



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

EDWARD T. MOORE, CHAIRMAN  
GLENN E. GERRIOR, VICE CHAIRMAN  
EMILE W. NIEDZWIADK, CLERK  
ANNE M. FARRIS  
JOHN P. MURRAY

### MINUTES OF MEETING 12/10/87

Meeting opened at 7:45 p.m. All members were present.

81-P Plan - New England Country Club Estates acquisition of Van de Wal property corner also the redesigning of Mitch LaPlante's lot. \$20.00 cash received. All members signed the plan.

#### Road Bonding - The Woodlands

Passbook included with the Agreement. Letter dated 12/04/87 from the Highway Department. Savings passbook was presented in lieu of Irrevocable Letter of Credit. EN/GG motion the bond was accepted. GG/AF motion to endorse the mylars for the definitive subdivision plan entitled "The Woodlands". Check #741, dated 12/10/87 in the amount of \$91.88 for advertising.

8:30 clerk read the notice of public hearing for Herthel Estates  
**water resource hearing.**

AF/GG motion to move the hearing to 9:15 Motion carried unanimously.

#### BOND REDUCTION - Birch Tree Estates

Letter dated 11/24/87 from the Highway Department releasing \$11,972.80. JPM confirmed we're (the Board) is holding \$30,000.

GG/AF motion to release \$11,972.80 being certain to retain the 15% of the original bond amount per the subdivision rules and regulations. Motion carried unanimously.

#### BROOK ESTATES - Informal discussion regarding revised scheme for Brook St. abutting Saddlebackhill and Bellwood Condominiums.

Chairman stated that Town Counsel saw no problem in dicussing the alternative plan even though the original plan is involved in litigation as Mr. Murray pointed out.

Atty. Theodore Goguen stated that the alternative would dedicate almost 10 acres to the Town's Conservation commission near Saddleback Hill Rd. He has been working with Mr. (Huna) Rosenfeld. The proposal doesn't "go near" Brook St. or Saddleback Hill. They are proposing 49 condos, access to be gained through Bellwood Development and looping the water from Mendon St. to Saddleback Hill Rd. was mentioned.



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### **Brook Estates - Informal Discussion - revised scheme.**

GG questioned sewage?

ETM: We won't get into that now - that's a question for the public hearing. He informed Mr. Goguen he must have a letter from the Commission stating they want the land.

ETM: This is a better concept - won't impact Saddleback Hill or Brook St.

GG: Stated this more appealing than subdivision with regard to drainage problems/questions, Saddleback Hill residents' concerns and Brook St. resident's concerns.

Goguen explained that he has been going around with "this" (the proposal) and He was told to develop single family at first.

EN will the road be crossing the wetlands.

Goguen: Yes - no where near the 5,000 s.f. as in the wetlands statute. This plan is being proposed to intentionally stay away from Brook St. and Saddleback Hill Rd.

ETM: questioned the exteriors of the units per the architectural rendering. AF this is different from Mr. Rosenfeld's.

Huna Rosenfeld was present as an observer only and to verify the access agreement.

ETM apologized to Mr. Goguen for the waiting period.

### **8:50 - Water Resource Special Permit - Celtic Const. for proposed sewage disposal plant.**

Joe Antonellis, Esq. (JA) was present representing the Bank's interest in the Maplebrook Condo project.

ETM excused himself from the Board and left the meeting room. Glenn E. Gerrior (GG) vice-chairman directed this hearing. GG reviewed the minutes of the past meetings regarding this entire project and refreshed JA regarding his client's partners' (Celtic Const.) broken promises to the Town of Bellingham.

JA responded that he was surprised Mr. Herr had not received a copy of the application. He brought with him a complete copy of the Master Condo Deed with the Association sub-agreement. Sewage Treatment plant language under-

lying throughout the documents.



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### Water Resource Sp. Permit - Celtic Const. - Sewage Treatment

lying throughout the documents.

D.E.Q.E. chronological assessment of all the plans is required in order to obtain the state permit to construct the plant. Final groundwater discharge permit is issued from the Water Pollution Control. After their final review, the permit is forthcoming which was JA's understanding as of this a.m. (12/10/87).

Regarding Mr. Herr's statement concerning the "radical departure" from the original site plan, he must be concerned about the addition of a building which is taking up some of the common space for the temporary sewage facility. JA does not see it as a "major departure" in that no buildings are being moved, there are no topographical changes and no addition or reduction in units. His comment didn't register any specific need. Should be more concerned over the actual discharge and plant operations and maintenance. Those state agencies are experts in reviewing of wastewater treatment. He hoped the Board would be concerned with the issues such as bonding and maintenance.

GG: Stated that Jean Paul Trudel, Water Commissioner, reminded this board that developers which had committed themselves to portions of (via financial donations), to solve the municipal sewer issue had contributed to date.

The only one who had not was Celtic. GG cited the excess earth removal from this site which has angered both the Board of Appeals and the Planning Board.

JA in response to the allegation that Celtic had not contributed pledged funds, he had inquired as to specifics of the meeting cited by Mr. Trudel and it was his understanding that four developers agreed to a cumulative sum of \$60,000 for a sewer study. It was further his understanding that Ken Racicot had not been present. Mr. Ambler recollected that he had been present. Celtic stands by the claim they were not and did not pledge funds.

Relative to the gravel removal issue, I don't know why the problem persists.

This plant is governed by two (2) entities - Mutual Investment Corp. (JA's clients) and Celtic Construction. They are partners in the venture, regarding the bonding and proper maintenance. He requested questions concerning the permit itself and the particulars of the treatment plant.



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### Water Resource Sp. Permit - Celtic Const. - Sewage Treatment

Sewage treatment plant must be disbanded when municipal sewage becomes available - goes by the property. The sponsor of this project is **Mutual Investment Corp.** who must answer to D.E.Q.E and Water Pollution Control who will cease and desist the project if the plant is not abandoned and dismantled. A salvage value is attributed to the component parts. We've got to get back on-line. Aside from what you say, D.E.Q.E. says we cannot go on this way.

Engineering is in line with the guidelines of Water Resource Dept.

GG: questioned the operation - looks can overcome smell - he has a problem with the potential odor problem and cited the Milford Treatment plant on route 140 which is unbearable for miles around during the spring, summer and fall of the year.

Representative from E.J. Flynn (Flynn) cited that municipal tanks aren't contained in buildings.

GG wanted assurances that abutter, Mr. DePrato wouldn't smell the treatment plant in his backyard.

AF took a field trip to Hopkinton to visit the treatment Flynn had cited at an earlier meeting and she attested to smelling foul odors. The residents were quick to offer the cause as being the treatment plant.

Flynn: Indian Brook Estates is not on line - they had passed the clear water test.

GG that was a poor example to give us to look at, especially if it is not on-line.

Flynn offered Acton, Chelmsford and Middleton.

EN expressed concern over sludge removal.

Flynn: yearly basis hauled away under contract to designated areas.

EN these designated area **HAVE** to accept the sludge? Which towns?

Flynn: municipal treatment plants usually must take the sludge and treat it.

EN We're creating a problem somewhere else.



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### Water Resource Sp. Permit - Celtic Constr. - Sewage Treatment

Flynn: Some cities have problems with old facilities. Private sludge plants are being made to handle the septage. Must be maintained yearly. The state is phasing out the old "lagoon system" as fast as they can.

GG any more questions from members?

Joe Pasciuto: (Water/Sewer Board representative) Digestion? Compressors or mix method.

Flynn: Aerobic - primary to secondary and terciary system.

Pasciuto (JP) You've got 50 millions gallons per day.

Flynn: Grade 3 type plant - yes.

JP: operation set for 24 hrs./day

Flynn: yes with a supervising engineer.

JP: after 2 years are up - what then?

Flynn: Contract is up - must renew.

JP you can't shut people out of their homes if you can't renew the contract. The town must then negotiate with the hauler. What about discharge into the ground.

Flynn: Yes

JP: Cited operator on duty while discharging effluent - a must.

JA - that language appears in the Trust Agreement not in the Master Deed.

Flynn representative is Jim Laurila.

JA Esq. Special Assment Trust Fund with unit owners or the developers pay for it (the future connections to municipal sewage.) Or the developer will pick it up.

JPM questioned who Mutual Investment Corp. was.  
Reply came back a division of MSB (Milford Savings Bank).



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Larry Cibley (Selectman): original plan showed the number of units and were told they could not go beyond that without a sophisticated sewage disposal system or municipal sewage. He voice strong concerns for the taxpayers and the Town of Bellingham itself and questioned the advantages to the town by allowing this sewage plant to be constructed. Senior Citizens Center was shown on the original plans for the Maplebrook combined townhouse and commercial development. That center is gone - a broken promise. Mr. Racicot was represented at the Country Club meeting (previously reffered to by GG and Jean Paul Trudel's information)

If the planning board doesn't grant this permit, and the developers have to stop where they are, No. 1 what is the advantage in allowing them this project when it will cause stress with the neighborhood and impact of additional condominiums in the area. He stated he was a member of the Growth Committee. He expressed extreme displeasure in the fact that Celtic had all of the construction materials for the plant delivered to produce the sewage treatment plant weeks ago without even applying for the necessary permits from the town. His comment in view of the past recent history with Celtic Construction is "what are the advantages to the tax payers of Bellingham and the Town by granting in JA's clients favor.

JA explained that the total number of units had already been calculated and approved by the planning board.

GG stated the original site plan showed septic systems - he questions what his vote would have been had it shown the treatment plant required by state departments for such a great number.

JA cited the promise of a Senior Center - he knows nothing about and can't answer the charge. The growth was anticipated or at least calculated by the total number of units originally shown and approved. Regarding benefits to the town, he couldn't address that issue other than the argument that condos produce fewer school children and required less municipal services (snow plowing, road maintenance, etc.) He quoted from his experience in Hopedale with Laurelwood Condos that 260 units generated only 17 new students. that is a benefit from the experience of a very fine project in Hopedale. Can't respond to the impact of the treatment plant on the neighbors.

Cibley: Sees increased condo development as a dramatic drain on the town's services. He explained the planning board had them "over a barrel". Their track record stinks and they must be stopped. Cibley to JPM, I expect you to be on the "side of the town." Cibley felt very bad for Atty. Antonellis the innocent partner seems to be MSB. Cibley hasn't heard MSB say they are sorry for their partner's actions or offer to make things right.

GG stated that Mr. Racicot apologized and things are still happening. Mr. Moore (planning board chairman) has witnessed first hand the excess gravel removal from the Celtic site in addition to the treatment plant components arrival on the scene prior to any application submission.



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### Water Resource Sp. Permit - Celtic Constr. - Sewage Treatment

Cibley: What benefit does this Town have by granting this special permit in view of the past track record.

JA I cannot stand here and make promises on behalf of the bank. I can't answer questions in vane, to you a selectman and planner in this town. I'm not going to continue - you have us over a barrel; I have a well-engineered sewage treatment plant and the building will be dismantled when the municipal sewage comes by.

Cibley: when you put your finger in the fire and it gets burn't you don't do it again.

GG: There is no correspondence from Phil regarding the application; there is no correspondence from the Bd. of Health (BOH); and there is no reasonable explanation of the benefits this proposal will have for the town of Bellingham. He stated that the Planning Board does have Mr. Racicot over a barrel.  
Mr. Racicot doesn't recall everything or anything.

JA: I advised Mr. Racicot not to be present here tonight.

Cibley: JA should ask Mr. Racicot to negotiate an equitable situation to install the treatment plant with Atty. Ambler. Perhaps the Senior Center would be in order - perhaps some preliminary work on the police/fire station. Condominiums are a profit to Celtic and MSB and a total loss to the Board.

JPM: Speak to the principals about the Senior Center.

JA I approached them the answer is everyone in town thinks it was promised - his clients say it was not.

On an EN/AF motion the public hearing was continued to January 28, 1988 at 9:00 p.m.

Motion carried unanimous of 4.

### 9:55 Herthel Estates - Special Permit Water Resource Dist. II

Bruce W. Lord, Esq. represented the Herthels. Proposed subdivision utilized water district II which is not a tremendous need. Economics of it dictates 5 lots as opposed to 4. They requested a waiver for additional runoff to construct additional drainage area at end of First Ave. has a drainage problem. REgarding the remainder of the neighborhoiod, Mr. Wozniak is present, they are



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### HERTHEL ESTATES SP. PERMIT W.R.D. II

proposing to swale. The advantages to the town would be a more elaborate drainage system

(The Chairman E.T. Moore rejoined the board for the remainder of the meeting at the opening of Herthel Estates public hearing)

ETM: ARE you asking for a special permit in water resource area to obtain an additional lot/for the installation of an elaborate drainage system - or are you asking for the special permit to construct duplexes in the water resource district.

ETM: If the Board desires to grant that, I would want to see the board restrict the development to single family homes.

AF: What is the cost of a lot in your subdivision - up in the area of \$75,000?

Don Nilson and Mike Simmons from Guerriere & Halnon, Inc., (J&H) stated that the road using for access must be improved and repaved.

Lord: The lots are large enough to support duplexes and they should be allowed for the extensive drainage improvements.

ETM you need another special permit for duplexes.

JPM who thinks it is proper planning to develop duplex lots in the middle of single family homes.

Lord: prefer to reduce to 20,000 s.f. for the subdivision and allow them to do anything they could as in any other residential area.

JPM: we also have the option of granting 4 single family lots.

ETM: talked to highway today and is this drainage system helping the existing problem or just something they'll bargain to get this thing through.

Mrs. Herthel was in the audience.

JPM: Can you explain what you're looking for?

Mrs. Herthel stated she could not answer he husband was the builder.

ETM: What about the "tail" near No. Main St. at the country store.

JPM: How did we come up with this solution?





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### HERTHEL ESTATES Sp. Permit - WRD II

Lord: replied that is was the better one.

On 12/7/87 Mrs. Herthel stated she witnessed the deep holes, etc.

Carl Rosenlund (abutter) 27 High St.  
If he may, there was confusion over the issues fo the special permit request. Took exception water runoff at Mr. Wozniak's was protection of the well site by WRD #2. He stated that there was a substantial water problem at mr. Rattie's property. Benefit to people in the area is not separating the house and garage to install the road and he continues to argue the validity of a "paper street."

Lots varry from 40,000 s.f. to 20,000 s.f. quite a reduction - he strongly favors the s40,000 s.f. lots without the special permit. He further cited the pipe going down 4th and Main Avenue is to the developer's benefit and not the neighborhood.

ETM: They are showing two (2) 40,000 s.f. lots and asked the Board to consider them as 20,000 s.f. lots.

Nilson stated specifically that the entire parcel was not tested - only the area down near the country store.

Lord: requested that this be treated as a "normal" residential subdivision (which allows for duplexes on the larger lots.)  
JPM stated that WRD II regulations should be thrown out then. The board hadn't seen any information regarding nitrates.

Rosenlund: I saw Ed Wirtanen on 3 lots that he saw serious problems with. Impervious soil conditions were found at 4 ft. depths. Subsurface problems could be anticipated with the water flowing naturally.

Ellen Minichiello: Abutter 16 High St.  
She testified that she had to hire a contractor to install a french drain to alleviate the water problem in the lower level of her split level ranch. She needed to utilize the basement level./

ETM suggested going to the 4 lot subdivision with the construction of the detention pond maintained by the town.



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### **HERTHEL ESTATES Sp. Permit - WRD II**

Lord: argued that 5 lots with the drainage system would be in the town's best interest.

JPM why a detention pond?

Nilson: to control peak run-off - detention pond bring this into compliance with the 10% regulation.

ETM stated he would rather see one more lot than another detention pond. Going the special permit route the Board could restrict the duplex development.

JPM: concurred with ETM in that 1 additional lot would adversely impact the WRD II and better drainage would be supplied to the area.

Rosenlund: with 4 houses, smaller drainage work and a detention area.

ETM: cited that Franklin has a 0% net increase runoff regulation. Couldn't see waiving it to allow over 10%.

Rosenlund: that drainage would be taking some water intended to recharge the well and acquifer. He didn't note any water problems except down the hill. The only benefit is for the developer to obtain his 5 lots in lieu of 4.

ETM: bylaw should be instituted to outlaw detention/retention ponds. He cited the case of the football player and wife who died in a retention pond and was undetected for 5 five years.

JPM/En motion to continue this public to 12/17/87 at 10:00.

### **HERTHEL ESTATES re-opened the definitive plan hearing.**

Leslie Frienko: 25 Main Ave.

WRD II law protects the drinking water. She wanted to know the impact on her wells at the corner of 4th and Main Avenues.

Nilson: Drawing water from under the ledge shelf. Their proposal is upgradient - some water will be flowing in that area.

ETM: mr. Rattie is here and wasn't at the first meeting.

Lord: I sat down with Mr. Rattie regarding the 1938 Town Meeting Vote.

Waldo I. (Joe) Cook (property owner on 4th Ave.) stated he checked with 2 or 3 lawyers and the vote included 4th Ave.

JPM/GG motion to continue the public hearing on Definitive plan to 12/17/87  
Motion carried unanimously



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**LOT RELEASE FOR LOT 2029 Monique Drive**  
for Greenwald, Resnick Poirier, etc.

**Beaver Brook Gardens (informal look at alternative plan addressing the issues in question)**

Joe Hanlon from East Coast Engineering and Atty. Bill Sack were present. Hanlon noted that the man-hole had been spec'd out on the plan- it was Environmental leaching manhole; the pipe had been corrected; and the drainage calcs were reworked. they cited compliance with Dr. Carr's report.

ETM: stated he would like a letter from Gerry Daigle stating that the manhole is o.k. in this case and stated that Phil Herr had reported the drainage calcs were still incorrect. Herr had received additional info in the morning mail and that the increase now was 18% which would require a waiver of the 10% requirement.

Letter dated 12/6/87 from Phil Herr was read aloud critique-ing the plan.

Atty. Sack supported the shared driveway arrangements with proper easement documentation for Lots 4 and 5.

EN stated that the legal documentation would be required.

Sack assured that incorporated in the deeds would be the shared expenses for driveway maintenance. He cited the issues raised by initial percs. He stated on behalf of his client Russ Santora (originally with Nautilus REalty Trust) that his client would re-perc the property if the Board of Health requires it.

ETM: Confirmed that the applicant would be more than willing to re-perc if required to do so by the Board of Health.

GG: will the common driveways work and service both lots?

Hanlon: conservative figure to support the 18ft. driveway.

ETm: P. Herr has a problem with the calcs and I have a problem with the 18% increase in water runoff.



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### BEAVER BROOK GARDENS (informal discussion of revised plan)

Sack: coming in under 81-U for an amended plan.

ETm: Phil wasn't convinced getting better - it certainly looks better there is an issue with the numbers.

Sack wanted assurances that the issue of access now resolved with "this" (new plan and arrangement)

GG: 18 ft. wide driveway is acceptable.

Sack: No prohibition on common driveways - in his letter Items 2 and 3 cited as easily correctable.

ETM: touch base with Phil Herr and Lee Ambler.

EN apparently you're on the right track.

Meeting adjourned at 12:00

  
Edward T. Moore, Chairman

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Glenn E. Gerrior, Vice Chairman

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Emile W. Niedzwiadek

  
Anne M. Farris

  
John P. Murray