



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

MINUTES OF REGULAR MEETING

December 14, 1989

Meeting was called to order at 7:55 p.m. All members were present.

SILVER HEIGHTS - BOND REDUCTION

Lucien Colin present representing Abram Rosenfeld to request a reduction of the performance bond.

EM reads letter from Abram Rosenfeld, dated December 14, 1989, indicating that copies of the following letters are attached: Highway Dept. recommending a reduction in the bond to \$71,000; W. W. Contractors, Inc. showing the costs for completion of work at \$61,721.28; inspection from the Bellingham Water Dept.; letter from the Water/Sewer Dept. with their final approval; letter from Weston & Sampson, consulting engineers to the town and a letter of credit from Home National Bank in the amount of \$71,000.

EM reads letter from Gerard Daigle, Highway Superintendent, dated December 13, 1989, indicating that the figure of \$71,000 would be a fair figure to insure completion for this project. He added 15% for contingencies and inflation.

EM reads letter from W.W. Contractors, Inc., dated November 3, 1989, stating that the items remaining to complete the road include: finish grading of road taking at \$8,498; sidewalk gravel and grading at \$1,750 and paving, berm and curb inlets at \$51,473.28 for a total of \$61,721.28. He asks Mr. Colin if the \$51,473.28 is to finish the coats, berm and sidewalks.

L. Colin responds that is correct.

EM reads inspection report from the Water Dept., dated June 22, 1989, indicating that the pressure test was o'kay when the water line was put in. EM reads inspection report from the Water/Sewer Dept., undated, and signed by Jean Trudel, indicating that the sewer as-built is on file in the Water/Sewer Dept. \$1,500 funds held in escrow until the



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 2

December 14, 1989

foundations are installed and sewer ties in the Water/Sewer Dept. All work was done under Weston & Sampson.

L. Colin states the Water/Sewer report was picked up this morning.

EM reads letter from Weston & Sampson, dated October 25, 1989 signed by David Burke for Ranthus B. Fouch, III, providing satisfactory completion of lateral sewer construction within the Silver Heights Subdivision.

EM states the Board will have to send a letter reducing the amount. The motion should reference the letter of credit 8873 Home National Bank to Town of Bellingham asking to reduce the letter of credit. He questions if L. Ambler initialed the letter of credit.

L. Colin indicates he did not. It is identical to what is already in the file.

EM states they will release the performance bond in the amount of \$365,682.75 and replace it with the Irrevocable Letter of Credit No. 8962 from the Home National Bank in the amount of \$71,000.

EN makes a motion to sign the letter of credit and release the previous performance bond. GG seconds motion. Vote of 4.

Clerk to send letter notifying Treasurer to release the previous performance bond and to replace it with the new bond.

EM instructs Clerk to make a copy of the letter of credit and a copy of the release letter.

WOODLANDS - PERFORMANCE BOND RELEASE

EM reads letter from Pentad Realty Trust, dated December 14, 1989, signed by Leo Mayewski indicating a request for extension to complete the scheduled improvements on Stonehedge Road from October 22, 1989 to July 22, 1990. The reasons for the request are due to the present market conditions and the possibility of extending the road into Franklin. Mr. Mayewski also requests a release of his performance bond except for \$6,800 which will remain in the account for the completion of the improvements.

EM reads letter from the Highway Dept., dated December 13, 1989, signed by G. Daigle indicating that Stonehedge Road has been inspected and they find that all Planning Board rules and regulations have been followed. Furthermore, the cul-de-sac foundation material is in place



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 3

December 14, 1989

but the circle has not been paved and the sidewalks and berm have not been installed for that section. If permission from Franklin for the road is granted, Mr. Mayewski will need to pave that area also. Mr. Daigle believes the cash bond can be reduced to \$6,800. Due to the late time of the year, it would be impossible to complete most of the work at this time. Mr. Roland Arcand did the inspection because the sidewalks were installed by the Daigle Construction Co. who is a cousin of Mr. G. Daigle.

EM reads estimate from Daigle Construction Co., dated December 3, 1989, which indicates prices for a 6" berm at \$1.75 per foot and \$6.00 per square yard for sidewalks. EM questions the number of coats because the estimate does not indicate one or two coats.

L. Mayewski indicates it will be two coats.

EN points out that the old estimate shows the berms at \$2.25. Why is it cheaper now at \$1.75.

L. Mayewski indicates it is less because of the present market.

AM states the cost has gone down since the boom.

GG states the cul-de-sac is not there because the road may go through. He questions where the money for the cul-de-sac will be if the road does not go through.

L. Mayewski states it is all there. The cul-de-sac is there, but not the edges.

EN questions if the 15% is included.

EM states it is included.

EN states the road is in but is made out of gravel.

AM makes a motion to reduce the bond to \$6,800, Ben Franklin Savings Bank Account number 0200012043. EN seconds motion. Vote of 5.

EM requests a motion to grant the extension to July 22, 1990 in order to give the applicant the opportunity to get through the Franklin or complete the work.

AM makes above motion. EN seconds. Vote of 5.

OWE SPECIAL PERMIT BACKLOT CONVERSION



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 4

December 14, 1989

CONTINUED PUBLIC HEARING

AM removes herself from the discussion.

EM reopens the public hearing and states at the last meeting the big issue was the wetlands. The Board was waiting to hear from the Conservation Commission.

EM reads letter dated November 29, 1989 from the Conservation Commission indicating that they were awaiting the filing of a Request for Determination. Upon receipt of the filing and review of the site, they will respond to the Planning Board. EM asks applicant if he has anything to add. His father hired a botanist.

E. Rowe states that C. Matthews, Conservation Commission already received letter from the botanist.

Vincent Forte, landowner, gives EM a copy of the Request for Determination. Scott Rabideau is the biologist who was retained. No hydrology supports wetlands. It is fine sandy loam. There is some wetland vegetation. It could be upland as well as down. Part of it is in the wetlands.

EN states that the soil investigations supports that something could be built on part of the land.

V. Forte indicates they probably will not have to file a Request for Determination.

EN states they will have to stay within the backlot.

EM indicates the soil investigation was done by Natural Resources Services, Scott Rabideau.

V. Forte indicates that the Conservation Commission would not have that report yet. The backing field will be kept at 50'. They have 2 acres. The house will be set closest to the road.

EN questions if the house will be within the lot designated.

V. Forte responds that it will.

JM would like to know where the house will be located.

EM indicates it has to be a backlot.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 5

December 14, 1989

JM is aware of that, but since this is a special permit, he would like to know where the house will be located.

V. Forte points out the 50' right of way and where the house lot will be.

JM questions where the rest of the lot is.

V. Forte points out lot. The Conservation Commission will not get involved because they have to maintain 100'.

JM does not want to impact the neighbors.

EM imagines they will stay away from the easement.

V. Forte states they still have 2 per test, the catch leaching field and depth hole test. The water goes under the ground and surfaces elsewhere.

EM believes this is feasible since the other houses were built there.

V. Forte states there is no doubt there is wetland there because there is a little pond.

EM states that since this is a special permit, the Board will put a condition that only a single family rather than a multifamily can be built.

EN thinks they should show exactly where the house will be.

EM indicates the Board does not require that even for subdivisions.

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

EN makes a motion to allow the backlot subdivision with two conditions: final approval from the Conservation Commission and that only a single family dwelling be built. GG seconds motion. Vote of 4.

EM explains the 20 day appeal period after the decision is filed with the Town Clerk. Then the applicant can apply to the Conservation Commission.

MAPLEBROOK 81-F

AM returns to the meeting.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 6

December 14, 1989

EM states that L. Ambler recommended not signing the old plan which was presented at the last meeting. However, L. Ambler states the new plan with a revised date of December 14, 1989 is o'kay.

Thomas Hardiman, DeFeo, Wait & Associates, shows the new plan with the December 14, 1989 notation.

T. Real states they wanted the locust map changed.

EM indicates there is verbiage that the lots were formerly owned by Maplebrook.

T. Hardiman responds that is incorrect. That is specifically what L. Ambler wanted off the plan.

EN questions where the road is.

EM states they have frontage on Blackstone St. and Old Blackstone St.

T. Real explains that the road is in and designed to the town's standards with 26'. All utilities are in and buried.

EM states that L. Ambler wanted the Board to be clear that the locust is changed.

EN questions the number of lots.

EM responds there is one lot.

AM makes a motion to sign the 81-P. GG seconds. Vote of 4 to sign the 81-P with a revision date of December 14, 1989.

EM will not sign because he is an abutter.

T. Hardiman presents the Form A and \$10.00 check.

Members sign plan.

MAPLEBROOK SITE PLAN DISCUSSION

EM removes himself from the discussion.

GG acts as Chairman in EM's absence.

GG explains that as of the last meeting the Board had not heard from



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 7

December 14, 1989

the Dept. heads. He talked with M. Megalli who indicated he did not have plans. T. Real met with him yesterday to go over the plans. Overall the road layout has not changed. There is no problem with anything except that it is contingent upon Conservation Commission approval.

GG called J. Trudel who was supposed to have a letter here tonight but it is not there. The Fire Chief said if M. Megalli has no problem with the plan, then he does not either. He was supposed to send a response also.

T. Real met with all Dept. heads last spring. J. Trudel asked them to put in two gates for the new loop road. They will meet again before they commence construction.

B. Wait, DeFeo, Wait & Associates, presents the Order of Conditions from the Conservation Commission.

GG point out that M. Megalli felt that this does not constitute a new public hearing. It is a slight deviation. The relocation of the building is a betterment. He asks for comments/questions from the audience.

EN states the Planning Board does not have a copy of the Order of Conditions and never had a copy.

GG indicates that is correct. The applicant should give the Board a copy.

JM states that it was his opinion last time they were in that this did not constitute a new public hearing.

AM makes a motion to send a letter of recommendation to the Building Inspector. JM seconds motion. Vote of 4.

AM states the letter should state that recommendation is contingent upon approval for the Order of Conditions from the Conservation Commission and review by the Water Dept. for a couple of gates.

T. Real submits a Proposal for the Planning Board's signatures to clarify the overall situation. He would like the Planning Board to review and sign. They want to record the document to clear up the discrepancy which Celtic created.

EN questions if this was taken up with L. Ambler.

Steve Kaye, Attorney for applicant, indicates it was not. They sent it



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 8

December 14, 1989

to P. Herr but it was not discussed.

EN would like to get something from P. Herr before signing.

AM does not feel this is a big deal.

JM states there may be technical problems with the document.

T. Real would like to hold the vote for P. Herr to review. He will also send it to L. Ambler for his review. They are trying to memorialize the document at the Registry of Deeds. It discusses all the points.

B. Loverud states the applicant already received two votes, one at the last meeting regarding the special permit and one tonight. He thinks the applicant can go with 3 members signing the Proposal.

AM makes a motion to sign the Proposal with regard to the special permit, site plan and approvals. JM seconds motion. Vote of 3. EN abstains.

JM states the site plan should be stamped.

T. Real would rather wait until all members of the Planning Board are satisfied.

GG suggests T. Real forward a copy to P. Herr for his review.

T. Real will forward copies to P. Herr and L. Ambler.

GG states the applicant wants a perfect vote.

EN questions if the Board must rescind their vote.

T. Real decides he will accept the vote. He will send a withdrawal in writing to the Board relative to the definitive subdivision. It is no longer necessary because they did an 81-P. The Board will cancel the January 11, 1990 continuance of the Maplebrook definitive subdivision at 8:00 p.m.

3 members sign Proposal. EN abstains.

ONDRATO SPECIAL PERMIT

PUBLIC HEARING FOR WATER RESOURCE

EM removes himself from the discussion.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 9

December 14, 1989

Clerk reads Notice of Public Hearing.

B. Lord, Esquire is present, representing applicant. He states that Section 4950 of the Water Resource Bylaw as changed May 1989 applies. The applicant submits a large set of numbers. The first set computed using the numbers suggested in the bylaw did not work.

EN asks why the Bylaw does not work.

B. Lord states the suggested numbers do not work. The impact of the nitrates is not as significant as they thought. They used the Chaddum Board of Health nitrate information at he believes, P. Herr's suggestion, to give a history of the nitrate situation. The nitrogen loading calculation on the back was used. They used the calculation to get the numbers to work under the Bylaw to allow construction for a lot of this type. It will eventually be an 81-P. This will be a 4 lot division of property with a 40,000 square foot lot and a 26,000 lot. 3 other lots qualify for duplexes. They request that 2 lots be allowed for duplexes. Each will be 2 bedrooms.

AM questions the zoning.

B. Lord responds it is commercial/business 1.

JM questions if they are asking for more zoning allowances.

B. Lord indicates they are not. This is exactly what the zoning allows. They are asking for a waiver of the Water Resource District under Section 4932.

JM states it may be better to have single family homes. Sale of 2 family is almost non-existent.

B. Lord indicates that is incorrect. Sale of 2 families is doing well. They already have a buyer for units.

EM questions if it is wet.

B. Lord indicates that part of the property in Franklin is wet. The plan shows double lots because some of it is in Franklin.

GG asks if a duplex requires a double septic system.

B. Lord responds that it does require that. 2 bedrooms each unit means that the chances of children will be less.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 10

December 14, 1989

GG states the biggest problem is the applicant is asking the board to look at 3 wet areas down here without seeing the grading plans. He questions the septic tanks.

B. Lord states that this area has gone through perc tests.

GG questions what the final elevations show.

AM points out that the Board of Health is very careful in their review.

B. Lord states that for drainage they will say if any filling will be done.

EN states they can not fill because of the wetlands.

B. Lord states it is wet part of the time in the year.

AM points out he can not fill.

B. Lord indicates it is up to the Conservation Commission to check the wetlands. G. Lapio's son, David Lapio is here on his father's behalf. His father is an abutter and is concerned about problems with drainage from Van Lumber. He suggests the Board send a letter to Van Lumber and ask why this situation exists.

EN questions if the houses will be hidden by bushes or shrubs.

B. Lord states the subdivision according to the zoning qualifies. It can be signed. They have to show the numbers comply with the Bylaw.

EN questions if P. Herr has seen the numbers.

B. Lord indicates he has. He thought P. Herr would have a letter here tonight. The Board changed to Bylaw to allow this type of development last May 1989 as long as it complies with the nitrate situation.

EN questions who did the test.

B. Lord responds it was Drake Associates. They must also get approval from Franklin for the subdivision because there is a lot in each town.

EN would like to hear what P. Herr has to say.

David Lapio, on behalf of his father who could not be here tonight,



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 11

December 14, 1989

requests that the public hearing stay open to give his father a chance to come in.

GG indicates it will probably stay open anyway.

EN states it can be put on the agenda for January 25, 1990.

B. Lord requests the Board put it on for the first meeting in January 1990.

GG requests a motion to continue to January 11, 1990.

AM makes motion to continue. JM seconds motion. Vote of 4 to continue.

GG questions if D. Lapio's father feels the water is coming from Van Lumber.

D. Lapio states the water detention from Bradford and Van Lumber is going down in the ground, under the road and in front of their house. It is on raised land of 5 - 6'. It used to be all level. It comes up through the ground.

GG suggests the Board send a letter to the Town Engineer and request his review of the situation.

JM questions where the water ends up.

D. Lapio states it ends up in front of their house.

GG states the Highway Dept. has no jurisdiction over this.

AM suggests they send a letter to M. Megalli with a copy to Bradford.

B. Lord believes they should send something official to notify the owners about what is happening and give them the opportunity to correct the problem.

D. Lapio states the water is pouring into their driveway and flooding their front lawn. The water is not going into the house.

GG questions if D. Lapio's fathers' house sits higher or lower. Does the grade go up?

D. Lapio states it is lifted up. The pond is going through.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 12

December 14, 1989

GG questions the elevation in the back.

D. Lapio states it goes down from front to back. His father is afraid if more is built up there, he will be in a gulley.

B. Lord will stipulate grading.

GG states the Board will forward a letter to the Town Engineer and ask him to investigate the situation.

SUBMISSION

EM returns to the meeting.

B. Lord presents an 81-P for Thomas and Christa Starling for Silver Lake. They are dividing 2 properties which were divided before. It used to be Camp Mayflower. There is a dispute about 2 lines. The plan on file in 1945 showing Ernie Taft as property owner is totally erroneous. The parties agreed the boundaries are now saleable. They are selling next week.

EM questions if it is the only house down the road.

B. Lord indicates that is correct. The garage was cut in half. These are all paper streets. None are accepted streets. The dotted line shows the deeded property owner in 1945.

GG makes a motion to sign the 81-P. JM seconds the motion. Vote of 5 to sign.

B. Lord presents check for \$10.00 and Form A as well as 2 plans.

Members sign plan.

ABBEY REALTY TRUST

307 FARM STREET - DEVELOPMENT PLAN REVIEW

PUBLIC HEARING

EM opens public hearing at 9:00 p.m.

Clerk reads Notice of Public Hearing.

EM reads letter from M. Megalli, Town Engineer, dated November 20, 1989, indicating that the land is zoned agricultural but use is industrial. There should be a notation on the plan relative to the variance date. He reads response from Sylvie Franzini, dated November



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 13

December 14, 1989

21, 1989 indicating that the notation has been made and they have filed a Notice of Intent with the Conservation Commission. EM reads letter from the Town Engineer, dated November 22, 1989 distributing the plans.

JM questions where the property is.

EM asks if the applicant cut down trees on the scenic road.

S. Franzini indicates they did not cut any at all.

EM questions if they made anyone move their mailboxes.

S. Franzini indicates they did tear down one mailbox because it was on their property. She presents photographs showing the road and trees. The Tree Warden told them not to cut the trees which are marked with red dots.

EM questions if the trees with red dots are on the scenic road.

S. Franzini indicates that is correct.

EM questions what the blue building is.

S. Franzini responds that is the first one.

EM questions #2 building. Has it also been built?

S. Franzini indicates it has. They have a 1988 foundation permit. They already have an Order of Conditions but it has not been filed yet.

EM requests she send a copy of the Order of Conditions to the Planning Board. He questions if S. Franzini has talked with the Town Engineer this week.

S. Franzini states she has not had any other correspondence with him. The Town Engineer obviously looked over the plan and told her what was missing.

EM questions how much of the work has been done.

S. Franzini states just the foundation and the septic system have been done.

EN asks how the Board can act on this without responses.

EM states the Board only has responses from the Conservation Commission



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 14

December 14, 1989

and the Board of Health who o'kayed the septic. The Board has not heard from the Town Engineer regarding the drainage and the engineering.

S. Franzini states that for the drainage, the building will not be more than 40,000 square feet. It is not impervious. They have an Order of Conditions.

EM questions the kind of conditions on the Order of Conditions. Is there anything out of the ordinary.

S. Franzini indicates there is not.

EM states it is a standard Order of Conditions. He reads the 11 special conditions.

S. Franzini reads Section 1422(c) which states that the Planning Board will determine if the site plan complies with the requirements. It is not up to the Town Engineer to do.

EN states the Town Engineer must tell the Planning Board it is o'kay first.

S. Franzini states the Conservation Commission and Board of Health have responded.

EM questions where the paved parking lot is.

S. Franzini points it out. The driveway is not paved.

EM questions the number of parking spaces.

S. Franzini responds they will have 5. They have a new breakdown for parking calculations.

EM questions the size of the building.

S. Franzini it will be 3,025 square foot. She reads Section 3328 regarding wholesale and industrial buildings which establish the number of parking spaces per 2500 square feet.

EM states that the note on the plan which M. Megalli wanted relative to the rezoning to agricultural land means that they can not add on to the building.

EN questions the 50% rule.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 15

December 14, 1989

EM states the Town Engineer sent a letter to S. Franzini stating that the information is complete. He asked for comments from the various town depts., but the Planning Board has not received responses from anyone.

JM feels the Bylaw is full of holes for people to respond in a timely fashion.

EN makes a motion to continue the public hearing to January 11, 1990 at 8:30 p.m. JM seconds motion. Vote of 5.

EM instructs Clerk to send a memo to M. Megalli asking the status of 307 Farm Street. He should be advised that the public hearing has been continued to January 11, 1990 at 8:30 p.m. and that the Board has not received any responses.

S. Franzini points out that the Fire Chief reviewed the plans already because they already have a building permit.

AM questions why they are here then.

S. Franzini states that someone complained. They received their permit in July 7, 1989, but the Attorney General made the zoning bylaw relative to Development Plan Review retroactive to May 1989 so they can not use their permit.

SHOPPES AT CITY LIGHTS - EXTENSION

EN makes a motion to grant the extension requested relative to Shoppes at City Lights to February 28, 1990. JM seconds motion. Vote of 5.

EN makes a motion to accept the minutes of November 9, 1989. GG seconds motion. Vote of 5.

VALLEY VIEW ESTATES REQUEST FOR EXTENSION

EM reads letter from Valley View Estates requesting an extension to June 1991.

EN makes a motion to grant the extension. GG seconds. Vote of 4. AM abstains.

FRANKLIN GOLF COURSE LEONARD FRENCH



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 16

December 14, 1989

Clerk reads letter from L. French explaining his proposed golf course.

EM understands they are developing for a golf course but he wonders if they will have any buildings.

AM questions who will service the development.

EM states the town has a Bylaw regarding development to a neighboring town.

AM questions if the Bellingham police and Fire Depts. will service the development.

EM has an idea the clubhouse will be in Bellingham.

AM states that Mr. French will need a public hearing to cut trees.

EM suggests the Board send a letter to L. French indicating that because Maple Street is a scenic road, a public hearing will be required to cut trees.

The Board decides to vote on the Traffic Impact policy at the next meeting.

Mail/General Correspondence

Meeting adjourned at 10:30 p.m.



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

MINUTES OF REGULAR MEETING

page 17

December 14, 1989

Edward T. Moore
Edward T. Moore, Chairman

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

Emile W. Niedzwiedek
Emile W. Niedzwiedek

Anne M. Morse
Anne M. Morse

John F. Murray
John F. Murray