



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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ANNE M. MORSE
JOHN P. MURRAY

MINUTES OF REGULAR MEETING

April 27, 1989

Meeting was called to order at 7:45 p.m. All members were present.
Board's consultant, Philip B. Herr was also present.

EVERGREEN

Donald Troast, Land Planning submits site plan for the 4th building.

P. Herr questions if they have vehicular access.

D. Troast replies they do not. The building is for the storage of
drums for environmental waste. There will be access to pick up the
drums.

EM indicates he is confused because there are two site plans for the
same lot. He questions if there is one plan which shows everything.

P. Herr points out that the new site plan shows everything.

J. Riel presents the original site plan.

P. Herr indicates the base and elevations are different.

EM questions how it could be the same lot.

D. Troast used the December 30, 1988 plan which was prepared by J. Riel
and given to him by Mr. Clark.

J. Riel indicates he is here to get the site plan which he prepared
signed. The plan shows 3 buildings.

W. Arcand, Building Inspector, indicated if the Planning Board signs J.
Riel's plan, it will take care of the buildings that are up now.

EM states the Town Engineer pointed out a question relative to the
floor elevation of the first building.



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J. Riel spoke with the Town Engineer about it. The elevation was shown by a surveyor. The plans are not As-builts. It shows the parking and the drainage.

M. Megalli, Town Engineer states he is concerned because the buildings do not conform to the plans.

EM questions what parking it was built to.

M. Megalli states the buildings were not built according to the plans.

AM questions why the Board has a site plan.

W. Arcand points out he will not issue a permit if the Board signs the plan. The buildings were built at the owner's risk.

EM states they should sign the plan which was approved and then discuss the other site plan.

EN questions if they can get the building permit if the plan is signed.

W. Arcand states there is a special permit under the state code which indicates one can build at their own risk.

EM questions who checked the floor elevation.

W. Arcand responds that he and the Town Engineer checked it.

M. Megalli states it would require a surveyor.

EM reads letter dated April 2, 1989 to the Building Inspector regarding site plan recommendation. The letter refers to the foundation and the As-Built plans.

M. Megalli states there is no problem with the different elevations but the plan shows different drainage. The Planning Board should not sign the plan until it is complied with.

P. Herr states the As-built drawing is incorrect. The Board should not sign the plan.

EN questions if they will need another site plan.

EM indicates they can not get building permits until the Board signs the plan.

AM points out the Building Inspector will not have anything to go by if



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the Board does not sign the plan.

M. Megalli states there is a discrepancy between the old and new elevation because it was built prior to the plans.

J. Riel has not done an As-Built.

M. Megalli questions if it is the same elevation.

D. Troast responds it is not.

EM questions what happens to an engineer who draws the plans but is no longer working for the developer.

M. Megalli states the Board should give him a copy of the letter of approval for the site plan.

AM states he should also be given copy of the minutes of the meeting.

EM explains to Mr. Riel that the Board will give him a copy of the letter of approval, but will not sign the plan.

M. Megalli states there is no drainage on the new site plan.

D. Troast points out they have roof drainage which will keep it from going off the property. He brought the contours around like a dyke. The road drainage will run off and percolate into the ground. Use of the building is for storage of new drums used in environmental clean up.

EM explains the town's bylaw requires parking until the developer receives a special permit which he would have to apply for.

P. Herr states the proposed new bylaw requires less parking.

EM explains they may not require a public hearing. He questions if the setback is on a zone change.

D. Troast states a 100 foot rear line is required. The 30 foot side line abutts an agricultural zone.

EM states the drainage is lacking and questions the elevation.

M. Megalli states they need verification on the elevation of the foundation.

P. Herr can not tell if there is swale from the drawing. It looks like



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it goes down the street. Another contour is needed.

RIVERVIEW PARK - PHASE 1 - 5

AM removes herself from the hearing.

B. Lord provides an update. In Phase 1, they are attempting to obtain permission from the Core of Engineers to get access. They would like the Board's input. It is important that town access be provided. They will hold back on Phases 1 and 2 until they receive an answer from the Core. They will return with a full proposal within 30 - 60 days.

EM questions if they will need more time since they have to go to the Core of Engineers.

B. Lord explains that they need Core approval for Phase 5 as well. They will also discuss crossing the High Street bridge with the Core. All of the land is owned by the Core. They expect to gain approval quickly. Crossing the Charles River will require deeper review. Phases 3 and 4 were changed from the preliminary to the present plan. They have to be reviewed by the Town Engineer but are basically approvable. Access is through Maple Street and High Street. Planning Board requested improvements to the road. The developer would like improvements also. They will redesign Maple Street and High Street to provide access. They are working with the town on this. This should not hold up approval of the subdivision. The bylaw shows that both streets are arterial roads. The clover leaf is being worked on.

EM questions if they can move the clover leaf.

Jim McGlaughlin, Fafard, states it is a federal requirement that the interchanges be one mile apart.

EM states that Phases 1, 2 and 5 need to be continued. He questions the time frame.

B. Lord states that time ran out in January 1989.

EM explains that is because the applicant submitted too early before he was ready. He requests an extension.

B. Lord states they are meeting with the Core on Tuesday. They expect to get their reactions quickly, but not the final decision.

EM can schedule them to come in for the first meeting in June 1989 if they will have some feedback by then.



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Steve Rosecoe, Maple Street, abutter, questions if the 495 interchange with access Maple Street or only the Industrial Park.

JM arrives at the meeting at 8:20 p.m.

B. Lord explains it will access Maple Street because it can not be on private property.

S. Rosecoe questions if they will submit another traffic study.

B. Lord explains there will be further studies which may affect other traffic studies.

EM states that Campbell is doing a traffic study for the town. The town is fortunate that all the property is being developed at the same time. They will figure Maple Street in.

B. Lord explains they requested the town do a complete study of the whole square for the center of town including Mechanic Street. The applicant has done a fairly complete traffic study.

EM states that each developer has to come in with a traffic study.

S. Rosecoe questions if it will include the cumulative impact.

EM states that all developers are cooperating on that. The discussion is out in the open.

S. Rosecoe questions if the applicant owns the land between the parcel marked in red with connecting roads.

B. Lord explains on one side there are two landowners, but this will not be a problem. The other side is owned by one landowner. He is not sure of the status since there are other problems in the area. Agreement between the landowners is desirable.

S. Rosecoe questions if the road between Phases 1 and 2 will increase the size of those phases.

EM explains that if a road goes in, the landowner will want to develop his land.

S. Rosecoe questions if this will be included in the traffic study.

B. Lord responds that they are looking at the traffic as a whole. It will be included.



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EM questions how they figure the traffic without knowing the numbers and how big it will be.

John Kauher, abutter, questions if they will change Maple Street.

B. Lord states they suggested that in order to access the property. It will become a through road. They are talking about Maple Street at the power easement to Mechanic Street.

J. McLaughlin explains they are referring to just past the horse farm.

Ray Harrington questions the purpose of this.

B. Lord explains they want to make the road usable to provide reasonable access. It is a dangerous area right now.

EN questions what they will do.

B. Lord explains they will widen the road to make it a reasonable width and a better road.

E. questions how wide the road will be.

B. Lord states they can not tell right now. It has to be engineered.

J. McGlaughlin states it will be two full lanes similar to Route 140 to the railroad bridge.

EN points out they can not touch the trees or stone walls since it is a scenic road.

B. Lord states they have to go through a hearing process before the town to change the road. They must obtain approval from the Board of Selectmen.

Ray Harrington, Maple Street, abutter, questions why they are touching Maple Street. They could join through the Park instead of coming out Maple Street.

B. Lord explains it is too close to the intersection. It can not be too close to the property because of the clover leaf.

R. Harrington questions how many houses will be affected.

B. Lord states they already own the houses.



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EM suggest they keep off Maple Street.

R. Harrington states they could hook the roads to go to 126.

J. McGlaughlin states they do not want to restrict 126. Rt. 140 is an excellent road. Sommerville Lumber uses it.

R. Harrington states that Sommerville Lumber uses Maple Street.

EM states they are not supposed to use it.

B. Lord explains it is better for the town if the traffic flows two different ways. The proposed shopping plaza will have the traffic going one way. The town owns the easement to Maple Street. There will be no land taking.

R. Harrington questions if they will make it a 4 lane road.

J. McGlaughlin states there will be two lanes, one in each direction.

R. Harrington does not see why they can not stay off Maple Street by connecting the two roads.

B. Lord explains there would be less impact to the town to have double access rather than single access.

R. Harrington questions where the houses are.

B. Lord explains they are referring to between the Charter Gas Station, condo development and the proposed shopping plaza.

R. Harrington questions the location of the cemetery. There are no houses between that and 495. That would be the best way for them to go since they would not be bothering anyone.

J. McGlaughlin explains they would rather send a portion of the traffic to 140. It is part of the town's economic master plan.

EM questions when the easements were taken on Maple Street.

B. Lord explains it was done 10 - 15 years ago on the side of the street with the stone walls.

EM states since the easement is on one side of the street, it will give land to the other side where the new homes are.

B. Lord indicates it is not their intention to impact that side of the



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street.

EM explains that the people are fortunate that nothing will be built on the other side of the street. It will affect the road to the west side heading north. The available easement on the other side is subject to engineering's approval that they can accomodate on the other side.

R. Harrington questions if the applicant will go in whether they get the interchange or not.

B. Lord explains that the town's zoning for the land is industrial since 1967.

R. Harrington questions why they will come out Maple Street. He suggest they go out at the interchange.

B. Lord states that the town requires reasonable access. It is good planning to divide access. They do not want all the traffic going one way.

R. Harrington states they can go through Sommerville.

B. Lord responds that land is a very large wetland which can not be crossed. There is no room to put in a road. People who live there do not want a road going in front and behind their property.

EM thinks it would be a better idea to have the project interconnected.

R. Harrington questions what is behind Sommerville Lumber.

B. Lord explains there is nothing, just Core of Engineers property.

EN states it is wetlands.

EM indicates the applicant will need the town's support to go to the Core of Engineers. The town must let them know it needs the roads.

B. Lord explains that anyone who wants them to go in the other direction should write to the core in Waltham.

EM states that a horseshoe could be a cul-de-sac which would discourage people from going out Maple Street.

B. Lord states the Board could make that a condition, if necessary.

R. Harrington questions what they need to get the clover leaf.



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B. Lord indicates they need federal approval from Washington.

J. McGlaughlin states an interchange is justified with the present plans. It would alleviate traffic problems on 495. It will not have a negative impact on 126 and 140.

B. Lord indicates that almost every house in the area was built with the knowledge that it was industrial zoned land. The master plan of the town done in 1968 and updated in 1984 indicated this desire.

R. Harrington states that every time he has come to the hearing, the access is in a different spot.

EM states it is in the same spot. It was already disapproved at the preliminary. Phase 6 has been approved. They are fortunate there are no houses on one side of the street. The improvements will not affect the homeowners. The road will be widened and improved.

B. Lord explains they must have good access and show that traffic patterns are reduced. It is in their best interest to show the traffic patterns work.

S. Coler, 338 Maple Street questions if the clover leaf can be in between two phases.

B. Lord states it will not.

EM explains that was suggested earlier. It has to be one mile apart.

EN states that some problems would be alleviated if they owned all the land. The second problem has to be with the wetland and obtaining the Core of Engineer's approval.

B. Lord states that want a development the homeowner's can live with.

S. Coler questions if they could jump over 495 with a bridge and stay off Maple Street if they obtain acceptance of the roads outlined in red.

B. Lord states this is not feasible. The clover leaf is a long term project to provide an alternative means of access.

S. Coler questions if the project will wait until acceptance of the clover leaf.

J. McGlaughlin indicates the project can stand without it.



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S. Coler questions what would happen if they did not get the clover leaf.

B. Lord states that Maple Street would be the primary access road. There is already a need to expand Maple Street.

S. Coler questions how long the rule about not being able to put two interchanges within a mile has been in effect. There are two interchanges in Marlboro which are closer than one mile.

J. McGlaughlin indicates it has been since the mid 1970's.

EM states there must be some exceptions. He indicates they could come in with site plans for phases 3 and 4. The Planning Board is in favor of the access roads.

Larry Cibley, Chairman, Board of Selectmen, states that this kind of talk scares him. This is a large project with a lot of money invested. He doubts the applicant would try to hold it over the town's head. He is concerned over the traffic on Maple Street. The town now has police at 140/126 in the morning and nite. The town needs industrial growth. He does not want Maple Street to become a thoroughfare. They can get the whole project if nothing is done.

EM explains the Board can not deny the proposal unless they have specific reasons.

L. Cibley states there are traffic problems.

B. Lord states they need traffic studies.

L. Cibley indicates there will be a major problem if they do not get the clover leaf.

GG makes a motion to continue Phases 1, 2 and 5 to June 8, 1989 at 8:00 p.m. JM seconds motion. Vote of 4.

S. Coler indicates that he is concerned about traffic in a school zone and scenic road. It is already a burdened road. He is also concerned about waste water, public sewage and wetlands as well as the visual problems.

B. Lord states that upgrading the road will take care of the drainage problems. The site plan will answer the problems of utilities, noise, and visual impact according to the environmental bylaws. Any development with 20 or more parking spaces requires another process. The Board would be approving the subdivision, not any project which



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could be put there. No development is not an alternative. It must be developed reasonably. They have to make it accessible in order to service clients. They want the traffic problems solved.

S. Coler questions if they will push for the intersection.

B. Lord indicates that is correct. If the clover leaf goes in, Fafard will make a lot of money.

JM states they would be approving the subdivision as is. The money will be made when it sells out.

B. Lord explains it will not sell out over night. It is a long range project.

R. Harrington questions if the time to get the clover leaf will be stretched out.

EM suggest they write letters of support. B. Lord should make the appropriate addresses public.

M. Racicot questions if the impact on traffic will include the clover leaf. The railroad station and Forge Park are within 5 miles.

J. McGlaughlin indicates it will be included in Fafard's impact report. He's not sure about Bruce Campbell's report.

B. Lord states they requested that all be included.

Mr. Racicot questions if the traffic study will include the area in green.

EM states they are considering all traffic on 126 for the shopping center and all industrial proposals. The study should incorporate all proposals to be built.

Steve Racicot questions if it will include all land even if it is not owned.

B. Lord responds that the MEPA study will include all land which will be potentially developed.

S. Racicot questions if the part of Maple Street which is zoned industrial will be part of the industrial park.

J. McGlaughlin states they will look at all the land. The land which



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is zoned industrial will be assigned project growth.

B. Lord states that two phases meet Bellingham's subdivision requirements today. There are some traffic questions. They are not adverse to a reasonable definition. They will go on to the next step and present more detailed plans dealing with the extension of Maple Street.

EM questions the road in Phase 1.

B. Lord states they can not propose a subdivision on land which they do not own. They are working with the Core.

EM states that Phases 3 and 4 could be denied due to traffic problems. He would like them to submit the whole picture.

? questions if the town can stop Fafard from widening the road.

EM does not think so.

B. Lord explains if they are turned down, they could appeal. The court could give them the go ahead to widen at their own expense.

EM explains that Farm Street is a perfect comparison.

B. Lord states the applicant wants the road to work for them. He understands there are very attractive homes in the area.

EM suggests they continue phases 3 and 4 to June 8, 1989. It is ok for the applicant to submit to the Town Engineer.

EN makes a motion to continue Phases 3 and 4 to June 8, 1989 at 8:00 p.m. JM seconds motion. Vote of 4.

NUISSE

EM reads letter from Land, Inc. requesting a withdrawal of their application for subdivision approval. He explains they are withdrawing since they received a special permit for a backlot subdivision to build on the property.

EN makes a motion to accept the withdrawal without prejudice. GG seconds motion. Vote of 4.

NEW ENGLAND COUNTRY CLUB

GG removes himself from the hearing.



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SILVER HEIGHTS

JM and GG not present.

R. Gomes presents plans relative to the drainage. He explains the 34 lot layout. They changed the easement to accomodate new drainage. The leaching galley's did not work. They redesigned it. They had a discussion with M. Megalli, Town Engineer to review the numbers. They want drainage in the low points to pipe down to a pit area. They will have 15 and 10 cells underground.

EM questions if this is the same as the one approved before.

R. Gomes indicates it is the same type.

EN questions the gallonage.

R. Gomes states they had 4 foot cues. These are 6 feet tall, approximately 50% bigger and will be surrounded by stone. They will continue the flow to the same location.

EN questions if they talked to the owners of the property out back; if there would be traffic problems.

J. McGlaughlin, representing Fafard, indicates there would be no problem.

R. Gomes indicates the previous route for the swale agreement has changed. The will hold the increase back on site which will work like a detention basin. It will be built with 100 foot swale and will be 2 feet deep. When it fills up, it will come over the sheet property line and catch whatever has not been captured in the pit. It will leach down to the bottom with a factor of 10 and flow to the ground.

EM questions if the percs and deep holes went in.

EN questions how far down they hit water.

R. Gomes indicates they went 18 feet down and did not hit water.

M. Megalli, Town Engineer, indicates he is concerned because this is different design. He recommended they obtain response from the property owner in the rear. Jim McGlaughlin, for Silver Lake Development states the easements is in place. Mr. Megalli will review the numbers. They can go forward afterwards.



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EM agrees. They must make sure the Planning Board and property owner to the rear are aware. He does not see a need for another public hearing.

EN makes a motion to accept subject to the conditions for a new galley system and review by the Town Engineer of the numbers. AM seconds the motion. Vote of 3.

R. Gomes will leave a set of plans.

EM states the Board will sign after the Town Engineer gives his ok. They will sign the final plan.

R. Gomes will bring in a fresh set.

EM requests he give P. Herr a plan.

EM suggests New England Country Club set up their presentation while the Board hears a submission.

SUBMISSION

J. ry Vadenais, presents an 81-P to separate Gail Drive.

EM questions the zoning.

J. Vadenais indicates it is residential.

EM questions his intent.

J. Vadenais wants to take it down.

AM makes a motion to accept the plan. EN seconds motion. Vote of 3. Members sign plan. Applicant presents \$10.00 filing fee.

EM reads letter dated March 29, 1989 from the Water/Sewer Dept. approving the sewer layout for Silver Heights.

NEW ENGLAND COUNTRY CLUB

EM explains the public hearing was closed at the last meeting. The Board will review the conditions tonight. The applicant has tentative approval. The Board agrees it meets the subdivision rules and regulations for the town. Town Counsel is working with the applicant to make sure the guarantees protect the town. The discussion tonight will be between the members of the Board, Town Counsel and the applicant. The question and answer period is over. He explains the 20



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day appeal period.

G. Martinelli introduces the development team. He explains the 231 lot subdivision surrounding a championship golf course. The second means of egress will be to Bound Road, northerly from Bellingham. They have a sewer agreement with the Mayor of Woonsocket as long as they do not go out Bound Road to Woonsocket. The Mayor signed the sewer agreement.

EM questions if Town Counsel has a copy of that agreement.

L. Ambler, Town Counsel, indicates he would like a copy.

G. Martinelli will get him one tomorrow. He submitted draft covenants which fulfill representation made to the Planning Board and other town agencies. It is a standard subdivision Covenant Form F which the town requires. They are prepared to post a bond and letter of credit when they seek release of the covenant. It is premature to get into the amount of the bond.

EM explains it is done through phasing.

G. Martinelli explains the second covenant as their intent to form a homeowner's association which will have taxing authority with respect to the lot owners. They will form revenue to pay for the streets and common areas on the subdivision plan. It is comparable to condo charges. There will be a lien on the property if they do not pay.

EM states the Board is running late for the bylaw amendments.

G. Martinelli explains the developer and association will be jointly responsible. At some point the developer will control it since they will own the bulk of the lots. At the suggestion of P. Herr, they will assure the association has substance. They will provide articles of the association. Lot owners will be elected. They will provide fidelity bonding for the officers. The association will maintain insurance. Back up indemnities will be given to the town. Covenant number 3 itemizes main repair to the roadways, street signs and drainage. L. Ambler requested they insert the word replacement with the main and repair. It is not typed in yet. They also have the duty to maintain and repair.

P. Herr does not see language in the covenant relative to the agreement with the Philips.

G. Martinelli states they will maintain common areas of the subdivision. Covenant number 4 has to do with completing construction



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within 10 years. They expect to move quickly. Work will commence after the plan has been recorded. The first 20 building lots will exit Wrentham Road. It is not their intention to build the road immediately. They will build the road with the phases with a temporary cul-de-sac. The emergency road will be Paine Street. When 150 of the 230 lots are built they will be obligated to complete the road.

JM questions how long it will take for them to get to 150.

J. Sousa explains that is the 3rd phase. With 50 built per year, it will take 3 to 4 years.

G. Martinelli explains covenant number 5 states the developers and association will indemnify and hold the town harmless regarding liability for not having fences around the detention basin. They agreed to putting a 4' fence around the Philips' property. They will maintain liability insurance not less than \$1 million with the town as the additional insured. They will furnish evidence of insurance to the town. If they fail to conform to the sewer/water system, the town may intercept and make repairs and charge the applicant. They agree to the Water and Fire Departments recommendations that no construction be completed above elevation 310 until they resolve problems with fire protection with a 1 million gallon water tank. Covenant number 8 states they will plant and maintain trees around Leo Dalpe's property. L. Ambler suggests they include nursery stock or erect other barriers (berm or fence) to preclude the headlights from hitting Mr. Dalpe's house. It will be erected on New England Country Club property to the satisfaction of the Town Engineer. He spoke with Attorney Lord who represents the Dalpe's. The Dalpe's might be happy to have a wall or fence on his property. They are amenable to that. He suggest they delete the location of the barriers or nursery stock.

AM questions when they will take care of that. She suggests they do it before developing the lots because of the problem with the trucks going through.

J. Sousa indicates that will be done.

EM states they should provide the Planning Board with a copy of the agreement worked out with the Dalpe's.

EN would like a copy provided to Town Counsel as well.

B. Lord believes it has been worked out. If they can not work it out, he would like the option to come back before the Board to make a decision on the proposal.



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G. Martinelli states the Town Engineer is the arbitrator according to the Covenant.

EM states Mr. Dalpe can appeal to the Zoning Board if he is not happy.

B. Lord states it would be more satisfactory to the Dalpe's to bring it back to the Planning Board.

EM does not know whether or not the Planning Board could do anything about it.

L. Ambler states the Town Engineer is the best person. Enforcement is a private action. He is more comfortable with the Town Engineer since he is qualified to make judgments.

EM states they can go through the court process, if they are not happy with the Town Engineer's judgment.

B. Lord states they have no objection with the Town Engineer. They have not discussed Dalpe's problems yet.

EM explains the attorneys felt it would be better to rely on the Town Engineer.

G. Martinelli explains covenant number 9 which states there will be no paved golf course paths which will avoid the questions of double use. Covenant 10 states they will permit others in the town to connection to the sewer system provided it is approved by the city of Woonsocket as long as it is in the capacity of the sewer lines and there is written agreement to share in the operating costs.

EN questions if there will be a tie in fee.

G. Martinelli states it will depend on the city of Woonsocket. Such connection is approved by and subject to conditions imposed by the city of Woonsocket.

L. Ambler states there should be no charges. It is a unique contract.

G. Martinelli points out that each unit within New England Country Club is subject to a connection fee.

L. Ambler states that others would not be subject to the fee.

G. Martinelli indicates they will take out the reference to charges. Covenant number 11 is a reiteration that they will not develop more than 50 units within any 12 month period. Covenant number 12 was put



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in at the request of the Water Dept. They have the right to come on the property to inspect and monitor.

EN questions if the 50 houses are cumulative.

EM states it is not. They can not add up.

G. Martinelli states it is a standard covenant which will run with the land and not personally with the developer. They listed the requested waivers including reducing the pavement width to 29'. Maximum grades of 10% instead of 6%. Sidewalks 5' wide. Intersection distance of 235 feet. They will have two means of egress and will consider the emergency exit at Paine Street as the second means of egress until they go through the Bound Road.

EN questions if the association is like a condo association.

L. Ambler states it parallels one but is not in fact a condo association.

EN questions if the fees will include cutting grass and plowing roads.

G. Martinelli states the fees will cover the common areas. Each person will be responsible for their own yard.

EN questions if it will be possible for the roads to become part of the town of Bellingham even though they have a covenant.

L. Ambler states it is possible, just like any other subdivision. They would have to go to the Board of Selectmen and ask them to accept the roads as public ways and go to a town meeting.

JM states they would be paying taxes just like anyone else even if it becomes part of the town.

EM reads April 24, 1989 letter from the Highway Dept. indicating that the plans were completed and complied with. He also reads April 25, 1989 letter from the Water/Sewer Dept. which states that the subdivision meets all requirements. EM also reads March 23, 1989 letter from the Fire Chief requesting a hydrant and repaving and widening to 15' of Paine Street. He indicated the street names were acceptable. EM reads April 27, 1989 letter from the Fire Chief indicating that the plans comply with the water mains and requests that hydrants be installed prior to issuance of the building permits. EM reads April 5, 1989 letter from the Wrentham Police Dept. which stated that Bound Road access will impact traffic on Luke and West Streets in Wrentham. It is a dangerous intersection. Since this letter was



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received after the public hearing was closed, EM does not think the Planning Board can do anything about it.

L. Ambler indicates that is correct.

P. Herr questions Item 2b - election by lot owners requiring 75% of the lots are sold. He questions if they would have a problem with a lower percentage.

G. Martinelli indicates the developer wanted leeway to go to the 75% point. The developer would like operative control until 75% is built.

P. Herr states they may have 100 or more homeowners who would feel their interests are not being served.

EM states it could be 3 - 4 years or longer before they reach 75%.

G. Martinelli explains that any owner buying in would know that is the case. It should provide more comfort rather than detriment.

P. Herr suggest the 75% be lowered to 50%. The Board could modify it later.

M. Megalli states they can not build above elevation 310. The lower percentage will burden people until the issue is resolved.

P. Herr states it does not change financial responsibility and the fact that the homeowner's do not take over the development.

G. Martinelli explains that anyone buying in would know about the homeowner's association.

EM suggest they make it reviewable with the phases.

JM states if the homeowners have a problem, their remedy would be in Milford District Court. The Planning Board must ensure they live up to the subdivision regulations.

EM is in favor of dropping it to 50% and reviewing it later.

L. Ambler states the developer and association are severably responsible for the covenant until it constitutes a majority.

G. Martinelli states the developer has incentive to pass the responsibility along to the lot owners.

L. Ambler states the monthly fee is not as up to par at this point.



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They should make sure the funds are there to achieve things they want to achieve.

P. Herr is comfortable with 50%.

G. Martinelli explains that the developer does not get off the hook until they turn it over to the majority, but they are not obligated to turn it over until it reaches the 75% stage.

EN states it has to be spread out and proportionate for everyone. It should stay at 51% and make changes later.

EM states that 50% is better. He questions if there is any problem with that.

L. Ambler states that it is not an unfamiliar concept. The developer does not want people in Phase 1 spending money for only themselves rather than for the other phases as well. It may create hardship.

EM, AM and JM will go with 75%.

P. Herr questions why they put in a limit for completion of the development within 10 years.

EM states the bylaw says to. He does not know why.

G. Martinelli would be happy to delete the 10 years.

P. Herr does not see that it serves any purpose. He questions what happens after ten years.

All four members agree to take out the 10 years.

P. Herr questions item 4c which indicates they will have one single means of egress for 150 dwelling units. He questions if that would be manageable.

EM states the 150 will start at one end. Completion of the rest would compound the problem. Maybe they could put in a road with a base coat earlier than anticipated.

J. Sousa points out where the 150 will go in at Phase 3.

EM indicates that paving the road with no lights or houses would be a problem for police.

P. Herr refers to item #7. Who will say the fire protection problem is



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resolved.

G. Martinelli responds it will be to the satisfaction of the Water/Sewer Dept.

P. Herr states they should put in that it is the intention to put water service to the dwelling.

JM questions how many potential lots are above the 310 elevation.

J. Sousa responds there are 42 lots.

P. Herr questions if there is a letter from the Water/Sewer Dept.

J. Sousa states there is a letter dated January 1989.

EM reads letter from the Conservation Commission indicating that they are in compliance with the Wetlands Protection Act. They will monitor compliance.

G. Martinelli states the changes will be made to the covenants.

J. Sousa presents the definitive plan.

EM polls the Board and calls for a vote. The changes will be made within the 20 days appeal period.

EN questions if they will be polled subject to the changes.

EM states that is correct.

JM makes a motion to approve New England Country Club subject to the covenant and conditions.

G. Martinelli questions if approval of the plan starts the 20 day appeal period.

L. Ambler states the Board would have to rescind their vote if they did not get an acceptable covenant.

EM states the plan will not be signed if the changes are not made.

EN seconds motion. Vote of 4.

EM explains that approval starts when it is filed with the Town Clerk.

Roland Lapride, 110 Wrentham Road questions the 20 day appeal period.



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L. Ambler suggest he see a lawyer and appeal through the courts.

ZONING AMENDMENTS - PUBLIC HEARINGS

DEVELOPMENT PLAN APPROVAL

P. Herr explains the threshold for applicability is lowered. Smaller developments will be subject to it. The Planning Board will approve the plan, not just make a recommendation. The Town Engineer will manage the process. Submittals will be strengthened. It will require certification by an engineer at the end of the process. This will ensure it is built the way the plan says it will be built.

EM states it changes 20 parking spaces to 10 and requires a site plan unless it is a single family or two family houses. He questions who will enforce the decision if the Planning Board is approving rather than recommending.

P. Herr states the Building Inspector will enforce.

B. Lord states that 45 days may not be enough time to get final approval. There is no provision for an extension.

P. Herr states it can be extended. . .

JM questions what happens if they change use instead of increase the size.

P. Herr explains if they do not change the parking or remove the ground cover, there would be no reason to have a site plan review.

AM has a vacant building on Hartford Avenue. She questions if it would require a site plan because it has no current use.

B. Lord states it will not.

JM thinks that 10% would be catastrophic. He questions what would happen if they were only adding 200 square feet.

EN states that right now the zoning would include the building.

EM states that business and commercial property should be reviewed.

P. Herr states the language in the warrant is set. Any change would require a floor amendment.



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B. Lord indicates that is correct.

P. Herr states they could write in an increase to the building of 10% or more representing 500 square feet or more.

EN questions if they could come back every year to add another 10%.

P. Herr states that is correct.

EM points out they would have to add parking every time they add 10%.

B. Lord explains that a 100,000 square foot building could have 5000 square feet added but would not come under this review process.

EN states it would act the same way if it was 40%.

P. Herr indicates that is correct since it is more than 10.

B. Lord states a large developer may put in more square footage.

G states that any addition over 1000 square feet makes more sense than 10%.

EN states that 10% is no problem.

EM explains the percentage makes it wrong. Smaller building would have a small addition. A larger building would have a large addition.

B. Lord feels the lot is the key.

GG believes it should be 500 square feet.

P. Herr states it could be 500 square feet or if larger 10%. He explains that every change diminishes the likelihood that the bylaw will pass.

JM suggest 1000 square feet.

B. Lord states the problem is with businesses in town with smaller additions.

EM wants to make sure than big things will not be allowed to get by.

EN questions what they will use to grant an extention. Does it revert back to the law.



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JM points out the Building Inspector is responsible to deny a building permit.

GG makes a motion to recommend 500 square feet or if larger, 10%. AM seconds the motion.

EN makes a point of information. He questions if they could amend the 500 square feet at the town meeting.

P. Herr states they could.

GG, EM, AM vote for bylaw change.

JM vote against the change.

EN abstains.

AM recommends the bylaw with the revisions noted. GG seconds the motion. Vote of 3. EM notes the vote is 3 to 1 with one member abstaining.

YARD DEFINITION

P. Herr explains it includes the definition of a yard with a structure of not more than 48 square feet. Rewording of the rear and side definition to make it clear.

EN states that at one time the front side lot was 125 feet frontage. He questions what it is now.

P. Herr is not aware of that. The front of the house does not have to face the street. This one is for small buildings.

EM questions if this would deal with proposals like lot 12, Williams Way, which had 3 sides and no rear.

P. Herr indicates it would.

EN states the side and rear lot lines must be a certain distance. He questions if it makes a difference where the front of the building is.

EM states it has to do with the rear of the building and the side lot.

EN questions what happens if the use changes.

P. Herr states they are dealing with the side yard, and not the front of the building.

GG makes a motion to recommend this article. AM seconds motion. Vote



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of 5 to recommend.

PARKING AND LANDSCAPING

P. Herr explains this bylaw has been completely revised. The Board will be able to act on parking spaces the same night they act on the site plan. It changes the number of spaces to 2 1/2 spaces per unit.

EM questions how this will compare to the site plan review process. They will have less parking for the same size building.

P. Herr questions if he is referring to a new building or an addition.

EM states it is an alteration on existing parking.

B. Lord questions what the provision would be for a single family dwelling.

P. Herr states the Planning Board will do standards. 2 1/2 spaces is the Planning Board suggestion.

F. questions why B. Lord is referring to a single family dwelling.

B. Lord states that condos and townhouses would put in smaller driveways and people would be parking on the street.

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

GG makes a motion to recommend the article. AM seconds the motion. Vote of 5 to recommend.

ENVIRONMENTAL CONTROLS ARTICLE

P. Herr explains that the public hearing notice describes the changes.

EM questions if the noise decible level is taken from the state level.

P. Herr can not say that. This is better than the state's level. It is a very strict noise rule.

EM states it would give a scale to go by.

B. Lord questions if they would require a hearing if the Town Moderator asked them to put a driveway light on a pole.



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EM questions if this bylaw change would allow him to do that.

P. Herr indicates it does not.

EN questions if they would need a permit.

P. Herr states that is covered elsewhere with standards on how bright it can be.

Chet Lewinsky, Depot Street, read the bylaw and it stated noise decible zero.

P. Herr explains that it says the noise may not be perceptible.

C. Lewinsky questions what 65 decibels is.

Walter Lewinsky, 63 Depot Street, states there is a train station on Depot Street. There is nothing governing vehicles, just facilities.

EM does not think the Board could do that. Garelick used to leave their trucks running at night causing a lot of noise. Now they put in a berm.

C. Lewinsky states there is an environmental bylaw that the train can not be left running.

B. Lord points out that state law requires the trains to blow their whistle whenever they go over a grey area.

C. Lewinsky states that freight trains mandate they flag the road when the cross it. He can hear the whistle blow.

Leo Fibertueos states that some sounds are ultrasonic causing a low tone vibration noise inside the house instead of outside.

B. Lord states public nuisance would cover that.

P. Herr explains that decibels are measured in dynes.

EM states that hazardous materials too only deal with under the water resource bylaw.

P. Herr indicates that is correct. It would be very simple to incorporate that into this.

EM questions how they determine vibration.



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P. Herr states they will have to hire a physicist to measure it.

EM questions if that includes electrical disturbances which affect TV and radio.

P. Herr indicates it does.

EM explains right now there is no scale relative to noise. This bylaw gives them a start and they can add to it.

EN questions who will pay someone to come in if there is a problem with vibration.

AM states the Board should pay for it.

P. Herr states they will charge fees which will be part of Development Plan Review.

JM questions who they will call for an electrical interference.

P. Herr states the Building Inspector or Zoning Agent will be the enforcement officer.

C. Lewinsky questions section 3230 regarding light and glare. The Greek's place has lights which are going the wrong way. They are supposed to be aimed toward the building. He asked him to put a hood on but he did not.

AM suggest he write a letter to the Building Inspector, Town Counsel and Board of Selectmen regarding that.

C. Lewinsky states the Greek said he did not have to rectify it because he is over 900 feet away.

EM states the Board also recommended no occupancy permit until the problems are corrected.

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

AM makes a motion to recommend the bylaw change. GG seconds the motion. Vote of 5.

WATER RESOURCE DISTRICT

P. Herr states the first two deal with less sensitive issues. It suggest special permit rather than categorical. The third item is the



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same - now there is categorical rule. It should require a special permit. Items 4, 5 and 6 are now sewage.

EM states that Water Resource District II is less sensitive. Car washes and auto repair shop are not allowed now. This would allow them by special permit.

P. Herr explains the intention is not to regulate more than they have to.

EN questions if this was before the town two years ago in a different form.

P. Herr states that is correct, but it was the same form.

EM questions the difference between one and two.

P. Herr states that two is further away.

EM questions why they should allow it.

B. Lord states that one changes the trigger. They should put in the bylaw inspection of fuel tanks so the problem can be caught and treated.

P. Herr states it would not be allowed at all.

EN points out that this has been a problem.

EM questions why car washes would not be allowed in Water Resource District II since they recycle.

P. Herr states they could pass over items 1 and 2 if the Board feels there is a problem.

EN feels if it is not broken, why fix it. It is not allowed now.

EM states the bylaw would not allow them, it would require a special permit.

EN makes a motion to adopt the article omitting 1 and 2. AM seconds. Vo of 5.

P. Herr explains that 4970 deals with the issue change of use. 4980 is a standard use which deals with how it is designed. 4984 changes site plan review to development plan review. This is long overdue.



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

EN makes a motion to recommend the Water Resource District article as amended. GG seconds. Vote of 5.

MAPLEBROOK - PRELIMINARY DISCUSSION

EM turns the chair over to GG and removes himself from the discussion.

Tom Riel, Walding Group presents the preliminary plan. He explains the preliminary drainage calculations. The revised site plan has the same number of units and bedrooms.

Bob Loverud states the first plan was originally presented in 1984. They colored in the proposed retention pond.

T. Riel states the As-Built plan originally placed 97 units in phases 1 to 4. Celtic put the foundation in.

B. Loverud explains they have done a series of studies, flagging the wetlands. It is different from what was done before. It would provide better traffic flow under a new scheme with a series of clusters.

AM questions if they will have more units.

B. Loverud states it will be the same - 250 units.

JM questions if they will make the pond bigger.

EN questions what the Conservation Commission says about this.

B. Loverud met with the Conservation Commission. They reviewed it with them, dealing with water ponds and the wetlands.

T. Riel has the drainage calculations. The road construction has the water going the other way. It will affect the water ponds less than previously. More will be going to the wetlands. They will install gas traps and redesign the ravine. It will have more of a natural appearance.

JM states this is a major change and will require a special permit.

B. Loverud does not think so.

GG states the change is for the better of the site.



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JM states that the road is supposed to go all the way through with phase 2.

AM questions if the road will require a public hearing.

B. Loverud indicates it will for the Conservation Commission. They will file a notice of intent.

T. Riel states it is less than 5000.

JM questions why the road is gated off.

T. Riel explains the owners of 97 units asked them to do it.

AM states it is a means of egress.

T. Riel explains they do not want through traffic.

GG states it was part of the proposal for the agreement that was made with the Planning Board.

JM states the road is supposed to go through.

GG states it is the Planning Board's order to take it down tomorrow.

T. Riel will take it down.

B. Loverud states they will take clusters of 4 units, 4 units and 5 units with parking.

GG questions if they will have covered parking.

B. Loverud states that is a marketing issue. They are studying how many now.

JM questions if they will change the design.

T. Riel explains the size of the building is the same. The roof line is the same. They extended the bedroom but are not changing the bedroom count.

GG questions the square footage.

T. Riel states it is about 40' per unit.

GG questions if they are staying with one color scheme.



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T. Riel indicates they are.

JM questions the type of heating system.

T. Riel indicates it is gas. No units are occupied yet. They will be closing next month.

EN questions if there is a problem with the sewage treatment plant.

T. Riel states there is none. They will do the last DEQE test next month. He submits a form prepared by his attorney regarding to the four points mentioned. They have had preliminary discussions with most of the town heads. He submits copies of the drainage analysis.

P. Herr questions if this requires another site plan review.

GG states this is a major deviation.

P. Herr questions if it affects anyone off site.

AM states there is no increase in units or traffic.

GG states the Board acted on the plan. What was built and what is shown is not close.

JM questions the number of associations.

T. Riel states there will be four separate associations. they will create an umbrella trust under one for all 250 units.

GG questions if they will proceed with the grey color scheme. The previous part was green.

T. Riel indicates they are negotiating a settlement to restrain the units. The owners will decide on a unified color scheme or if it is after the umbrella trust, they will decide.

GG states their trees are dying.

T. Riel states they have a \$130,000 settlement with the bank for replacement cycle. They will replace the roof and landscaping.

JM states there may be a reason to leave the gate there with the construction.

AM points out they need two means of egress.



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P. Herr states the gate should be open.

T. Riel states they need a public hearing for a subdivision since two condos do not have frontage.

P. Herr indicates they should have the subdivision plan submitted the same night the site plan is considered.

EN states they should show the changes to the new road.

T. Riel explains they are doing the As-Built drawings with the profiles. People are now in an illegal subdivision. They will have problems with the transfer of property. They have met with other Town department heads to gain their input. T. Riel submits the As-Built plan.

B. Overud explains they are taking units out and increasing #4 to 5, all in the same phase.

NUISSE BACKLOT SUBDIVISION

B. Lord presents the plan for the backlot subdivision and indicates that the 20 day appeal period has passed.

Members sign plan.

Mail/correspondence.

Meeting adjourned at 1:30 a.m.



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Edward T. Moore, Chairman

Glenn E. Gerrior
Glenn E. Gerrior, Vice-Chairman

Emile W. Niedzwiadek
Emile W. Niedzwiadek

Anne M. Morse
Anne M. ~~Farris~~ MORSE

John P. Murray