



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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MINUTES OF REGULAR MEETING

NOVEMBER 14, 1991

Meeting was called to order at 7:40 p.m. AM, EM GG and EN were present at the start of the meeting. JM came in a little later.

SUBMISSIONS

Paul Taddeo submits an 81-P, Form A, for Overlook Drive. He owns a small piece of property which his neighbor wants to buy so he can put in a horseshoe driveway.

AM asks where the neighbor's driveway is now.

P. Taddeo points it out.

EM asks where the house is.

P. Taddeo points out that it is on the back of the lot.

EM asks if the plan has a notation stating that the parcel is being joined to his neighbor's lot.

P. Taddeo states that there is no notation.

EM notes that a notation stating that is usually on a plan of this type. He does not know if it has to be on the plan. The plan does state that it is not a building lot.

EM makes a motion to sign the plan. EN seconds motion. Vote of 4 (AM, EM, EN and GG). JM was not present.

P. Taddeo presents the Form A and \$10.00 fee.

Members sign plan.

JM enters the discussion at 7:49 p.m.

Bruce Lord, Esquire, presents an 81-P for the northern side of Pulaski Blvd. to divide 5 lots. One of the lots is deeded to the town and will eventually go to the Conservation Commission. It



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is not a buildable lot.

EN asks if they will knock down the house on Center Street.

B. Lord states that is the old Gelinas property. The Zoning Board of Appeals requested that they submit a plan as part of the gravel pit which indicates that it is not a buildable lot.

AM asks why the plan was drawn in 1989.

B. Lord states that they got the gravel permit two years ago. It will be 3 to 4 years before the gravel is out. They delayed submitting in order to make it valid.

EN asks who it is next to.

B. Lord states it is next to Gelinas, Ray Fenoff and Thomas Lecortif.

EM asks why they are splitting it up.

B. Lord responds that eventually the area will be finished off for the town. It was put together between the Conservation Commission and the Zoning Board of Appeals.

AM notes that it says suburban zoning and therefore there is not enough frontage.

B. Lord states that there is enough frontage.

AM notes that it says it will be deeded to the Town of Bellingham.

EM states they are dealing with 5 lots on this plan. There is 150' of frontage for all lots. All lots are 80,000 square feet.

EM makes a motion to sign the 81-P for Silver Lake Realty. GG seconds motion. Unanimous vote of 5.

B. Lord asks if the fee is \$10.00 or \$10.00 per lot.

EM responds that it is \$10.00 per lot.

B. Lord presents a fee for \$50.00 along with the Form A.



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Members endorse plan.

BROOK ESTATES
DEVELOPMENT PLAN REVIEW
PUBLIC HEARING

AM opens the public hearing at 8:05 p.m.

Clerk reads Notice of Public Hearing.

AM notes that Makram Megalli, Town Engineer, did not have the opportunity to review the plan due to medical problems. He would be glad to accomodate the developer at home. AM gives Mr. Rosenfeld a home phone number where Mr. Megalli can be reached.

Huna Rosenfeld, DAVNA, Macrosc Corporation, ~~Mr~~lex Realty Trust, states that he believed that Mr. Megalli said that the plans were fine. He sent a letter to the Board.

AM states that they should go to his home to discuss the project with him.

EM explains that Mr. Megalli was in the hospital. He had to cancel a vacation.

David McCreedy sent plans to P. Herr. He spoke with Mr. Herr's assistant who gave him a list of corrections. They made the corrections to the plans.

H. Rosenfeld explains that this is a site plan review for 49 units which will be single detached touching by a trellis type structure. They will present the plans and then discuss the Brook Street culvert which has been completed. He called the Highway Dept., Police Chief and Fire Chief to review the work.

AM would like to receive correspondence from the town officials to follow up on the completion of the Brook Street culvert. She asks if they are planning to hot top.

GG asks if there really was a lizard crossing at the location.

H. Rosenfeld responds that yes, there is a salamander crossing. They diverted the stream. It is the best looking culvert in town. They even put in a fence since there is a big drop. They



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knew it looked dangerous so they put in a fence. There are two 30" pipes.

GG asks if they took out one 18" pipe.

H. Rosenfeld responds that it was a 12" crushed pipe. There was a stone culvert which was put in when the road was widened some time ago. It looks like a pipe was just stuck in. The middle of the road went through the stones. The pipe is lower than it was before.

GG states that the residents of Brook Street must be happy.

H. Rosenfeld explains they will hot top the section of the road which was broken up. The left side has a headwall with stone in front. There is a temporary siltration. They took out 6 loads of silt. The water will be cleaned through the stone and pipe. They pulled the big backhoe out. They will see how much more silt will come out.

Clerk reads October 7, 1991 memorandum from Makram Megalli to town officials stating that the plans of the proposed Brook Estates Condominium, which is dated August 26, 1991 and prepared by Guerriere & Halnon, Inc., have enough information to initiate the review process. The applicant, Macrosc Corporation of 2 Milliston Road, Millis, MA, is advised by a copy of this memo, to contact the Planning Board Clerk for scheduling.

Richard Mainville, Guerriere & Halnon, explains that the plan shows the entire site. He points out Bellwood Condominium and that they will share the same access road with Brook Estates. It is not a large building but individual homes. There will be 3 phases. Phase 1 will be 18, Phase 2 will be 13 and Phase 3 will be 18 for a total of 49. The units will be individual two bedroom homes which will be connected by a trellis. They took the concept plan and created the construction drawings to show the entire site. It shows details, gradings and drainage. The remainder of the access road comes into Bellwood Condominium. The lower half of the site is wetlands which is shown by the green line. The edge of the trees is shown with the green line as well. The area of the gravel operation has been cleaned out. It will be graded so it looks better. The detention basin has been redesigned to handle the 100 year storm.



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AM reads letter from Donald DiMartino, Water/Sewer Dept. Superintendent, dated November 5, 1991, wherein he states that he reviewed the plans for the Brook Estates Condominium Development. The plans are greatly lacking. It does not include proper looping of the water lines and it includes several dead end water lines. If the plan is to include a loop connection to the water main on Saddle Back Hill Road, the plan for this work should be included in the submittal. The looping onto Saddle Back Hill Road still does not improve the plan as there are still seven other dead ends in this development. He is trying to avoid dead end lines and when money is available, they will work to eliminate existing dead end water lines. If the Board chooses to approve this plan, it will require a flushing hydrant at the end of each dead end. They would rather see each finger of pipe looped back to the main. They would also like to see two gate valves added to isolate the brook crossing area. These valves would be at station 7+50 and 9+00.

H. Rosenfeld states that they intend to connect to Saddle Back Hill Road.

GG notes that was part of the original submittal.

D. McCreedy states that P. Herr asked them for details on how it would be connected.

H. Rosenfeld indicates that the other questions relative to deadends are news to him. He will talk to the Water/Sewer Commission.

AM states that looping Saddle Back Hill Road does not improve the plan. There are still questions relative to other deadends.

JM asks how many clusters they will have.

H. Rosenfeld responds there will be 9.

EM does not think the Water Dept. has to maintain or flush the pipes because the condo will maintain it.

GG does not see why they would have to loop back into the main.

EM notes that the Water/Sewer Superintendent may think that this is a subdivision.



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AM reads November 12, 1991 letter from Richard F. Ranieri, Fire Chief, stating that he has reviewed the plans for the Brook Estates Condominium Development and finds numerous issues that need to be addressed. First, he has great concerns and questions as to whether or not there will be adequate volume and water pressure for fire protection at the higher elevations. He would like to see a written report from a fire protection engineer showing the proposed flows and pressures for fire protection in the area, taking into account the low elevations in the water tanks during the summer months. They would need to speak with the the Water Dept. to get the data for the past several summers which we all know has been poor. He does not think we need another subdivision to further add to existing problem areas. Secondly, there was a previous recommendation that this project get tied into the Saddleback Hill Road to loop the water mains in that area and possibly better than existing situation. The plans show this tie-in to take place during Phase III. He recommends this tie-be done prior to the construction of Phase I. In addition, water lines and hard surface roadways should be in prior to the issuing of a building permit to assure access and water for firefighting purposes. Third, hydrants should be installed at the end of each cluster street for firefighting purposes and for flushing of water lines by the Water Dept. This has been a consistent practice in these types of developments over the years. Presently, there are no hydrants shown and the placement of others leaves a lot to be desired. Fourth, there is no plan as to the numbering system of buildings and/or units. There is no mention of signage. He suggests that signs be placed at the beginning of each street and leg off of the main street indicating which building numbers and unit numbers are located in that area, similar to Maplebrook Condos. Until these issues are resolved he cannot recommend this project.

H. Rosenfeld notes that the site plan for the same number of units was approved 3 years ago.

JM asks if they have any problem with putting in the signs.

H. Rosenfeld responds that the signs are fine and the loops are fine.

R. Mainville states that the hydrants are in a different location. The plan shows a different configuration.



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AM suggests they get together with the Fire Chief and the Water/Sewer Superintendent to discuss these issues and work out solutions.

AM reads letter from Ed Wirtanen, Health Agent, dated November 7, 1991, stating that deep observation holes and percolation tests were performed at this site in the areas of the proposed sewage disposal systems on May 5, 1991 and July 15, 16, 1991. The soil witnesses by this office ranged from a fine sand to a gravel material with a rapid percolation rate. Properly prepared application and plans of the proposed septic systems must be submitted and approved by the Board of Health prior to approval of a building permit by this office. He also notes that the proposed 49 unit condominium appeals to be owned by DAVNA Corporation and abutting existing condominiums owned by Bellwood Condominium and DAVNA Corporation. The Mass. Condominium Law requires that the ownership of the entire development be brought under the control of a single entity (i.e. Condominium Association) by means of a master deed. If all the condominiums are under the control of a single entity, the total wastewater flow to be generated from the total number of "phases" previously constructed and proposed would exceed 15,000 gallons per days and would subject this development to Mass. Dept. of Environmental Protection review and approval in accord with the provisions for minimum acceptable wastewater treatment 314 CMR 5.00. He requests that the applicant clarify this ownership or single entity issue. The Board of Health requests information on the method of collection and disposal of rubbish during construction and during operation of the proposed condominiums be provided to his office.

H. Rosenfeld is aware of the ownership issue. The new project is owned by Marlex Realty Trust. It is treated as a separate thing. He is aware of the limitations.

D. McCready states that they had incorrectly marked the plan for DAVNA. It should have been for Marlex. They will be using 30 yard containers from BFI during construction for waste disposal. He will talk with the Fire Chief and Water/Sewer Superintendent and send the Board of Health a letter addressing the ownership issue.

EM notes that some people are not aware this is two separate proposals. There is a limitation as to how many can be built.



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They can only build so many in Bellwood right now.

JM asks if they have built everything they could in Bellwood.

H. Rosenfeld states that yes they have. They have 4 to finish.

JM asks how many they have total.

H. Rosenfeld responds there are 130 total.

D. McCready responds there are more to be completed, but they can not do it without town sewer.

JM asks if they put a line in for the sewerage.

H. Rosenfeld responds in the affirmative.

JM states that this project will not require that because it is smaller.

Edward Marse, 20 Bellwood circle, Chairman of the Board of Trustees for the Bellwood Condominium Trust, states that they have no objection to the construction of Brook Estates with the exception that a decision of the Board dated June 19, 1990 states that no construction may occur prior to completion of the repairs for the Bellwood binder portion of the road, grading and seeding. None of these have been completed.

D. McCready thought that only referred to the units which have been completed.

E. Marse states that when you come into Bellwood Circle which is the twin access, the whole area is not graded and seeded. The trailer is an eyesore. It is not being used.

D. McCready has no problem with moving the trailer. They will need it at the construction site when they start.

E. Marse notes that there are old shingles thrown about and no grading and seeding at the entrance location. There is a big pothole at the edge of the finished pavement.

D. McCready states that they are working on the last building right now. They will finish the roadway and the sidewalks after



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construction of the building is complete.

E. Marse refers to a September 4, 1991 letter which the Bellwood Condominium Trust Board of Trustees sent to DAVNA Corporation listing a number of items which have not been completed. They never received a response.

H. Rosenfeld did not see the letter. He asks Mr. Marse for a copy of the letter. He has no problem with making completion a condition for Brook Estates.

EM states that the Board made it a condition before and it was not finished.

Clerk makes copy of the September 4, 1991 letter from the Bellwood Condominium Trust and gives it to AM.

EM asks if they are talking about the units which are built or the area where the units are not built. It seems as if everything to the left is done. There is a binder coat at the new units.

E. Marse notes that the binder stops.

EM asks if they built anything there.

E. Marse responds that they have not.

EM notes that the Board does not require them to complete in the area where there are no buildings.

E. Marse states that the front has no berm and is not seeded or graded.

EM asks if the developer plows and maintains.

E. Marse explains that the condominium association does that.

GG states that they should clean up the section to the right.

Em asks if they have plans for the old house out front.

H. Rosenfeld responds that they do not.



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AM notes that some of the issues addressed by the Bellwood Condominium Trust should be brought to the attention of the Board of Health.

E. Marse notes that the old house is a rat trap.

H. Rosenfeld will look at the letter from the Bellwood Board of Trustees and then will meet to discuss the issues.

GG notes that the residents of Bellwood Condominium have a legitimate gripe. They would not want people coming into a junk area.

EN suggests they get together to find out how to resolve these problems.

EM thinks that a lot of it sounds like little stuff, but to the people who live there it is a big thing.

AM would like to see it graded.

E. Marse notes that the market has already killed the value of their units. They do not need anything else.

EN notes that the developer knows what has to be done since it is a condition of the special permit amended decision for Brook Estates Condominium.

AM states that the grading can be done now from one end of the units to the other.

D. McCready states that they can not do all the grading and seeding while they are finishing.

E. Marse states that they addressed a lot of items on the top of the hill. That is what prompted them to come in.

EM states there is no reason for not cleaning up on the right. There is no work going on there.

GG makes a motion to continue the public hearing to December 12, 1991 at 8:00 p.m. to give the developer an opportunity to meet with the Fire Chief, Water/Sewer Superintendent and Board of Health. EM seconds motion.



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Unanimous vote of 5 to continue.

GENERAL DISCUSSION

COUNTRY SIDE MOTEL SITE PLAN

Joseph LaPlante, 115 Mechanic Street, Bellingham is here to discuss a site plan which was approved by the Board.

AM asks what it was for.

J. LaPlante states it was for a motel and autobody on Rt. 140.

EM notes that Development Plan was done a year and a half ago.

J. LaPlante would like to receive a copy of the Board's decision. The owner of the lot is looking for a variance to put 500 cars on the lot. The existing garage was raised and torn down and a metal building was put in. They expanded the mixed use. The owner is requesting to make it two lots and needs a variance from the ZBA.

AM asks what the hardship is.

B. Lord explains that the property owner has a used car license. It does not mean number of cars. He does not have the proper frontage to divide into two lots.

EM asks if the ZBA continued the hearing or if it is all over with.

J. LaPlante states that it is mixed use lot. They expanded without the variance and increased the size of the building.

EM notes that they met the setback requirements. The mixed use was there prior to zoning.

B. Lord points out that the mixed use is not against zoning.

J. LaPlante asks if increasing the size of the building means they could increase the size of the building to any size.

AM responds that is right as long as they meet the rules and regulations.

EM notes that does not give anyone the right to change it to two



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lots.

J. LaPlante states they were not nonconforming. They had the frontage requirements for both buildings.

EM responds that was for one parcel.

J. LaPlante asks if they can expand the motel to any requirement.

EM responds that they can as long as they meet the setback rules and Board of Health rules and others.

B. Lord explains that the frontage is nonconforming. Changing the building did not affect that. They did not have to meet the setback because it was grandfathered.

EM states that the building was torn down.

J. LaPlante states that the owner was granted a variance.

B. Lord explains that the variance was for 30' at the frontage. He only mentioned that a site plan was approved by the Planning Board. He represented the owner.

AM asks what the hardship was.

B. Lord responds that it is the type of lot which is one. The garage size is 88'. It makes more sense for the motel to have shorter frontage.

EM states that they will be coming here for an 81-P. It can not be recorded as two lots until they come here.

J. LaPlante refers to the parking requirement. How can they increase the building and meet the setbacks?

EM notes that the parking curb cut was prior to zoning. It was grandfathered. Before they rebuilt the building, they had more parking than what was required.

AM notes that it was shown as one lot.

B. Lord notes that with the variance and 81-P, they will have to meet the setbacks.



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EM states that the Board did look at the parking.

J. LaPlante asks if the building was grandfathered.

B. Lord states that the parking is not affected by the building.

J. LaPlante would like to receive copies of the minutes pertaining to the Development Plan Review for this parcel. Copies should be sent to him at 141 S. Main St., Bellingham, MA.

EN makes a motion to sign the minutes of October 24, 1991. EM seconds motion. Unanimous vote of 5 to sign minutes.

B. Lord requests a copy of the same minutes which are being sent to Mr. LaPlante. Alfred Santosuosso was the applicant.

Mail/Invoices.

JM makes a motion to adjourn at 9:15 p.m. EN seconds motion. Unanimous vote of 5 to adjourn.

Anne M. Morse, Chairman

John F. Murray, Vice Chairman

Emile W. Niedzwiedek

Glenn E. Gerrior

Edward T. Moore