



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES - March 21, 1988

Anne Farris - Absent
EDWARD T. MOORE, Chairman
GLENN E. GERRIOR, Vice-Chairman
EMILE W. NIEDZWIADK
JOHN P. MURRAY

Meeting opened at 8:10

Submissions: Cogeneration Plan two lots \$50.00
Country Club Estates 279 lots @ \$13,600

Clerk read notice of public hearing - PUBLIC HEARING - Scenic Road
Status for Maple Street and Farm Street

Steve Racicot 51 Maple St. introduces himself as co-chairman of the
Millpond Association of the article along with Leo Mayewski

Cathy Palli was introduced from Farm Street

Leo Mayewski acted as spokesperson - the change in status to scenic would enable the townspeople to become involved in the planning process of road reconstruction through the public hearing process. Road widths would be dictated by ASHO stds. The state and county highway departments usually go to the optimum standards referenced Center St., No. Main St., and Depot Street. Maple St. needs resurfacing and they are concerned with the extent of water improvements, sewer and widening and resurfacing.

Leo Mayewski(LM) checked with L.G. Ambler (his personal attorney) regarding possible restriction of development (industrial).

LM stated that Planning Board, Historical Commission and Conservation Commission also play a significant role in determining whether or not a road becomes scenic.

JPM questioned possible maximum widths.

LM 18' to 22' variable also to 30 ft. after the bridge.

ETM "where have you been." Only one board has responded to this proposal. The finance committee. Have you been before the historical commission and the ConsCom?

What advantages does this status offer you other than a public hearing for every little thing that happens to these roads?



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

Page 2

Minutes 3/21/88

SCENIC ROADS

ETM con't - you'd need a full time planning board - the police are against this Maple St. scenic status - it is used as a major artery - he can document speed no matter what width - wider roads cut accidents. Making streets so that they cannot be widened or improved is not going to help the safety situation. It takes an act of congress to improve a street with this status. I haven't formed an opinion - I'm waiting for someone, NOT A RESIDENT, to speak favorably.

LM - no one is saying we're against widening or improvements. We don't want to hear bulldozers early in the morning. There are standards.

ETM: Having public hearings aren't going to help. The state will go to minimum standards.

JPM - questioned the minimum standards.

Reply: 26 ft. of pavement width as opposed to 40 ft.

LM Rte 140 is 26 feet. Police Chief said rte 140 standards is liveable.

JPM: Maple st. could be made to 26 ft. wide?

GG: Simply read from the law - you need a public hearing for the removal of a single tree, a stone wall, etc. Referred to excerpts from M.G.L.

ETM: Chapter 40 section 15C Scenic Rd. maintenance and construction or pavement shall not remove trees or stonewalls prior to written consent from the Planning Board. I don't see where a public hearing is required - we get to that issue at the public hearings.

Citizen: what happens in 10 years?

Citizen: some have made a lifetime investment on the street.

Mr. Fabien: Highway didn't realize what scenic road funds appropriated at special meetings.

ETM - Red tape is always a problem for highway department.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

Page 3

Minutes 3/21/88

Scenic Roads con't

ETM: Required public hearing - who pays each time?

Fabien stated for 26 years all Pine St. has received is oil, sand and coal patch. Commended Moore and the planning board for their stand last Monday on the Maple St. Industrial Subdivision

ETM - it was denied due to access. It's a speed trap already.

Fabien: 30 ft. road - Herr has said govern speed on a road by its width.

Traffic backs up - residents who disagree that wide roads deter speeding.

ETM then, they are disagreeing with the Police Dept.

Fabien: Scenic status give the public another shot at it. Public hearing they can re-align a couple of bad curves or whatever.

ETM: What happens if an abutter doesn't want to grant an easement for utility work? I can understand from the powerline down, Pine St. down it is wide enough already - from there up it needs widening.

From Kozak's up to Rte 140 no place where house on st at same side. Houses are on left most of the way up.

Steve Kohler - wide streets promote speed - it's a financial hardship and we're putting right in pockets of Fafard and Sommerville Lumber.

ETM: wide roads REDUCE accidents.

EN from years of trying to get a tax base and attracting industry, we are going to chase good tax money away with this.

Kohler: Founding fathers have responsibility to protect our investments. Deficits will never change.

ETM: Founding fathers have responsibility to provide schools, fire, police, etc. It won't stop industry or keep it away - you are kidding yourself.

Steve Racicot (SR) Cut indiscriminate cutting of trees and widening of roads.

LM: Road happens to be 10 ft. R.O.W. in places.

SR - if you widen Maple St. . . .



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

Page 4

Minutes 3/21/88

SCENIC ROADS con't

Art Kohler: 26 ft. wide enough for route 140. Let's go on the other side of the street - it would increase the value - Tax Industry.

ETM: We're not looking to patch a hole at a public hearing.
Mr. Boucher re-iterate values.

Chief Boucher: Major artery between 140 and 126. Traffic will become worse with all development. Industry will attract "big" trucks to Maple St. Scenic Road status is dangerous - it's disastrous on Maple St. right now.

Boucher: Problem with Centre St. - Board of Selectmen made it much safer. They go the same speed 50 mph. whether it is narrow or not. Show me how you can make it safer and slow speeds by decreasing the width of a road.

Charles Badzmierowski: Industry knew the condition of the roads when they located there. Boucher wouldn't object to anyone making it safer.

LM: Would rte 140 width be safer- acceptable. When you accept state money you accept the maximum standards.

ETM: Scenic Road status will eliminate our eligibility for state funding.

Robert Lewinski: 5 Maple St. 1944 resident since that time. This group is not against industry or safety. This town is going to have to do its homework. It seems to be going after the homeowner. Fafard has alternate routes. Is Mr. Varney too powerful for you people? The road at the gas station is a good alternate- wouldn't hurt the residences.

ETM Mr. Varney pays his taxes.

ETM: It can't go by Hartford Ave. intersection.

Lewinski: Is it more dangerous?

Boucher: Cannot widen at that intersection. Mr. Lewinski we are not against Mr. Fafard or industry.

ETM: why not a portion from Hartford Ave. to 495.

GG: 50 ft. easement may already be 15 ft. on their property.

Kholer: Traffic flow - one way might be an alternative. Fafard will find a way to make his money. Fafard lives in an 8 million dollar home with numerous garages.

ETM: Fafard is grandfathered by submitting plans.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

Page 5
Minutes 3/21/88

SCENIC ROADS con't

EN/GG/ETM: Appalled comment is totally out of place.

Norman Bell: Easement where do you find out about an easement?

EN: Registry of Deeds, Dedham.

John Shepard: Complained about a taking years ago (didn't claim his \$25 and the original taking took place in 1929)

LM: Easement 10 ft. easterly side of road. Most of the R.O.W. is what is people's property now. 10 ft. into Dick Hill's property 30 ft. into Mr. Bell's property.

Mrs. Bell: Where do I go if that happens?

Answer: Registry of Deeds, Norfolk (stated by EN & GG in unison)

Boucher still sees public hearing pro and con prior to widening to county layout. Public hearing would have to be held. Makes a bad situation worse. What about the future?

Jean Gaudette (Millpond member) lives in front of the Sommerville Lumber site. I have a road in front of me, behind and on the side of my house. I'll be boxed in. You say there is a 30 ft. easement in my front yard? There is quite a large marker in my yard. Will they go further? With all the growth coming in, we need new plans.

ETM Nobody is proposing to widen the road at this time.

ETM It's too late for rezoning. The industrial land has been bought up in the industrial zone. Maple St. frontage got rezoned.

Fabien: Has been in this neighborhood since 1960.

Racicot: Answer about widening water mains. They were considered granting approval for widening Maple ST. in three (3) phases.

ETM: Do you know about the water grant?



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

Page 6
Minutes 3/21/88

SCENIC ROAD con't

Fabien: In answer to Bill Bissonnette remark, the water grant, became a three phase proposal to include the Bridge. I asked is this the end of widening Maple St. Bill assured me before he submits for grants, to widen Maple St. If you have this stumbling block, from the state Nobody's against the improvements - but to the minimum standards. We don't want to go the 50 ft. to the county markers. Many towns have this scenic status - Weston, 21 streets are scenic. Route 2 in Concord.

Racicot: Phase I widens to High St. Water loop separate from widening.

Phyllis Scott 391 Maple St.: Fafard is building roads to avoid residences. It would be nice if the town would support "us". 140 is 26 ft. wide. At that width people don't speed badly.

Harold Peters: 115 Maple St. Write up about Fafard buying up property trying to get permission to go from 495 to Hartford Avenue. If he is unsuccessful, he is going to access Maple Street.

ETM: But I don't know how he can get into 495 there.

Peters: The lumber company is conditioned to use rte 140 only.

Scott: They don't go by my house.

Mr. Nadolny: will the road be posted to that effect?

EN: If it was a condition of the special permit; Somerville Lumber.

Ray Harrington Maple St.: How are we realistically going to keep them off Maple St. Maple St. is self-contained, route 126 down High St.

Racicot: right side of Maple St. owns property out back near Somerville. Follow the river and widen the road by my house to route 126.

ETM: They would have to widen the High St. Bridge. How can they do that?

JPM: How do you know rte 140 is 26 ft. wide - down by Lee Amblers.

LM: 26-28 ft. and one place 30 ft. curb to curb.

GG: Scenic Road - does 26 ft. width include the sidewalk?

LM - no just the pavement. ASHO stds. - No. Main St. is 44 ft. pavement

Dorothy Kohler: How many scenic rds.- could we please have two (2)?



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

Page 7

Minutes 3/21/88

ETM: The two you want are MAJOR ARTERIES.
a safer road is a wider road.

Kathy Palli 310 Farm St.: One of the oldest streets in town. Farm and Maple Sts. She's resided here 10 years. Once a dirt road and ranges from 14' to 20 feet wide. Once housed the "town farm." The first school and home in town strong merit this designation. Doesn't have enough teeth in its enforcement. Public shade trees have been taken by town employees. Illegal roads are being cut in there (Farm St.). We are asking that the residents have more input in their neighborhoods. We can have industry often at the taxpayers expense. Listen to the taxpayers for additional input.

Tom Palli 310 Farm St.: 1977 resident in 1981 trees were taken down and he documented the information. In 1982 trees were taken from 30 acres of Oaks and Maples. Joyce Schreffler . . .

ETM: you can only consider what is on the street.

Palli: well, over 1,000 trees were taken. 1987 illegal road cut during the Planning Board meeting and turned the matter to the tree warden. Counsel is still working out ways to cite the tree cutter. Cited the illegal road along the gas and electric easement. My stonewall was taken down by the assistant building inspector (Ken Lane) who also illegally dug up and installed pipes without benefit of water dept. In this town you can do anything you want on town property. Public shade tree statute ignored without the benefit of the scenic road status. If this status will give the planning board more jurisdiction, over trees and walls, then . . .

ETM: you said the problem is enforcement - and you want to give the planning board more jurisdiction? Contradiction of terms.

Fabien: A town engineer would help.

Palli: called the tree warden (Paulhus) doesn't know how to cite the violators.

Palli: I have 18 wheelers and knocked off branches to get through this street. Do you foresee Farm St. ever being widened? Would it give you any more say so?

ETM: in the middle of Farm St? Big tree needs to be removed or the road moved away.

Palli: Warden doesn't know procedure. Goes to Town Counsel who tells him to blow it out his ear.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

Page 8

Minutes 3/21/88

SCENIC ROADS continued

Palli: If the law is just smoke, then forget it.

ETM: Who knew we had public shade tree law? An example has to be made for something like this.

Palli: There are fines of up to \$500 per tree.

ETM: Message must go to example.

Palli: Other boards bend over backwards to help the new guy in town.

ETM - I'll go to speak to highway again. Let's hear from the historical commission - Ernie Taft

Ernie Taft (Taft) Historical Commission

From the power lines to Hartford Ave. Touched base with state - there are problems adopting the law and recommends a set of by-laws to go for the enforcement. Town of Mendon is adopting set of by-laws problem with rushing into this is that STATE AID DROPS to 75% There are additional liabilities on the town's part by slapping on this status. The town now becomes liable for hazards.

Cathy Palli: 75% explain that. On fixing the road or all of them together.

Taft: Law is very vague drops from 100 to 75% on the road proposed for improvements. That includes paving, cutting trees and widening.

ETM: Planning Board recommends not cutting the oldest trees, then the town is liable for not removing the hazard.

Taft: Text of law should be studied further. We made a recommendation from the Power Lines down to Hartford Ave. route 126. Regarding Farm St., there are trees or walls of any great value to protect. Walls on Maple St. have been built up not historically valuable.

Frank Lewinski: What are you - saying? They have been rebuilt?

Taft didn't say the entire street. Your interpretation may be different than that of the Planning board. Adoption of the bylaw must take place simultaneously or prior to the adoption of the scenic road.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

Page 9

Minutes 3/21/88

SCENIC ROADS continued

Fabien: We don't have nay scenic roads. I'm not in disagreement with Taft.

ETM: would it be making it more difficult. We're talking a main artery in town - not a road in a subdivision.

EN: Mr. Fabien, have they set up bylaws to coincide with the status in the towns you cited?

No answer or couldn't answer.

Fran Fabien (wife): repairs and work done on Maple and Farm Sts. hasn't been happening shouldn't be bothered once in 26 years. Drive on route 16 in Holliston and take back roads - Highland St. and Waseeca Farms they accomodate major volumes of traffic.

ETM: Hartford Ave. end has changed.

Fran

Fabien: question of liability - tripped in a pothole broke her elbow and didn't collect the \$1500 it cost to repair the elbow.

Taft: MAPC pamphlet Chapter 10, Section 15C quoted the law - set out criteria of the by-law may be attached for legal standards.

Palli: Upset me about what you said regarding Farm St. Just about trees? It doesn't have to do with the area? Do you look at it for historical significance?

steve Kohler: liability issue - can you come up with a coup of 3 cases in favor of the driver? Take it further to -

EN - the state may have something to address that issue.

Bruce W. Lord, Esq: Wasn't really here - I represent Fafard and I live on Farm St. From Mr. Palli's house to 495 is dangerous. I opposed a 28 unit subdivision and proved that it was not suited for that increase in traffic. We must look seriously at the widening of Farm St. This would hold back town official going before various proposals from Maple St. to Hartford Ave. is a good recommendation from the Historical Commission. May doom the by-law and eventual throwing out of definitions and putting together of others My suggestion is that getting the selectmen to form a committee then get on that committee push them to work.

ETM: Town Meeting will make the decision - the Attorney General may not accept without regualtions to back them up.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

Page 10

Minutes 3/21/88

SCENIC ROAD continued

Lord: legally a court will rule in broadest fashion in favor of Broadest sense. What is a tree. Almost anything goes - Brush, 1" 10" 50 ft. you can get a bylaw within 3 months with the scenic status.

Racicot: more than 26 years since something was done to the road. I've been there 12 years and nothing's happened.

ETM: was the need there, in all fairness? Listen to us for the present and for the future.

ETM: from Hartford Ave. to the Power line makes sense. From Granite St. to Hartford Avenue needs to be widened. It also needs drainage.

Mr. Palli: I wish we had Lee Ambler here tonight. Have you (Lord) ever represented Don's contracting? or Onallam?

Lord: As a curtesy to the other attorney, I do not represent Onallam there is no conflict of interest.

ETM: Mr. Lord made a motion on Town Meeting floor.

Lord: Quite clearly I have represented both sides, especially in favor of the neighborhood. Maple St.'s historical recommendation is correct - better have the laws because without criteria there is no enforcement.

ETM: You have fought developers on Farm St. by Jaco Area and 495 Assoc. major proposal would have been accessed. The public hearing was held and we go a strip of land successfully rezoned to Agricultural. He should not be attacked for 15 minutes on town meeting floor. Attorneys work for whomever will hire them.

LM indicated needs widening - no one is fighting about that. Second issue is by-law adoption prior to or immediately following the acceptance of the scenic statute. Request a language change if necessary.

ETM: Committee should be established with representation from the planning board.

M. Gaudette: How about the growth committee to formulate the by-law?

ETM: Angling all the way up Maple Street.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

Page 11
Minutes 3/21/88

SCENIC ROADS continued

Fran Fabien: You put your name in for sewer.

Stan Fabien: You get serviced. This petition over a year old.

ETM: you in the back there, you don't have to worry about voting for me. I will not run again.

Jean Gaudette: Did you check other end of Maple St. He suggested (Fabien) that stone wall is hundreds of years old.

TAft: we publish Crimpville Comments - not enough help - we can only know about certain things / in fact we know most of them.

Lewinski: you didn't know law until yesterday. You should thank him for calling Mendon.

ETM: Everyone

TAft: As everyone here is ignorant of the full impact of the law, our consultant Mrs. Lundlow passed away. Christopher Noonan met with him last week and found out about the law. He questioned what bylaws were drawn up just the end of last week.

Taft Through historical information, we were able to split Maple St.

GG: Board members must talk to Mr. Ambler for possible amendment. Annual town meeting in April - that would give him time to author and add the laws. Annual town meeting to be held at the end of May.

LM: I disagree - there is no need for this set of laws prior to the adoption of the roads as scenic.

EN Check with town counsel.

Historical Commission recommends only a portion of Maple St. and not Farm St. ConsCom has no opinion that we are aware of. (ETM stated)

JPM/EN motion to close the public hearing. Carried with unanimous vote of 4.

JPM I do not feel that this should have come before the planning board..

ETM on access road issue we need to be informed.

JPM moved that this article be presented to Town Meeting for their vote. ETM I am not ready to recommend this article. We do not have an opinion from the highway department and the Police Dept. really isn't in favor.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

Page 12
Minutes 3/21/88

SCENIC ROADS continued

JPM moved to recommend to town meeting without amendments.

EN A law should have teeth to enforce it.

ETM: Any other motions?

ETM At this stage of the game, not enough information - Mayewski put the push on this one.

ETM With what Ernie read and going along with Highway and Police it is not polished or refined enough.

GG we'll have input later. CAN you amend on town meeting floor with "bylaws to follow."

GG/EN tabled to Wednesday at 6:30 at the High School Vote 3 in favor JPM not in favor.

Instructions to send letters to Crestview Commons, regarding retention basin, Rolling Hills developers regarding David Road and Cliff Estates get paving before bond expiration.

Definitive Plan Northeast Acres: offered colonial renderings

GG: Msut be specific white pine seedlings from the woods?

Daniels: safety officer didn't like green vinyl slats for the fence.

JPM: I meant green chain link fence.

GG: Mr. Daniels brought in building samples and incorporated.

GG: Covenant written into deed no detailed sideline any screening going must be specific. Vinyl clad siding chain link, no slats 6 ft. high keep points Screen provided dark American Arbovidae, 5-6 ft. high planted 3 ft. on center or alternative 5 - 6 ft. sheared or white pines planted 6 ft. on center. Lots 1,2,3 planted with canadian Hemlock or another plant approved by Planning Board. also includes lots 5 and 7.

Waivers: One sidewalk on easterly side, from entrance to right, overhead utilities, Cape Cod berm pavement to 29 ft. GG moved to approved with the proper D-1 language, JPM seconded. three in favor ETM against it for the safety factors at the entrance. Not in favor of waiving the width or with two means of egress. It was rezoned under the pretense that it was for his own business. He is mazimizing with 7 lots.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

Page 13

Minutes 3/21/88

NORTHEAST ACRES CONTINUED

Daniels thanked board for the vote. I want to put in more parking than required.

ETM you have a problem if you change the parking without a permit to do so.

DAVID ROAD complaints again. Martha McGilvray requested minutes from 3/28/85 with promises. Secretary read from the minutes (original) and there weee no promises to be found. Infact minutes were missing at different intervals throughout Martha Russo's tenure.

ETM recalled that the Board got them to agree with the larger pipe and the longer pipe.

McGilvray: stated that the pipe was not properly installed (her say) "It is not my place to oversee the work of the builder. The pipe is o.k. because I oversaw the situation. Mr. Varney wouldn't sell his property to include in the drainage scheme.

GG: Stated that he presented 2 pages of minutes to the Board.

Secretary had to leave the meeting 11:45. Board members to supply the rest.

Edward T. Moore, Chairman

Glenn E. Gerrior, Vice-Chairman

Emile W. Niedzwiadek

John P. Murray