



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

### MINUTES JUNE 23, 1988

Meeting opened at 7:55 pm. ETM, AMM, and EWN were present.

#### Road Bond

Beaver Brook Gardens - Letter from G. Daigle - Wm. Sack Esq. represented Beaver Brook.

ETM found the letter in order but possible problems with the passbook to be used as bond/security. He suggested applicant check with town counsel for the proper format and paperwork. He also insisted upon the advice of Planning Consultant, Philip B. Herr, that an inflation factor of 15% be added into the bond amount. A copy of the estimate from the paving company must also be included with the paperwork.

AM moved to accept the bond pending review by town counsel. The passbook #90-71981, Nautilus Realty Trust, Bruce Allen, Tr., Blue Hill Credit Union.

Mr. Allen will bring in the corrected paperwork to Mr. Moore's garage.

Glenn Gerrior joined the meeting.

Herr: Questioned releasing the covenant under the circumstances. With the acceptance of the Bond, all covenants are released. We require an explicit time frame for completion when a bond is accepted.

#### 81-P Plan

Davna Corp. - Gift of Land to Conservation Commission regarding the Brook Estates (condo) project. Owner of the land is Ted Goguen, Esq. Mr. Gary Servens was present for Davna.

Herr: Nothing on the drawing to mention the "gift of land" to ConsCom. His concern is that it relies on a street that the Planning Board has historically claimed as "unaccepted." There is evidence of a species of spotted salamander which further enhances the gift of land and protection of the species.

Form A applicant: Theodore Goguen, 1 Countryside Drive, Natick, MA 01760.  
Surveyor: Davna Engineering, 2 Milliston Rd., Millis, MA 02054  
Description B 6548, P187. Easterly of Saddleback Hill/ Southerly by Brook St. consisting of 36.62 acres  $\pm$ .



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### PETITION TO RECONSIDER "Lakewood Estates" condominiums

Victor Baltera, Esq. present for the applicants. Modified special permit Under 4400, originally submitted April 1987 and Denied September 1987.

Under Section 16 applicant must wait 2 years before resubmitting. Or obtain a waiver from the "special permit granting authority" (in this case the Planning Board),

ETM: special permit requires 4 out of 5 votes. JPM will be delayed for business reasons.

ESQ: consulted with his clients who collectively decided to wait for JPM.

AM/GG motion to continue the public hearing to 9:00 p.m.

### **PUBLIC HEARING - "Judy Lane Estates" - Definitive Plan**

9:00 - John Rothermel was present for the design engineers/surveyors.  
(PE)

5 lots residential- 1 lot commercial. Commercial Lot fronts Mendon St.

Original proposal 7 lots - reduced to 5. The road was cut back to 270 ft. (reduced by 110 ft.) Removal of cul-du-sac and replacing with loam and seed. Applicant also agreed to install sidewalk to include the length of the "old" Judy Lane. Blue area on plan denoted "detention area." 2 catch basins and one manhole to the detention area.

ETM: Reason for the denial was the pulling of the road back to provide a buffer for the residences. Preliminary plan showed no sidewalks and offsite improvements offered was the installation of a complete sidewalk and elimination of the cul-du-sac.

PE: With the completion of the subdivision 16 lots total will be developed.

Herr: Hasn't received these plans.

ETM: Haven't been reviewed. Tell us about the detention pond, size and drainage calculation.

PE: approximately 4 ft. in depth.

Savoia (applicant) stated that the facility would drain itself.



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### Judy Lane Estates (Definitive)

Gregory Glynn, 10 Judy Lane: Questioned average price and size of homes.

Savoia: Price range will be between \$140 and \$160 M. One of the homes will be the Thayer Homestead.

Glynn: A buffer zone between the homes and commercial section?

Savoia: Yes - that was the intent of planning board when they requested the road be pulled back.

Glynn: Concerned over the indiscriminate cutting of trees and who's liability will the detention pond be?

Response: The town's.

Chet Lewinski, Depot St.: What is the topography of the property. His property abutts a detention pond and if the pond on Judy Lane overflows, the detention pond next to his property wiloverflow.

Savoia: The runoff from Judy Lane will be going into the brook.

Lewinski: That's his major concern. Only a 24" main goes under the RR tracks and his property is 55 Depot St. right behind the lumber yard.

P.E.: Water flows through catch basins, to manholes to the detention pond. Doesn't go to Judy Lane or Rose Avenue. His firm designs detention ponds not to overflow.

ETM: Is your house down in the hole?

Lewinski: that is my son.

Herr: Designed to take care of the 25 year storm. What happens if it exceeds 25 year storm? There doesn't appear to be a spillway.

PE: He stated the contour is 269. If Herr would feel better about the design, he would spot grade - overspill would be to the north and not the east. Should it overspill, the surface would be hard and not sod - suggested a stone spillway.



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### **JUDY LANE ESTATES**

Herr but not the top.

EN is this better to go underground like Bellwood? Subdrains?

ETM: my question is how much water will be generated.

Herr: it's only 3 ft. deep - the idea is that it will never be filled to the top.

PE: we're not increasing runoff.

ETM: not adding to Judy Lane we are not taking away from the existing Judy Lane.

Lewinski: I have a pond on one side and a brook on the other.

PE we designed in accordance with the Bellingham rules and regs so as not to increase runoff in the pre-post development stages.

Arthur White: who's responsibility for the detention pond.

ETM: The town's.

EN/GG motion to continue the public hearing to July 28, 1988 at 8:30 p.m. As of July 28th the board will be on their 81st day (out of 90 to reach a decision)

### **SITE PLAN REVIEW - ASDI - William Way**

#### **Original Crispy Pizza/Marty Barnes for Advanced Steel Design**

Mark McGivern served as spokesperson.

One additional hydrant has been added. Retention pond changed to include a fence for containment - non-slatted, rip rap at the outfall and designed for 100 year storm. Lighting and parking has been addressed. Regarding the parking issue - plan shows all the required spaces. We'd like this plan approved -we'd come back with an amended plan for reduced spaces.

ETM: In order to reduce the parking spaces a special permit and public hearing is required. You would be paving less, the detention pond wouldn't need to be so large.



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### S.P.R. - William Way - Crispy Pizza Site

ETM: Make notation on the plans as to "side and rear".

GG "Save office Copy" notation - questioned the notation and stated that the plan Phil reviews must be the same as the one presented to the board.

Herr: Issue on Change Station 1 + 60 to beyond Station 6. Station 750/going maybe 700. Installation of catch basin necessary.

McG: measured about 450 ft. to the catchbasin.

Herr: Disputed the calculation and stated well over 500 ft.

McG: Issued what happens to water on this road. We are now proposing a berm.

Herr: probably too much water going into the gutter. Second thing - the gentleman says its above "groundwater".

Barnes: Looking into the testhole/test pit.

McG: Unverified percs they were at 6 ft. depths. We went to 20 ft. in places and didn't encounter water.

Herr: We need to see evidence of a test pit.

Barnes: We are willing to do that.

Herr: My sense of this is that someday there will be residential neighbors. The parking lot is only 4 ft. away from the abutting property. You can't have it both ways. **SHOW US THE TREES AND EVIDENCE OF TEST PITS.**

Herr: Plan needs further revision - catch basins, trees must be shown, and results from the "observation/test pits".

ETM: This has three sides and they must be properly marked on the plan to eliminate confusion between sides, rear and front.

Barnes defended his companies track record in Bellingham as being "pretty damned good."

**LAKEWOOD PUBLIC HEARING** petition to Reconsider  
Reopened - JPM had arrived.



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### Lakewood Petition

ETM: requested Atty. Baltera Esq (hereinafter referred to as ESQ) to continue his presentation.

ESQ: The multifamily proposal was denied September 1987. Under Section 16 of the zoning Act, applicant must wait two (2) years or obtain a waiver from the special permit granting authority. In this situation the authority is the planning board. He spoke of substantial changes within the proposal. The original project did not include assurance of affordability along with the fair market sales. 25% of the units (12 out of 48) would be priced at \$80,000 subject to inflation. 14½% (7) would be moderately priced at \$109,000, subject to inflation. And, the other 60 would be at fair market value. ESQ feels it meets target pricing policy. He stated that these figures met with the approvals of the guidelines of the town's Affordable Housing Committee. Larger units would have more amenities. The plans have been modified to feature less general recreation with the elimination of the tennis courts and swimming pool.

EN: If this comes to pass, will there be a visual distinction between the price ranges.

ESQ: marketprice units will feature additional windows and be located at the ends of the clusters.

EN will the affordable units have the same sq. footage and same number of bathrooms.

ETM: Same number of units as before - confirmed 48 units and 5 two-family homes. As far as he is concerned, all has stayed the same with the proposal.

AM: Couldn't grasp the distinction between the units with \$80M at affordable, \$109M at moderate and the remainder at market value.

ESQ: Assured that there were a variety of options to ascertain that the units remain affordable and moderate, mainly by deed restriction.

ETM: That would be done by the affordable committee.  
Confirmed that 12 would be priced at \$80M and 7 at \$109M.

AM complained she was still confused over the verbage "affordable" and "moderate."

ETM stated the proposal sounded good on paper - expressed skepticism over policing the program.

AM: I don't understand "moderate."

GG: Complained the scale wasn't making sense to him either.



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### Lakewood Petition

ETM: we want to know that the pricing thing would work out.

ESQ: That would be done at the special permit step.

ETM: Going back to the original denial, what about the board's decision that single family development of the same area would better serve the town's needs. What makes this better than single family in the same location.

ESQ: multifamily Items B,C, & D. - school & municipal services impacts, etc., tax generation and the fact that there would be no affordable assurances.

ETM: All three deals with price.

ESQ: Concern with traffic - we could re-open the traffic consideration.

ETM: shouldn't you prove the traffic argument with this petition? The buildings are going to be the same number as before. There should be some dramatic changes.

ESQ: We don't feel that everything needs to be addressed to reconsider the petition for special permit. This doesn't bind you tonight on your conclusion./

ETM: there was alot of talk about wetlands and retention areas.

Herr: 1/4 of the units are well-below market value.

ETM: What about traffic flow and safety? The number of single family units not even mentioned. I would answer all the outstanding questions (issues) to get a feeling of where I stood with the possibility of another hearing. I don't know if it's enough of a dramatic change.

Herr: should you vote to rehear, you're not oblidge to approve ite. You have not led anyone on.

ESQ: The applicants are aware of the situation.

Herr: The unit is a wholly different structure.



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### Lakewood Petition

JPM: We still don't know what's going to happen with West Pine Village. and what about "Spindlewood?"

Herr: This applicant is not using Chapter 774 and no taking advantage of government subsidies. This is a different ballgame from Spindlewood.

Sullivan: We didn't mention H.O.P.

ESQ: We are not going H.O.P.

ETM: We should disregard the letter from the Affordable Housing Committe them too.

ESQ: Tonight's proposal not a HOP based proposal.

ETM: we have trouble relating to this company.

AM: no changes on the environment, or traffic impacts and water problems? And , they will sell at affordable prices without subsidy?

ESQ: we don't feel the need to go to Chapter 774.

Herr: Has nothing further to add.

ETM: Anything from the audience?

Roland Arcand(abutter): What's the difference between the two?

ETM: changed the architecture, priced differently.

Arcand: recaleld that the board felt that single family would be the best use of this parcel.

ESQ: needs of the residents of Bellingham were addressed. Affordability. Same number of bedrooms, architectural changes, and affordability.

Arcand - Then there are no other changes.

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

AM/EN moved to deny the petition in that the price changes were not sufficient enough changes to warrant a change in the Board's decision. Motion carried

4 in favor, JPM voted "present". He would like to see the outcome of "spindlewood."





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### Road Bond

Pickering Avenue Extension "Oak Knoll Estates" Not enough information so all the forms were returned to Mr. Galuza and Mr. Skzrat.

**Cliff Estates** \_ Letter to complete the road, utilities and drainage or forfeit the bond.

ETM stated their letter of credit expired on June 30, 1988. Bank will extend the letter of credit until September 30, 1988. Needs motion to grant the extension to 9/30/88. If the letter is not received by this board by June 30th, on June 28th, the board will be authorized to take the money and complete the road. He had no reason to believe the town wouldn't be receiving the extended bond.

EN/JPM motion to extend the letter of credit (bond) on Cliff Estates to September 30, 1988 and that if the new bond is not in the planning board's possession by June 28, 1988, the town will take the bond and complete the road. The motion carried by unanimous vote of 5.

### DECISION - SHIRLEY ROAD backlot subdivision

**ETM:** Trudel says easement good for only 20 years. What would happen after the time expired.

*Motion Carried*  
Board decided that the applicants could resolve the water situation by driveway installation. EN/AM moved to approve the special permit for backlot subdivision incorporating the previous testimony at public hearings.

### N.E. COUNTRY CLUB - continued public hearing on Definitive Plan

G. Gerrior left the meeting to avoid conflict of interest.

Herr needs a revised set of drawings.

DeFrancesco from Ashe Assoc. served as spokesperson.

ETM complained that there really hasn't been anything of substance resolved with this proposal. It is premature at best. Major problems with access (Bound Rd.) ownership and easement over Phillips property. Double coverage is a major legal concern "unanswered."



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## N.E. COUNTRY CLUB Definitive

EN: Mr. Dalpe (Leo, abutter) is not certain the headlight issue is resolved.

Brenda Cruz (Milford Daily News) What about the concerns of the neighbors abutting Bungay Brook expressed at a previous meeting?

Board assured her that all issues would be taken into consideration.

EN/AM motion to continue the public hearing to 8/25/88 Motion carried unanimous of 4. *at 8:30 p.m*

Gary Martinelli, Esq. representing Forge Development (financial resource for the N.E.C.C. project) clarified the recent publicity of the management shake-up at the country club. Each partner was 50/50. Since the beginning of the project there have been creative differences between Blackstone Valley Partners(BVP) and Black and the Forge Development Corp. The situation precipitated a management deadlock. Forge resorted to settle dispute by exercising certain provisions of the partnership agreement. Forge attempting to buy-out BVP. The management repressing BVP is now Joe LaPlante and Bob Cournoyer (his cousin). replacing Mitch LaPlante and company. Forge has over \$1 million invested and it makes no sense to change the general philosophy of the project. Forge is confirming that the project is still a N.E. village (concept in tact) and the same golf course developer is in place, Hale Irwin.

JPM: BVP trying to stop the buy-out option - is that all of them or a portion of them.

ETM stopped the discussion with "I don't think that is important."

Clerk had to leave the meeting at midnight.

John P. Murray

Edward T. Moore, Chairman

Glenn E. Gerrior, Vice-Chairman

Emile W. Niedzwiadek

++++  
Anne M. Morse



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