



# BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

## MINUTES OF REGULAR MEETING

DECEMBER 12, 1991

Meeting was called to order at 7:40 p.m. AM, JM, GG and EN were present. GG came in a few minutes after the start of the meeting. Associate Member Norman L. McLinden was also present. EM was absent.

### SUBMISSIONS

Bill Halsing, Land Planning, presents an 81-P, Form A, for Herthal Estates to change the lot lines. Lot 1 stays the same. The other lot lines are wiggled a little.

EN asks if this would require a new public hearing.

B. Halsing states that no it does not because this is an approved way.

AM states they are doing this for the side lots and it is not affecting the frontage.

B. Halsing states they are changing 4 lots.

AM asks if the zoning is residential.

B. Halsing responds that it is.

JM states that all of the houses are built so they can 81-P. He does not think it constitutes a real change.

AM states that they have the 20,000 required lot size.

JM asks where the old plan is to compare it with the new plan.

B. Halsing did not bring the old plan. The slope easement breakout was approved by the Board of Health. There was not enough room for the septic with the ledge.

EN asks if they have the same leach for the two areas.



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B. Halsing responds that no, it is back to back because of the ledge.

JM makes a motion to sign the 81-P. EN seconds motion. Vote of 3 (AM, JM and EN).

### HERTHAL ESTATES REVISED ROAD PROFILE

B. Halsing states that this does not constitute a major change.

EN notes that anytime one changes the road, it is a major change. He would like Makram Megalli, Town Engineer, to look at this.

AM points out that this may need another public hearing. She asks what they are changing.

B. Halsing states they are just changing the road profile. The drainage is the same. It is basically the same, but different.

AM thinks this requires a public hearing and a new submittal. M. Megalli will end up reviewing it.

JM asks if Mr. Halsing knows it needs a public hearing.

B. Halsing is not sure.

JM asks if they are changing the elevation.

AM states that the structure is higher.

B. Halsing notes that the new profile meets all the town's standards. During construction they found things that had to be changed.

AM suggests he send the plan along to P. Herr for his review along with the old plan.

GG joins the discussion at 7:52 p.m.

### SUBMISSION

Mark DiCristofaro submits an 81-P for Wrentham Road. He bought a house with his brother. They are splitting the land so his



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brother can build in the back.

AM asks where the frontage is.

M. DiCristofaro responds that it is 127'.

AM asks him to point out the frontage.

M. DiCristofaro points out that it is 80' plus 140'.

EN states that it is a porkchop lot. There is a law against porkchop lots.

AM indicates that there is a law against such lots.

GG asks where the wet area is.

EN points out that the back is all wet.

AM asks if it is currently one lot.

M. DiCristofaro responds that it is.

EN indicates that there is water all around.

M. DiCristofaro agrees. There is a river in the back.

GG states that he has the 125' of frontage.

EN does not think that they can split the frontage.

GG believes it is continuous.

AM suggests the Board send this along to P. Herr and ask him if it is an 81-P.

EN asks who owned the lot.

M. DiCristofaro responds that it was owned by Adrian Lavalee.

JM reads the definition of frontage from the Zoning Bylaw where it says measured continuously.

GG believes that it meets the 125' since it has the 140' on one



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side.

EN still wants P. Herr to look at it.

AM asks about the porkchop lot.

JM and GG do not think that comes into play here at all.

GG states that it has the frontage. Lot 2 does not come under the porkchop. It only needs 20,000 and it has 80,000. They have in excess of 66,000 on one lot. They can draw an imaginary lot line to eliminate that. He reads from the definition of lot shape factor from the Zoning Bylaw. The Zoning Bylaw states that there must be a shape factor in excess of 22. He makes a motion to sign the 81-P.

EN has no objection per se but still wants to check it with P. Herr.

AM asks if Mr. DiCristofaro would be building soon.

M. DiCristofaro has no problem with waiting.

AM instructs Clerk to send the plan to P. Herr for his review.

Clerk will contact M. Dichristofaro after receiving a response from P. Herr. His address is 120 Wrentham Road, 883-7912.

### NEW ENGLAND COUNTRY CLUB DISCUSSION RE: FOUNDATIONS

Brian Pearcey, 235 Wrentham Road, has been here many times relative to the New England Country Club. 3 years ago the developer removed the houses so they could put in a road. The foundations were never filled in. The last time they were here, they said it would be done either before construction or by October 1991. He understood that was in the covenant.

AM thought that had to be done when the road was started.

B. Pearcey states that the way it was explained to him, it would be done prior to starting construction or by October 1991.

AM instructs Clerk to look up the file and check the covenant.



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B. Pearcey asks if the town is holding a completion bond on this project.

AM notes that there is no bond because the developer has not started yet.

JM notes that they moved the houses before they had a subdivision.

AM notes that if what Mr. Pearcey says is true, the Board will ask the Country Club developers to come in and address the problem. It will be addressed at the next meeting. Maybe they need to have it called to their attention.

B. Pearcey asks what will be done if they are found to be in violation.

AM will have to ask Town Counsel for his opinion.

B. Pearcey does not understand why the Board is giving them the opportunity to address the Board.

EN states that the Board has to find out why they are not doing something about the problem.

B. Pearcey thinks they should just be told to conform.

AM indicates that it correct. They will be told they are in violation and told that they have to do something about it.

### BROOK ESTATES DEVELOPMENT PLAN REVIEW CONTINUED PUBLIC HEARING

Steve Racicot, Conservation Commission, is here on behalf of his Board. The Conservation Commission requested that the Planning Board include a bond on Brook Estates for an additional \$25,000 as per the Order of Conditions for the restoration of reconstruction of the culvert area.

Clerk notes that the Board does not obtain a bond for a Developmental Plan Review.

AM does not know that the Board can require a bond.



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S. Racicot notes that their request includes the box culvert.

AM calls the public hearing to order at 8:12 p.m. She notes that Makram Megalli, Town Engineer, is present to review the plans. She requests that Mr. Racicot readdress the issues which he just brought up after the plans are reviewed by Town Engineer.

H. Rosenfeld notes that they have made a bunch of changes.

D. McCready states that the biggest issue is the letter from the Water Dept.

M. Megalli will provide an overview of the set of plans for the benefit of the Board. The first sheet (Sheet 1 of 1) shows the changes clarifying the location so someone can clarify where the site is. They added comments to the second sheet (Sheet 1 of 3) relative to any wells within 300' of proposed leaching areas. There is no building within 50' of the site. There is concern relative to where they gain access which is by a private road. They inserted a note on the plan relative to access, right to use Bellwood Circle in its entirety. They have the right to connect and use utilities as recorded, etc. This refers to Sheet 1 of 1 Note #9.

H. Rosenfeld states that they have the right to use Bellwood in its entirety. They also have the right to tie into and use all the utility lines existing in and on Bellwood Circle. The road is 36' in width. He refers to the Master Deed of Bellwood which gives them these rights.

M. Megalli notes that they are gaining access through their property by going through Bellwood.

AM instructs Clerk to make a copy of the Master Deed and send a copy of it to L. Ambler for his review. He should be referred to M. Megalli since the plans are in his office.

M. Megalli refers to the next sheet with the detention basin. They are using the easement to get to Mendon Road to their side.

H. Rosenfeld points out that it is all part of Bellwood.

AM asks if the detention will affect the extra road.



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M. Megalli states that the line was designed for future development. On the record, M. Megalli notes that he has not looked at the drainage area. They are using the easement to go from this point to their land.

EN states that all this was taken into consideration before.

H. Rosenfeld indicates that it was. They could not have built the pond otherwise.

AM asks if the Board could get an as-built.

H. Rosenfeld responds that yes, they can.

M. Megalli notes that the issue is relative to the drainage easement. They are using the easement which is provided to them. It is fine with him, but he did not really review it.

H. Rosenfeld notes that was approved 3 years ago.

M. Megalli reviewed the road from that point to the beginning of the project to their side. He refers to a 10' x 5' culvert.

D. McCready notes that was reviewed for the site plan when they originally had 6 unit buildings. It was approved and everything was addressed. Now they have changed to single unit houses connected by a trellis, but the road is the same.

H. Rosenfeld points out that if anything, it will be less impervious.

M. Megalli notes for the record that the existing culvert and wetland area is part of the previous phases which were reviewed. There is not a problem with that.

EN asks if there is a note relative to that on the plan.

M. Megalli notes that it does say existing.

EN states that everything else was changed other than the road and culvert.

M. Megalli refers to the next sheet, Sheet 2 of 3.



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AM states that even though the site plan was previously approved, it is still within the new section. She thinks that it needs to be re-reviewed since it is still within the portion now. She would like to see it re-evaluated.

D. McCready points out that the culvert is grossly oversized because of the salamander crossing.

James Barsanti, Guerriere & Halnon, engineer for the developer, states that the pre and post development study flows the same. They did not analyze the culvert which was designed in 1988.

M. Megalli asks if they verified the calculations to consider the watershed in its entirety.

J. Barsanti responds in the affirmative.,

M. Megalli notes that the drainage was designed with a series of catch basins. He refers to the existing detention pond being recalculated. They are increasing the size. The run-off comes in. They obtained approval from the Conservation Commission.

S. Racicot brought in the Order of Conditions and distributes copies to all Board members. They have signed off on all the work which was brought before the Conservation Commission. He refers to the Brook Street culvert. The Order of Conditions, dated November 6, refers to the culvert at Countryside.

M. Megalli turns to Sheet 3 of 3. A summary of detention basin data should be included in the box so they can go back to the calculations. He refers to the number of parking spaces. The Bylaw requires 2.5. He turns to Sheet 1 of 1, the Detail Sheet. There are two requirements in the Bylaw. The ground slopes 10'. It is not practical to show it on each sheet so it is shown here. The other requirement is for 2.5 parking spaces. He wants an interpretation. They have a garage and two spaces in front of the garage, but one of the spaces blocks the passage to the garage.

EN thinks that means they only have two parking spaces.

AM would consider it one space because the garage is blocked.

M. Megalli states that the question is if the space is provided.





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AM does not think they could call it 3 spaces.

D. McCready states that they compared it with a single family home.

GG notes that is different because it sits on its own lot.

D. McCready states that if they are forced to build 3 spaces, there would be 320' of asphalt.

GG asks if they have designated areas for visitor parking.

D. McCready responds that each unit has its own. The way it is designed, they do not have common areas.

JM thinks that maybe this is a good reason to divert the Bylaw.

GG thinks they would be creating a different size driveway. 3 cars parking beside each other would look terrible.

JM notes that the garages are not likely to get filled with yard equipment because these are condos and they do not have to bother with lawn maintenance.

J. Barsanti indicates that most people use their garages for parking.

H. Rosenfeld states that they could put 3 cars in a row.

M. Megalli summarizes the issues. Issue #1 has to do with the existing detention basin at Bellwood Condominium which is outside of the parcel. Issue #2 is the box culvert crossing Countryside Road within the land. Issue #3 is the number of parking spaces.

EN asks if they changed the road somewhere.

M. Megalli refers to Issue #4 which is if the Planning Board has seen copies of all memos from Town officials.

AM reads memo from D. DiMartino, Water/Sewer Superintendent, dated December 10, 1991 wherein he states that the preliminary plan which was submitted at their meeting this morning is acceptable as it deals with the dead end issue. He recommends that they relocate the hydrant which has been proposed due east



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of unit III-1 and place it near unit III-9. All pipe lines should be 8 as shown and all service lines should be 1" or 3/4" plastic pipe. Curb stops should be installed close to the water main and tied off and located very carefully, so it will be easy to determine which shut off goes to which building. Any service over 100' long should be 1" plastic. The water pipe should be looped onto Saddleback Hill Road before any buildings are constructed. The plan for the water pipe installation out to Saddleback Hill Road should be included in the submittal for approval.

M. Megalli asks if all those comments have been incorporated.

J. Barsanti responds that they have on utilities. The Water Dept. required the water line in from Bellwood up the road. They are proposing to come up the street and up the access drive. They wanted to take an 8" line and bring it up to a dead end with fire hydrant and continue looping across the driveway over land. They propose to connect to Saddleback Hill Road and come down through the Conservation Commission land and continue to Saddleback Hill Road to the existing 6" main.

AM asks if the water line connection through the wetlands has been addressed.

S. Racicot responds that they have to go before the Conservation Commission when they fill it in.

H. Rosenfeld notes that is if they come within 100'.

S. Racicot agrees. If they are outside 100', they do not have to go in front of the Commission.

AM asks if the applicant heard from the Fire Chief.

D. McCready responds that he asked where the water hydrants were to be placed.

AM requests that the applicant apprise the Fire Chief where the hydrants will be located and obtain a comment from him.

AM reads letter from Huna Rosenfeld, Trustee, Marlex Realty Trust, dated December 2, 1991, wherein he states that the owner of title of Brook Estates is Marlex Realty Trust. The plans



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which indicate Davna Corporation as owner were in error and have been corrected. As to the method of construction rubbish removal, they will employ 30 yard dumpsters to remove rubbish during construction as they did during the construction of Bellwood Condominium. Thereafter, they will place one 6 yard enclosed container per cluster of six units as shown on site plan proposal. He refers to sheets number 2 and 3 of grading sheets of Brook Estates Condominium Plan dated August 26, 1991.

AM asks if P. Herr addresssed any comments to Clerk..

Clerk spoke with P. Herr this date when he noted that Brook Estates nominally met everything on their list. The only thing they were concerned about was that the applicant did not have specifics relative to the street lighting fixtures. The locations are shown and there is a note on the plans which states that the application will comply with zoning requirements. He feels that the Board can approve the DPR but before the street lights are put in, the Board should require to see the specifics so the lights will not be too bright. He also noted that Mr. McCready was not sure that he wanted to put in street lights.

S. Racicot explains the new Special Order of Conditions which he distributed to Board members. They have a new valid Order of Conditions for the culvert for the proposed Countryside Road. The Conservation Commission requested that the Planning Board include a bond of \$25,000 to make sure that everything is done and the restoration of the wetland area to the south is done so the Order of Conditions can be met.

AM states that the Planning Board can not require a bond on a Developmental Plan Review.

JM notes that just because this is a private development does not mean they do not want to have lights.

D. McCready states that they have lights on the plan.

J. Barsanti refers to the note regarding the type of lighting in compliance with zoning requirements.

AM states that if they pursue having lights, they will have to come back to the Board with the specifications.



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AM asks if it can be cold patched temporarily.

H. Rosenfeld and D. McCready respond in the affirmative.

M. Megalli states there has to be verification of the culvert within their piece of land.

EN refers to the legal terminology relative to the right to pass over someone else's land. That has to be reviewed by Town Counsel.

AM thinks that the loop to Saddleback Hill Road will be advantageous to the residents there since it will increase pressure.

B. Lord notes that the Fire Chief will not issue occupancy permits before the looping is done. It would be in their best interests to do the looping sooner.

D. McCready notes that they need to build the first phase so first so they can fund it. They will not be building more until they are connected. They will be doing it as they are going. They do not want to do it before they get going.

GG states that is a building permit issue.

AM asks if an extension is needed relative to the Developmental Plan Review timeframe.

M. Megalli notes that it is beyond the 45 days.

D. McCready requests that the Board approve the DPR subject to M. Megalli reviewing the drainage issue.

H. Rosenfeld presents the \$389 fee.

JM thinks that they should take care of the people that are there now. They should call the Bellwood Trustees and resolve those issues. He asks how many units are sold at Bellwood.

D. McCready responds that all but two are sold.

GG makes a motion to approve the Developmental Plan Review Plan for Brook Estates Condominium contingent on final engineering



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J. Barsanti states they have a 20' pole with 300 watt as per the Bellingham Zoning Bylaw.

D. McCready notes they would do what they did at Bellwood with low lighting.

Jeff Ledger, Trustee for the Bellwood Condominium Association, explains that they submitted a list of open issues to the Board and developer at the last meeting. A couple of the issues have been addressed. The trailer has been moved. The developer was supposed to contact the Chairman but no one every did. There are 15 issues. They were never contacted relative to addressing the other issues.

H. Rosenfeld misplaced the Chairman's phone number. A lot of the issues have nothing to do with the Board.

Carolyn Todd, another Trustee, notes that letters which they have sent have been ignored.

H. Rosenfeld asked his people and they never got the letters.

J. Ledger states that the developer did relocate the trailer and dumpster. He notes that many of the letters were sent registered mail.

AM asks if the road, seeding and sidewalks have been done.

H. Rosenfeld responds that it has not been done.

J. Ledger states that the curbing, roadways, and paving have not been done.

AM reads the part of the punch list relative to road work. She notes that the asphalt plants are closed now, but they could do the paving in the spring. There is no possible way they can put it in now.

AM asks if Mr. Rosenfeld could grade up.

H. Rosenfeld responds that he can.

J. Ledger states there was a timetable to topcoat with repair.



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approval by the Town Engineer and review by Town Counsel relative to the egress over Bellwood. He makes this motion in hopes that the developer would take care of the people who are already there in Bellwood because they are Bellingham residents. JM seconds motion. Vote of 4 (AM, JM, GG and EN).

JM states that the motion to close the hearing should have been made first.

JM makes a motion to close the hearing. EN seconds motion. Vote of 4 (AM, JM, GG and EN).

GG reiterates his motion of approval above.

### GENERAL DISCUSSION

Clerk explains that a check in the amount of \$4739 was presented by the developer for Stallbrook in July as a fee for DPR. Instead of presenting the check to the Planning Board, the developer sent the check to Town Engineer with the plans.

M. Megalli does not recall receiving the check.

Clerk will find out if the check was deposited with Town Treasurer.

M. Megalli requests that Clerk notify him of the outcome.

B. Lord presents the plan for Riverview Park, Phase III, Definitive Subdivision, which was approved some time ago. The Board received a letter from Town Clerk that the 20 day appeal period had passed.

Members sign 3 copies of the Riverview Park, Phase III plans.

Members sign extension for Shoppes at City Lights contingent on Town Counsel's approval of the documents relative to a waiver which B. Lord forwarded to him.

EN makes a motion to accept the minutes of November 21, 1991. GG seconds motion. Vote of 4 (AM, JM, GG and EN).

Members sign pay voucher for Clerk.



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AM signs Annual Report of the Planning Board and Inventory Report to Town Accountant.

GG makes a motion to cancel the January 9, 1992 Planning Meeting due to a conflict in members schedules. The January 23, 1992 meeting will still be held. EN seconds motion. Vote of 3 (AM, GG and EN). JM was not present.

Meeting adjourned adjourned at 9:55 p.m.

Anne M. Morse, Chairman

John P. Murray, Vice Chairman

Emile W. Niedzwiedz

Glenn E. Gerrior

Edward T. Moore