



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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MINUTES REGULAR MEETING 5/19/88

81-P Plan -

Applicants: Onallam Realty TRust, 1275 Main St. Millis, MA

East Coast Engineering, 3 Church St., Medway, MA

Book 6398 Page 449 Farm St. 3 Industrial Lots

with the proper notation on the plan

ETM made a note for the record that this action does not extend the 3 yrs. period (grandfathering) of these 81-P lots from last summer.

JPM/GG motion to approve and sign was unanimously voted.

Submission: Petition to Reconsider the Special Permit for Lakewood Development.

Public hearing to be held on June 23, 1988 at 8:00

Changed the affordability mix. 25% are now affordable (out of 48 units)

15% are moderately priced and the rest are market value.

Letter dated 5/16/88 regarding putting a pumping station for sewage on Mechanic St. at the Crystal Spgs. property.

ETM suggested the Board is covered by extending the development at the request of the Water Dept. in favor of suitable location for a pumping station.

Steinmetz stated that his 81-P at Maplebrook was not necessary due to the fact that they found the originals and made a print.

They concerned Lots 1 and 10.

PUBLIC HEARING SPECIAL PERMIT

BACKLOT SUBDIVISION - SHIRLEY ROAD - Brad & Leslie Letourneau

John V. Fernandes esq. represented the applicants. Don Nielson from G & H Franklin was on hand to discuss engineering design.

Fern: things have changed since the original plans were filed. 6 lots were reduced to 5 further reduced to 3 lots due to the water resource district entanglements.

ETM stated a backlot had been previously submitted as well.



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Fern: Prior to the six lot subdivision there was an informal submission for backlot.

ETM: did you own the house (for frontage) up front?

Ans: Yes.

JPM: Was it lived in?

Ans: Yes.

Fern: I contacted Bruce Lord, Esq to see if neighbors would be favorable to the idea of "backlot" and then there was a disagreement. Fern and Lord had a disagreement as to normally required lot lines. A swap with the Meehans was contemplated. It appears that idea has fallen through. Based on the 100 ft. of frontage based upon the original lot lines of the subdivision our intention was to come in with the neighborhood backing, ask the board's consideration of backlot subdivision on that basis. This plan demonstrates all the by-law requirements. They have demonstrated that they have met all the criteria including all setback requirements.

Nielson: (from Guerriere & Halnon [G&H]) nothing is being done to the public way. It is all contained on private property. Gravel/stone chip driveway is proposed accessing Shirley Rd. We'll add to that coming to the cul-du-sac and creating a road width again. The Baldelli property will have access off that. Drainage for the driveway will be over the back of one of Mr. Letourneau's properties. We had 5 percolation locations/this one is here. (pointed to position on plan). 50 ft. easement proposed to carry water and electricity to the backlot.

ETM: Do they require ConsCom review. They reviewed the property at the subdivision stage and found no vegetated wetlands.

G & H: Small area where the water pockets.

EN Concerned about paving the driveways later on and causing additional runoff.

ETM: Parcel D requires 50 ft. of frontage. and has 54 ft. of common bound road. There is a question on Parcel "C" - Phill thought the label might be incorrect.

G & H I changed the label here and noted on the plan behind this line would have 98,000 sq. ft.

Fern: That plan was prepared based upon exchange of land which is no longer

valid - there will be no land exchange



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Fern: (continued from page 2) valid. There will be no land exchange.

Lord Esq: spokesperson representing the neighborhood

The neighbors decided not to go through with the land exchange. There was a good turnout of the neighborhood. Normal frontage 109 ft. to 110 ft.. this proposal fails the first point.

2) Drainage - most important - fairly elaborate drainage system was proposed with the subdivision to be built into the 3 lot plan. Meehan property receives quite a bit of drainage as it stands.

3) Shirley Rd. problem hasn't been addressed at all. Someone could pave that large long driveway and cause major drainage problems onto Shirley Rd. in the future.

4) Proposed cell drainage there and water level was an original and major concern to the designers.

5) They are trading a road and drainage for an unauthorized electric lines and water lines - the utilities would be an intrusion upon the neighborhood.

GG: Did you ask whether the wires were above or below the ground?

Fern: Utilities are going underground.

Lord: existing home doesn't have 125 ft. of frontage. It is a non-conforming lot. The second parcel was purchased in 1983 as contiguous property to make the lot conform.

JPM: How much frontage of other lots that are in there.

Lors: They don't have the normally required frontage either.

Fern: We only brought in this plan thinking that we had a solid land swap agreement. We have disagreed over the by-law regarding normally required frontage (Lord vs. Fernandes). The word "normally" must have some legal meaning. that house is legal, the way it sits and that is all that is required. Because Bruce disagreed, we went for the land exchange - now it's broken down, we have to go back to our original argument.

ETm: It was not undersized give all the property in the area.

JPM: I'm befuddled - 1 year ago if Letourneau had stated he would build one house the neighborhood would have been very happy.



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LETOURNEAU BACKLOT SUBDIVISION

EN: Cost of the original drainage scheme?

ETM: The fact remains that a 3 lot subdivision is approved. They could go in there tomorrow and build three homes.

Lord: The reason negotiations broke down was that the 3-lot proposal had drainage scheme to protect the existing neighborhood. Turn back a page, isolated lot would have worked but this lot hooks up to a larger property.

JPM: I think I voted against the subdivision. Now everybody is against the 3 lot and I. . .

Lord: The history is from 6 to 5 to 3. The neighbors are concerned about the drainage.

ETM: You met with the neighbors and they all agree with the 3 lots.

AM: could a less elaborate drainage system be installed here.

JPM: I don't see how one house can impact the neighbors and how you can force drainage on the contractor of one house.

ETM: somebody will buy the 3 lot subdivision and build it out.

Lord: They have to meet other guidelines of the Special Permit - addressing neighborhood more beneficial to the town, etc.

AM: Can there be a less elaborate system installed for this one house?

G & H: we could cut water off and drain it through the ground instead of overland as proposed.

Fern: We discussed drainage along the roadway- up until tonight we had an agreement. We will bring forward the petition for water resource district and build the 5 lot subdivision. We discussed drainage along the driveway (road way). The problem is with drainage in this neighborhood in general and not with a drainage system on my clients' site. This property has nothing to do with what happens out there now and in the past.

JPM: They don't degrade the water resource through sewage flow, we have to grant them the five lots. (referring to the nitrate test required by the special permit in the water resource district).

ETM: We cannot make a finding tonight until we check with town counsel regarding the water commissioner's concern over utility easements. He read the letter dated 5/19/88 from the Water / Sewer Commission



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Letourneau Backlot Subdivision

Fern: it's a private easement and they extend to the public -

ETM: Phil (Herr) thinks it meets the frontage requirements. We will seek a legal opinion with regard to the frontage -

Fern: Board is asking a legal opinion over the frontage issue. If town counsel finds insufficient frontage, we will withhold the petition. Allow us to discuss whether a reasonable solution can be reached with the neighbors and we will discuss the issue of easements with the water department.

ETM warned that the petitioners could come back with a Water Resource Permit and if they meet the criteria, a 5 lot subdivision would be developed there with planning board approval.

EN/JPM motion to continue to June 9, 1988 at 8:00 p.m. carried unanimously.

EMPIRE CIRCLE - approved definitive subdivision (off Fairway Drive)

Jim Reger from East Coast Engineering (formerly of Millis Engineering) was present., Lee and I and Jim Chilson went there to discuss the legality. So long as the covenant or plan doesn't have to be changed. it's o.k. We'd like to go forward with the construction of Empire Circle. They are not crossing wetland. Cul du sac coming in off of Benelli St.. This property is mortgaged. We could rescind the balance of the subdivision if it were not mortgaged. 7 years was actually an appeal period for the developer. Actual question was were there any zone changes?

JPM: Does anyone have any problem with me being here. I am a possible abutter.

Fernandes: no , Selectman Arcand said no and the members were in agreement that there wouldn't be a conflict.

JPM: I don't want some sneaky person in this room running off to the "ethics commission".

We could build Empire Circle - release the lots and then come in with a letter from the appropriate authority with their o.k. to rescind the old portion of the subdivision and propose the new.

Meeting adjourned 10:30.

Edward T. Moore, Chairman

Other Members Initials: _____