



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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JOHN P. MURRAY

MINUTES OF REGULAR MEETING JUNE 9, 1988

Meeting opened at 8:00. All members were present - JPM would be late.

Gerald Moody, Esq. representing Brad and Leslie Letourneau was present for the **CONTINUATION OF PUBLIC HEARING - SP. PERMIT - BACKLOT Subdivision - Shirley Road.**

Atty. Moody recapped the issues. The proposed land swap with the Meehans had been eliminated. All parties were in agreement that required frontage was 100 ft. and not 125 ft. Issue of drainage had been resolved swales would be provided behind the driveway. Drainage to the north of the property would be designed to direct runoff away from the abutting properties.

ETM recalled that neighbors had retained counsel (Bruce W. Lord).

AM wanted to clarify that the frontage issue had been properly (legally) resolved.

Moody stated all zoning criteria had been met.

Lord Esq: Abutters had requested swales at the rear of the Meehan property, and that the road be banked away from the Meehan property. That a swale on either side of the driveway be banked away from the Baldelli property (there at the 1st crest of the driveway) 50 ft. to the first crest of the driveway paved a minimum of 50 ft. to the first crest. House itself will be up to the standards of the area. Tree cutting was agreed to be kept at a minimum, that is for the proper construction of the driveway, septic and yard.

AM questioned the Water Department's opinion of an easement and the problems associated with same.

Moody Esq.: The water dept. doesn't like easements and therefore there is an agreement between parties. Waterline will be privately owned and maintained.

ETM: This matter must be clarified to the satisfaction of the Water Dept. They must approve of the private waterline and its maintenance.



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SP. PERMIT - BACKLOT SUB DIVISION - SHIRLEY ROAD

Mr. Meehan asked if the abutters had to attend another meeting.

ETM replied that the only issue to be resolved was that of the water dept.'s concern whether the line go up the driveway or overland by easement.

EN/GG motion to close the public hearing. Motion carried unanimously.
GG/EN motion to take matter under advisement. Motion carried unanimously.

LOT RELEASE - CHESTNUT ST.

Tom DeVitt of DeVitt Realty presented the paperwork to release Lot #3 on Chestnut St. (formerly portion of the Dill project).

AF/GG motion to release Lot #3 Chestnut St. (It should have been considered an 81-P lot originally and not required this formality).

Motion carried uannimously.

SITE PLAN REVIEW (SPR)

ASDI (Advanced Steel Design Inc.)

27 River St. Dedham, MA. They are the contractors - the business is to be located there is something else.

Lot #9 on Plan dated 1/18/88 William Way.A/K/A Park 140

Marty Barnes and Marc McGiven from ASDI present and Ben Anzaldi principal of Original Crispy Pizza (company to be located there). David johnson, Esq. from Gatsby and Hannah was also present.

Engineer/Surveyor: Neil J. Murphy, 160 Old Derby Rd., Hingham, MA.

ETM questioned which was considered the rear line - the lot was confusing.

P Herr: What is the rear/back line? Frontage on circle has three (3) sides and two (2) backs.

Controversy ensued over the side and rear lot lines.

Herr stated this is a unique lot.

EN questioned whether the issue was a main concern.

ETM: Is the dimension 100 ft. or 30 ft. requirement?



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Town Counsel must be consulted and there must be a firm determination as to what is the front and what is the back.

Parking area and detention basin were not discussed with Herr. (Previous comments by Herr resulted from Chairman Moore's conversation with Herr prior to the meeting.)

Barnes: His concern was "so many parking spaces" for the type of business. (frozen food warehouse). What is shown is required by town bylaw.

ETM: Do you have an overlay to show the proposed reduction in parking?

EN: An overlay should be provided for comparison.

Barnes: Can I get a reduction in parking? Later after the building permit is issued?

AM Expressed no concern over issuing a building permit because this site plan shows the required number of spaces. She suggested that the pavement could be left to last issue and the occupancy permit could be withheld until the special permit to determine the feasibility of a reduction in parking spaces could take place.

Barnes: Pressed for contingency approval of the site plan so as to receive the building permit.

6/9/88 Letter from the B.O.H., Ed Wirtanen, AGent needs further information in order to render a determination regarding the following items:

- number of employess;

- fencing around the detention pond;

- other safety issues.

McGivern: Issue with Wirtanen because Paul Barry (member of B.O.H. & police department) could not be located to verify soil testing on the lot which reportedly had taken place.

ETM: "Tell us about the mud-hole." (referring to the detention/retention facility)

McGivern: Fence notation is on the plan at Herr's request. 6ft. fence, chain link type.

ETM stated Police didn't approve of the slatted chain-link variety.



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Con't S.P.R. - Lot#9 William Way (ASDI-Original Crispy Pizza)

ETM reminded the applicants that the Town had recently experienced a detention pond (Crestview Commons - a Celtic Co. project) which failed miserably.

McGivern stated located to be in the southerly, southeastern corner and bounded with rip-rap.

EN you won't be burying tree stumps in it I trust.

McGivern: The shape will probably be triangular rather than oval.

Letter read from Fire Dept. dated 6/7/88 - may require additional hydrants and the cistern sprinkler system must conform to the state codes.

ETM: You should have a copy of that letter. The main concerns are what about the size of the building and find out about the reduced parking situation.

EN/GG motion to continue the site plan review 6/23/88 at a convenient spot on the agenda. (Site Plan Review in Bellingham does not require a public hearing)

Motion carried unanimously.

John P. Murray arrived at 9:00

AM announced that the planning board meeting was being recorded.

It was announced that Glenn E. Gerrior would not be participating in the next continued public hearing. For the record, Mr. Gerrior has not participated in any of the proceeding involving New England Country Club.

CONTINUED PUBLIC HEARING _ N.E. COUNTRY CLUB - DEFINITIVE PLAN

9:00 P.M.

Mike DeFrancesco from Ronald M. Ashe & Associates (design team was present.

His comments were set aside to discuss the Amory Engineering letter of 6/2/88

JPM requested a list of the waivers (Ashe referred to them as "exceptions")
Ashe: explained the dead-end, minor street and cul-du-sac issues which had been raised.



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Mintues 6/9/88

con't public hearing "NECC"

Letter dated 5/31/88 to Mitch LaPlante (principal) was read. That letter supposedly attempted to address the "double coverage" issue. (a major zoning problem and concern of this planning board)

Letter dated 5/31/88 was from Herr Assoc. to the LaPlantes. Herr stated that cart path easements were shown - he requested that drawings be forwarded to show easements for everything (golf course/houses) Herr further commented that the May letter from attys. Sokoloff & Sack explaining the "double coverage issue" was found to be factually incorrect and should not be allowed to stand as is. Herr suggested that the letter be revised. He cited further problems with the Vanasse/Hangen (consultants to NECC) letter the drawings match lines are inconsistent and they should be forced to prepare them with proper match lines.

Herr is preparing the response personally to the Sokoloff-Sack letter regarding the "double coverage issue." Until that issue is cleared up he advised that the town could not possibly move forward.

It was reported that town counsel (Lee G. Ambler) had received lots of information.

It was noted that the town is at the 76th day since the submission of this project was pushed onto the town in its incomplete state.

Joe Kostek from Forge Development/Monarch Capital was present.

ETM asked for any changes on the Bound Rd. (former paper Locust St.) issue. There is a question of ownership/status (town or not), whether or not it is sufficient to withstand the necessary improvements and whether or not land is available for the drainage easement which will be required.

Ashe: We're not prepared to discuss that issue this evening.

ETM exclaimed that he "could not believe it!" AT the last continuation of this public hearing one of this board's major concerns was access and the status of Bound Road. I can't believe they spent all that money in engineering without verifying the status of that road and whether or not they have adequate access to this project.

Ashe: Directed the board's attention to the grades on the collector roads and minor streets which was another main and prior concern of this board. They have been reduced to 10% which would eliminate the necessity of waivers.

Ashe is continuing to petition the board for use of corrugated aluminum pipe in the drainage system. The town's consultants Amory Engineers is vehemently opposed to its useage under any circumstances.



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Con't Public Hearing - NECC

Ashe claimed that Amory has a personal prejudice to the useage of aluminum pipe. Ashe claimed it's used in keeping velocities down.

Ashe: Reviewed Amory Engineering Letter. They requested a direction from the Board as to where to proceed from this point.
(CORRESPONDENCE REFERRED TO IN THESE MINUTES IS AVAILABLE IN THE CASE FILE)
Ashe explained that they required official votes on some issues but would not be submitting drawings every week (in compliance with the Board's request).

In computing the runoff for this project they used the S.C.S. (Soil Conservation Service) method which is general practice. Basis upon which runoff is computed is A.M.C.II which is acceptable method.

ETM: Requested a copy of the Amory letter to Conscom as he did address the wetlands issues as well.

ETM stated there were tons and tons of unanswered issues. Town Counsel is handling the easement issue in conjunction with P.Herr, Board's planning Consultant.

Ashe: regarding the egress and drainage we'll have to go back and forth.

The Board demanded a request by applicant for extension of time. There were too many unanswered design concerns and legal problems.

Sheila Ruggiero 92 Paine St. Had questions regarding drainage and easements. She inquired as to the finalization of easements? Reply was "not finalized."

Ashe stated they'd be coming in again.

Ruggiero's father expressed concern over sewage. He stated that his daughter experienced terrible drainage problems at her location. (Ms. Ruggier had purchased a duplex abutting the golf course some years back. The project never came before the planning board because the duplexes were constructed on 81-P lots. The project was initiated by William McClay & Associates. Since the homes were constructed there has been a history of complaints regarding drainage which should have been handled with the Building/Town Inspector at the time of construction.)

Ruggiero stated that laPlante (Edward, no longer a managing partner as reported tonight) had promised to ease his daughter's plight with the construction of the NECC project.

ETM stated that the 81-P lots would be addressed in the final analysis of the project to make sure the project doesn't impact the existing problems.



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Ashe assured that the drainage issue for the 81-P lots would be addressed at the Notice of Intent Conservation Commission hearing.

EN / JPM motion to grant an extension for decision regarding N.E. Country Club to September 23, 1988. JPM/EN motion to continue this public hearing to June 23, 1988 at 9:30 p.m. Motion carried unanimously.

DAVID ROAD - Reduction of Bond

Letter from Gerry Daigle approving of the completion of road and authorizing the reduction.

GG stated that when the cul-du-sac for the "old" David Rd. was removed the resulting lawn was supposed to have been seeded and landscaped after the final installation of road paving and curbs.

Fran Molla (representing Forge Hill Development) stated we were asked to loam and seed McGilvray property.

GG: 3 meetings ago you said you agreed to rake and re-seed her property (McGilvray).

Molla: That slipped by us - we most certainly will do that. It will be done within the next week - by next Thursday.

EN/AM voted to approve the bond reduction by \$7,639.50 retaining the required 15% of the original bond amount.

JPM stated he would rather release the bond next week after verification of the loaming and seeding. If we don't release the bond than you can "bet your bippie" he do the landscaping.

AM Rebutted Murray's remark with "this is a performance bond and a matter of this builder's reputation."

ETM: I haven't had a problem with Mr. Molla and his word yet. One question before the vote is taken. The property resulting from the elimination of a cul-du-sac reverts to whom in this case? Lot 29? (The Martha McGilvray property)

Lord Esq. in the audience, suggested that the property owner check her deed. The motion carried, 4 in favor - John P. Murray voted "present."



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DAVID ROAD- REDUCTION OF BOND

Martha McGilvray read a prepared statement. (Copy of this stated is included in the case file on Rollings Hills Estates) She referred to promises made by Leo Dalpe and Burton Rhodes (the originators of Rollings Hills Estates) regarding construction of a new driveway for her property, the landscaping , etc. She cited that she had requested minutes involving the public hearing at which time all these promises were made. Martha Russo, Third Ave., Bellingham, MA was the planning board secretary at that time. The minutes were reported to McGilvray as "missing" by present secretary, Billiegene A. Lavallee, who diligently performed research to assist McGilvray and another neighbor/abutter Joan Wingle.

McGilvray went on to say that Mrs. Lavallee had been cooperating with her requests all along and had furnished her with copies of minutes that were available and a complete copy of the case file "Rolling Hills Estates." She concluded with "the town didn't hold to any of Dalpe/Rhodes empty promises."

The board explained to McGilvray the standard procedures for bond reduction.

GG questioned the "knocked-down" trees about which McGilvray also complained.

Molla simply stated that it was necessary to construct the head-wall as indicated on the approved plans.

OAKVIEW REALTY TRUST

Victor Baltera Esq. represented Celtic Companies
Lots #15 they had conversations with owners of Lot #15 and have made arrangements to clean out catch basins and repair the lawn.

Two questions - clean out catch basin and restore the site at lot #15.
Partridge Trail. Easement to run water out over other lot. Fence agreement made with the Rol Trust was questioned. ETM stated that Celtic sounded like it was the "trust" which made that agreement with Rol.
Baltera stated that it called for a 6 ft. fence which was allowed by law.

ETM stated that "if you're not the trust and you don't own the agreements which were made at the public hearing then, you don't own the special permit I signed."

Lord, Esq. (abutters rep. spoke recapping issues.)
Baltera we're trying to move Celtic along.

EN changing of the retention pond will require another



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OAKVIEW REALTY TRUST - condos retention pond failure
public hearing.

ETM: Clarify ownership with Mr. Ambler.

Baltera: Gave him references he'll be at the Registry of Deeds.

ETM: So who owns the special permit - they are not transferrable.

Lord, Esq: Looked up the information himself. Oakview was Ken Lane and Tom Cordell. The Racicots were named as beneficiaries and had rights of appointment to trustees. According to Lord's research, the whole thing is legal. As far as the dates concerned - it's legal.

ETM: If someone was not up front with this board, I will take major offense to it.

Baltera: His (Lord's) description is simplified but basically correct.

Ed Stone (R.L.S.) original design for total retention with perc out. Found water table at 7-8 ft. rather than the 10 - 12 ft. as indicated in the calculations. Hadn't seen any soil logs for the project in the retention area. Original pond was at contour 314 and it had been constructed at contour 316.

ETM: You haven't done anything to confirm or deny whawt was originally presented to this board.

Stone: no objection to 4 minute perc tests. Top bank originally at 322 we have located it at 326 to 332 in rear plenty of height and bank.

Additional bank and additional breadth in the embankment. Breach bolstered up - it trickles out now. As stated before the breach is functioning. We're going to put 12" orifice out - trapadoidal (sp) trench of rip/rap

20-25 C.S.F. factor out there. Control outfall to reduction of 80%. Proposed to dissipate another 1 or 2% over the rip/rap. Would be on the Powers property Lot #14. We don't know that we can get an easement.

ETM: amke usre you don't increase it over 10% when it's fully developed. This won't work. I want an independent engineer to review this.

Stone agreed to furnish new drainage calcs.

EN stated that the Celtic Co. will have to pay for that.



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Oakview REalty Trust condos and retention pond failure

Baltera Esq: wants to discuss issues with town counsel.

ETM: was there some talk of piping to another retention pond - what happened to that concept?

Stone: Answered that the land would not support another pond.

Herr reported that Celtic would probably have to fill it and forget the original design. It was retaining and perching in the ground. Water cannot percolate into the water table. Now we're looking to detain runoff and discharge it overland.

ETM: This is a workshop session.

JPM Check the issues with town counsel.

AM expressed disbelief that P. Herr would suggest drainage over an abutter's property and resulting in dumping it into a wetland.

Abutters from Pheasant Hill Estates - Patrick and Jean Glaude 11 Partridge Trail (lot 15) Stone asked if there was a recorder on or was it in the minutes, Celtic had preliminary discussions with Powers.

Kerry Barrett 12 Cranberry Meadow Rd. complained that the water in the "puddle" on her property was drying out. She reported some septic system failures that she had "heard of" on her street.

JPM: You complained because your "puddle got smaller?"

Barrett: Stated that she owned 7 1/2 acres of wetlands which seemed to lack water. It has never been this low.

JPM: a Hiawatha resident, stated that "a bunch of crap" has always flowed down the hill to the main beach.

ETM was up there after the heavy rains - at the cul-du-sac at the end of Quail Run Rd. and witnessed water over the berms.

Barrett stated that the house experiencing failure is located over the banking from that street and the house on that street.

ETM stated that the Celtic proposal was "just a concept and that he didn't personally like it."



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Oakview REalty Trust - condos and retention pond failure

Baltera wanted to raise the issue of temporary occupancy permits.

Secretary had to leave the meeting after midnight.

After Mrs. Lavallee left - Maplebrook Sewage Sp. Permit was signed, Brook Estates was signed.

Meeting adjourned after 12:00 a.m.

Edward T. Moore, Chairman

glenn E. Gerrior, Vice-Chairman

Emile W. Niedzwiadek, Clerk

Anne M. Morse

John P. Murray