



# **BELLINGHAM PLANNING BOARD**

**P.O. BOX 43**

**BELLINGHAM, MASSACHUSETTS 02019**

MINUTES 3/24/88

Refer to six (6) 60 minutes cassette tapes, dated, for the minutes of this meeting. Billiegene Lavalley was absent for meeting.



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

### MINUTES OF REGULAR MEETING

March 24, 1988

EM states that the Board's Clerk is absent tonight. He instructs anyone who speaks to state their name for the record.

Meeting was called to order at 8:00 p.m. All members were present. Board's consultant, Philip B. Herr was also present.

#### Submissions:

Donald Nielson, presenting a backlot subdivision for Brad Letourneau, off Shirley Rd. They have an existing house lot and 50' of frontage on Shirley Rd. They are submitting a backlot subdivision under the special permit procedures. They have tried to obtain a certified copy of abutters from the Assessors but they are backlogged. They should have a certified list within 10 days. If the Board does not receive it within 10 days, they will withdraw without prejudice and start over again.

EM was contacted by their attorney and he explained that the Assessors office was backlogged but the certified list was promised within 10 days. They want to submit without it. If the Board does not receive it, they will withdraw and reapply. They did attempt to get the list.

EM is not sure about the fee. He can get it the night of the hearing or the Board will not hold the hearing.

JM questions where the driveway is going in comparison to where the road was before.

D. Nielson responds the road was going right through the house. The house is going to remain now. They are going to come in the end.

P. Herr states the fee is \$3.00 per parking space.

D. Nielson states they have 2 parking spaces on the new home.



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GG questions where the driveway is next to Baldelli.

D. Nielson points it out and states it is in the public way.

P. Herr reads rules for fee which is the Planning Board estimate of the cost for advertising plus either \$6.00 per lot in the case of a subdivision or \$3.00 per parking space in other cases. It sounds like the fee is the cost of the hearing plus \$6.00. They are only creating one lot.

EM will stamp the submittal for now. The Board will obtain the fee later on after the Clerk determines the amount due.

D. Nielson submits 6 copies of the plan.

EM would like to wait until they have the certified list to set the public hearing date. He will get back to them with a date for the public hearing.

### RIVERVIEW PARK - PHASES I - VI PRELIMINARY SUBDIVISION PLAN

John Noonan from Fafard is here to grant an extension on the Riverview Park Preliminary Subdivision plan to April 30, 1988.

EM reads letter from John Noonan, project manager, stating that the Fafard Companies grants the Bellingham Planning Board an extension on the decision for the preliminary subdivision plans for Riverview Park - Phases I - VI. Said extension is granted to April 30, 1988.

JM questions what the original date was.

EM explains they were going to start the preliminary discussion tonight.

JM makes a motion to accept the extension. EN seconds. Vote of 5.

EM calls for 81-P plan submissions from the floor.

### BELLINGHAM LIBRARY SITE PLAN REVIEW

Roland Robert, architect with Donald Hart Associates, will make the presentation. They brought a preliminary set of drawings in on the 10th of this month. They were directed to bring copies of the site plan to various agencies in town. They also sent copies of their drainage calculations and site plan to P. Herr for his review and



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comments. The building is approximately 18,600 square feet. It abutts the back side of the ballfield for the existing high school area. It will have access off the Blackstone Street side with a 30' curb cut entering the site. There are 49 parking spaces onsite and service and utilities being accessible to the rear of the building. The bulk of the drainage includes handle and surface runoff, swales to try and control the water. They have introduced catch basins with leach pits at various locations with a perforated pipe overflow connection between the catch basin to maintain much of the surface runoff and water on the site. They will not contribute anything to the Blackstone Street storm system except that there is a 12" tie in strictly as an overflow in major storm conditions. Normal storm will be contained totally on site.

P. Herr would like to see some annotation regarding roof drainage.

R. Robert states that roof drains are tied in to a catch basin. The drawing shows it.

P. Herr questions if they are leaching catch basins or catch basins with leaching galleys.

Harry Disoto, engineer consultant, explains there is a standard catch basin which would act as a sump to trap setiment. That would then go to a leach pit with two galleys surrounded with stone. If it could not be all absorbed by the leach pits, it will go into the overflow pipe which they have connecting around. It will depend on the season of the storm. There is a relatively high water table on this site. At certain times of the year when the water table is up, the leach pits are not going to be that effective. The water table is about 4' below ground at the highest time. The site is limited in some respects. Over the average, they will be maintaining a good part of the storm drainage on the site.

EM states that R. Robert said there would be no runoff. Now the engineering consultant is saying they are going to retain most of the water on site.

H. Disoto explains that each one of the catch basins will have a leach pit adjacent to it. There are approximately 10 acres which are tributary to this site which would normally drain to the road at the low point of that site. Most the drainage from off site is going to be picked up on the southeast side of the building with that first catch basin. That is going to pick up a lot of the drainage from that hilly area. The water table right there in the wet season is somewhere around 6'. The catch basin and the adjacent leach pit will be fairly



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effective in helping to disperse a lot of the water that comes in.

EN questions where it goes when it is filled.

H. Disoto explains that when it is filled it will go into the overflow pipe which will then go out into the storm system onto Blackstone Street.

P. Herr wonders whether the storm drainage on Blackstone Street has enough reserve capacity to handle the storm water. His understanding was there was not going to be any.

H. Disoto states they are maximizing it onsite.

P. Herr indicates that saying the usual rain storm will take care of most of it is a long way from maximizing. Maximizing is for the 100 year storm there will be no increase. He does not know what will happen with Blackstone Street.

EM questions if this comes under the 10% runoff.

P. Herr indicates it does not. There is less than 40,000 square feet of permeable surface.

EM states that W. Arcand said the Highway Dept. looked at the plan and found no problem. He asks W. Arcand if Blackstone Street has any reserve capacity to take this.

W. Arcand states it goes way down Blackstone Street, across 140. There is a 12" pipe. Mr. Daigle did not have his letter ready so he told W. Arcand to tell the Board that he will send a letter stating that he is satisfied the way it is. He said it will take it.

EM explains that originally they said there would be no runoff.

W. Arcand states they will have a dry system. The overflow goes into the manhole and across the street.

R. Robert states that this ties into the next two catch basins on Blackstone Street.

W. Arcand indicates that goes right off to 140. There is a 36" pipe that goes right across 140 into the brook.

R. Robert questions if P. Herr received copies of the drainage calculations.



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P. Herr did. He has been away since receiving them.

W. Arcand states the state put in the 36" pipe. All the drainage from Blackstone Street goes across.

P. Herr is wondering about what happens between the proposed library and the 36" pipe.

W. Arcand indicates they never had a problem before.

P. Herr states there is a requirement which states that more than 40,000 square feet of impervious surface, they have to do detention on site. This does not even get up to that. He had no other issues other than the drainage.

W. Arcand indicates the system is a fairly new system. It is only about 10 - 15 years old.

EM reads letter from the Fire Dept., dated March 24, 1988. The Fire Dept. sees the access and hydrant distribution as being acceptable. The Fire Dept. has reviewed the plans and has no problem. The Highway Dept. reviewed the road and drainage and sees no problem. He asks for questions from the Board members.

?, Bellingham Police Dept. went out on site with one of the members of the library committee. The site distances were in excess of 400' in both directions. He also found the proposed lighting to be adequate. They have no objections to the plan.

JM makes a motion to send a letter to the Building Dept. stating that the Board is satisfied with the site plan. GG seconds motion to recommend the site plan to the Building Inspector. Vote of 5.

## CRYSTAL SPRINGS CONDOMINIUMS SITE PLAN FOR PHASE II BOND RELEASE FOR PHASE I

Sylvie Michelutti indicates that she is here on Phase III site plan. She did not know she was on the agenda for that.

EM states that Phase II is already in. She wants the bond from Phase I. He asks if she wants it transferred to Phase II.

S. Michelutti wants the bond back.



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JM questions if the road was supposed to go all the way through.

S. Michelutti indicates the road is through. There are 4 phases.

EM reads letter from the Highway Dept., dated January 27, 1987 regarding the bond.

S. Michelutti wants the bond back for Phase I. Phase II is already built. They did not need a bond. They waited until everything was done before they sold off the units. All the road and utilities are completed up to the end of Phase II.

EM reads letter from S. Michelutti stating that on January 29, 1987, they provided the Board with an irrevocable letter of credit, number 8702, Home National Bank, for the sum of \$20,000. The items covered by this bond - the access, parking, drainage utilities and amenities serving the units in Phase I have been completed as per the September 2, 1987 letter from the Highway Dept. EM reads letter dated September 2, 1987 from the Highway Dept. On August 31, 1987, he inspected Crystal Way and found it to be constructed in accordance with the plan approved by the Board on April 15, 1986. He does not think they need to hold 15% because it is not a road which is going to be accepted by the town. This is a private association. He asks why they do not need to transfer this bond to Phase II.

S. Michelutti states it is already done.

EM asks about the section of the road which is not completed down by Mechanic Street.

S. Michelutti indicates that will be done as part of Phase III. If they complete the road before they sell the units, they will not need a bond.

GG makes a motion to release the bond for Phase I. AM seconds. Vote of 5 to release the bond on Crystal Springs in the amount of \$20,000.

EM asks if S. Michelutti is ready to discuss Spindlewood.

S. Michelutti states their attorney is not here yet. There was a mix up in the times. He will be here at 9:30 p.m.

EM will move them up.

GENERAL DISCUSSION



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Jim Reger, asks what happened with Rome Avenue? Did anyone talk with Town Counsel?

EM did but P. Herr was out of town so he did not talk to him about it. Empire Circle on Rome Avenue was approved in 1972. The Board felt it should have a new hearing to let everyone become aware of what is happening.

J. Reger indicates that at the time he said there was no covenant. Later he found out there was a covenant. The builders were just going to go ahead and build.

EM does not know that the Board agreed with that at the time. He checked with Town Counsel. He said it is the appeal period that would die after seven years. If there was a bylaw change after it was approved, they would have had seven years to appeal that. If there had been no zoning changes, then it is still in.

P. Herr indicates that the subdivision plan is still good. The lots that it shows may or may not be current zoning.

J. Reger believes it is the same zoning as it was.

P. Herr asks if they are 20,000 foot lots.

J. Reger indicates that is correct.

P. Herr states that if they are 20,000 foot lots in a residential zone, then it is the same.

J. Reger indicates there is a covenant which was put on record by Land Court. It had not been on record before.

JM questions if they are going to connect the 2 roads together.

J. Reger explains that the Conservation Commission does not want them to connect through the wetlands. It will be built up to the wetlands.

P. Herr indicates that constitutes a change.

J. Reger asks that a cul-de-sac easement be created into that roadway. It does not really constitute a change. It would be an 81-P plan which would come in on an easement showing the cul-de-sac. The subdivision might be continued at some point in time. The covenant allows them to build 6 lots. That is what they are proposing to build and put a temporary cul-de-sac at the end of that. They will complete the road





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with a finish coat is necessary, bond and get the lot releases according to the covenant.

EM states the Board wanted P. Herr to review the drawing to see that it complies with today's present zoning.

P. Herr asks why they<sup>do</sup> not have a public hearing.

J. Reger points out that the attorneys have said the subdivision is already on record.

P. Herr explains that there is a road which goes through on the plan. They are now proposing that the road not go through. There will be 2 cul-de-sacs instead. There may be some interest in that.

EM thought they were all in agreement last July that the Board would like it have a new public hearing. Apparently, the applicant does not want to have a new public hearing.

J. Reger explains that is only because all the hype is there and they are ready. In fact, they started a year ago and got held up by Conservation.

EM thought they were all in agreement that they were going to have a new public hearing, especially because it was approved 15 years ago.

P. Herr states the question is would the old or new subdivision regulations apply.

J. Reger states the new regulations apply. It is the new subdivision rules and regulations and the new zoning. Whatever changes have gone into effect in the past 15 years, it has to meet today's standards.

P. Herr believes they should have a new public hearing.

J. Reger states they can have a new public hearing, but he does not have plans to submit because they are already approved and on record.

P. Herr does not think they have plans on record which are approved showing a cul-de-sac.

J. Reger indicates that is true.

P. Herr indicates they have to make a new plan. Mr. Reger is suggesting it be an 81-P. P. Herr suggests it be a subdivision.



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J. Reger states that his lawyers told him not to do that.

EM believes the public hearing would be the place to prove that it meets today's standards and convince everybody of that.

JM questions why it did not get built before.

J. Reger indicates there were 3 or 4 different owners.

P. Herr believes it is the Board's option to object to the 81-P if it comes in on the grounds that it constitutes a new subdivision.

J. Reger is proposing to finish 6 lots according to the subdivision.

P. Herr states that may involve changes to drainage system and other changes. He does not know if the changes will be o'kay and the Board does not know either. He agrees that Mr. Reger may want to make a drawing of what he is proposing and send it to him and the Board. They would just be adding a month to the process. He believes they should just apply for a subdivision. There are really no issues.

J. Reger will apply for the subdivision. There are some drainage changes.

## SPINDLEWOOD OFF FARM STREET INFORMATION DISCUSSION

EM asks S. Michelutti if her attorney is here now.

S. Michelutti indicates that he is.

Chip Argulon, attorney, with Davis, Marlon and Deogostein, One Boston Place, Boston, MA, is here tonite to speak about a proposed comprehensive permit under the Housing Opportunities Program. They have been meeting with the Housing Opportunities Partnership since December of last year. They have revised the proposal several times. He would like to give the latest version tonight. Since the Housing Opportunities Program has changed, they revised their program from 220 units to 150 units. They propose to have 150 total units of which 28 will be duplexes along Farm Street. The balance will be townhouses and ranches of 120 units on Farm Street and Hartford Avenue. They will be six unit buildings with ranches on either end and 4 townhouses in the middle. They are looking to provide 46% of the units in some sort of affordable range. He refers to page 2 of the handout. They have a break down of how it will be broken out. 5 of the units will be sold



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or leased to the Housing Authority, 37 units will be sold to first time home buyers at an average price of \$75,000. Some of the them could be \$85,000 and some could be \$55,000. The state will provide low interest long term financing to those purchasers at approximately 5 1/2% for 30 years. Ten of the units will be marked at \$109,000 financed to first time homebuyers under the Massachusetts Housing Finance Program which would provide mortgages at 8.8%. The balance of the unit will be sold at market. They are planning to hold 10 of the units for rental for a period of 5 years. They will be talking with the Housing Authority on that. They are speaking with the Housing Partnership to work out the exact affordable component of the project. They will be submitting a comprehensive permit in the near future for the 150 units. Tonight they are trying to give the Board the opportunity to review the plan since the comprehensive permit process only allows a 30 day period to hold a public hearing. They want to give all the Boards the opportunity to make comments which they may have.

GG states that Page 2 of his handout shows 125 units total.

EM indicates that is because of the duplexes and the 81-P for Farm Street.

C. Argulon indicates they are still working with Affordable Housing on that. There is a number mistake there, however. 40% will be affordable.

JM indicates the requirement is 30%.

C. Argulon explains that out of the 95 units, they will be keeping 10 for rental. The 150 is a correct total. That is made up of 120 units of townhouses and ranches, 28 in the back in duplexes. The house in the front on Hartford Avenue will be two units.

EN indicates that this was turned down by the Planning Board originally in a different form.

EM states this is the one which went before the Town Meeting for concept approval of 96. It was turned down. Then it became 202 and now it is revised to 150.

EM asks what happened to the original 96 units. He does not understand why they are increasing the number on something which the town did not want.

C. Argulon explains that in order to make the economics work under the affordable guidelines. Selling the units at an average of \$75,000



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requires additional numbers of units to make the economics work.

P. Herr questions if this was the same land area as that which went before the Town Meeting.

J. Reger indicates there was additional land added.

P. Herr questions if that changes the egress.

J. Reger states they now have access directly onto Hartford Avenue.

P. Herr indicates they are saying that this is a different proposal than what went before the Town Meeting. They are now proposing that the units be affordable and the egress is different.

C. Argulon indicates that is correct.

S. Michelutti discusses the egress. They are not going into any existing development. The road is a better location because it is further down from where Twin Brook comes out. There is no problem with the site distance.

EM asks about a new road or driveway which has been cut in.

S. Michelutti states it is not a road. It is a driveway where they are parking some equipment. They are using the industrial land to park their equipment.

JM asks if they will need a special permit from the Planning Board.

C. Argulon explains that under the Comprehensive permit process, the applicant will make an application to the Zoning Board of Appeals. They will have 30 days to hold a public hearing. Normally that is not enough time for them to get information from all the other Boards. They are giving the town boards the opportunity to make comments.

EM states that since they will not come to the Planning Board for concept plan approval or special permit, there is no way the Planning Board can put phasing in this or build out rates. He questions who governs what they will do.

P. Herr responds it is the Board of Appeals. They can put in phasing and buildout rates.

EM asks who will do the site plan review and drainage calculations.



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P. Herr responds that the Zoning Board is in charge. If they want to delegate such a responsibility to the Planning Board, they can make that a condition to their comprehensive permit. If they put conditions on the comprehensive permit which the applicant thinks makes his project unfeasible, they could then go to the Housing Appeal's Committee and ask them to give them a permit without those conditions.

EN indicates the Planning Board can appeal to that Board as well.

P. Herr indicates they can not.

C. Argulon explains they are still negotiating with the Housing Partnership. He spoke with the Chairman of the committee and they decided they should start meeting with the other town boards as a courtesy.

EM thinks this sounds like they can do whatever they want. The Board has received letters from other Planning Board's asking them to join in the fight to appeal Chapter 774 because it is being used to circumvent existing laws and jam hundreds of condominiums into towns. It has not happened here yet. This Board voted to join the vote to appeal it.

C. Argulon explains they are here to try to make this a friendly process. They have been meeting with the Affordable Housing Board for 3 months.

EM questions why they are not coming in with the 96 units if they are coming in on friendly terms instead of doubling that number.

EN is for affordable housing but not this one.

EM believes that Chapter 774 takes away home rule.

P. Herr explains that the applicant could get approval from the Housing Appeals Committee and still not build these units unless they get funded with a HUD group. His chances of being funded if the town opposes this are small.

C. Argulon states they are going through this whole process to get everyone's comments. They have been negotiating with the Affordable Housing Board to try and come up with a reasonable number on that. They are still working on it.

SILVER HEIGHTS  
DEFINITIVE SUBDIVISION  
CONTINUED PUBLIC HEARING



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EM states this is a 4 lot subdivision, Scott Hill Acres, proposed by Abram Rosenfeld for the purpose of Chapter 774 single family housing.

Ron Gomes, Guerriere and Halnon, has the revised plans showing the new road layout which was requested. He also brought 2 copies of the revised drainage results rerouting of the roadway.

EM states when they were last here they were going to pull the road back. That is what the applicant is here to show tonight. This is a 4 lot subdivision for the purpose of building 32 single family homes under Chapter 774. This will also go before the ZBA for a permit. The Planning Board will act on the subdivision for the 4 lots. He asks the consultant if the applicant will have to come back to the Planning Board when it is going to be built or is that handled by the ZBA.

P. Herr indicates that the ZBA will handle it.

EM reads letter from Guerriere and Halnon, dated March 24, 1988 enclosing the revised definitive plan submittal.

James Miller, Planning Consultant, representing Silver Heights Development Corporation. He introduces Ron Gomes, Guerriere and Halnon, who will discuss technical issues which came up at the last public hearing. He wants to bring the Planning Board up to date on what has been happening in the interim. The applications have been filed with the state for the Housing Ownership Opportunities Program which this 32 unit development comes under. There was a public hearing held this past Monday on the Community Development Action Grant to assist with some of the construction of sewer and drainage and roadway improvements. They have responded to all of P. Herr's concerns as expressed to them at the past meeting. There were particular questions raised relative to the road relocations specifically about the access questions to the property from the rear. It was Mr. Herr's suggestion that the road be brought up somewhat shorter than the original configuration shown here. They have done that. The road now loops somewhat shorter. The drainage calculations have been submitted. Basically, the proposal remains the same. It is still a 4 lot subdivision. The Planning Board is being asked only to review that under the Subdivision Control Law. Permission if granted will respect only the street layout and the configuration of the 4 lots.

EM questions if there was some discussion at the last meeting about the back of the property being signed off to the town to keep those roads from being opened up.



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J. Miller responds that the question was who actually owned the paper streets that are shown. Mr. Rosenfeld does own the property. If the subdivision is approved in the configuration shown, either Mr. Rosenfeld and the subsequent owners of the individual subdivision parcels or the town who would own the street, will have control over that.

EM explains that the fear of the neighborhood was that this could be opened up to Silver Lake Development which was denied the access road last night at the Town Meeting. Do we have any assurance that that could not be done?

J. Miller responds that the ownership would be individually controlled by the owners of the individual parcels.

GG asks if this is approved under 32 units, could one person sell his house to someone who may want to achieve access through there.

J. Miller responds it is possible theoretically.

EM asks if there is anyone in the audience who lives in Scott Hill Acres who would not sell their house for \$200,000.

A number of residents respond they would sell.

EM indicates there is no guarantee that someone would not buy one of their houses to gain access.

J. Miller explains there is a public way which extends with access to the rear property. No matter what is done, there is always the possibility to access to those public ways. He suggests they not jump to too many conclusions about what they may or may not do here affecting access at the rear. That access has been and is currently available to anyone who owns property abutting the existing public ways.

GG's question had to do with this being approved as 32 units by the state.

J. Miller states it does not change. There are conditions which could be attached in the comprehensive permit which could litigate it somewhat but it would not protect anybody from reselling a property to an owner to bring it through.

EM states that if the back ones were the affordable units, they would be tied up and cannot be sold. That would be the only way of getting



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some kind of guarantee.

JM states that someone said at the Town Meeting last night that approval of this subdivision would block access to the land in the rear. That is not really true.

EN asks P. Herr if someone buys a house under the Affordable Housing Act, they could not just sell the house for X amount of dollars. There are problems involved because of this act.

? states that is just for the 10%.

EM states that is if the back ones were in the 10%, but there is no way of knowing which will be which. If the back ones are designated and tied up through covenants, it might give a little bit of protection.

Robert Fish, Silver Avenue, thinks the problem with the people in the neighborhood is the traffic situation in the morning and the evenings on 126 is horrendous. If they are not careful someone will run a road out to 140. Before you know it there will be people cutting through Scott Hill Acres to get to 140. That is the situation that everyone is afraid of. If people want to build, let them bring their roads in from 140 and not even go near Scott Hill Acres. Let them come in the other way where there is no way that cars can go off of 126 and cut through these developments over to 140.

EM states that looking at the plan, he does not see anyway they could bring a road in from 140 because he does not own the land. He does not know that there is anyway to get to 140 or that would have been proposed at the Town Meeting last night.

P. Herr states the concern is a very strong one. He thinks the Board could make a condition of approval of the subdivision that certain lots be constrained from being used for access. They could have some kind of condition. Given the relocation of that road, it is very unlikely at a minimum that they would have to go through a subdivision process. Let us explore whatever conditional limitations can either be placed on the lots or the subdivision plan approval itself in order to provide assurance.

J. Miller suggests that in the comprehensive permit process, it is conceivable that restrictions could be placed on those lots which they control which abutt this property. He does not know if the ZBA would go along with that.

P. Herr states they would not want to do that. They do not want to





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rely on the comprehensive permit process. These people want to make sure that before a subdivision is approved, that protection is there.

EM states this Board would like the protection put in here, not wait to see if another Board will do it.

J. Miller is sure they would be amenable to those conditions.

Dick S , abutter, states they have a tremendous safety problem now involving children in the neighborhood. It is too congested, someone is going to get killed. He asks who is going to take the blame when that happens. No one has for a safety or police report on that.

EM would like to hear from the Safety Officer at this time.

Safety Officer is familiar with Scott Hill Acres. One of the problems is the conditions of the roads. They are in terrible condition with potholes and gravel on the roadways. It certainly does not enhance safe travel in the area. The second problem is that the people who live there, many of who have small children, since it has been a low density traffic area, the children have been allowed to and do prevalently play on the streets. When they open this area up, there will have to be a re-education of the children that the roadways are for the cars and not for playing ball, etc. The parents are going to have another problem to worry about, i.e. the safety of their children while they are playing outdoors. The third problem is especially during the morning hour and when school is being let out with the schoolbus traffic and the pedestrian traffic to the high school. There will be delays in being able to enter S. Main St. The morning will probably be worse. By adding these units, they will obviously be adding to the number of trips and vehicles exiting on and entering from S. Main St. This is not going to enhance an already severe problem which exists. However, 32 homes is certainly a far cry from 400 which may be opened up. He has not taken any site distances. He has not been approached by the engineer to do any site distances. He does not know that an traffic counts or any traffic studies have been done. Just from observation he can say that we do have a saturated Rt. 126. It is going to get worse. It is not going to get better. There is going to be building continually in this town. It is going to continue to get worse. They are not looking at correcting the situation. They are looking at slowing down the pace at which it worsens. He still has to do the site distances.

EM does not know if that answered a lot of the audience's questions, but a lot of the questions will be answered at the ZBA, since they will be the ones to decide whether or not 32 homes belong on this parcel.



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Because of the Chapter 774 issue, this was taken away from the Planning Board. The Planning Board can only act on dividing the land into 4 lots. The question tonight is does it meet the Subdivision Regulations. As to what is built, when, how fast or how many, will be decided at the Zoning Board.

Mr. Kennedy requests that the Board table this until they get a definite police report on the safety conditions of Scott Hill Acres.

EM does not believe there is any way to table this because it is a subdivision. There is a time clock. The Board would have to have an extension in order to do that. The Board has time constraints whereby if they do not deal with it by a certain date, it is automatically approved.

Mr. Kennedy does not think that any decision should be made here without that report.

EN explains the Board is just subdividing the lots. The Board is not providing permits to build.

Mr. Kennedy realizes that.

JM asks P. Herr if the Board can consider traffic generated by the 32 houses even though they are only considering the subdivision.

P. Herr responds they can consider the traffic. He does not know what they would do different.

EM asks what could be built on these 4 lots if it gets subdivision approval from the Planning Board but does not get approved from the ZBA.

P. Herr responds that 4 houses could be built.

EM questions how they went from 4 to 32.

J. Miller explains they attempted to replicate what is there. One of the precepts of the HDP Program is that the density of the immediate surrounding neighborhood is not significantly increased. This is a rare attempt to replicate what was originally the layout of the subdivision. This was originally to be the 32 lots which are now proposed. The fact that they happen to be affordable at this point in part is only a part for the programs. It is really an attempt to finish off what was started in the 1950's.



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EM states it is a continuation of the existing. At the last meeting, the applicant stated that the affordable housing units would in no way be any different from the other houses. Driving by one would not know which is affordable and which is not.

J. Miller responds that is a practical matter.

JM questions how many houses will be HOP assisted houses.

J. Miller responds there will be 10 in the affordable category. One will be offered to the Housing Authority to purchase and 9 will be affordable. The requirement is 30%.

Russo, 46 South Center Street, asks if the school buses will be able to go out and turn around on these roads. At the bottom of South Center Street there is a circle where the children come up to get the bus.

EM questions what the bus does at these other roads.

Ms. Russo responds they all pick up at the circle.

EM imagines that this one will be a loop, the bus will be able to go on that one. He does not know the answer for the other 2.

J. Miller states that one loop would be accessible for a bus.

R. Gomes states they are really not developing Dorothy Ave. It is more of an emergency turnaround. There is nothing there now.

Eleanor Carriere, 12 Dorothy Ave., states that her biggest concern is the water and drainage. How many gallons of raw sewerage per day, per house will come out and go into the ground everyday.

EM explains that issue would have to be brought out at the Board of Health or at the Zoning Board when the applicant goes for their permit. It is not relevant to what the Planning Board is doing now with the subdivision.

E. Carriere questions what would be relevant now.

EM responds it is the safety factor and the road layout.

E. Carriere asks if they get flooded out, the Planning Board can not do anything about it.



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EM states that is correct but that does not mean to forget about that issue. It is just that this is not the proper place. It involves a different Board. That is a valid concern.

GG explains that normally that issue would be brought to the Planning Board's attention, but in this case it can not be.

E. Carriere asks that under this new chapter, the only thing the Planning Board can do is do these divisions.

EM states the Planning Board does the road layout and divide the lots.

E. Carriere states the applicant will then have to go to the Zoning Board to get the permit to do the building.

EM explains that the Zoning Board will be the permit granting authority on this.

J. Miller would like to respond. He knows that this is not the forum but if it is acceptable to those neighbors, they would be pleased to meet with them before the public hearing to go over the specific questions which they have.

E. Carriere would rather to go to the Zoning Board. She does not feel that Mr. Fafard has done them any justice since he came into town.

EM explains this is not a Fafard proposal or Fafard land. This is owned by Mr. Rosenfeld who is present tonight. It is a totally separate piece from anything which Fafard has bought. This applicant is offering to have an informational meeting. The Planning Board has suggested that in the past. Meadowood and Celtic has done that. In those cases, by the developer having the meeting, some of the questions got answered at that meeting, so when it got to the hearing it was not so repetitious and it speeded things up. It does not mean that the neighbors should not go to the meeting.

E. Carriere questions about the little red tip of land which the applicant said he did not know what anyone owned. What is going to happen to that?

J. Miller states it is part of the subdivision.

GG does not think it is a good idea to have an informational meeting in this circumstance. What comes before the Planning Board in any other subdivision is common practice to the Planning Board. What is going to come before the Zoning Board is a new thing. It is not common practice



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to them. Some of the questions which will be brought up by the residences in an informal meeting, may not be brought up at a meeting before the Zoning Board. The Zoning Board members will not get to hear these questions. He does not support the suggestion for an informal meeting.

EM explains that this is an entirely new thing to the Planning Board and the Zoning Board. It is going to be a learning process. The Planning Board has learned a lot in the past couple of years through special permits on condominiums. Things change with each one. This is the second with the Zoning Board. That is the time to bring up the questions and get the answers.

E. Carriere asks if they will receive a public notice from the Zoning Board.

EM states that anyone who is an abutter will get a registered letter. It will also be advertised in the newspaper.

J. Miller states that Mr. Fafard is in no way connected to this proposal.

E. Carriere meant to say Mr. Rosenfeld.

Bob Fisher, Silver Avenue, states that he thinks Mr. Miller's comment that this is a continuation of what was done in 1950 is irrelevant since this is 1988. You can not compare what was done 36 years ago with today.

EM explains that the size of the lots in Scott Hill Acres right now do not meet the standards of 1988. That is why they have to go before the Zoning Board for special consideration to build back to those standards of 1950 whatever when it was built. These will be built on undersized lots by today's zoning. That is why they have to go to the Zoning Board to get permission to do that. If they were building at 1988 standards, they would not be going before the Zoning Board.

B. Fisher questions who the applicant's abutter is to the rear.

EM responds it is Silver Lake Development Corporation. As far as the Planning Board knows from the plans which have been submitted, Silver Lake Development Corp. is William Hood.

B. Fisher is trying to clarify here to the rear of this proposal, does the same person own from there to 140.

EM responds it is not the same person. Part is owned by Fafard, part



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is owned by Hood and Vastoni. Maplebrook is down behind it. Maplebrook owns from beside the Highway barn to S. Maple Street down next to the dump.

B. Fisher believes it would be in the best interest of all these developers to work together.

EM states that is what the Board would think also, but apparently that has not worked out.

GG states that Maplebrook came well before any of this other stuff.

Don O'Hagen, 25 Dorothy Avenue, states there have been some surveyors down there since last Sunday doing to whole area where they are going to build. He asked the surveyor what the stakes were for. He was told it was for the middle of the road. When he walked down to the last stake it said rear lot 16. When he looked from that stake over to the other stake in a straight line, it crossed Bill Hood's big ditch where he has been taking the gravel out. They had a neighborhood meeting and decided they do not want the playground which they want to give to the Town of Bellingham. They would rather have a turnaround like the other one instead of the hammerhead. He also noticed on this new map tonight there is another road coming in from the back part with a green strip.

J. Miller states that is a drainage route.

EM states that what Mr. O'Hagen is proposing would be 2 cul-de-sacs side by side.

Mr. O'Hagen states that is right instead of a hammerhead.

EM questions why they would not want another loop.

Mr. O'Hagen states they would have extra traffic. They have a dead-end road now and that is how they want to keep it.

EM questions how they would get extra traffic out of it being a loop instead of 2 cul-de-sacs. Then the school bus and the snowplow could go around the corner.

Mr. O'Hagen states they do not want the playground not because they do not want the children, but because of the noise and they question who will police it.

EM is just suggesting that a loop would be better than 2 cul-de-sacs.



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Mr. O'Hagen believes a loop would be better than a playground. The neighbors feel that down the road a few years from now, they will connect that hammerhead over to the cul-de-sac over to the u-turn in time.

R. Gomes states that the surveyors were from his company, Guerriere & Halnon. They are just told to stake certain points. They are not staking the road. They are staking the corners. The corners which Mr. O'Hagen is talking about was where the over excavated when they were taking the gravel out. He was told there was a stake way down at the base of the hill there. That is the property line at this section of the parcel. Dorothy Ave. is already paved to a certain point. They are just proposing a turnaround so that a fire truck could come down and get these last 2 houses and turnaround in the emergency turnaround and get out. They are not proposing any additional houses in this area. This land, upon completion of the development, will probably be turned over to the town. The developer will have no interest in it once he builds his playground. It will be up to the town to own and maintain the playground. They are not proposing any kind of roadway through there. The only reason why they proposed the hammerhead was so they could turnaround if they had to. There is no proposal to loop any more streets than what you see here.

Mr. O'Hagen is wondering about what will happen 5 years from now. Why not build a couple more homes down there since they do not want the playground.

R. Gomes states that Mr. Rosenfeld could put 4 more houses there, but he did not. It is an open space. Good planning says they should provide some open space for recreation.

Mr. O'Hagen states there is a 25 - 30' drop about 50 feet at the end of Dorothy Ave.

R. Gomes states they will take the drop down a little further and level that area somewhat so it is usable space. It is just good planning.

J. Miller asks if the neighborhood wants a cul-de-sac at the end of the road.

Mr. O'Hagen states he would prefer that to the hammerhead. He abutts Mr. Rosenfeld on two sides.

GG states that if they are going to eliminate the playground, for the town, he feels it should be looped.



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J. Miller explains they came before the Board with a subdivision which conforms to the Zoning Bylaws of the Town of Bellingham. The waivers requested on the street construction are before the Board. There is nothing there indicating they are requesting a waiver on lot size. This is only a 4 lot subdivision. They are looking for approval of the roadway system and the drainage system. This is also a forum so the Planning Board will have the opportunity to have input into what will eventually be an affordable housing project. There is nothing in the rules of 774 which says this is the way to do it. They thought this would be the most effective way to get valuable input from the various boards of the town. They have been before the Board of Health, Water/Sewer Commissioners, the Planning Board twice. They have approached the Selectmen. They are trying to be open and create an open forum. They will answer any questions anyone has on this subdivision.

E. Carriere, 12 Dorothy Avenue, asks if they have plans for some of the people who were not here at the last meeting.

R. Gomes states there were architects here at the last meeting.

J. Miller presents a plan to answer question regarding the configuration of the 32 lots. He explains this plan shows the earlier road layout. The road now swings in another direction somewhat shorter. These two homes would access off the roadway here. The individual lots range up and down. The 32 lots are configured in that direction there.

EM questions if they are the existing houses.

J. Miller states these are the existing subdivisions and the existing homes.

GG questions if the issue that the neighbors do not want the playground is something the Planning Board can do or is it something which the Zoning Board can do. That is one of the 4 lots. It is broken into the 32 lots and the playground. If the Planning Board is not looking at the 32 lots, then they are not looking at the playground either.

P. Herr states the Planning Board is looking at the road system and anything which has a profound effect on the roads.

R. Gomes states they can put a bigger circle in there and reduce the recreational area.

P. Herr does not feel that would be a reasonable solution. Rather than





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going to 2 cul-de-sacs, they should make a loop.

R. Gomes states the abutters said they do not want a loop.

GG did not hear from all the abutters. They heard it from the residents of Dorothy Avenue. That is the solution of Dorothy Avenue, not the whole neighborhood. They are looking at it from a Planning Board prospective.

J. Miller states is not a problem for them to move the road if that is the judgment of the Board.

EM thinks it is common sense to do that. 2 cul-de-sacs would be ridiculous. Snowplows would be coming around the corner and the buses would not be able to get around.

R. Gomes explains that the goal of the project with affordable housing is trying to keep the construction costs mitigated. If that is what the Board wants to see, that could have been suggested at the last meeting. They are not unflexible. If the Board would rather see 2 looped roads, they will show 2 looped roads.

EM explains that the reason it was not suggested last time was because the developer was suggesting the playground. The Board thought the playground was a nice thing. If the neighborhood does not want the playground, then another loop would be a better thing.

R. Gomes would like to hear what people have to say about the loop before he goes and changes the plans.

Walt Casey, 7 Dorothy Avenue, questions the width of the proposed roads, especially the looped one.

R. Gomes explains the right of way width is exactly the same of the width on the existing streets. They will be 26' wide.

W. Casey questions if they will have sidewalks.

R. Gomes responds they do not have sidewalks.

W. Casey questions where the kids will walk with cars with people going to work and the bus going around the circle.

R. Gomes explains the reason they asked for a waiver from the Board for the requirement for the sidewalks was because there are none to connect to. It cuts the construction costs down. They are here for approval



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of a 4 lots subdivision. It can be disapproved but the Board would have to have reasons related to the 4 lot subdivision. Issues of the traffic and the 32 lot subdivision will come up in the Zoning Appeals hearing. They welcome the comments now.

W. Casey is thinking about the safety of the children. There are a lot of children going to school. The developer is just going to add to the problem. Building roads which are the same as the roads which are down there now will just add to the problem.

R. Gomes indicates that the new roads will meet the requirements of the town.

EM explains there is another continued public hearing at 10:00 p.m. Most of the questions which are being asked here are questions which should be asked at the Zoning Board meeting. EM does not think that the Planning Board is going to waive the sidewalks as easy as the applicant thinks. These are residential homes and the kids need a sidewalk. The fact that the houses which are already there do not have sidewalks is irrelevant. By today's standards, we want sidewalks. In some cases, the Board does waive a sidewalk on one side and that is not unreasonable. In order for the Planning Board to deny this subdivision and turn it down, they would have to state the reasons for denying it. They have to be valid reasons. Then the applicant goes to court and challenges the reasons or just corrects the reasons and then they are approved automatically.

? thought the sidewalks were under the Board's jurisdiction.

EM indicates they are. The developer has to request a waiver for the sidewalk. It is up to the waiver whether or not to grant it. From what he is hearing right now, he does not think that would be the case. The Planning Board is looking at it as 4 lots, not 32 lots. When it goes to the Zoning Board, it is going to be looked at as 32 lots.

John Cleary, 18 Silver Avenue, would rather have a playground down there than a cul-de-sac. He would rather not have a loop or a cul-de-sac. He would rather have a playground for the kids.

EM states the cul-de-sac could become a playground. There may be a chance of getting a loop and a playground.

GG thinks the playground sounds nice. The only problem is does the town want another playground to maintain.

J. Cleary thinks that the people in this area of town would have to



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take some responsibility for that.

GG questions what happens if Hood and Fafard's property is developed. How are the residents going to police the playground to keep residents from the abutting communities out. It could turn out to be a megaplayground.

EM asks if the people are here for the continued public hearing at 10:00 p.m.

AM indicates they are here.

P. Herr wonders what the status of the sewer is.

R. Gomes talked to Weston & Sampson this week. They are preparing to submit their alternatives to the Water/Sewer Board. The developer is prepared to install the dry sewer whichever way it has to be. They are still waiting for the town's alternatives.

EM states they are saying they will install dry sewer so when the sewer comes along they will be ready to tie in and these houses will all be sewerred. He asks if there is any way the existing houses will be able to tie in at that time.

R. Gomes indicates they will be able to tie in to their pipes to an extent. Obviously they are not sized for the whole town of Bellingham. There is going to be a line running down the street and if the residents of Dorothy Ave. are willing to tie in, they can. He does *not* want to give people the impression they are getting free sewer.

P. Herr states the issue is whether to close the public hearing or whether there are additional things which the Board can hear. Someone from the audience suggested the Board not close the hearing until they hear from the Safety officer. He thinks the Board does need to hear about sewerage until they can act on the plan.

J. Miller questions what the issue is. They are willing to put it in. It is just a question of the elevation.

P. Herr states there is a letter from the Water/Sewer Commission that they do not want it. He understands they are changing their mind.

J. Miller explains they met with the Water/Sewer Commission and the Town Administrator subsequent to the last meeting of the Planning Board. At that point in time, a call was made to the consulting engineers for the town as to the elevation to connect to. That answer



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was promised to them within 6 weeks. You can see where the dry sewers are located on their plan. They will be constructed if that is the requirement of the town. If the plan is approved with them in, they will be constructed. As to whether or not they have anything to connect to, that is an issue which was in part decided last night. It was at least raised in the discussion as to the petitions including Fafard.

JM believes they are looking at a 32 lot subdivision.

EM indicates that is a Zoning Board matter. Whether or not there is septic or sewerage is a Board of Health matter.

EN asks P. Herr if he thinks they should look for an extension.

P. Herr indicates they have 135 days from the date of submittal.

GG believes they should put in a sidewalk on one side. Whether it is one lot or five lots, the Board wants a sidewalk. It is common practice.

J. Miller indicates that is in their power to do. He is puzzled about the concern over the sewerage. They will build what is shown on the plan. Whether it ever connects to anything is a decision the town makes. This is \$75,000 worth of construction costs which could go into the affordable housing. They will build it because they have committed themselves to it.

JM thinks that most likely the town will get the grant to do the sewers .

J. Miller explains they are in some jeopardy. There were 100 applications filed last Friday for HDP funds. This project is really unique. He is concerned that he does not see the reason for delaying for sewerage. As for the traffic, Sgt. Celane is going to come back with a report that says there is a problem on 126. 32 units or 4 units are going to incrementally increase that problem, but it is not a problem which is going to go away if they go away. He urges the Board to move on this as quickly as they can.

P. Herr states the question is would it be imaginable that there would be a report from the Police Dept. which forms the basis for refusing this plan. He is convinced there is nothing they can do differently with the configuration of the streets which would improve the safety. They have done all that they possibly can. The only remaining question is if they could oblige this developer to improve the streets that were



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installed by previous developer because he does not have access to the subdivision. His personal judgment is that is not the system. He does not think they can refuse these 4 lots on the basis that it comes out to S. Main St. There just are not grounds to turn it down, even for 32. He sympathizes with the problem. He does not think the report will change the Board's decision. They do not have the options as in other cases to move anything. What concerns him is there is a facility shown on the drawings which the agency in charge of disapproves of. He thinks it is wonderful that they are willing to spend \$75,000 to put that stuff in.

J. Miller indicates that the town will oversee the sewer. The town will contract for the work. They will have to go back and connect. Water improvements will happen. Looped water will occur. Storm drainage will release by virtue of what is being done so the grant money can not be extended beyond. Their money will have to be as a necessity. The grant money will fund approximately a quarter of the site costs directly related to sewer, sanitary water and storm drainage. It will help certainly the storm drainage situation. The water pressure, the water service and the opportunity to connect to the system is certainly there. As he understands there are failing septic throughout this area. The possibility to connect to some of those would be there.

P. Herr questions how the sewer goes from here into the ground.

R. Gomes explains that Weston & Sampson has looked at this site. There is a low point down towards Silver Lake on the Hood property which would be a viable place for them to put a pumping station. They seem to think it might be better than the existing Douglas Drive location which has been proposed. They are looking at that. He is pretty sure that they will speak to the town indicating that there might be the proposal to go to. He can not speak for them.

P. Herr questions if Mr. Hood has decided to give the town access or if the town will have to take it.

R. Gomes responds they would have to obtain an easement to Mr. Hood's property to get to it. There are alternatives to get the sewer lines hooked over to the Town's pumping station.

P. Herr asks if the different pumping stations would change the grade of the sewers for these streets.

R. Gomes explains it would allow these streets to be serviced by gravity sewer instead of forced mains. It is just cheaper. There are



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less mechanics involved.

P. Herr indicates the question if the sewers shown on the plan are into that question.

R. Gomes responds they are uphill to where they envision the proposed pumping station to be. He is not sure it is Mr. Hood's land.

P. Herr questions if they are also uphill from the Douglas Street Station.

R. Gomes explains the reason they put them on the plan was to show that the developer is going to put the dry sewer in to help alleviate future problems on the site. It is not inconceivable that the line could be routed back to Douglas Drive. He has not seen the designs from Weston & Sampson. They just took what they felt was the best route for sewer.

J. Miller states there are 3 other applications pending. They can not go before the Board of Appeals until the site is approved by the *state*. In order to get approval by the state, they need to get a decision on the subdivision.

Alice Russo, asks if the last road could be made wide enough for the school bus to turnaround.

EM indicates that it ~~maybe~~ made wide enough for the bus to turn around, but that does not mean that the bus will do it. That is handled by the School Dept. Even if it were a looped road, it would not guarantee that the school bus would go down there.

A. Russo explains they do not go down there now because there is no place for the bus to turn around. All the children have to meet at the circle.

R. Gomes indicates the bubble at the end should be adequate radius for the bus to turn around.

EM indicates that the bus will do a loop but they do not like to go down cul-de-sacs because they have to back up.

GG believes that saying it should be adequate is not enough.

EN questions if P. Herr has anything against the loop instead of having the hammerhead or the bubble.

P. Herr indicates it makes sense relative to a hammerhead and a bubble.



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R. Gomes explains this would also preclude through traffic at the recreational area. They will have to turn around.

Mr. Kennedy questions if they are willing to put \$100,000 to light up the acres for them for safety problems. Bellingham does not have any more capacity. They can put in all the sewer lines they want in this town, but nothing is going to happen unless Franklin sells Bellingham capacity. As far as he is concerned, they can forget about the sewer because the town does not own any capacity.

EM asks if he is saying these 32 homes were not figured in when the capacity was figured.

Mr. Kennedy believes these 32 homes will be septic systems.

E. Carriere states they are flooded out with water. The 32 homes will have them under water.

EM asks if they are prepared to put street lights in the whole of Scott Hill Acres.

J. Miller has not spoken with his client relative to that.

EM explains that in order to get street lights in the neighborhood, they have to petition the Board of Selectmen. They have had developers put in poles so the town can then put in lights. He does not think they can make them put in street lights in the existing acres.

JM questions how wide the streets are leading up to the subdivision.

R. Gomes responds that it varies. In most acres it is about 24'. Brion Rd. has very little, almost none. They would extend the pavement down to meet Silver Avenue on those streets.

? states the traffic situation on 126 is not his concern. His children do not walk on 126. There is a sidewalk on 126. His problem is his children walking in a development with 26' wide roads.

EM indicates the Board has already made it clear they are going to have to put sidewalks.

? states that is only on their part of it. What about the 32 or 60 cars coming through the get to 126.

EM states the town can not make them do off-site improvements.



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? just wants to point out that there are vehicles trying to get to 126 through the development.

GG thinks that is a concern that has to be brought before the Zoning Board. The Planning Board is dealing with 4 lots, not 32. The picture which the developer brought in of the 32 homes and the playground was a courtesy to the Planning Board of what is about to come. They are not trying to snowplow the Board or anyone here.

? questions why they just don't make a shorter loop with a playground behind the loop.

GG indicates that is what they are doing.

EM explains there was a 3 lot subdivision from Fafard which got approved. The special permit for the condominiums to go on those 3 lots was denied. The Board approved the subdivision for Fafard's land, but he did not get his condominiums. This could get approved because it meets the subdivision standards. The Board has not determined yet. Even if it gets approved, it may get denied at the Zoning Board and become a dead issue. The question is if they should continue this and are they going to get additional information by continuing it.

JM states they could close the public hearing. He is not ready to make a decision yet.

EN makes a motion to close the public hearing. AM seconds. Vote of 5.

? states the residents of Scott Hill Acres would like to thank the Board for listening to them.

EM thanks them for coming. The informal discussion which was scheduled for 9:45 p.m. will come after the next public hearing. He calls for a 5 minute recess.

## SEWERAGE TREATMENT PLANT IN WATER RESOURCE DISTRICT FOR MAPLEBROOK CONDOMINIUMS CONTINUED PUBLIC HEARING FOR SPECIAL PERMIT

EM turns the meeting over to GG to chair this meeting. He is an abutter so he will be leaving the room.

GG states that before EM leaves he wants to read a letter which does not really pertain to this issue but does pertain to Celtic Construction. It is addressed to EM regarding development, Chestnut Street project, from Bruce Lord, attorney for Joe Lenfy, Pheasant Hill





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Estates, off Chestnut Street. The adjacent condominium development owned by Calvin Development Corp. and its contractor co-owner, Celtic Construction Co. have created a situation which has interfered with the development and sale of lots 15 and 14 of the Pheasant Hill Estates. The drainage and retention area created by the Calvin Development has failed to retain water and has overflowed on at least one occasion causing flooding at lot 14. The retention area was breached in at least one area with a gap of at least 10' in width and 8' in depth. Water flows continuously from the retention area onto lot 14. To date it has not been rectified. It is a clear <sup>violation</sup> of the Board's special permit to the contractor. The overflow of the retention area in less than severe weather and the continuous flow out of it at the present indicates a possible undesign of the retention area or severe miscalculations of the drainage information given to the Board. He requests the Board's assistance in alleviating the flooding which is now resulting on lot 14. Two weeks ago a partner in the Celtic Development Corp. indicated they would take immediate action. This has not been done. They feel the condominium project should be shut down until the problem is resolved. The developer also agreed to the erection of a fence. This has not been done. GG did go out with Mr. Lord to look at the retention area tonight. The breach in the retention area is about 10' wide, 4' high and 36' in depth, not 8' in depth as stated in this letter. It looks like about 40 yards of material breached from that retention design. That has flowed either onto their property and to the abutting property. As of today a continuous water flow as well as a stream is still running onto the abutters property. At the last meeting, Mr. Kenneth Racicot was here and he did state it would be corrected on Saturday. It should have been taken care of. It is a severe problem. The fence should be put up immediately where this retention area is located. It is probably one of the most dangerous retention ponds which has ever been approved. The Board should send a directive letter to Mr. Racicot immediately.

AM states that Mr. Racicot is not the person who applied for the special permit. They should send it to the person who got the special permit.

GG states that according to Mr. Lord's letter it is the adjacent development owned by Calvin Development Corp. and its contractor/co-owner Celtic Construction Co. Mr. Racicot is the one who told the Board that it would be corrected by 3 days after the Board's last meeting.

EM believes that Calvin should be addressed. He suggests sending one letter to the developer and one to the guy who holds the special permit. They should also mention the pavilion lights in the letter to



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Mr. Racicot.

GG went by the building tonight. The lights are still shining without reflectors. This is a severe problem for Rome Realty Corporation. It is going onto one of the properties which has not been sold.

EM makes a motion to send this directive as stated above. JM seconds. Vote of 5.

JM indicates the letter should be directed to the Zoning Agent as well.

EM thinks there was phasing involved.

GG states there has to be a job foreman.

MAPLEBROOK COMMON

SPECIAL PERMIT

GG states that this is a continued public hearing for the water resource special permit. It was continued from the last time for a site plan to be submitted. He did receive his.

? states that there are some problems with conservation which he believes the Board is attributing to the Celtic Development Corp. He presents a letter relative to the R.B. Walden Group and what they want to do with the site. Tom Real of R.B. Walden Group has spent some time on the site with the Conservation Commission studying what has not been done relative to the proposed development. Mr. Real has assured the Conservation Commission that the problems will be rectified relative to the wetlands. Mr. Real has already had over 200 hay bales delivered and they are having 500 more delivered next week. They may have to move some buildings. They understand that would require a site plan review with the Planning Board.

P. Herr asks if they are going to locate buildings differently than what is shown on the plan.

? indicates that is correct.

P. Herr asks if any of those buildings that are going to be located differently shown on this plan.

? indicates they are not. They are not going to affect the sewerage treatment plant.

Tom Real states that going in 300 - 400' off Blackstone Street there is an area of land that has been built. It is built into a wetland. He



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estimates it is about 7,000 cubic yards into the wetland. The road was not properly drained. They have agreed with Conservation to take that out and move the wetland back to its normal state. There are 11 units located in that area. The land would never support buildings there. It was improper on top of being illegal.

? spoke with P. Herr regarding this situation. He presents another letter which touches on P. Herr's concerns, especially what happens if something goes wrong and how that relates to the town of Bellingham. Those questions will be addressed in the final discharge permit that will be issued from the Commonwealth of Massachusetts. They are still working on the final drafts of the Condominium documents that he submitted. It is just a language issue that the state is trying to resolve now.

P. Herr states that this development would not be before the Board if it was not in a Water Resource District.

EN believes they should just stay in one area and if things improve it can be limited to a particular area.

JM reads from the Bellingham Zoning Law, Section 4950, Special Permit Criteria.

EN makes a motion to close the public hearing. JM seconds motion. Vote of 4.

EN makes a motion to grant the water resource special permit with conditions stated.

P. Herr states that a condition should be that organizational responsibilities have been documented indicating compliance with the 10 points raised in his letter to the Board.

? has no qualms with that.

JM asks if P. Herr would be willing to write up the special permit.

P. Herr is willing to write the decision.

AM seconds EN's motion. Vote of 4.

P. Herr questions if the drawing which is before the Board is the same drawing that he has.

? thinks it has been improved upon. The original one sent to P. Herr



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showed the screening around the sewage treatment plant.

GG states the date of the plan is 3/7/88. Landscaping and lighting was added on.

? states that P. Herr pointed out that the 18,000 square foot reserve area should receive the same type of screening that is shown on the plan for the other area. The applicant is in agreement on that theory. Much of this area is naturally vegetated and will not require too much more in the way of screening. They will go around the perimeter as shown on the plan and screen it off.

EN questions if that will be fenced off.

P. Herr states there is a chain link fence around the buildings. This is the reserve area.

GG questions the height of the screening.

? responds they will be 4 - 6'.

GG does not think that a 4' will buffer it out very well.

? talked about putting lighting on the building with P. Herr. It was suggested to them that it would be good for the police to be able to see if they had to drive in at night. P. Herr said he was not sure if they needed it and if they did put it in they better keep it low. He asks that the Board advise what they should do.

GG feels that some lighting is needed.

P. Herr states that the screening was the real issue.

? states the other thing was that they put in too many parking spaces.

EN asks P. Herr where they stand regarding this site plan. The screening is needed.

GG asks if that was the only issue.

P. Herr states he also raised the question about the number of parking spaces needed.

GG states they should reduce to 3 parking spaces to reduce runoff. He asks if the Board can send a letter directly to the Building Inspector stating that the Board found no problems with the site plan review



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except that the reserve areas are to be screened in by hemlocks. Also to reduce the parking from the required 8 to just 3 parking spaces.

EN makes a motion to send a directive to the Building Inspector regarding this site plan review. JM seconds motion. Unanimous vote.

EM states there is a joint meeting on April 7 with the Board of Selectmen. Public hearings are also scheduled on that date.

B. Lord indicates the joint meeting is on April 11.

EM states the Board should be discussing the preliminary for Riverview Park, New England Country Club and the Cogeneration Plant.

P. Herr went over the New England Country Club submittal to ensure that everything was there. He does not know if they submitted the right number of prints or paid the filing fee. They just evaluated the set of drawings. It is significantly incomplete to review. There are a number of omissions. He will tell them the things that are missing. Some substantial issues are going to come out. They show some lots that are unbuildable. He mentioned to Jeff Souza, the Project Manager, that he had all the concerns. He assumes they paid the Board \$75.00 per lot. He assumes that some of the \$15,000 fee will be used to engage a consultant engineer to review this project.

EN states the money can not be used. It goes into the general fund.

EM intends to talk to Denis Fraine about getting a consultant engineer to review the project.

P. Herr states that the Board's Clerk said there would be some plans here tonight to review regarding Riverview.

EM states there are 6 phases. The Board received a letter requesting an extension.

B. Lord talked to Fafard about asking for the extension.

EM states they were put on for the 14th and the 28th. P. Herr will not be here the 14th.

JM asks why it was put on for 2 nights.

EM responds it is because there are 6 phases. It is very extensive. The reason for extending was because the Board thought P. Herr had not reviewed it, but he did. He may like to go over part of it with the



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Board. The 14th is phase 1, 2 and 3. The 28th is phases 4, 5, and 6.

GG does not feel right discussing it now since they asked the applicant for the extension and the applicant's representatives complied and are no longer here at the meeting.

B. Lord thinks the Board has the right to discuss with the Board's consultant the areas which he does or does not have problems with. If the Board prefers, he will leave.

EM thinks it is better for the 5 Board members to hear from P. Herr now than for EM to hear it over the phone and try to relay it to the Board members.

P. Herr is concerned about the quality of the plans. They are not quite ready. There are some long industrial cul-de-sacs.

B. Lord states that this was part of the meeting with the Selectmen.

P. Herr states that Phase 1 has a cul-de-sac going in. All of the frontage lies in a suburban district but most of the land is zoned industrial.

EM states that industrial can not be accessed through residential.

P. Herr indicates that is correct. It does not make sense that way. Phase 2's cul-de-sac does not quite close with Maple Street. Each phase has some concern of that kind. One of them is on land which Mr. Fafard does not own. The Core of Engineers owns it. Fafard owns an easement.

B. Lord thinks it does make sense to put a road in the western suburban part of the site. They want to work with the Selectmen, the Planning Board and National Development with Varney to resolve the traffic situation for the road system.

P. Herr points out that one of the things talked about when the project was initially proposed was providing a connection south of the north end of Maple Street. This plan does not do that.

Minutes transcribed from tapes by Valerie DeAngelis, Clerk, Planning Board, completed in October, 1990.



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Glenn E. Gerrior, Vice-Chairman

Emile W. Niedzwiedek

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