



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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MINUTES MEETING JANUARY 28, 1988

All members were present. Philip B. Herr was also present.

Clerk gave Sylvie Micchelutti minutes for 1987 regarding the mini-warehouse.

**SITE PLAN REVIEW FOR LOU'S donuts was cancelled.**

**8:00 Site Plan Review - Da-lin, David Road, Bellingham**

Stavinski Engineering Assoc. Inc. prepared the topo and drainage for site plan. JPM confirmed that the drainage was all contained on private property.

Roland A. Lavallee (P.E. from SEA, Inc.) spoke on behalf of the applicant. drainage in David Rd. found to be inadequate when they reviewed the calcs submitted to the town. He stated that any way you look at the calcs given to the town call for 27" pipe and the pipe installed in David Rd. according to the plan they reviewed from the files shows 15" pipe.  
Herr: visibility of parking be minimized - screened from 140 not David Rd.

JPM: stated that all business areas were being screened.

ETm stated same with Celtic Commercial Park.

GG I don't understand how asphalt brought up to Lord's building and others.

ETm: do you have time to check the calcs.

Herr: Stated they (applicants) have private drainage. Up front we're getting three (3) trees and takes the edge off all that.

ETm: we're not looking for stockage fencing.

Herr: Along David Rd. is not the issue.

RAL: little hole area. Herr suggests fill it with permeable material. It's a point well taken.

Lord: jackie Deluca owns both of the houses near the locus. Some kind of note what to do with roof drainage.

Herr: wanted specifics on trees.

RAl: We'll go with the by-law - 2 - 2½" caliper trees.



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### S.P.R. Dalin David Rd.

herr: No indication of free standing sign - not shown the architect said there would be one.

Herr: Architects drawing shows signs and lighting refers to bylaw. Site plan deficiencies: sign location, outside lighting, suitable screening, fill the swale by the adjoining property and dumpster location.

### 8:20 BEECHWOOD AMENDED COVENANT

Schedule a public hearing through an amended covenant or if they've filed the original plan and covenant, Form F. amended covenant.

EN moved to accept and JPM seconded the amend Covenant - Motion carried by unanimous vote of 5.

Herr: Pinecrest Estates on Brisson Ave. We've been here before. 15 houses on a dead end street. That number 16 with the Visconti addition. 20 dwelling units would require an additional means of access or another way out. This is other than straightforward. No alternative but to connect to Robert Street.

The drainage disappears and goes into a wetland. applicant/owner is Fred Bozek

ETm: Cited same problems with this stamp as with the stamps at Millis Engineering. The board can simply turn down bad work from now on.

JPM some duplex lots too

GG what happens, we can deny it.

Herr: He could reconfigure and drop a lot.

### DISCUSSION FOR SCENIC ROUTE (Maple Street by petition)

REad correspondence from the Town's Historical Society dated 11/16/87 stating that they are infavor only from the 495 to Hartford Avenue and not the entire length. Board of Selectmen petitioned the planning board for a hearing.

### 8:30 CONTINUED PUBLIC HEARING FOR LAKEVIEW ESTATES

Atty. James L. Roberti requested an extension to May 9, 1988 and that the public hearing be continued to April 28, 1988.

ETM questioned their petitioning town meeting for an access road from Blackstone St. to Lakeview Estates. They must want a planning board recommendation. We may like it, we may not, we may be divided.

Herr: I've heard this may hook up to Shore at Silver Lake. That would entail a substantial changes to Fafard's definitive plan. The Planning Board is going to want to see the road through to Shores at Silver Lake.



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### LAKEVIEW ESTATES CON't

if the townspeople can see the whole picture and relief from traffic on South Main St. is obvious it may be more favorable. They should see the whole proposal with the southern connection.

Roberti Esq. my whole purpose is to get this definitive plan approved.

Cibley: Who's sponsoring this article? Not submitted to town meeting.

Roberti - I'll get in place.

GG/AF motion to **CONTINUE THE PUBLIC HEARING TO 4/28/88 and grant an extension to 5/9/88.**

**MAPLE NORTH PARK** continued discussion on Preliminary Plan  
Nielson from G.&H gave the overview and answered the possibility of connecting to the Fafard plan. They are showing 7 industrial lots.

AF questioned the Pine St. intersection.

JPM called for Phil's comments.

ETm: looks like a decent size parcel - have a petition before us to make Maple ST. a scenic route and eliminate the truck traffic.

Herr: If coming out at a hazardous location, seems questionable that the Planning Board would waive it's regulations. Two dead end streets or one long street that connects 2 dead end streets. In reality thats a dead end street showing as a collector street. Northeast did not meet these standards You waived Hood's industrial park. Also waived some other attributes of the collector street.

GG: Couldn't Hood have made the loop and it was waived for safety reasons.

Nielson: If through street becomes a reality, something put into the cul-du-sac to have something written in to eliminate it as a dead end.

Herr: Longtail to the west of the site would require a long driveway front part along the easement.

Clerk read correspondence dated 1/28/88 from the Fire Chief and correspondence from the Board of Health (BOH) dated 1/28/88.

Herr: it's going to be a while before a connection could be realized.



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### Maple North Park preliminary plan discussion

Robert Barletta point of clarification reconfiguration of road with the cul-de-sac at the end.

Herr: For sure it's a dead end.

ETM: instead of the "t" effect.  
EN still a dead end.

Nielson: ConsCom concerned about crossing wetlands wants to pursue the matter of crossing.

Herr: likely hazardous location from the Board's standpoint. Before asking the board to approve the plan, should get other issues which would make a more complete. . . there is good land out to the west - disturbing because of ownership and access to it.

ETM: cited very dangerous area - adding tractor trailer traffic as presented is not workable.

JPM: we've turned down housing for 18' wide streets.

ETM deals with plan as is - doesn't meet our requirements vote on it and be done with it.

VERna questioned specifically - is a collector street not to be dead-ended?

EN/AF motion to disapprove the plan for following reasons:

- 1) collector street cannot be dead ended;
- 2) point of egress onto Maple St. appears to be too difficult; and
- 3) the configuration of the lot to the west of the plan.

JPM: Regardless of egress, ends out on a very narrow street.

EN cited heavy trucks having difficulty on Maple St. as presently is.

Herr: Clearly the town has an obligation with Maple St. since it has chosen to zone industrial land in that area.

ETM we are not telling the applicants to rebuild Maple St.. I think they should show the street as the proper width - can't pass without it.

Herr: This proposal is in a Water Resource District and there are significant wetlands. Ask for an environmental analysis at the definitive stage.

Motion carried unanimously.



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### CONTINUED Public Hearing Celtic Sewage Treatment Plant

9:15 Joe Antonellis, Esq. was present for Mutual Investment Corporation and Celtic Developers. **ETM LEFT THE MEETING AS AN ABUTTER.**

He reviewed the status of ownership. Recap hearing opened on 11/12/87. 12/10/87 continued. Further continued 1/28/88. E.J. Flynn extremely experienced in sewage treatment design. He introduced the Board to the prospective buyers of Maplebrook, R.B. Walden Group, Tom Riel.

The bank will go forward with the sale to the R.B. Walden Group.

Joe Antonellis (JA): called by the press several times and anything that has truth to it will be heard for the first time tonight.

Mr. Racicot hasn't spoken with the presseither. Pat Niro and Ernie Pettinari from the bank haven't committed themselves either. An offer has been accepted sale is contingent upon acceptance of the sewage plant.

JPM Mutual Investment would be completely out of it?

Reply was yes. If we are successful with our application for special permit R.B Walden will assume responsibility for the Special Permit for condominiums and treatment plant.

He suggested the treatment plant be addressed. We've received from DEQE meet code requirements that it is well engineered. They feel the plant is adequate. 90 plants are built 140 are left. Our plant is overdesigned. We will present to the Town of Bellingham a group of people more capable of running a sewage treatment plant and continue the condo project.

JA: Anything taken place at Maplebrook is here in my hands and color coded. DEQE and Division of Water Pollution Control.

Jim is here from E.J. Flynn.

EN do you want to hear from. .

AF why did I think a special permit cannot be transferred?

herr: it's a limitation of the bylaw.

AF aren't we talking the condominiums also? Will you be requesting a transfer?

JA: yest - contingent upon approvals to the R.B. Walden Group.

GG if we vote on this.

AF may have to go to sewage treatment again/re-approve the condos.

JA these gentlemen want to own them. If they have to buy a corporation they will. The intent is to replace the developer.

EN: we are trying to protect the town/want to follow legal procedures.



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CELTIC SEWAGE TREATMENT PLAN continued public hearing

GG: Board's pleasure to hear from Tom Reil.

Tom Reil: Is the president and principal of the Walden Group. 75 years of experience and various planning boards along the northshore. He personally sat in on the New Seabury project at Cape Cod. I'm in a difficult position dealing with contingencies, special permits and monitoring from DEQE meetings with Joe.

The project transferred to Walden would be good for the bank and good for the community.

Jim Lorolla from E.J.Flynn(JL): Offered summary. they haven't encountered any nuisance odors inside the buildings only musty damp odors. Due to past experience, filtration into the ground done hydrogeology at the site no expectation of breakout. Sludge issue - cannot process on site. State contract with a licensed sludge/septic hauler state mandated disassembly of the plant when municipal sewage comes by the project.

GG Stated is answered his question of concern with odors on the abutter's property.

EN: stated it addressed his concerns over the sludge disposal.

JL: EJ Flynn designed the final plan approval currently waiting for final discharge permit which will be issued after condo agreements are finalized.

JPM: What criteria? (necessitated the installation of sewage treatment plant)

Herr: over 15,000 g.p.d. of sewage discharge.

Report on nitrate loading dated October 1987. Herr responded that it was o.k. on 11/5/87.

Herr: concern about odor, are there RBC facilities just results from Bourne, Ma.  
Flynn: We've offered to take the Board to sites in Massachusetts he has a list.

Herr: cited that the list was really more about plants proposed - and not actually constructed. Maplebrook appeared in the brochure as did Indian Brook in Hopkinton which a member visited and found not to be on-line.

JL: that list generated from the sales reps where the developer orders the equipment to install.

Herr: why isn't Indian Brook a wonderful example of technology.

JL: facility isn't operative - not enough units sold yet to generate the discharge.

Herr: In Bourne, they were told there would be an odor. Looks like the rest are Yarmouth and Mashpee.



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JL: # of RCB in operation in other areas, Acton for example, Chelmsford, Middleton, etc.

Pasciuto: Recognize that these facilities don't smell in the winter. What about a power failure.

Herr: only eports are by manufacturer.

JA:Not allow this "use itself" EIR required now. We were second to the last to be approved. Secretary Hoyte - long, hard and slowly.

JPM: Is there a persistent odor Mr. Pasciuto?

Pasciuto (Pas): Concerned with overdesign - less subject to that system. RBV can work with low volume as with high.

Herr: Press on - alarms, generators, lights, kand service contracts.

JA: Maintenance manual will be on board.

Herr: private water sources jeopardized by this system?

Flynn: We have to supply research.

Herr: I cannot take for granted - this Board needs satisfaction and understanding that the water sources won't be compromised.

Town's particular interest with this is the water quality. State Track record is awful, cannot rely on the state's regulations.

Herr: Nobody has private well in your area? If that research is not done, then do more.

JA I remember it being. . .

JL: Water Department doesn't have records there are 1 or 2 wells on So. Maple St.

Herr: Someone has to investigate in course of three months. Little piece of work look at a small number of problems - seems only fair to see if folks down gradient from this project are going to be affected.



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### CONTINUED Public Hearing - Celtic Sewage Treatment Plant

Cibley: Special permit is granted and not a privilege. Two (2) things I have to ask 1) have they met conditions they want to beyond a reasonable doubt.

2) what is it, question unanswered - what are the advantages to the Town of Bellingham taxpayers by granting this special permit. Will it broaden the tax base? Mr. Antonellis has been most upfront and honest (commendations) but the people before this board are interested in a profit. I want to continue to live here without hardships.

Herr: fAgree with what you're saying - planning board can reconsider only things we're looking at are the sewage with respect to the water resource district. They are entitled to the permit if they satisfy all the criteria of the Water Resource District bylaw.

Cibley: Worried about Mr. Daprato - concerned about odors and about well pollution.

AF if the special permit for condo's not transferrable, they will be coming bback for that.

Herr: May a change of ownership or stock or the principals inside the organization will change (message in conjunction with JA, Esq.)

Herr: monitoring system in place, etc. from letter dated 11/5/87. Do you have any new condo documents addressing the changes when municipal sewage is offered.

AF overcapitalization regarding repair, replacement, maintenance & bonding.

An umbrella trust wraps up what's there. We need a document for what is to come.

Herr: are you submitting that for the Board's review. D.E.Q.E. shut down due to paperwork.

JA was unable to get the documentation to the board.

Herr: state of the art technology. Inventory of properties of nitrate model not having the private wells within the plume. There are other questions concerning the application which remain unresolved..

AF should we decide to approve this, who ties in and at what expense.

Pas: tie in within 6 mos. of line going by Maplebrook.

bonding for at least 3 years maintenance contracts for 3 years with septage collection contractor or the town would be responsible for disposal of ground-water spills liability under the environmental laws. That liability has got to remain the developers until they tie in to municipal sewer.





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### CELTIC SEWAGE TREATMENT PLANT

Herr replied the benefits to the town of Bellingham is the removal of contaminants from the groundwater - which would be less than anywhere else in town.

Board made decision years ago with 250 units and found it to be better than single family.

Cibley: State came in and fined them - stopped them. We should gain something a police station maybe.

JPM: what other reasons can we turn down - the promise of a senior citizen's center - 4950 if they meet that criteria we have to grant it and referred to Lakewood Development's special permit in water resource district.

JA, Esq.: quick condo lesson - Maplebrook is 3 separate condominiums. This is not a phase all separate - technically there is a reality - each separate each not in violation of the state law. Umbrella trust document's on record allowing amendments to protect the safety and health, etc.

GG we cannot come to a decision tonight. You cannot meet all the criteria umbrella trust, issue of odor, close proximity to domestic wells downgradient, you need to include the language of the water/sewer commissioners regarding hook up to municipal system, sludge disposal and bonding - what's the benefit to the town.

JPM should we continue?

Herr cited that courts have found Chapter 40 A, 40B and 41 incomprehensible.

case pending in Pheasant Ridge regarding the 90 day rule. Popular opinion is that it begins at the close of the public hearing. Herr cited the unsolved issues - security agreement going with trust, water problems not adequate documentation, 3 year sludge contract, bonding, etc. and municipal tie in stipulations.

Lord Esq. Can I answer that. You have set up special criteria. You meet these conditions you get special permit. The gain to the town is that the developer is doing more to meet the criteria than another project of similar zone. You are getting a project which will be tied to municipal sewage. The road will be completed. What would it be like in three years - a three year delay imposed may cause the project never to be completed.



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### **Celtic Sewage continued public hearing**

Cibley: Town of Bellingham should have a gain. State came in and stopped them. They are building in one of our water resource areas.

Herr: Small point I wanted to raise, major departure from the site plan reviewed.

JA - there is no repositioning of dwellings, foundations, cuts, etc. Roadways or utilities.

Herr: Does that building have screening shown on the plan?

JPM: moved to continue the public hearing to 2/25/88 at 9:30 p.m. EN seconded the motion. Motion carried unanimously.

Joe Antonellis, Esq. presented a document to the Board waiving his clients right to constructive approval due to confusion over state statute regarding 90 days and special permit decisions.

### **PRELIMINARY SITE PLAN REVIEW:**

**Gale Assoc.** Loren Craker - the South District Elementary School  
Steve Habeeb, Architect, Mike Reed from the School Dept. and Tony Mazzola and Lynda V. Martell from the School Committee. South District School proposed with one way traffic circulation for safety. Buses have their own lane. drainage system possibly a detention basin and faculty and staff parking will be provided. 8 to 10 visitors and some excess parking available. Leaching field out front and propose underground septic. Wetlands areas off the site.

Herr couple of questions. Sidewalks planned on outside of roadway. May be required on both sides.

ETM, AF & JPM expressed approval of the So. District School.

JPM: parking requirements - maybe under other facility - every school in town seems to have insufficient parking.

Gale: we could enlarge the parking but they are trying to take a conservative approach to paving to reduce the costs.

Martell: like to start June 30th.

EN: Trottier field must be removed?

Martell: Stallbrook has 750 students this facility is smaller.

Mazzola: zoned and heated for certain sections only.

GG are the trailers behind Pinecrest going to be removed?

Reply was yes.



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### S.P.R.- So. District School

Habeeb: gave overview of the design.

Central drainage system. Town must recharge water into the system.  
WE'd like to consider leaching catch basins.

ETM: Highway department hasn't accepted them.

EN how about leaching galleys.

Herr: At each place, catch basin pipes into a galley - pair of catchbasins,  
pair of galleys.

ETM: We have to look at the safety factor.

GG: Where is it going to sit.

### 11:30 HERTHEL ESTATES continued public hearing

Dr. Carr prepared an analysis which shows 9 parts per million nitrates on average which just makes it.

Approval subject not to be more than 5 dwelling units in this subdivision.  
Grading of floors to prevent oil spills, etc. from getting into the water  
(groundwater) by way of draining into floor drains. That parcel as a whole  
was incorporated into the nitrate study.

JPM/gg motion to close the public hearings on herthel definitive and special  
permit applications. AF/GG motion to approve the definitive plan with the waivers  
as requested and inclusion of all the off site drainage as promised. AF/GG motion  
to approve the special permit for water resource district provided that only  
5 dwellings units be constructed in this entire subdivision and the floors  
be graded and drains installed to prevent oil spills  
etc. from entering the groundwater system.

Motions carried unanimously

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Edward T. Moore, Chairman

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Glenn E. Gerrior, Vice-Chairman

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Anne M. Farris

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Emile W. Niedzwiadek

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John P. Murray