



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

GLENN E. GERRIOR, CHAIRMAN  
EDWARD T. MOORE, VICE CHAIRMAN  
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ANNE M. MORSE  
JOHN P. MURRAY  
ROLAND R. LAPRADE, ASSOCIATE MEMBER

## MINUTES OF REGULAR MEETING

June 28, 1990

Meeting was called to order at 7:40 p.m. EM, EN and AM were present. GG and JM came in later. Board's consultant, Philip B. Herr was also present.

### Submissions:

Bill Brisson submits an 81-P for a redivision of the lot for Scott and Jean Hart. He points out the original line.

EM questions where the parcel is on S. Main Street.

B. Brisson explains it is across the street from New England Art Gallery. The easement is coming out of a bad entrance. The right of way still exists. There is a steep embankment. They are moving the lot line so they have room to swing into the lot. It is an even swap.

EM questions the zoning.

AM indicates it is suburban. 150' is required.

B. Brisson explains these were both existing lots before. Originally it was one lot. It was separated last August 1989.

EN states that the Board has to make sure that it conforms.

EM questions if there is 144' of frontage. He only sees 144'. The right of way can not be counted.

B. Brisson believes they had the required frontage before. There is contiguous frontage.

GG enters the meeting at 7:45 p.m.

EM states they can not count the right of way as frontage.



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B. Brisson states that a number was left out of there. He thought the frontage was 300.

EN makes a motion to sign the plan. AM seconds motion. Vote of 3.

EN does not think the Board can sign this plan. They will have a problem when they try to record it in Dedham.

EM indicates that the engineer can add the correct frontage in tomorrow.

B. Brisson will give the Board a revised copy of the 81-P plan showing the correct frontage. He presents \$10.00 fee.

Norman Therien submits an 81-P plan which the Board already signed for Freeman Street. It is in Land Court and needs to be on a different material.

EM does not believe the plan is quite the same.

N. Therien explains that Roger Gagnon had submitted this same plan to the Board and the Board signed off on it. Land Court wants the plan on different material and they also want the information placed differently on the plan. That's what he is presenting tonight.

EM requests that P. Herr look at the plan. It does look like the same plan to him.

P. Herr believes that it looks the same.

N. Therien did not know they had to go to Land Court with the plan.

EM makes a motion to sign the plan. AM seconds motion. Vote of 4.

N. Therien presents \$10.00 fee and Form A.

Brad Letourneau is here to discuss the timeframe for his backlot special permit.

GG reads letter from Mr. Letourneau, dated June 28, 1990 stating that he met all the requirements of the special permit. P. Herr suggested he write to the Board to get a reply and confirmation that the special permit has been used when he filed his 81-P.

P. Herr states that Mr. Letourneau came in for a backlot special permit



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which was granted. He later came in with an 81-P plan for the same backlot which the Board signed.

GG questions if the the backlot was appealed.

B. Letourneau indicates that it was appealed. The appeal was dismissed.

Clerk explains that she spoke with Town Counsel who indicated that the permit was good until September 17, 1990, one year after the appeal was dismissed.

P. Herr indicates that is the amount of time they have to utilize the special permit.

EM does not think that the property could be sold without a building.

P. Herr does not think that building has anything to do with the use of the special permit within one year. He believes that since Mr. Letourneau brought in an 81-P plan which the Board signed, he used his special permit.

B. Lord explains that as soon as Mr. Letourneau came in with the 81-P, that froze the zoning for 3 years.

P. Herr states that the special permit is about dividing the lot. There are different types of special permits. Dividing a lot is all that he needed to do.

EM questions if Mr. Letourneau has until September 1990 to build or did the 81-P make it forever.

P. Herr believes it is forever. He believes the Board should ask Town Counsel about that.

EN questions if Mr. Letourneau will only build one house.

B. Letourneau indicates that is correct.

P. Herr believes that the following questions should be referred to Town Counsel: Is the lot buildable indefinitely in the future; Is it buildable even though there is separate ownership; and Is it transferable.

EM indicates that an extension could be granted if Town Counsel determines that Mr. Letourneau has to build by September 1990.



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GG instructs Clerk to send a letter to Town Counsel asking the above 3 questions.

## SILVER HEIGHTS - ROAD BOND

Abram Rosenfeld currently has an irrevocable letter of credit from Home National Bank which is worthless. He questions if the Board would like a new letter of credit. He established his accounts and construction financing with the Milford National Bank. They are willing to give a letter of credit. However, their policy is to only give one for one year at a time. He will leave the amount at \$71,000. Now it could be lowered to \$30,000 - \$35,000.

AM questions when they will complete the road.

Lucien Colin, Silver Heights, indicates that Brion Road will be done by the fall. The further road will be done later. He expects one year to completion of construction.

A. Rosenfeld explains that they already did the sidewalks and curbs.

P. Herr states that Milford National will only give the letter of credit for one year.

A. Rosenfeld indicates that they will renew it every year.

P. Herr points out that if that is the case, the agreement with the Board has to be that the work will be completed in one year. The Board can not take the letter of credit until it has gone past. The Board currently has 4 letters of credit from Home National. They must make the date the work is to be completed prior to the one year expiration. They would have to be in default before the expiration date.

AM indicates they can extend credit. The Board could give them 9 months and then they could renew it. That would be 3 months before the expiration date.

P. Herr states they could do it as of March 1990.

EM questions if there are alternatives to accepting a letter of credit for one year.

A. Rosenfeld questions if the Board would rather have a bond from an insurance company.



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AM believes they should take a letter of credit for 12 months, but give the extension for the work for 9 months.

P. Herr believes that Mr. Rosenfeld is being the good guy by coming in without the Board asking. D. Fraine and others in town should be party to this conversation. Letters of credit are no better than the bank that wrote them. Some towns are not taking Letters of Credit.

Am states that Milford National is a real solid bank.

P. Herr believes that D. Fraine should agree because the town is the one that will get stuck.

EM questions if it is their policy to take letters of credit or not. He does not know.

P. Herr believes that the regulations say security approved as to the assurances by the Town Treasurer. He should give the Board a list of banks and insurance companies that can be used. There is something good about a passbook.

Em indicates it is the safest thing.

P. Herr states that is what the Board used to get. Mr. Rosenfeld is looking for an amendment to the agreement to extend the completion date for 9 months. The Board should ask the Town Treasurer if the Letter of Credit from Milford National or other security is satisfactory.

AM believes they could extend 9 months from today.

P. Herr indicates that the Board has to make sure there is a 3 month space between the time for default and the time that the letter of credit runs out.

L. Colin believes they could be done with the work in August 1991.

W. Arcand questions why they would need the approval of D. Fraine.

P. Herr believes that the Town Treasurer would probably be the right person. He does not have the expertise.

W. Arcand believes that the Town Treasurer is the right person.

EM states that Mr. Rosenfeld will have to come back with a request for extension and a letter of credit for 12 months.



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A. Rosenfeld does not have anything now. It expired on May 22, 1990.

P. Herr indicates that the Board may want to ask Town Counsel about the completion date.

GG suggests the Board send a letter to Town Counsel regarding granting the extension for completion of the road to March 31, 1991.

L. Colin explains that they came here on their own in good faith.

EM believes that their attorneys and Town Counsel should work it out.

P. Herr indicates that the letter to Town Counsel should ask if the Board acted properly in voting to revise the required completion date on this subdivision administratively without a hearing.

AM indicates that the Board has done many without public hearings. She is assuming there is a binder coat down for occupancy.

P. Herr explains that Blackstone moved to rescind everyone of the letters of credit. The Board should check with Town Counsel to find out if what they are doing is correct.

GG requests that Town Counsel reply by the next meeting. He requests that Mr. Rosenfeld present a letter of credit by the end of July 1990.

L. Colin requests that the Board send them a letter after the first meeting telling them what they want.

P. Herr suggests that the Board send responses from Town Counsel and Town Treasurer to Mr. Rosenfeld so he can get moving.

L. Colin suspects that the Board is leaning towards people to put up passbooks with money. He believes that is fine for any new development which is done from now on. Anything in the future should be passbooks.

EM explains the problem is the letter of credit is defunct. If the developer does not have the money to finish the road, the town would be stuck. The Board has to handle everyone the same.

P. Herr states that Bellingham's situation is not comparable to Franklin or Blackstone. There are not many letters of credit. The Board should send letters to Town Counsel and Town Treasurer asking what kind of security the town should want. Are letters of credit o'kay? Which banks are o'kay?



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GG will talk to Town Treasurer instead of sending a letter.

AM should ask Town Counsel too.

GG indicates that he will talk to Town Treasurer. A letter should go to Town Counsel.

P. Herr states that the Board needs a way to develop criteria.

JM arrives at 8:35 p.m.

### RIVERVIEW 1-5 AND LAKEVIEW

GG reopens the public hearing for Riverview Park, Phases 1 - 5 and continue it for 15 minutes.

EM makes a motion to reopen Riverview Park and continue it to 8:50 p.m. tonight.

EN seconds motion. Vote of 5.

EM makes a motion to reopen Lakeview Estates and continue it to 9:15 p.m. EN seconds motion. Vote of 5.

### NEW ENGLAND COUNTRY CLUB

#### INFORMATIONAL DISCUSSION RE: PROPOSED ARTICLE FOR TOWN WARRANT TO REVISE COVENANT.

GG removes himself from the discussion. EM will act<sup>as</sup> Chairman in GG's absence.

G. Martinelli, counsel for Forge Development Corporation, represents New England Country Club.

EM explains that this is an informational discussion. The decision will be made at the Town Meeting in July 1990. GG has not sat on New England Country Club in the past.

G. Martinelli explains they are looking for a recommendation from the Board regarding the covenants of 1986. The covenant states that after January 1, 1989, there will be no vehicular access through Paine Street except for construction. The developer is going to the Town Meeting to get relief from the covenant. The Town Meeting is July 18, 1990. They have not started the subdivision yet because of the market conditions. The golf course is lying fallow because of the access problem. He points out old clubhouse. They can take advantage of Manchester Road



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and build a road out to Paine Street. There is access in the road and up Manchester Road. They had a site distance study done.

EM has a letter from the Safety Officer. He questions if it is their intent to put a road in first before they build.

G. Martinelli responds that is what they are trying to do. They want to get the clubhouse going.

JM does not think it is in the Board's preview to give a recommendation.

AM thinks it is very important that the Board advises the developer on this.

JM states there was a big deal at the public hearing about the traffic which would be created at Cook's Corner.

EM believes there would be less traffic at Cook's Corner. He reads letter from the Safety Officer Haughey indicating that he had surveyed the site distance and found it to be well over the required 400' distance.

EN believes they should have a public hearing on this issue.

EM states it will be done in public at the Town Meeting.

G. Martinelli explains that if the town approves this, they will come back to the Planning Board to amend the subdivision plan.

Jeff Sousa, New England Country Club, presents the site distance report.

JM states that the whole neighborhood was concerned about the traffic on Paine Street.

AM states that this does not mean that the developer is deleting any egresses.

J. Sousa started talking to the neighbors. One who lives directly across in a condo is coming to the Town Meeting and is in favor of it.

P. Herr states the developer is asking this because of the market conditions. They should not be able to go with the subdivision without the subdivision road. They already put the golf course in and want to use it. Once the subdivision is developed, they could dynamite the





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Paine Street egress. Otherwise, they would be changing the circulation from now on.

G. Martinelli indicates it is not their intention to dynamite the Paine Street egress. They will change the circulation system.

P. Herr states that if it is to be a temporary opening it is one situation. The primary entrance will be moved from Wrentham Road to Paine Street. They will hear a lot of noise from the people who are residents of Paine Street who were opposed to the development. The real question is what is the most appropriate circulation system. Paine Street is a terrible road. It has excessive grades. The intersection to the south and north end are lousy. Ron Ash and Associates are capable of determining an analysis. Site distance is important, but it is a small part of the problem.

JM believes it would take traffic away from Cook's Corner.

EM states this would be a permanent street, not temporary. The other 2 egresses are still there. The more ways they split the traffic, the better.

J. Sousa talked with people at the entrance. They are in favor. There was always a golf course there. There was always traffic. They had an information meeting at the club for the residents.

EM states the neighbors were more concerned about the drainage than the traffic.

J. Sousa indicates they have 800' site distance in each direction. A collector road requires 400'.

P. Herr states that the site distance is fine.

G. Martinelli explains that they are not asking the Board to change the subdivision tonight. They will come back for that at a public hearing. As soon as they receive final approval, they will commence construction on Paine Street and abandonment of the other. They will use the new one to get the golf course going.

EM is glad they came in, but he is not sure about recommending.

G. Martinelli states they are seeking relief from the covenant. It is a Town Meeting issue. They were not legally obligated to come to the Planning Board. However, the Town Meeting will look for Planning Board guidance.



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EM does feel this is a good thing. He opens the discussion to the audience.

Brian Pearcey, 235 Wrentham Road, lives at the corner lot of the proposed entrance. He purchased his house after the covenant was made on the assumption that his property would be more valuable. He is concerned because his property can not be marketed.

AM does not believe it makes or breaks his property.

B. Pearcey states the land was improved when he bought his house.

EM states that houses were there.

B. Pearcey states he can not market his home because of what is done on the abutting property. They removed 2 houses and there is a mudslide there. 3 years have passed since then.

J. Sousa indicates that it was filled in.

EM states that without the road, there will be nothing there.

B. Pearcey would like to know the timeframe allowed for the road to be completed. He can not sell his house now.

EM states that the Board can not tell them to stop working in one place and go to another.

B. Pearcey wants to know what is going to happen.

J. Sousa explains they are still waiting for state approval.

B. Pearcey states that the Board approved the plan with the road.

EM states that the plan has not been changed. The developer is going to the Town Meeting for relief from the covenant. Then the abutters will be notified of the public hearing regarding the subdivision.

B. Pearcey questions how the developer can obtain relief from the covenant without a public hearing.

EM states that will be done at the Town Meeting. The developer could grade and seed when they put in the road.

J. Sousa states they can grade and seed even if they do not put in the



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road. He met with Mr. Pearcey 5 or 6 times in the past 2 years to discuss the drainage. He will have the Building Inspector check for any violations.

B. Pearcey is not seeking to make the developer do something now. He just wants to know what is going to happen and when. He purchased his house because a legal agreement was made.

AM states the town is trying to keep the tax base going. They have to open the country club and the golf course.

JM states that if the access to Wrentham Road goes in it will increase the value of Mr. Pearcey's property. He took that gamble.

P. Herr indicates that there are a number of people in the community who relied on that agreement. If the town changes the agreement, questions will arise.

G. Martinelli does not think they should be required to do anything there.

J. Sousa explains that they did fill in the foundation. There is fill down. They can loam it, seed it and grade it.

EM states that Mr. Pearcey bought his house next to 2 other houses. Now the 2 houses are gone. It is an eyesore.

J. Sousa can go out and seed the slope of the bank. There is grass on the other 2 lots. They maintain it.

P. Herr states the problem is because of the expensive bridge they would need at Wrentham Road. He asks if the developer gets Paine Street egress, is the Board assured that they will construct the other entrance?

G. Martinelli states they are not assured.

P. Herr states that if the Planning Board recommends this, they would be signaling the Town Meeting that they should let Paine Street open. The question is whether it is germane to make a recommendation to the Town Meeting. They could put a limitation on the number of building permits over a certain time when the connection to Wrentham Road would have to be made. He does not know if that is appropriate. This is a big change. The site distance is not the point. It is the circulation of the traffic for the golf course and the 230 homes.



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G. Martinelli states that different agencies have the decision making power. The Planning Board gives a strong signal to the Town Meeting. It does not mean they are absolved from studying the issue.

P. Herr does not feel that the Planning Board has been given adequate information to provide a recommendation. This is a heavy weight change being talked about. It is in the town's interest to have the golf course running. He thinks Ron Ash and Associates can answer the question.

G. Martinelli will have the information for the Town Meeting.

EM states that if this road goes in, the bridge will be a dead issue.

G. Martinelli indicates that is possible.

P. Herr believes it is possible if the Planning Board allows it to occur.

EM questions the number of houses which would generate a second road.

J. Sousa indicates that the covenant states that at 120 lots, they would have to do a second means of egress.

B. Pearcey states that Paine Street/Wrentham Road is a bad intersection. Many people overrun the stop sign by 60'.

EN states they should use the road temporarily until they find out what they are doing.

P. Herr indicates they could have done that by asking the Town Meeting to do that. They could have gotten the covenant extended.

J. Sousa explains that it is at their expense to put in another means of egress. They would like to use it afterwards.

EM suggests they show at the Town Meeting when they will build the second and third roads.

AM questions how they can determine when they will put in the road because of the market conditions.

EM states they should indicate when the lots will be done. He has no problem with adding a road but does have a problem with deleting the road.



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AM states that is not the issue that is here now. The developer would still have to come back to the Board.

B. Pearcey would like the Board to make the developer stipulate the number of lots and number of roads.

EN explains that if the town passes this article, the developer will have to come back. The Board can set new rules.

G. Martinelli indicates that is exactly right. He will get the information requested.

P. Herr believes that some people may speak about breach of trust at the Town Meeting.

G. Martinelli does not feel there is a breach of trust. There is no dishonesty.

P. Herr indicates that a lot of people trusted what the town and developer agreed upon would happen.

AM states that it still may happen.

P. Herr believes they will hear a lot of people at the Town Meeting saying the same thing that Mr. Pearcey is saying.

B. Pearcey believes they are changing the whole development.

J. Sousa indicates there were environmental concerns about the bridge. It is a major crossing brook.

EM is not ready to recommend until they come in with more information. He likes the idea of more roads. He is not in favor of deleting roads.

G. Martinelli is not asking the Board to do that.

EM states that the Board can not recommend this article without answers regarding the traffic.

G. Martinelli states they will present information regarding the traffic at the Town Meeting on July 18, 1990.

EM states they could come back to the meeting of July 12, 1990.

J. Sousa does not understand what the Board is asking for.







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P. Herr is talking about a trip generation analysis and trip distribution.

J. Sousa indicates that was provided.

P. Herr states they should do several alternatives with regard to Cook's Corner. Ron Ash and Assoc. knows how to do it.

J. Sousa points out that the trip generation was provided when they initially proposed coming out Paine Street. They will provide the information.

EN remembers that submittal.

EM would like to hear that they will build so many roads when they build so many houses.

EN states they should provide some kind of hardship that they can not get the golf course going.

EM does not think that hardship will do it.

AM believes that the Board needs assurances that the developer will not build all the dwellings with one entrance.

B. Pearcey states there is zero traffic at Paine Street/Wrentham Road.

EM suggests they come back at the July 12, 1990 meeting if they want a recommendation from the Board. If not, they should present the information at the Town Meeting.

J. Sousa wants to come back on July 12, 1990.

EM requests that he check with Clerk for a time to come in.

P. Herr requests they send himself and Town Engineer a copy of the traffic reports.

### RIVERVIEW PARK PHASES I - V DEFINITIVE SUBDIVISIONS CONTINUED PUBLIC HEARINGS

GG returns to the meeting and reopens Riverview Park, Phases I - V.

B. Lord is here to discuss Phases 3 and 4. They would like to leave 1, 2, and 5 in abeyance. Phase 5 has a situation with the town water





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wells. They would like to have that clarified before going forward. Phases 1 and 2 have the same situation. They are discussing changes and would like to hold them in abeyance.

EM questions what that means.

B. Lord explains that they would like to request an extension. Phases 3 and 4 will have one road system to Maple Street and High Street. They are dividing large lots to get industrial roads introduced. That is the only issue still outstanding. They have upgraded the plans to include all the situations which Town Engineer requested. Janice Hannert, Fafard, discussed these with P. Herr. Comments were integrated. The changes were technical.

EN asks if the road connects phases 4 and 5.

B. Lord explains they are trying to get an easement over Core property for the road system to develop between phases 4 and 5. There is some discussion with the town to invest in the waterway. They are exploring water in the area. They may take the land for water wells.

EM states that since 1, 2, and 5 still do not have the property access or safety issues addressed, they should discuss phases 3 and 4.

GG reads letter from M. Megalli, Town Engineer, dated June 13, 1990 including a checklist pertaining to Riverview Park Phases 3 and 4.

J. Hannert indicates that items 1 - 4 have been done.

P. Herr questions if an environmental analysis was done.

J. Hannert indicates it was done in 1988.

P. Herr states that was submitted with the preliminary plan. The Board will need something additional.

B. Lord does not think an environmental analysis is required at this stage.

EM states it has only been dealt with as road layout, no buildings. He did not feel they needed an environmental analysis. Once they know who the tenants will be, they will want an environmental analysis. Maybe the Conservation Commission requested one.

S. Racicot, Member, Conservation Commission, states they did not have one for Phases 3 and 4. The developer has not been before the



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Conservation Commission for that.

B. Lord does not believe that the town has any authority to require an environmental analysis.

P. Herr states that the Planning Board can ask for an environmental analysis. The law authorizes them to.

EM believes that now is the time to ask for it.

B. Lord states that before they can do anything the Conservation Commission will act on it. MEPA will require it.

P. Herr does not think that taking the time to answer an environmental analysis will hinder the time frame. They are not ready to sign a decision. It may not be expensive. The Planning Board will lay open for criticism if they do not ask for the analysis now when they have the authority to act on it.

EM questions the drainage.

P. Herr states there will be enormous catch basins with drainage pipes which get bigger and bigger.

B. Lord states this plan has been before the Board for one year. He questions why the Board did not ask for an environmental analysis before. He feels the Board could approve this tonight. He is willing to accept the stipulation that it be provided when the site plan is brought in. Then they would need the environmental analysis. He does not think it is fair to ask for it now. He asks if there is anything else the Board will want before a decision.

GG continues to read Town Engineer's checklist. The Planning Board received answers from the Board of Health, Highway Supt., Fire Chief, and Conservation Commission.

B. Lord will discuss the whole analysis of traffic which is Item 6 of the Town Engineer's checklist. They are ready to answer traffic issues. They submitted a traffic study which was very extensive.

P. Herr questions who will widen High Street and when it will be widened in relation to building.

B. Lord explains there have been 2 traffic studies. One paid for by the developer and one by the town. The town will apply for a grant to redo Maple Street. The developer agrees to pay for what is not covered



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by the grant. Fafard will build the increased capacity for Maple Street at his expense provided 2 conditions are met. One is that the town apply for the grant. Two is for building improvements that they add a 10' pavement on Maple Street from Phase 2 to Somerville Lumber. Maple Street is capable of handling a fair amount of traffic to the south. They are offering to do the easement on their side of the road and improvements on their side of the road. They are willing to meet the requirements of the town.

EM would want to see restrictions of no truck traffic. Every right turn comes out to Maple Street. No big trucks should be making left turns.

B. Lord states that would be a restriction of the town, not Fafard.

P. Herr believes that the town could do that.

B. Lord states that only the Board of Selectmen can do that. Fafard can put up a sign, but they can not stop someone.

P. Herr states they could have Planning Board approval with the condition that the occupant of lot restrict the trucks. That would be hard to enforce.

EM believes they <sup>will</sup> not need that restriction once the interchange went in.

GG states that Town Engineer's checklist #8 refers to the intersection of High Street less than 400'.

B. Lord explains that 2 roads intersect across High Street. The regulations say 400'. M. Megalli agrees this is a better configuration.

P. Herr does not believe that it matters.

GG reads letter dated June 27, 1990 from the Safety Officer indicating that the site distance exceeds 400' which is the required distance. The entrances are acceptable.

B. Lord feels they have answered all the comments for the different situations. He does not feel it is fair for the Board to suddenly ask them to do an environmental analysis report.

EM had assumed that it was submitted and P. Herr had reviewed it.



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P. Herr explains that it was submitted with the preliminary plan. The Planning Board did ask for the environmental analysis. They have been very patient waiting for it.

B. Lord had assumed that anything further was not required.

P. Herr states that the traffic analysis looks at the use of High Street and the future of High Street. His favorite spot in town is the bridge on High Street.

B. Lord explains that no truck traffic can go over the area because of capacity.

P. Herr states that the Core of Engineers will not allow them to improve it.

B. Lord indicates that is at this stage.

P. Herr states that since no truck traffic will use High Street, they will use Maple Street. He asks about the workers. High Street has poor site distance.

B. Lord indicates they have looked at that issue. It is more of a problem for the town rather than the developer. If the Core does not change its mind, the town may want to consider the bridge unsafe for car traffic to go over the Charles. High Street is a good circular road.

GG questions if the Core will turn down the bridge for improvements for truck traffic or any traffic.

P. Herr responds that they do not want any improvements at all.

B. Lord explains they can do anything up to High Street. High Street is a historical road. The Core owns up to the edge of the pavement. The town can not step off the bridge to rebuild.

EM questions where the drainage will go.

B. Lord responds they will have big detention basins.

P. Herr states that on previous plans, no one could get to the basins. They looked at the revised plans. They have the same problem. They are not driveable. The town will need to get in there. It is solvable, but these drawings do not demonstrate solving it.



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J. Hannert believes they can do that at Development Plan Review.

P. Herr states that the Planning Board can not approve plans without an easement. Now is the time to discuss easements. The road cross section complies with the regulations. It is 36' curb to curb with no sidewalks. Rt. 495 is wider, but nothing else in town is at this time. This comes under the old subdivision rules and regulations. Since then, the Board has revised the regulations and made the road narrower. He doubts that they would want 36' wide road.

B. Lord states the wide road is required to deal with the trucks.

EM questions why there will be no sidewalks.

P. Herr explains that the requirements do not require them in an industrial zone.

B. Lord indicates they are designing the road not just for the car traffic, but for trucks as well.

JM asks if the developer would be prepared to ask for a waiver for the road if the Planning Board was ready to act.

B. Lord indicates that he is.

P. Herr states that these roads are shorter roads than in Forge Park. Rt. 495 lanes are 28'.

EM would rather see 2 sidewalks.

GG states that the regulations do not require any sidewalks.

P. Herr states there are some other mechanical issues such as driving down the easement and the sheet numbering is wrong. The Planning Board had determined that 100 scale plans were acceptable for this size development as long as it was adequately clear. They are not clear to follow what is going on. He can see monuments there. He can not tell where the dimensions begin and where they end. He does not think the Planning Board intended with the waiver of scale to leave the detail out.

JM states that there was mention that an easement would be provided for High Street. It is their intent to convey the right of way for 60' wide instead of the easement.

B. Lord responds they will do whichever they have to do. He does not



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think the town wants to redo High Street.

P. Herr questions what is happening with the further appeal of the Core decision.

B. Lord responds that it is an ongoing discussion. It is a long term situation which can not be answered over night. They do not want to encourage traffic on High Street.

P. Herr states that if they do not want to encourage traffic, they do not want a 60' layout.

EM explains that no one spent a lot of time reviewing these plans because they wanted to wait and see what would happen with the bridge.

B. Lord had indicated that Phases 3 and 4 were approvable without the rest. He does not know why the Board did not take them seriously.

EM states that now is the time to spend time on it. The bridge problem will not come. They will wait to hear about the bridge.

B. Lord explains that the developer put in an extensive amount of money in the plans and studies. They submitted definitive plans.

GG questions where they should go from here.

EM states they need an environmental analysis.

B. Lord indicates it was submitted with the preliminary report.

Em states that P. Herr brought out the issues of access to the detention ponds.

S. Racicot states that he asked the Planning Board to request an environmental impact report at a meeting some time ago. He asked the Board about air, noise, and traffic as well as the environmental. He wanted them to deal with the whole thing. The state told them they could not file separately. He asked the Planning Board to ask for impacts on each one and the total impact.

EM states that the Planning Board asked for it at the time.

S. Racicot states that this involves 950,000 square feet. The whole project is in excess of 1 million square feet.

B. Lord states they will have to submit a report to MEPA. They



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received a notice from MEPA for a resubmittal. It is futile to submit Phases 1 and 2 until something is designed there.

EM questions how they can do a report regarding noise and air quality until they know what will be there.

P. Herr questions if the developer will limit Phases 3 and 4 to no industrial development until sewerage is acceptable.

B. Lord indicates they will not.

P. Herr questions if they had to submit to MEPA because they are not sewered.

B. Lord indicates that is not the case. They are on notice from MEPA because they submitted before. They have to resubmit as a whole.

P. Herr states that Phases 3 and 4 might proceed with on site sewerage.

S. Racicot believes they said they could not go forward with segments.

P. Herr states that MEPA has jurisdiction because of the sewerage.

S. Racicot states there was talk some time ago about a traffic impact study between Franklin and Bellingham. He asks if that has been done.

J. Hannert responds that they do have a traffic study for all 6 phases of the project.

EM states that Mr. Racicot is referring to the combined study of Maple Street for Franklin and Bellingham.

P. Herr did a general study. It is not complete yet. It has been held up for the same reasons as Phases 1 and 2. He does not think the plan is approvable tonight.

S. Racicot was at a meeting with the Core of Engineers. They will only allow to biodeuct High Street. They bought it to protect the Flood Storage Capacity. They will not allow any changes to the bridge. They want it kept in its natural state.

EM states it now holds back water. If the street is widened or opened, it will not do that.

S. Racicot questions why the town would apply for a grant to help a developer when the town needs grant to help itself. He lives at the



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north end of Maple Street. He has brown water. He would rather see the town obtain a grant to clean the water.

B. Lord states that Fafard helped clean the water by putting in water lines. The second problem is due to the filtration system.

S. Racicot would like to see new wells. He is concerned about the huge number of detention basins and whether they will be adequately maintained. They will be mosquito traps.

P. Herr questions the 4 monuments.

J. Hannert responds they are shown on the south side for Phase 4 and on the north side for Phase 3.

P. Herr is trying to understand the drawing. He can not see the monuments.

Jim Basante, Guerriere & Halnon, engineer, points out the dimensions pertaining to the easements. He suggests a meeting with P. Herr to discuss the problems. He wants to know the areas of confusion.

EM states that the plan should show what one would expect to see if they did not know anything about the plan.

P. Herr can not read the drawing and references. One has the wrong Sheet #5 when it should be sheet #6. There is a 20% slope. He does not think the town would be able to get by with a truck to clean the detention basin.

J. Basante states they widened the easement to show the proposed grading. They have no problem with doing the same for Phase 3.

EM states that the town usually ends up maintaining detention ponds.

P. Herr explains that one problem is that the plan was submitted too early. The preliminary was turned down. They should think about the configuration if they will not use High Street. The plans came in prematurely. They are looking for the big picture. The developer rushed in with definitive plans in order to preserve his rights. They should not blame them for being unwilling to spend lots of time on the plans since they would change dramatically.

B. Lord states the developer spent a lot of money on the plans. The Board should have taken them seriously. He believes the plans as presented are ready for approval. They may have some technical





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changes.

EM makes a motion to disapprove the plan due to lack of adequate information.

EN does not know if that is a good idea.

S. Racicot presents letter from the Millpond Association, dated June 15, 1990.

GG reads letter requesting copies of minutes and also that the Board disapprove the plans submitted to date, without prejudice. This would enable the developer to resubmit plans at a later date. GG states that he does not appreciate the fact that Mr. Leo ~~Lewinski~~, who prepared this letter, did not sign it.

S. Racicot responds that Mr. ~~Lewinski~~ wrote it for the Millpond Association.

P. Herr suggests that the Board direct him to work with the developer and M. Megalli to reconcile the remaining problems with the subdivision. He will work up a draft approval with conditions.

GG states that the June 19, 1989 letter from the Millpond Association which is in the file is a letter to express concern. The letter does not ask for a response.

EN makes a motion to request P. Herr to work with M. Megalli and the developer and bring a report back to the Planning Board so they can arrive at a final conclusion.

EM seconds motion to direct P. Herr to work with the Town Engineer and the developer to come up with a workable proposal and draw up a draft approval with conditions. Vote of 5.

S. Racicot questions what happened to EM's previous motion to disapprove. That is why he presented the letter.

EM states there was no second to that.

GG states that the extension for Riverview Phases 1 - 5 runs out Saturday.

B. Lord will get the extension request to the Board. He requests a continuance of the hearing for Phases 3 and 4 to July 26, 1990 at 8:00 p.m. He requests an extension of time to August 15, 1990.



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EN makes a motion to continue the public hearings for Phases 3 and 4 to July 26, 1990 at 8:00 p.m. and to approve applicant's request for an extension to August 15, 1990.

B. Lord thinks the Board could close the hearings for Phases 3 and 4 tonight.

EM indicates that they can not do that. The Board has to see what is worked out before acting on it.

EN is not in favor of that now.

B. Lord requests an extension for Phases 1, 2, and 5 to October 31, 1990 and continuance of the hearing to October 25, 1990 at 8:00 p.m.

EN makes a motion to continue the public hearing for Phases 1, 2, and 5 to October 25, 1990 at 8:00 p.m. and to approve the extension to October 31, 1990. EM seconds motion. Vote of 5.

GG suggests they change the date for Riverview Park 3 and 4 to July 12, 1990 at 8:30 p.m. because EM will not be here on July 26, 1990.

EN makes a motion to continue the public hearing for Riverview Phases 3 and 4 to July 12, 1990 at 8:30 p.m. EM seconds motion. Vote of 5.

### LAKEVIEW ESTATES DEFINITIVE SUBDIVISION CONTINUE PUBLIC HEARING

GG removes himself from the discussion because he is an abutter to the property.

EM will act as Chairman in GG's absence. EM reopens the public hearing for Lakeview Estates.

B. Lord explains this is a 32 lot subdivision. The Town Engineer looked at the plans and found nothing wrong *except* that he wants them to redo the topography. Because of Silver Heights there are problems with the road system. There is a problem with access to the property. The developer would like the Planning Board's consensus that the 2 entrances shown are adequate and reasonable for the Planning Board.

P. Herr states that when this was initially turned down the developer had 200 townhouses.

B. Lord explains that the Board is now looking only at the subdivision



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for 32 dwelling units.

EM indicates that he has no problem with 32 house lots.

B. Lord points out they are coming in with an affordable housing plan. They hope they will never use accesses since these are all single family lots.

EM refers to letter dated May 15, 1990 from the Town Engineer regarding the the site topography at present verses the one shown on the plans.

B. Lord indicates that after the letter was written they did a new topo of the area. M. Megalli knew that gravel was being removed.

EM reads letter from the Town Engineer, dated June 25, 1990 which states that the plans submitted did not include the topographic data. He reads letter dated May 23, 1990 from the Highway Dept. which states that the plans seem to conform to all Planning Board rules and regulations that pertain to roads and drainage. However, municipally, Mr. Daigle believes it would be much better if the town negotiated with this company to build an access road across town owned land (school dept.) on Blackstone Street. Em reads letter from the Board of Health, dated May 24, 1990, from Ed Wirtanen, Health Agent, to Janice Hannert. It states that at the Board of Health meeting of May 21, 1990, the Board voted to approve the definitive subdivision plans for Lakeview Estates. EM reads letter dated May 22, 1990 from Richard F. Ranieri, Fire Chief, which states that after speaking with Mr. Emile Belanger from the Water Dept., it is his opinion that as long as the installation meets water dept. requirements there should be no problems. He requests that the water mains and hydrants be installed and operational prior to commencing construction of the homes. He also requests that a hard road surface be installed prior to construction so that access for emergency vehicles is available. EM reads letter from the Water/Sewer Dept., dated May 23, 1990 by Paul Chupa, Chairman, wherein it states that they reviewed the plans with one revision of relocating the hydrants to the lot lines where specified on the plans. Upon receipt of the revised plans, approval will be given.

P. Herr states there is concern about access with this development and Silver Heights. There are a pair of articles on the warrant for the Town Meeting of July 18, 1990 to reconcile the problem. There is a hanging issue regarding access.

B. Lord states that Dorothy Avenue in Silver Heights development comes out to the lot line. This developer has the right to access that under the present situation. A. Rosenfeld would like Mr. Fafard to waive



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right of access. He thinks Mr. Fafard is willing to do that, but he wants to make sure that access which is shown is adequate.

P. Herr believes that the people Mr. Lord is representing may want to use that access.

B. Lord explains that if the developer waives legal right to Dorothy Avenue and the Planning Board feels that 2 accesses are adequate. Then he would feel more comfortable with providing A. Rosenfeld with the waiver that he needs provided that Fafard obtains assurance that the roads which they have are adequate. He suspects that Fafard will waive his legal right.

EM has no problem with the plan for 32 lots with access through 2 roads.

P. Herr indicates that this is a simple subdivision. There may need to be conditions attached to approval to make sure it stays at 32 lots.

B. Lord requests continuance to the last meeting of October 1990 because of the topo situation.

EN makes a motion for P. Herr to work with M. Megalli and the developer to work out the finer points for Lakeview Estates. EM seconds motion. Vote of 4.

EN makes a motion to continue Lakeview Estates to October 25, 1990 at 8:30 p.m. with an approval for extension to October 31, 1990. JM seconds motion. Vote of 4.

### MAIL/CORRESPONDENCE

Clerk is instructed to write to DAVNA Corporation because they have not contacted M. Megalli regarding the Brook Street culvert issue as agreed when the design modification was approved.



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Glenn E. Gerrior, Chairman

Edward T. Moore, Vice-Chairman

Emile W. Niedzwiedek

Anne M. Morse

John F. Murray