



# 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

10/15/87

Meeting was called to order at 8:00. Secretary arrived late due to babysitter problems. All members were present.

### ROAD BONDING

Birch Tree Estates - Bruce Wright - ABS Realty Trust  
Letters were read from the Highway Department and Water Department  
Town Counsel Reviewed and Initialed all of the paperwork being presented. A passbook in the amount of \$30,000 #148393 drawn on Milford Savings Bank along with an endorsed withdrawal slip were presented to the board. withdrawal slip was entitled "Transaction Slip" for the record. EN moved to accept the passbook as bond and release the covenant; AF seconded the motion; motion carried by unanimous vote of 5.

### REDUCTION OF BOND - Reservoir Estates/Forge Hill Development

Form G was presented for board's vote and endorsement. Letters were presented from Highway Department and Water Department suggesting the work complete as of 9/28/87 and bond o.k. for release. As of 7/24/86, the original bond of \$113,000 was reduced to \$22,000. According to subdivision rules and regulations, 15% of the original amount must be retained until the road passes a winter or the street is accepted by the Town. EN moved to release all except the required percentage; GG seconded the motion; motion carried by unanimous vote.

### SITE PLAN REVIEW

#### Q.D.C. building 167 Hartford Ave., Bellingham, MA

8:25 p.m. Norman Hill gave the presentation. Two (2) major problems were encountered at the initial presentation.

ETM remarked that P.Herr (consultant) had two questions.

Why was there no screening on the right property line line.

Ans. - That land is zoned business and doesn't require screening.

To the left of the property (going toward the 4-corners) the land is heavily wooded off their parcel.

Ques. 2 - is the retention area large enough to carry the stormwater runoff?

Ans. - The percs were less than 2 min./inch and provided the calculations.

ETM mentioned that the retention pond seemed small to Phil.

Hill noted that he was showing two (2) 20' entrances with an island.

ETM remarked that the actual 24' entrances with island would be wide enough to promote parking along the entrance.



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### S.P.R. - Q.D.C. Building

SGT Sulahain: Lighting requirement two lights, one on either side of the driveway.

GG: personally recommended two (2) 15 ft. lanes with an island.

ETM agreed to the smaller lanes.

GG Noted that landscape screening on a plan meant nothing and indicated that it was shown at 10 ft. intervals.

Hill suggested arbovideae.

GG Replied no, pines or spruces provided the best screen and both grow fast and thick.

ETM is 10 ft. enough distance?

GG answered yes.

AF & JPM questioned the height of the trees.

Hill replied a minimum of 2" caliper or 6 ft.

GG stated that would be fine.

GG moved to recommend the plant o the building inspector with the following revisions - reduction of the driveway entrance/exit from 40 ft. to 30 ft. and pine trees be planted for screen 10 ft. on center and minimum of 6 ft. high.

EN seconded the motion; motion carried by unanimous vote of 5. Rubin Engineering Box 6, One Grafton Common, Grafton, MA 01519 expects to be locating in the Q.D.C. building.

### PUBLIC HEARING - WOODLANDS - DefinitiveSubdivision Plan

Applicant: Pentad Realty Trust - Leo Mayewski, Hartford Ave., Bellingham, MA  
10 lot subdivision located on 14.83 acres of land on Maple St. 800 ± ft. from High Street.

Presentation given by Leo Mayewski - No abutters were present.

Based upon the planning board's recommendation at preliminary stage, "eyebrows were eliminated", 26 ft. of pavement width was shown, and regarding drainage, the two leaching catch basins were changed to connect to a closed drainage system. The wiring is underground (Edison) and provisions have been made for the street light at the cul-du-sac, however he stated it was the town's responsibility to order the street lighting. He is showing a sidewalk on one side.

ETM questioned how the drainage worked. He was concerned about the drainage on Lot 5E because it flows downhill and nothing is showing on the plan to indicate where the drainage goes.



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THE WOODLANDS - PUBLIC HEARING con't

LM stated that all drainage is retained on site.

ETM noted that Phil stated that the plan was skillfully prepared and well-done. However, woodchips are shown instead of loam and seed. ETM expressed concern over the woodchips eroding away and who would replace to maintain appearances.

LM assured the Board that no drainage was running off into someone else's property.

ETM questioned whether all the 81-P lots were occupied and did the wood chipping occur on all properties.

LM stated that "Gerry" would rather have wood chips than grass. He further indicated that the slope was very shallow and he was talking a 2 ft. cut or a 2 ft. fill anywhere on the property.

ETM questioned how much drainage had already been installed. LM all but the last two (2) catchbasins are installed. (Prior to appearance for subdivision hearing)

ETM you are aware that this work is k"at your own risk" if it is not right?

LM fully acknowledged that fact.

EN concerned about the woodchips. Who replaces if they eventually erode or blow away?

JPM questioned the frontage of lot 5F - he noted that it was being built right now.

LM answered Maple St.

JPM reminded LM that before he gets a building permit, he must have a road or bonding - he further noted that LM would be creating an illegal situation - when the road is installed and it isn't bonded.

GG returned to topography and lot 5E. He was concerned over the lack of topography and no further details regarding the runoff to R.I. Hospital Trust's land.

ETM asked for other questions.

JPM questioned his method of lot numbering. LM replied that it coincided with the assessor's lot information yet had a distinct number of it's own.

Letter dated 10/13/87 from the Fire Department. Suggested this developer install hydrants and mains for fire protection because he felt assured that water would soon be installed on Maple St..

ETM echoed his assurance of water installation on Maple St. even tho' it would be one or two years away. He concurred with the Fire Chief and thought it in the best interests of the



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### THE WOODLANDS - continued public hearing

property owners.

10/14/87 and Interdepartmental communication from the Board of Health, Ed Wirtanen. Deep hole percs and observation were performed on 5/28/87 sand and gravel were noted and some shale. No percs have been recorded for lots 5E, 5A, 5M, or 5N. They will be required to submit well pump test results for pressure and quality. Generally the BOH approves of this project.

JPM asked if there were any other questions - BOH material was not relevant to this situation.

JPM felt the fire Chief's recommendation was a good one.

EN echoed his concurrence with JPM. He was certain that water would be installed on Maple St. very soon.

LM If there was water within 1,000 ft. of my project, I would have connected. I'm boxed in and you can't guaranty me that water will be installed in 6 mos.

ETM Have you looked into the installation of a water line for your project.  
LM replied \$30 to \$40 a lineal foot.

EN questioned the depth of the wells. Ans. came back 275 ft. is the shallowest and deepest thus far is 525. Supply is running 4 to 26 gallons per minute.

EN-water supply in town is regularly tested. Will these private wells be monitored regularly?

LM indicated not necessary due to the location of these wells.

ETM be prepared for people who buy your homes with wells to come in and complain that they don't want to have their wells polluted when the property across the street from them is industrially developed (referring to the Hill property and the Fafard Industrial Park) Phil doesn't know whether the Board could enforce the installation of water mains issue - even though town water is cheaper than the installation of wells.

LM stated that if the Board went down to the site and inspected Lot 5E they could tell without a doubt where the water was going. 1-2-3 members should make the field trip. ETM stated that the Board would also look into the possibility of compelling the developer to install water. ETM questioned whether any parties at interest had any questions.

EN moved to continue the public hearing to 10/22/87 at 8:00 p.m.  
GG seconded the motion; motion carried by unanimous vote of 5. LM thanked the board for their assistance.



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9:30 Zoning Board of Appeals members had a couple of comments.

Mort BenMoar (spokesperson) cited several problems with Celtic Construction. They have ritually taken too much gravel off their sites. Mid-June the company reps came before the ZBA to apologize for the situation and promised to get permits. They specifically asked about hearing for the sewage treatment plant. BenMoar warned them that construction of treatment plant required a special permit and public hearing.

All of these things should be taken into consideration before any new "grants" are given them.

Frank Morse spoke and reaffirmed what Mr. BenMoar had stated - their board's wishes had been ignored, the gravel removal permits were outstanding and that Moe Gregoire has stated they have stopped activity at their sites. His board would like to know just exactly what work is being done there. Topographically they cannot figure out what's happening and suggested that the topography be verified. He is gravely concerned that vegetation is being damaged.

ETM stated that we are presently in a situation where the wrong road has been installed and the old road isn't filled in yet and pavement is expected tomorrow a.m.

BenMoar stated that Celtic was clearing told at S.P.R. for Bradford Novelty that their project was taking place within a water resource district.

ETM expressed displeasure at possibility of seeing a "bunch of mini-treatment plants" all over town.

Morse: Who has the expertise to govern these systems? The building inspector can't handle it. He thanked the Board for their attention.

Mr. Palli from the ZBA aggrieved abutter to the mini-warehouse site on Farm St. where the "wrong road" had recently been installed. He was distressed at the fact that Onallam now has a 60 ft. driveway. Tree warden R. Paulhus was there this afternoon and stated that the stakes were not where he observed them earlier in the day.

Palli stated that he was specific regarding the measurement "93 ft. from the right marker.

GG noted that the radius to enter/exit the property was 40 ft. and perhaps due to the radius requirements of the by-law the entrance seemed larger than Palli initially thought.

### HERTHEL ESTATES - PUBLIC HEARING ON DEFINITIVE PLAN

Bruce W. Lord, Esq. present for the owners/developers Laurence & Pauline Herthel 22 Madonna Rd., Natick, MA

Mike Simmons from Guerriere & Halnon, Inc. (G & H) Franklin, MA was present for the hearing. Lord gave a brief synopsis of the project from the two prior preliminary plans.



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### Herthel Estates - public hearing con't

5 lots roads accepted 3rd and 4th Avenues 1938 plan. His clients propose to pave Main Ave. to entrance of the subdivision. Drainage on the property swales into the road system where a series of catchbasins from Main Ave. to existing headwall at the Charles River discharge there (into the Charles). Down 4th and Main Ave. into the existing headwall all off site drainage.

Waivers requested: due to 5 lots, requesting one sidewalk as shown on plan;

- 2) fire hydrant to be located at the end of the cul-du-sac per Water Dept. specs;
- 3) requesting installation of blue brute per Water Dept. specs;
- 4) overhead utilities in lieu of underground;
- 5) they are requesting a 20 ft. radius at the intersection of Main and Fourth Ave due to the fact they are paving a town easement and with buildings on both sides it precludes using the required radius;
- 6) They are requesting relief from the not more than 10% runoff regulation due to the fact there will be no detention/retention basins on the property.

JPM questioned the width of the street. Reply was 40ft.

ETM questioned the status of Lot #4 with the hook which came down to High St. in back of the variety store. he wanted to be assured that the lot received its frontage from the cul-du-sac and not High St. He expressed no desire to see a driveway out to High St. at a later date.

EN questioned that all the drainage work would take place on town property and that it would be resurfaced.

ETM questioned whether the applicants had spoken with G. Daigle about installing catch basins along the way en route to the Charles river.

ESQ: we are sizing our pipes to accomodate them.

ETM stated that if catch basins would be required at 2nd and 3rd Ave. it should be timed by the town in coordination with the subdivision work.

EN questioned whether the property was wet going toward High St.

ESQ: replied there was a lot of ledge and rock up there. Referred to the ledtge outcroppings appearing on the plans.

ETM stated that REd Hill had lived up there at least since 1951 and questioned what happened to the garage at the end.

ESQ replied his clients could avoid the garage, shed and septic.

ETM The road is scheduled to go between the house and garage - the garage is on someone else's property.



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### Herthel Estates - Public Hearing con't

ESQ: explained that the plan dates back to 1919 and all road were accepted in 1938.

ETM is it considered a paper street. If a paper street is unused for 20 fyears, it is split down the middle and given to abutters on each side of the center line.

ESQ: read from Article 8, April 13, 1938 town meeting regarding the road systems of Charles River Grove. . .

ETM When this was approved, it was 15 lots - Esq. qualified that statement with the "road was approved and the lots were not". No subdivision controal in those days. Mike Simmons explained the technicalities of the drainage system.

### ABUTTERS COMMENTS

Donald Wozniak, you're going to dig up main Avenue and Fourth Avenue?  
Esq. we are going to pave Fourth Ave. according to the town's requirements.

Simmons: The water main crosses 1/2 way down Main Ave. and stays to the rightside  
24 " pipe runs down Main Avenue.

First pipes to be run are 18" (from the site) out onto Main Ave. they propose to run 24"

Simmons assured the Board that the drainage had been designed to accomodate 1st, 2nd, and 3rd Ave additional runoff

ESQ: Reaffirmed he did not know what paving to the "Town's Standards" meant.  
he could not find it anywhere.

ETM remarked "let's be honest. Normally you only pave: what you disturb.

Lord explained again how these streets came to be "accepted" It would be referred to as being accepted for "Chapter 90" money today - so that is why they were all accepted.

ETM will you be matching the pavement width to the Fourth Ave. across from your "Fourth Ave.?"

Simmons: we'll pave 26 ft. and line it up with what is across the street.

ETM reviewed Phil Herr's questions/comments. The runoff for this project exceeds 24% which is over the regulation of 10%. - reason they are requesting the waiver and it's justified by channeling it to the river. ETM was concerned over setting a precedent with this waiver. Phil stated no because this runoff was being directed toward the Charles River by way of an off-site drainage system. Sediment type catchbasins were suggested to catch the road salts and oils prior to their discharging into the Charles. Herr noted that this was the last piece of undeveloped property and shouldn't pose a problem with a larger development being addes to this drainage system. ETM requested that Simmons show him the catch basins and traps.



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### Herthel Estates - public hearing con't

ESQ stated that if this were approved the highway would have an opportunity to tie-in.

JPM Mr. Chairman, I don't think they can dig up and install drainage in a public street without a town meeting vote.

ETM If they are doing this out of the goodness of their hearts they may not require town meeting. Show me how the system catches the salt.

Simmons explained the drainage proposal - 4 catch basins on their site.

eSQ: Water is coming down the hill now makes its way to the Charles.

EN noted there was a problem with and "orchid" in that area.

ETM cited that it was low and kind of wet across from their proposal. He further noted a lot of ledge.

Carl Rosenlund High Street abutter

Questioned the drainage and catch basins. Asked if one would be on 4th Ave. extension. He agrees with Mr. Moore the additional drainage and pavement would be a benefit to the town.

Mike: Actually there are two (2) in the area at 4th Ave.

CR: I'm not questioning Mr. Lord as an attorney, questioned whether Fourth Ave. in that location was in fact a street. Asked whether Town Counsel had been questioned and what was Phil's determination on status of Fourth Ave. He explained his house was located in the corner of Fifth Ave. and High Street. A large pocket of ledge is located there. He expressed concern that after the houses were graded runoff would find its way onto his property which already and historically has experienced problems.

ETM invited Mr. Rosenlund up to inspect the plans and observe the drainage route.

CR stated that if they run into hard ledge and rock they will fill and they could slope for water to go down back. He further expressed concern over the configuration of lot #4, parking lot of the store. Seriously concerned with the disruption of the land and questioned what guarantees could be enforced to ensure the elevation would remain as shown on the plans.

Simmons: Explained "slab elevation" to mean cellar floor.

ETM stated that Mr. Rosenlund's questions hadn't yet been answered. ETM saw this as the best proposal for the property and gave a brief synopsis of the history. He questioned the lot sizes as shown.

Esq. replied as followed - 40,574, 42,157, 23,533, 33,075, 29,734. The intended use of all of these lots is for single family. Contours of the land defined these lots. 5 single family homes are intended.





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### Herthel Estates - public hearing con't

ETM stated that he had a problems with another things, i.e., how was the store separated away from this property and sold as an undersized lot with no parking. The undersized lot was created illegally.

ESq: the store is on a conforming residential lot as of 1985. He pulled out plans to explain the circumstances. In 1976, two lots were divided out by this board.

GG There were reasons why two (2) lots were oversized. Frontage determined the length.

ETM wanted to see that the "arm of land" fronting High Street didn't have enough frontage.

Rosenlund: Has Phil reviewed this drainage proposal and is he satisfied with it?

GG reiterated Carl's concern - after the lots are backfilled he doesn't want it sloped to drain on his property or any of the abutting properties.

Rosenlund: Stated he did not want to increase his problem.

ETM stated the septs and leachfields would be installed behind the houses.

Simmons: Stated that the systems could be placed slightly different on Lot #3

Lots meet area and frontage and drainage appears to be o.k. The septs are the BOH's concern.

Edmund Walkowiak: When this is approved, they can put the houses anywhere - he too is concerned with a water problem. He had to buy a piece of land for the purposes of replacing his leaching field.

Wozniak stated that they all had trouble with septic systems - when the leach fields overflow the stormwater runoff also contains sewage.

Simmons stated that the proposed drain pipes would be 2 ft. deep in the ground.

ETM Reminded all that the BOH would determine the extent of the septic work.

ESQ: It takes 45 days to approve a system with BOH now. There are more controls than in the past. Method of percs, system installation and inspection process is much better than at the time your homes or mine were built.

Mrs. Wozniak stated that the 11 new homes in their area all had indoor pools.

ETM added all ont he right side of the street.

Rosenlund: wanted to discuss two (2) other points. Across the street (project) amazes him. Someone dug holes and perc and they filled up with water. Somebody else goes in there and digs holes and gets percs. There is a great deal of property in the back of that project. He referred to "Eddie and Dick" also abutters of his and the projects, their properties



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### **Herthel Estates - public hearing con't**

had been stripped. He questioned whether the Planning Board had taken a look at this property for disturbances of natural vegetation, etc.

ETM I wouldn't be crazy about their building two (2) duplexes in this subdivision. They have two (2) 40,000 s.f. lots.

ESQ: Stated that Mr. Herthel was a builder himself.

JPM: couldn't think of one subdivision in this town where the applicant actually built it.

ETM: rattled off Mayewski (The Woodlands), Menfi (Pheasant Hill Estates), etc.

Leslie Fienko: What is his business name (meaning Herthel). What about Mr. Rattie's house and garage. Doesn't the town have setback requirements and buffer zones.?

ETM explained that Mr. Rattie has been in violation - he built in the right-of-way. The garage in fact is on someone else's property. The house has always been too close to the road.

Mr. Rattie was wrong.

Esq. G&H were very careful when surveying the neighborhood. He explained that the edge of the shed is right on the pavement. The house is 10 or 15 ft. away. There are no sidewalks in this area now.

ETM pressed when the question regarding sidewalks on Fourth Ave. came up. We should not let this issue slide. Why not install sidewalks since you are paving the street.

ESQ: In theory, we only have to construct a dirt road - we will put pavement equal to what we're doing up there.

JPM: If you're making all the improvements, the egress must be brought up to standards (pavement and sidewalks)

Rosenlund: Suggested the Board push and have the Garage moved onto Mr. Rattie's property.

JPM stated that since they were looking for waivers, they must give the town something in return.

It was moved, seconded and voted unanimously to continue the public hearing to 11/12/87 at 10:00 and grant an extension of time to 11/25/87 for a decision on Herthel Estates.

### **SITE PLAN REVIEW - SOMERVILLE LUMBER**

The site will be used for a lumber yard - no manufacturing. Delivery to the site will be by railroad and trucks all within the buildings.

40 bays will be located along the warehouses; materials will not be stored outside of the building.

Karl Roth (Roff) of the Maguire Group explained that an 8 ft. vinyl clad (green) fence would be installed along the front and side of the site where the neighborhood abuts.

ETM questioned the width of the treed area.

Lord, Esq. explained the plantings would be lower shrubs to further block the view of the neighborhood and that only 17 ft. of the building would be showing. The building was being constructed low purposely.



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### S.P.R. continued - Somerville Lumber

ETM questioned whether there would be rolled barbed wire at the top of the fence.  
Ans. was no.

ETM explained to the three abutters present that the applicants were aware of a proposed "noise pollution by-law" and obtained a copy of it and attempted to fully comply with it even though it was not yet law. He explained such efforts were very unusual.

Jean Gaudette: Thanked Selectman Cibley for the drafting of such a by-law.

Lord, Esq: part of their project is in the Water Resource District - one lot is 23% impervious and the other lot is 27% impervious.

ETM stated that in speaking with Herr, the 30% impervious in water districts was applicable and that the Somerville site had 35% by Herr's calculations.

Maguire Rep: 27.7% was our figure and we took more time with that than Phil could in calculating.

Lord, Esq: Somerville Lumber is actively pursuing a grant to get water up to Maple St.

ETM: Asked for particulars on the architectural design. A mezzanine level is planned for the offices, they have minor problems with pedestrian flow within the warehouse. Herr commented that the plan was capably done.

ETM questioned the Board members.

Roberta Blanchard 395 Maple St.: What ensures us the plant growth will be low?

ETM explained the procedure with the plans and the theory of follow-through with the building inspector.

Lord, Esq.: Wetlands are there and we can't plant anything or construct any sound barriers in the wetlands per the Commission.

GG: If they say they will give you trees to install on your properties, take them.

Phyllis Scott, 391 Maple St.: He says groupings (concerned with gaps)

Lord Esq: revealed that at last night's meeting of the ConsCom, they were instructed to go into the wetlands and manually erect the 8 ft. fence.

GG questioned the buffer - the Designer seems to be interested and the attorney doesn't want to implement.

Maguire Rep: stated that there was no noise problem at this site and that a fence of the (barrier) this type would work very well. However, for security reasons, and due to the wetlands, no barriers can be erected.



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### S.P.R. - Somerville con't

Safety Officer: explained that with a barrier one could not see an individual going up or down the fence to gain access to the property.

Security for the building would be largely internal.

maguire rep: Initial proposal stated evergreens - now they would be specific and plant hemlocks some distance between the shrubbery and the fence.

Lord Esq: Explained that the barrier fencing would create a wetlands problem. He explained that parking dropped off significantly after the first lot.

ETM: Are you showing the reduced parking?

Lord: Explained yes - they were.

ETM explained that this site plan could not be acted upon.

Lord explained that he tried to have this review coincide with the Reduction in Parking special permit hearing. Board's secretary explained that that wasn't possible from an advertising standpoint nor a scheduling standpoint.

It was moved, seconded and voted unanimously to continue discussion on this site plan review until October 22, 1987 after the discussion of the preliminary plan review "Fox Run" Subdivision by Onallam Realty Trust at 9:45 p.m.

JPM moved to reconsider the vote regarding the repeal of Chapter 774; GG seconded the motion. Motion carried unanimously (5). JPM moved to repeal Chapter 774 and return control over growth and development to the communities of Massachusetts in lieu of state mandated "condominium projects" with specific reference to the Onallam Realty proposal, Nuissl proposal and West Pine Village proposals. GG seconded the motion; motion carried by unanimously vote of 5. All members will sign the revised directive to be forwarded to Senator Bertonazzi and Representative Ranieri.

81-P Plan submitted by Lord Esq. Applicant: Joan Giard, 111 So. Main St. Bellingham, MA  
Location: 111 and 121 So. Main St. Bellingham, MA Plan prepared by SEA, Wrentham, MA  
3 lots shown on plan. ON a JPM/ETM motion all members signed the plan. Fee received \$10.00.

Fee for Somerville Lumber received at \$765.00

Meeting adjourned at 12:15 p.m.

  
Edward T. Moore, Chairman

Emile W. Niedzwiadek

Glenn E. Gerrior, Vice Chairman

  
Anne M. Farris

  
John P. Murray