



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

EDWARD T. MOORE, Chairman
Glenn E. Gerrior, Vice-Chairman
Emile W. Niedzwiadek
Anne M. Farris
John P. Murray

MINUTES 2/11/88

The meeting was called to order at 8:05 p.m. Emile W. Niedzwiadek was absent due to illness.

Northeast Acres - Continued Public Hearing

The attorney could not be present. GG/JPM motion to continue the public hearing to March 3, 1988 at 9:15 p.m. Motion carried unanimously.

Submission: **PRELIMINARY PLAN - Pine Village.** Applicant: Frederick J. Sullivan, 115 Pine St., Franklin, MA 02038. Engineers: Land Planning Inc., QDC Bldg., 167 Hartford Ave., Bellingham, MA. No. of lots - 12 location-Pine St. off Maple St. (former site of West Pine Village Condominiums).

SITE PLAN REVIEW: DA-LIN, David Road, Bellingham, MA 02019. Previous unsettled issues: 1) Dumpster not shown (now shown), 2) additional shade trees along residential property line (addressed, however the large shade tree at David Rd. which P. Herr had wanted to save had been cut down prior to the formal submission of S.P.R., 3) P.Herr had suggested a relocation of driveway to site if the large shade tree had still been on the premises (it wasn't so that did not become an issue) and 4) sign location had not been indicated (addressed) On a JPM/GG motion the Site Plan was recommended to the building inspector.

FOX RUN ROAD - Residents (residents speak out regarding the incompleteness of roadway, and sidewalks)

Due to the controversy, Anne M. Farris announced that she would be tape recording the session. She had check with town counsel and he stated that it was proper for her to attend this meeting so she did not excuse herself from the proceedings.

Mr. McGettrick served as neighborhood spokesperson.

ETM: chairman set the ground rules. This was not to be a debate or fight. This was not the place for it. He reported that the neighborhood had invited a newspaper reporter to a neighborhood meeting a couple of weeks back. He expressed concern that citizens of Bellingham did not come to the Board and ask their questions and get the proper answers.

McGettrick (McG): Expressed the neighborhood's appreciation of the Board's cooperation and assistance.

ETM read the letter of concerns from the Fox Run Association of Valley View Estates.



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FOX RUN ROAD residents concerns

JPM stated that the Clerk new about his meeting with the residents and that town counsel, Lee G. Ambler knew about the meeting. He stated that Mr. Moore knew he had been invited to an information gathering meeting (coffee hour). It was his intention to explain the Board's position as to how they arrived at bonding, etc. Mr. Holtzman (newspaper from The Call) had been contacted to attend. He declined. ETM had been invited - he declined.

ETM explained that his children were home all alone and that he had been contacted at the last minute. Arrangements couldn't be made. He suggested that the neighborhood appear before the Board and make their presentations official.

ETM stated that the developer had been invited to come. He had other obligations but did forward a letter of concern to the Board which was read aloud.

McG: We'd love to have the developer come down to our neighborhood meeting.

AF: Reminded the group that the developer lived in the neighborhood.

ETM: stated ANN WAIT! He reviewed the bonding documents from the file. 1/7/87 they (the Town) received a Certificate of Deposit, an estimate from Forte Bros. for \$2400 to construct the concrete walk and berm.

Charlie Horne (CH): REaltor and resident of the development from 12 Fox Run Rd. How long is the road in the estimate.

ETM: 2/5/87 letter from G. Daigle confirms Forte Bros. estimate of Phase I & Phase II complete with the exception of the sidewalk as being \$30,000 sufficient for completion.

Chairman explained bid for services.

GG: \$26,300 to complete Paving Fox Run Road. To complete the entire road the town secured a deposit of \$30,000 - the actual Forte estimate was \$26,200.

JPM Questioned the neighborhood about the drainage being completely installed.

CH: He explained he was in the R.E. business and worked with Joe Menfi (Rol Realty Trust) expressed it hard to believe that \$23,000 was a viable amount. He asked the board's awareness that his driveway cost \$5,000 from Forte Bros.

GG: All this board has to go by is the estimate from the paving company.



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Fox Run Road residents concerns

CH: the Bellingham tax payers are going to be responsible if the builder doesn't complete the road.

ETM: noted that the most recent estimate did not include drainage at all.

ETM: \$23,900 fine grade gravel and 3" of bituminous concrete.

JPM questioned - is the drainage in on the incomplete portion of the road.

AF replied that she didn't know.

CH: isn't it a requirement to request a bond that's realistic for the completion of the road?

AF: The bond was transferred from Phases I & II to Phase III.

ETM: he asked if they were questioning the integrity of Forte Bros or the Planning Board.

GG remarked that the initial bonding would be inclusive of drainage pipes and catchbasins. Mr. Daigle and Mr. Arcand (from the highway dept.) had to inspect to make a recommendation to transfer.

CH questioned a policy of the planning board to allow estimates exclusive of drainage and other things (catchbasins, berms, etc)

ETM repeated that the Board had 2 letters reporting that the amount was sufficient. If the road isn't completed the Town can hold up occupancy permits.

JPM interjected that when Mr. Menfi comes in with a bond for Hilltop - the estimate was for \$11,000 for finish paving. I called the paving company as a builder (not to reveal his true identity) and the bid Mr. Menfi came in with was quite realistic.

CH: questioned the road estimate - he was experienced with Fafard and W & W in Hopkinton and another firm, Mantoni - won't go below \$100/linear foot.

ETM: We have a bid backed up by our highway superintendant.

Lord compared costs with Pheasant Hill subdivision.

ETM: yes - paving only things we have a bond for - looks like the developer gets a hell of a break over the individual.

CH: so are the drains in? What happens if they are not.

ETM: 1400 lineal foot by 30 ft. and the sidewalk read from the Forte Bros. estimate.



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FOX RUN RESIDENTS concerns

AF confirmed that the drains have been installed for Phases I & II.

GG wouldn't get occupancy if not.

CH: School buses not allowed to go down a street without a cul-du-sac. the school children on that street have to walk all the way up to So. Main St. to catch a bus..

McG: 30 children going up to So Main St. - we need the road approved to petition for street lights and school bus service. Almost 4 years into this project and the town has a regulation that all construction on roadway must be complete within 24 months.

JPM pointed out that this developer came in at the same time as Mr. Menfi. WE have accepted Hilltop Drive last year.

ETM: we may be able to direct developers to construct sidewalks through the occupied portion.

GG: sidewalks should be installed - he agrees with the neighbors.

ETM: If this were a case of equipment being removed and the developer leaving town but it is not the case. The market has slowed down so the contractor has slowed down.

Mike Greogry: 47 Fox Run Rd. bond you have for \$30,000 is it customary to get a bond for less than the amount which would include drainage - what is the recourse if there are no sidewalks and finish coat and no street lights.

ETM: I don't know what the original bond covered - whether it was in phases or altogether.

MG: we'd like to know that the road will have two (2) exits/entrances or some type of turn-around.

ETM: It's approved and those waiting in line to buy the subdivision - they would have to complete it. With those lots there, the bond would cover a cul-du-sac. Maplebrook condo's sold with alot left unbuilt.

Mike Gregory (MG): our concern is time/we can't get street lights with the road incomplete. The town would be able to take the bond and construct the sidewalk.

ETM: we can send a letter to the developer asking him to complete the sidewalk to the end of the occupied dwellings.



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FOX RUN RESIDENTS CONCERNS

AF I'm assuming there would be a reduction in Bond in that case.

ETM: storm drains don't work? Highway Dept. can be called to inspect the possible problem.

AF: stated she was not aware that there was a problem with the storm drains.

There was a comment that there is a valley inbetween the road and homes on both sides of the street from the top of the road all the way down.

GG: Phase I & II sidewalk, other side must be landscaped and the water situation should be looked into by the Highway Dept. with regard to the drainage.

ETM stated that a couple lots were tied up in ConsCom.

MG: only storm drainage running down on either side of the street - on the left as you go down the hill - stay to the extreme left and goes across an individual's property.

McG: questioning the pitch of the road - runs down across driveway over a homeowners property.

ETM: did it do that this summer?

MG: yes - cited problem with storm drains.

ETM: we'll get the highway to inspect it - this time of year we'll get inquiries regarding the same situation (excess runoff).

MG: this is in fact as a Phase Project - each phase has 2 years.

JPM: Back then 6 years - talk of phasing to prevent too much growth - phasing controls growth - I could be wrong but I think. (Secretary looked for minutes regarding this project's approval between May 1984 and September 1984 - there were no minutes available).

AF stated the project was approved for 36 homes.

JPM didn't want to see 36 homes all at once.

ETM: Elm States road constructed to binder course and If I'd pushed to have the base coated and top coat installed right away - even though Fox Run had been



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FOX RUN ROAD RESIDENTS

AF expressed Mr. Morse's deep concern and requested for the record that his letter be read into the minutes.

ETM: read the Morse letter which is filed in the original folder.

McG: Repeated that this was not personal against Ms. Farris - he didn't even know her.

ETM: read the Morse letter and Morse requested that any one with concerns to call 883-8797 (his office). ETM suggested the people go directly to the developer and talk things over.

MG stated there seemed to be a number of suits pending.

AF: Stated at least five homes from Phases I & II are here. For the record they were:

- 1) Charles and Barbara Horne, 12 Fox Run Road
- 2) Robert Davis 3 Fox Run Road
- 3) Susan Davis 3 Fox Run Road
- 4) Carleen Carleton Fox Run Road.

MG: You cannot release lots without drainage and the 2" binder course.

ETM: I recommend we send a letter to install the sidewalk.

AF: Is that upon the advice of Town Counsel?

ETM - I don't mind being out of line. With or without town counsel's recommendation, roadway, drainage and landscaping/grading and sidewalk must be completed.

JPM: person to contact is Gerry Daigle.

Larry Cibley: Selectman -0 \$30,000 bond to cover the top of the road?

ETM: Yes, Phase III top coat and sidewalk.

Cibley: Is it possible that the developer finish the road which is hell of a lot of it, you'll have enough money for the town to finish the road and the sidewalk.

ETM: the entire sidewalk and Phase III of the top coat.

JPM: all we can go by is Gerry's estimate. he reviewed Forte's estimate.



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FOX RUN RESIDENTS

Cibley requested a copy of the estimate be forwarded to the selectmen. He wants to know why the sidewalk quote is different.

ETM: town gets estimate bring in full grade and pave.

AF: water is all tied in and looped the road is graded in Phase III.

ETM: Bring your (Cibley) questions up to Gerry.

CH: Is there an enforceable date to pull money from the bond and call Forte Bros.

GG: if land is sold - petition town for street lights.

ETM: Explained that the Board needs neighborhood input. The planning board does not perform periodic inspections.

CH: for the record that's why we had a meeting - not an attack on Anne and Frank. We didn't have a clear understanding of bylaws and regulations.

AF She believed she had directed them to the proper source weeks ago when hints of dissatisfaction erupted.

CH stated that their neighborhood had a right to assemble and he gave Mr. Murray a lot of credit for attending. For all he knew he was going to get stoned by irate residents.

AF rebutted with they should have had the courtesy to invite the developer.

CH: There are things in the bylaw not being adhered to - two sidewalks, underground wiring.

ETM: cited Irene Court regarding the underground wiring and explained the legitimate request and granting of waivers.

CH: you people are very busy - some people have never seen a bylaw and we're going to invite Frank.

AF continued, I recall that you called the press.

Michael Gregory resides at 47 Fox Run Road and Dave McGettrick resides at 16 Fox Run Road.

THAYER PARK - preliminary plan update

Skip Savoia presented two letters to the board. Expressed support of a bypass road if it will be helpful to the town. Judy Lane is a residential



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Thayer Park - preliminary plan

Hewould like to go forward with residential portion and wait on the commercial portion. Either grant us the waiver to construct the homes. Judy Lane Estates would be a dead end off a dead end - he is requesting 6 additional lots.

JPM stated that the timing may not be right for the collector- bypass road. skuttlebutt from abutters about the road going through their homes.

JPM stated that the width could be waived for a very good reason.

Skip: already 11 homes they are seeking 7 for a total of 18.

ETm: what makes this different from Brook Estates and Brook St.

JPM reducing a minor street down to a lane would allow 19 homes.

ETM: what makes this different from Pinecrest Estates.

JPM: More than allowable number of lots. I read his list of waivers - accessing residential through commercial may just be the reason that the waiver would hold up.

ETM: can you come back with less lots or make Judy Lane a through street.

A lane only allows 11 or 12 homes.

Skip: last point of my letter get to it through the commercial. 4 acres of residential land unaccessed.

JPM the letter does make sense.

GG: Phil says we've got to have a "good reason why" we waived the requirements.

Skip: Will grant an extension to run his letters by Phil.

GG/JPM motion to grant an extension to March 2, 1988.

BALD HILL ESTATES - Definitive Plan on the Cluster Development

2/9/88 has not reviewed Bald Hill Estates (BOH) he has 45 days allowable period.

Clerk read notice of Public hearing - the road layouts were compared with the original (red), cluster (yellow) and reasons for moving away from the wetlands.

JPM we approved the convetional subdivision and we approved the cluster concept. 17 lots was the agreeable figure. The deal with Zazza and Gaboury was questioned as being in full force and effect.



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BALD HILL ESTATES - definitive public hearing

GRB (Gerald R. Brisson) stated that a deed was prepared for the Conservation Commission dedicating the open space.

GG owner concerned about the fence - they are going to move it 25 ft.

Roger Gaboury (abutter) stated going to work fence will be reconstructed to its proper location. Zazza will not take all 25 ft.. He will give Mr. Pignolet something.

JPM does not become our problem.

ETM: There's the example of allowing more dwellings.

GRB: Good plan 2 means of egress - the abutters were not happy with road coming by their driveways.

ETM questioned the 10% runoff rule and this subdivision's compliance with same.

John Reis (JR who performed the engineering) drainage to go to one outlet. They no longer have to do that. We've decided to drain into the 17 acres of wet-land being given to the town retaining runoff within that area.

He reviewed the 3 headwalls, existing culvert crossing Pulaski Blvd. The natural drainage southwest from Ball Hill Franklin the conservation land acts as a natural ponding area.

ETM: What do you have to document you've complied with the 10% rule.

GRB: It's in the drainage calcs.

ETM: has Phil Herr seen them.

GRB: I gave several copies to the Board. for review.

Secretary: It is not the Clerk's responsibility to send materials to Phil on behalf of the developers, applicants or surveyors.

GRB: True of Board of Health too?

Secretary: We (the Board) have letters of transmittal to other boards and it is not the Planning Board's responsibility to submit definitives to BOH and Water / Sewer Commissioners.



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BALD HILL CUSTER DEFINITIVE PUBLIC HEARING

ETM: Existing pipe would choke up - the previous approvals did not scrutinize the drainage calcs to answer the 10% increase in runoff regulation. This Board needs an answer to that question.

REis: Pipe can only handle 26.3 c.f.s. - 133 c.f.s. culvert backs up and acts as natural retention area.

JPM: No off site increase.

REis: In the original scheme?

GRB: 2 weeks ago ConsCom had meeting and stated that the areas cut were revegetating - nature was replacing the system. re-growth.

ETm: rolling Hills didn't you also get Rolling Hills Approved? The trees were all cut off and the gravel removed.

Dalpe: insisted that he and his partner had nothing to do with that.

GRB: the property was plagued with moguls.

ConsCon address this project very thoroughly.

Fire Dept: 1/28/88 Water Dist. Hydrants o.k. streets rough asphalt be installed prior to issuance of building permits.

Water/Sewer dated 1/26/88 with their approval.

GRB: stated he personally gave Phil a copy (a direct contradiction with what he agrued with the clerk about).

JPM stated the project look **pretty cut and dry.**

ConsCom letter dated 1/3/87 and 10/15/87.

GRB: could you conditionally approve plan pending the drainage calc approvals.

Advertising fees will be paid the next time.

GRB: satisfied with the drainage calcs and documentation if I get it to Phil If not correct this will go until March.

GG/JPM motion to continued Bald Hill Estates to **February 25, 1988 at 7:45 p.m. for Phil Herr's input.**



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PINECREST ESTATES PRELIMINARY PLAN DISCUSSION

GRB reviewed the history of the parcel. One person owned the entire parcel. Robert St. paved to end.

When the town constructed Brisson and Robert Sts., agreed to buy the gravel from Mr. Bozek. Bellingham agreed to restore the property.

There is 20 years of growth over the gravel bank. He stated that the town created this area of wetlands - congested area.

He has been to ConsCom to connect the street to Brisson St.

There are 17 homes already on Brisson St. - Visconti's house make the 18th.

GG this is not a cut and dry issue.

JPM no reason not to comply with the regulations as stated.

GRB: Mr. Bozek may have to approach the abutter - it would be very intelligent to loop the water.

ETm: I don't see any benefit to the town by approving this as presented.

JPM: At this point in time, disapprove the preliminary plan - anything is for sale at the right price.

ETm: At this point this does not meet the bylaw. Both streets are dead ended and the water lines are dead ended. Already 18 houses on a lane.

JPM you are proposing 7 housing units.

GRB: if that person doesn't want to be displaced, what is Mr. Bozek supposed to do.

JPM you're talking 1/2 million bucks.

ETm: I have utmost confidence after Northeast Acres and Mr. Crimmings. that there is a deal to be made somewhere.

GRB: I'm not in real estate - I do the "engineering."
Mr. Brisson is a land surveyor.

ETm: no more discussion - I'm ready to vote.

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

17 existing dwelling units and 1 under construction on a dead end street. This plan proposes to add 6 more. The Board feels that this proposal would better serve the town if the streets were connected and the water system looped. Send a certified letter to Fred Bozek, 494 Avanti Way Blvd., Fort Myers, Fla 33917. Copy off to GRB.