.
\$10.00 cash fee received.

Applicant: Onallam Realty Trust, 1275 Main St., Millis, MA 02054
Owner: Same
Location: One large lot on southerly side of Farm St. (parcel recently rezoned to Agricultural).
Surveyor: DeSimone Surveying Services, Inc., 38 Coffee Street, Medway, MA 02054

8:05Continued Public Hearing "Shellendy Estates"

Gerald R. Brisson (GRB) recapped the progress of the case. He stated the Board had voted and the applicant agreed to an independent engineering study to evaluate the drainage calcs regarding the "runoff" and impacts to the neighborhood on Pulaski Blvd and Locust St. 8/7/87, Phil Herr contacted Mike Jaillet about retaining an independent engineer. 8/25/87 Amery Engineering (Ph. spelling) out of Duxbury, MA. had agreed to do the job for a fee. GRB forwarded the drainage calcs to the firm and other pertinent materials which was to reassure abutters Pelletier, Rivard and Couture that their problems would not be impacted by the proposed subdivision. The price had been agreed upon as "not to exceed \$1,000). Amery stated that they would proceed when the applicant deposited a check with the town treasurer, and indicated that the study could not be completed until September 24, 1987. This was found to be totally unacceptable to GRB's client, Diane Renaud who had wanted the study prepared for 9/10/87, therefore, she did not deposit the check with the town. As of Sept. 10, 1987, the Study had not commenced.

ETM stressed that this was a problem created by not having a "town engineer". He stated he could not "push" an outside firm.

GRB stated that the Date of completion of September 24, 1987 was not totally confirmed by Amery - rather, Mike Jaillet had stated that he would "push them" for a completion date of 9/24/87.

JPM questions the surveyor and applicant why they had not just sent the check and ordered

the study as they had agreed to do.



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SHELLENDY ESTATES - Continued

ETM stated flatly that he didn't think the applicant wanted push him for his vote until that study had been completed. He reiterated that there were definitive problems as stated by the highway and water departments and as testified to by the neighbors. He stated that if the plan were turned down, he believed there would be a two (2) year waiting period before the applicant could return with the proposal.

Renaud stated that the whole thing started with a collapsed driveway on Pulaski Blvd.

ETM: Replied that's not so---and questioned whether they would be tying into the catch basins which exist there in the boulevard now.

GRB stated the 21" pipe was capable of handling the additional runoff.

ETM during construction stage is time to ask highway and water department about tie-ins and their improvements to the road.

GRB replied that he could not chase "Gerry Daigle" for a "tie-in". He didn't want the Board inferring that he (GRB) had the responsibility of chasing the highway department. If they did tie-in, who would be responsible for the costs??

ETM replied that the Town's work should be done simultaneously with the developer, so that the Town will not have to dig up the roads again.

GRB and Mrs. Renaud left the room to discuss a further continuance

ROAD BOND REDUCTION

Letter dated 8/27/87 from the Highway Department regarding Tropeano Court formerly (Horseshoe Drive Extension).

J.P.M. abstained from the discussions and voting.

Letter from Gerald Burke dated 9/10/87 requesting the reduction.

ETM stated that 15% had to be retained under our subdivision control law until the road withstood one winter. "As-built" plans were prepared by Robert Courmoyer Associates.

On a GG/AF motion the road bond was reduced except for 15%. The vote was 3 in favor (JPM abstention). The funds will not be released until M. Gregoire, Building Commissioner, inspects the road to ascertain the road bounds have been set. per plan dated September 1987 by Robert C. Courmoyer and Associates. and has reported to the planning board confirming their existence.



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Shellendy Estates con't

It was moved, seconded and unanimously voted that the public hearing regarding Shellendy Estates be continued to September 24, 1987, at which time, an independent engineering report by Amery Engineering should be prepared.

8:35: On an AF/GG motion Beaver Brook Gardens Definitive Plan public hearing was postponed until 9:00 p.m.

Meeting recessed until 9:00 p.m.

"Beaver Brook Gardens" Definitive Plan - Public Hearing

Applicant: Nautilus Realty Trust - Russel Santoro

Chairman Moore reviewed the procedures for public hearing audience participation.

The plan was submitted on July 29, 1987. Joe Hanlon (JH) from East Coast Engineering, 3 Church St., Medway, MA was present on behalf of the design team. He indicated there were a number of problems with the original plan.

ETM stated that the submittal had been incomplete, "we" rejected the original and you returned the same plan by mail.

JH stated that one problem was no siltation or erosion control-water had been designed to discharge to the wetlands in the rear. Now the design showed catch basins.

JH stated that regarding impact on well, he has shown independent driveways for each lot. The road had been pulled back to 300' from the wetlands which created the "odd looking" frontage. That enabled the driveways, septic systems and homes out of the 100 ft. buffer zone. They had put in only five (5) lots and the local zoning in that vicinity is 20,000 s.f. per lot. He stated they could swing the road around to create more lots. The plan as shown proposed a minimal impact on the surrounding terrain.

JPM question the original number of lots.

JH replied 5 duplex, however, this proposal is in watershed district II. His firm has looked into that regulation and found that single family homes were exempted. That "wrapped-up" his explanation of the plan.

Letter dated 9/3/87 from the Water/Sewer Commissioners stated that they did not approve the plan due to close proximity to Well #5 and the fact that they were involved in Water District I.



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BEAVER BROOK GARDENS public hearing con't (Definitive Plan)

Letter dated 9/8/87 from the Fire Department no water mains and hydrants shown. No proposed street names were shown either and stated that must not be similar to any other street name accepted or proposed in town.

Letter from ConsCom dated 9/10/87 requesting the developers to conduct a hydrogeological study because they felt that development of this parcel may lead to the degradation of water quality in Beaver Brook and lead to groundwater contamination.

ETM because of the controversy over the percs on the property at which time Anne (Farris) and I were present; because of the wetness of the area and even though nothing is vegetated up front, we would want a reconfirmation of the percs. The town has a staff health agent - we need such assurances.

JH stated that an EDM (survey instrument with an electronic distance meter used for measuring) had been set up the day of the percs and the percs were located after ETM had left.

ETM replied that he didn't see anyone measuring or "sighting." He hadn't seen a transit or anything.

ETM questioned a "siltation basin". Is that something new? Is it permanent? Asked JH if he were familiar with "siltation basins."

JH explained a siltation basin would be employed with a level spreader.

ETM questioned depth. JH replied one foot. ETM confirmed one foot.

ETM questioned the driveways.

AF interjected that the designer needed that design to gain frontage.

ETM commented that they had done their homework.

JH stated gravel drives were planned.

GG questioned the distance in between the proposed drives. He further stated that "gravel drives" could not be anticipated.

JH stated that 8' was distance between drives and challenged GG to scale it.

ETM stated that common drives should be at least 20' wide to enable cars to pass safely.

JPM stated the problem is the overdevelopment in land.

ETM stated that the designer claims legally 25' back from the wetlands is all they need.



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BEAVER BROOK GARDENS public hearing con't on Definitive Plan

ETM reminded the Board that ConsCom suggested a Hydrogeological Study.

GG reported there would be alot of disturbance outside the buffer zone.

ETM questioned other options available to the developer.

JH stated the property originally owned by George Dowley who needed a variance from frontage to construct a duplex home bac there.

JH stated the design was prepared in accordance with ConsCom instruction and Planning Board Regulations. Construction is taking place outside of the buffer zone, houses and septics are not involved with impacting the wetlands. He stated his client could get 7 lots by violating the buffer zone.

AF stated that besides being "nice guys", the client and design engineer have saved themselves alot of aggravation.

Bill Sach, Esq. from Greenwald, Resnick, Poirier and Williams, 409 Fortune Blvd. Milford, MA came forward in representation of Nautilus Realty Trust. He stated marketing the homes with another 50 ft. of roadway at \$75,000 per lot was their problem.

Sach stated the latest revisions were August 21, 1987. (60th day for approval would be 9/26/87) JH explained that the changes to the plan were lots lines. The concept plan showed the houses and septic for better visual conception.

Sach stated that house location was irrelevant. Planning Board is concerned with road layout. House location not within the planning board's juurisdiction.

ETM stated that the Board of Health had contacted the Planning Board about the recent percs on the property due to the controversy at the planning board meeting with the preliminary plan. BOH invited the planning board to witness.

Sach at whose expense were these percs conducted? The percs were acceptable at 2 - 8 min/inch. He further stated that 2 sets of deep holes and 2 sets of percs were found to be adequate. A Third testing would be out of the question.

ETM recapped the events of the day on the percolation test site and stated that no member from the BOH could make their own scheduled test. ETM insisted on seeing the results of these percolation tests ON PAPER.

JH questioned if a letter was what the planning board sought .

ETM reaffirmed that due to the "shadow" over this project, he wanted to be sure of the results.



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BEAVER BROOK GARDENS can't public hearing Definitive Plan

Sach assured the board that before permits could be pulled, BOH must approve the percs and septic system design.

ETM do you have a written request for waivers - that is a requirement.

JH stated no, but they could get them.

Sach agreed to the written waivers.

COMMENTS FROM THE PUBLIC

Denise Pasciuto, 27 Wethersfield Rd. One perc was done underneath where the proposed road is shown.

ETM confirmed that that perc was done for the original house only - one lot.

AF questioned whether there were five (5) percs. She stated to Atty. Sach and to JH that the percs were not performed to appease the people. Five lots were proposed in the preliminary plan and at that time the BOH stated that 1 perc/lot would be required for single family homes or 2 percs/lot would be required for duplex lots. The original proposal was for duplex development. They (the applicants) did it at their expense because they were required to do it anyway.

Sach stated the BOH must be satisfied with each perc.

REX STARK, 49 Wethersfield Road

If I walk out in my back yard it's basically a swamp. "Kraychecks" (ph. spelling) have lots of water back there also.

JH showed the group that the brown line depicted wetlands border and indicated that the brown line took a sharp turn up toward Starks property. They had not studied Starks back yard for this proposal, but agreed that the wetlands tended to go in his direction.

Stark stated that the developer was going to alot of trouble to build very nice homes. The gravel drives must be essential to avoid too much runoff from alot of pavement.

JH stated that the water table was not deep on this piece of property - it was nice land.

ETM questioned the high's and low's - their location. He had witnessed the perc in the pouring rain and kif they perc'd that day, they would perc anytime.



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BEAVER BROOK GARDENS con't public hearing Definitive Plan

Denise Pasciuto questioned the location of perc/deep hole between two driveways and the location off the boundary line.

JH couldn't clarify her questions or provide an answer.

ETM stated he was told by one of the abutter (on perc day) that a man was the agent for the BOH and his son was also qualified as an agent.

SACH: After testimony, agreed that the Planning Board was entitled to "something" from the BOH. His clients would be taking the chance. They have to show the septic designs to the BOH. Maybe they could wrap up other concerns. He explained that the reason the plans were submitted through the mails were that his clients were involved with purchase/sale agreement for the frontage lot. Such imposed time and financial constraints.

Denise Pasciuto stated that We (the neighbors) were on the Agenda for the BOH. Paul DESimone, Agent stated that something was wrong with the percs - that there must be an underground well - the water was moving too fast. The soil is said to contain clay and permeable soils. That was major reason ConsCom requested the study. DeSimone addressed his comment to Glenna Laverdiere also.

Sach: Assured all that Joe (Hanlon) would speak to the ConsCom.

ETM read the letter from the Water Dept. rejecting the plan.

Sach: questioned the distance of this proposal to the well.

JH maintained that single family dwellings were exempt from the water resource district rules.

JPM reminded JH that they were not exempt from the Planning Board regulations which stated at the Board's discretion, and E.I.S. could be required.

The Board of Health meeting regarding the Beaver Brook Gardens abutters could be 9/14/87.

Bob Smith (abutter) questioned who would maintain the siltation basin for clean-up.

JH stated the town would be responsible for that.

Nancy Dills, 52 Wethersfield Road.

Pond 1 ft. deep. How many feet across is it?

Ans. 35 ft.

Dills: VErY slowly moving water? Do we need any more mosquitos? How are the kids to be kept out of there. The brook was there before we moved in.

ETM: if you can make the basin disappear, that's fine. Whatever it takes.



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BEAVER BROOK GARDENS public hearing con't Definitive Plan

Joe Pasciuto, 27 Wethersfield Road.
Siltation basin designed at who's request?

JH: Replied the town's consultant due to concern over erosion and siltation control.
He admitted that he had not met with ConsCom at all.

JPM What about the well impacts?
The water department could have easily concluded from the design of these lots that duplexes were anticipated on this site.

On a JPM/GG motion, it was unanimously voted to require Beaver Brook Gardens to prepare a Hydrogeological Study.

ETM stated that Shellendy Estates did it. Fafard did it.

On a GG/AF motion, the Board granted an extension to the proponents of Beaver Brook Gardens to October 30, 1987 and unanimously voted to continue the public hearing to October 22, 1987 at 8:15.

CELTIC CONSTRUCTION COMPANIES:

Public Hearing Lot #3 - Reduce Parking - Maplebrook Commercial Development --9:00

Lot #4 - Reduce Parking - Maplebrook Commercial Development ---9:15

Continued Public Hearing - Water Resource District Sp. Permit - Lakewood Development--9:30

JPM/GG motion opened the Celtic Hearings---JPM/AF motion continued the hearings to 9/17/87 (outlined below)
ETM read a letter dated 9/9/87 from Celtic requesting a continuation of the above-referenced public hearings to September 17, 1987 at 9:00, 9:15 and 9:30 respectively.

Motion carried by unanimous vote of 4.

ROAD BONDING - Bucky Drive

120 ft. of paved road at \$20,000. Letter was in hand from Gerry Daigle. Estimate was in order from Paving Company however, the inflation factor had not been calculated in the amount of the collateral. Evergreen Construction Co. estimated the paving costs.

Mr. Lane and Mr. Cordell were requested to return to the next meeting 9/17/87 with the paperwork and figures in order.

ELM ESTATES - Release of Covenant: Water Department correspondence was in order. Highway Dept. letter verified the cost of construction. \$315,000 had already been invested in roadway and drainage on Bellstone Drive.



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SITE PLAN REVIEW - Onallam Realty Trust - Mini Warehouses

Gerry Moody, Esq. from Milford represented Onallam. Sylvie Michelutti design engineer gave the presentation.

Due to a requirement of power company, road had to be moved 20 ft. which altered the sight distance, which does not meet the regulations.

SGT. Sulahain stated that the road is approx. 20 ft. shy (15 or 18). Sight distance is met in one direction but not the other.

Sulahain explained that sight distance is partially determined by location car stops to look at a height of 3½ ft. above the ground.

Moody reminded the Board that the word "visibility" is used in the by-law. It should be very clear it is not an access road.

ETM stated that entire file should be forwarded to Lee G. Ambler for his opinion. ETM had made a site inspection and stated the safety officer should speak regarding safety and visibility.

Palli: Abutter from Farm St. is everything where it's supposed to be on that "as built."

Sylvie: REplied that it was not an "as built". This access driveway plan has nothing to do with the Abbey REalty Site. (she explained the controversy over the original plan involving Abbey Realty was meant to be a "concept plan" of approx. location of building on that site". However, the building was constructed (located) from the concept plan and therefore was located inaccurately. The abbey realty building had not been guestimated for actual field design and location.)

The Board suggested that if everything was in order, that Onallam Realty could appear before next week's meeting (9/17/87).

INFORMAL DISCUSSION REGARDING DEFINITIVE PLAN "WOODCREST" formerly "Oak Crest" (Brad & Shirley Letourneau)

Michael Simmons design engineer for G & H, Inc. Franklin, MA was present to offer a new concept for Woodcrest to the board members prior to finalization in his office.

The Board members were very please over the revised lot configuration showing only one road. The revised drainage system was explained to include the use of leaching galleys. He indicated that the 36" drainage pipe already in place in that location was clogged right down to Theresa Road.

JPM suggested that between Letourneau's attorney (John Fernandes, Esq. from Milford) and the Board's Consultant, Phil B. Herr, a determination must be made as to whether this requires another submission due to the major changes in concept. With the revised concept, one lot was eliminated for better street design & location and better drainage facilities. The Board was pleased with both.



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Clerk reviewed minor correspondence with the Board. She reminded the members that Woodlands which was submitted through the mail required a public hearing and was concerned that the timetable was running out. Upon investigation, the preliminary plan had been submitted in May of 1987 after the new statute requiring action on definitive plans in 90 days. Therefore, public hearing for the Woodlands definitive plan is scheduled for 8:00 p.m. on October 8, 1987. A check for postage was not included - must request from Mr. Mayewski. Woodlands is located off Maple Street and abuts industrial land owned by Mayewski.

Meeting adjourned at 12:00 p.m.

Edward T. Moore, Chairman

Glenn E. Gerrior, Vice-Chairman

Emile W. Niedzwiadek

Anne M. Farris

John P. Murray