

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

EDWARD T. MOORE, CHAIRMAN
ANNE M. MORSE, VICE CHAIRMAN
ROLAND R. LAPRADE
PAUL CHUPA
WILLIAM M. WOZNIAK

MINUTES OF REGULAR MEETING

MAY 11, 1995

Meeting commenced at 7:43 p.m. All members were present.

HICKORY HILL
PLAN ENDORSEMENT

Normand Gamache, Guerriere & Halnon, presents plan including pages which were not presented at the last meeting.

PC moves to sign plan. RL seconds. AM abstains. Vote 4 -0 with 1 abstention.

EM notes that there are two dates on the plan; one for the date approved and another for the date plan is signed.

SUBMISSIONS

Janice Hannert, Fafard representative, presents the mylar for the paper prints which the Board signed at the last meeting for two lots on Maple Street.

PC moves to sign the mylar. AM seconds. Unanimous vote of 5.

Bruce Lord, Esquire, submits an 81-P for a parcel located off Chestnut Street for FREDAP Realty Trust. The applicant only owns lot 1, not lot 2. The lot was purchased from the Town of Bellingham.

EM wonders if the plan should show a lot line instead of the county line.

PC notes that one lot is in Bellingham, one in Blackstone.

B. Lord points out that the county line drifted.

EM indicates that this Board cannot sign for Blackstone. He asks why there isn't a Blackstone signature block. This is not a subdivision.

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B. Lord responds that the applicant does not own land in Blackstone. It has always been two lots.

PC moves to sign the 81-P.

RL asks where the frontage is.

B. Lord responds that there is none. There is an existing line.

AM seconds motion. Unanimous vote of 5.

EM advises Denis Fraine that there is an opening for an Alternate member of the Planning Board along with openings on the Conservation Commission and the Board of Health. He suggests that a press release be done for the vacancies.

THE WOODLANDS

EM received a response from Leo Mayewski, Pentad Realty Trust relative to the unfinished cul-de-sac at the end of Stonehedge Drive. In his letter dated May 8, 1995, Mr. Mayewski states that Pentad is in the process of submitting plans to the Town of Franklin for the extension of Stonehedge Road, which if approved would eliminate the need for a cul-de-sac. He is being represented by Chip Agule, Esquire and Lee Ambler, Esquire relative to this matter. It is his intent to inform the Bellingham Planning Board of their anticipated direction as soon as possible. EM asks Clerk to send a letter to D. Fraine asking him to contact the Franklin Town Administrator to see if there is any substance to this matter.

RAWSON FARM

REQUEST FOR BOND REDUCTION

B. Lord indicates that the performance bond currently being held is in the amount of \$32,000. They will request town acceptance of the road in the fall. He presents a letter, dated May 11, 1995 requesting reduction of the bond on the Rawson Farm subdivision to \$3,530. Also enclosed are letters from James F. Britton of Alexander Capital Development Corp., and DPW Director, Donald DiMartino.

AM asks if the Board has received the As-built which should be submitted.

B. Lord agrees to reduce the bond to \$6,000 instead of the \$3,530 requested. He initials his written request and changes the amount.

PC moves to reduce the bond from \$32,000 to \$6,000. RL seconds. Unanimous vote of 5.

ELM ESTATES

DISCUSSION RE: DRAINAGE CONCERNS

EM explains that this is not a public hearing. All discussion is to be conducted through the Board. The Board received a letter from Donald DiMartino, DPW Director, relative to his review of the drainage and roadway, which was read at the last meeting and will be read again. As a result of Mr. DiMartino's agreement that the residents concerns are warranted, the Board sent a letter to developer, Roger Gagnon, requesting that he appear tonight to respond to the issues.

Roger Gagnon indicates that there is a subdrain on lot 12 already.

Michael Connor, owner of lot 12, from the audience, disagrees.

R. Gagnon presents the plan and explains that the drain on the map only goes to lot 10 but he is going to extend it. The water coming from 126 kept flooding it out. He finished 3 houses and buried the trench because the buyers didn't want it.

AM asks if there was an Order of Conditions on the lots.

R. Gagnon responds in the negative. The trench was drawn in after the definitive was signed. As a result of litigation by the property owners, their engineers drew in the subdrain.

AM asks if there is loam or stone over it.

R. Gagnon responds that it is loamed and he doesn't know how it will operate. It needs a stoned trench. It has to be extended. The day he received the letter he had drafted a letter to the property owners asking them to give permission so he can go onto their property to complete the work in a couple of weeks.

EM went to look at the road. The catch basin is raised so the water can't get in. He asks when they will do the finish coat and sidewalk.

R. Gagnon has been in contact with the asphalt company.

EM asks if the DPW said that the swale would work.

R. Gagnon explains that the swale will catch the surface water. He did put a subdrain in on lot 12 but it was apparently damaged in the back corner. He will fix it within two weeks.

EM asks where he will start.

R. Gagnon will start with the subdrain first.

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M. Connor presents pictures from his lot which shows that the water is 12" below grade.

EM states that Mr. Gagnon needs permission to go in and fix it.

R. Gagnon will repair the trench which is busted in the corner.

M. Connor explains that the water problem starts 50' up from his property.

EM notes that at this point they will try and push the developer to do the work but they cannot pass judgment on whether or not it will work until it gets done. Mr. Gagnon should be done by the end of June.

R. Gagnon will start patching the road which will be done by the end of June. He will replace the curbing by the beginning of July.

EM indicates that the street is a Planning Board issue. If there is still water coming out of the ground, the owners can sue the developer since it is a civil matter.

M. Conner asks as a matter of record if the Highway Inspector can be in attendance when the work is done.

EM responds that someone will be there. It may not be the Director, but one of his employees will be there.

M. Connor wants someone who will say that it will work in the wet season.

AM thinks that is beyond the Board's jurisdiction.

M. Connor notes that the Planning Board was part of the lawsuit.

B. Lord thinks that they should ask the Highway Dept. to inspect the drainage as part of the roadway system. He'll be happy to do it.

AM indicates that there should be a subdrain with corrugated pipe and stone, otherwise, the swale is useless.

R. Gagnon was going to put in stone. He'll have swale with pipe at the bottom and will slope the banks for lots 8, 10, and 12. 2, 4 and 6 were done by the other developer.

Elaine Driscoll, resident, explains that they want what the other houses have. They want a subdrain 6' down.

Don Driscoll, 9 Bellstone Drive, read the plan. There are supposed

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to be 2 tees off the trench and there are. Lot 8 is his house. The trench is all covered in. The others are filled with stone and there is no water at those houses. He had two different engineering companies come out who both told him what should be done. The property is sloping at the hill and the water is not hitting the trench. They only filled in the backyard because they cut across his property 30' away from the house. He asked Mr. Gagnon to fill it in when he moved in. It slopes and rises and follows the natural pattern. Water is running 5' underground and goes all the way up to lot #22, the corner lot.

EM asks if it is open.

D. Driscoll responds that there are no pipes and it is all open. He should put tees in and pipe the water which runs to the backyard and out into the street flowing into the catch basin. He is not saying that the swale won't work but they don't want an open trench. They don't want Mr. Gagnon to just dig down 2' with a backhoe.

Joseph Cauker, lot 22, 23 Bellstone Drive, explains that the trench originates in the back of his house. It starts 1' deep and grows to 2.5' at the deepest point and runs to the back of his mother's house. His house sits 30' off the road and there is a 2.5' drop into the trench which hasn't been without water since the winter. It is like a stream with running water. He would like them to come up all the way and start the swale and crushed stone at his property to correct the problem. There was an open trench at the back of his house when he bought and he asked Roger to fill it in. When he bought, there was no trench but after he moved in there was 2.5' of water like a lake so he asked Roger to open up the trench.

R. Gagnon states that there was a trench right along.

D. Driscoll understands that the trench has to be there but he wants to make sure that the trench is dug deep enough. The engineers that came out said that it had to be 5' deep so the surface water will be caught in the trench. The reason for the trench was to catch the surface water. The water 5' underground will be missing the trench if it isn't deep enough.

J. Cauker does not believe that the water is coming off the hill.

EM notes that the filling, grading, and seeding has nothing to do with the bond which is being held for the road completion by the town.

D. Driscoll indicates that the developer will not be able to put the street in if there is still running water to Mike's yard to Bill's yard. The whole front yard of Bill's house is water which

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is popping up from the backyard. He has no problem with Mr. Gagnon coming on his property to complete the work but he wants to know if he is going to dig deep enough. Both engineers told him it had to be 5' deep with corrugated stone and back filled.

R. Gagnon does not believe that the subdrain will not do anything.

AM points out that it does go through stone. Mr. Gagnon is proposing pipe and stone but not as deep. If it is not effective, the town will not accept his road or release his bond.

EM wants the Highway Dept. to oversee the work and o'kay it.

D. Driscoll explains that they decided not to sign the letter giving Roger permission to go on his land until he found out what was going to be done.

EM does not know if it will correct the problem with the depth but nothing will be done if they don't let him on their property.

R. Gagnon notes that the original plans didn't show a swale. The Planning Board was not required to sign. It was not part of the definitive.

PC thinks they should let Mr. Gagnon go in and do the work and ask the DPW to go in and look at it. He is not an engineer. The Highway should oversee the work.

Ralph Tomasio, 10 Bellstone Drive, asks if the Town Engineer can discuss the work with Mr. Gagnon so he doesn't go in and do the bare minimum to his standards. Everyone wants to avoid a patch up job today and then go in and landscape their yards.

EM explains that the town does not have a Town Engineer. We had one but the position was eliminated after two years. He reads letter from Roger Gagnon asking the owners of lots 8, 10 and 12 to agree to let him dig a drainage ditch on their properties. He is not responsible for stones or trees brought down to complete the ditch.

R. Gagnon will remove and cut up trees that he takes down.

D. Driscoll states that there is a ditch across his property with two sink holes which were filled in with rock. He may have to take trees out or remove some big rock.

R. Gagnon states that the pipe does not serve a purpose when they loam over it.

AM indicates that he is not tying in with the other subdrain.

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EM review plans and wants to know if the trench is open or closed. Plans show open trench.

M. Connor reads release right of action for the people of Elm Street which states that the drainage was installed by Millis Engineering and transfers to successor in title with easement to lots affected by the development to be included in the agreement with any transfer binding. No one received this document at the closing. It further states that if the terms are breached, the developer shall pay all costs to enforce the agreement. If Roger doesn't do the same as was done with lots 2, 4, 6, they can sue him. He reads from DPW DiMartino's letter which states that major repairs to the binder course will have to be undertaken and he is concerned about the road surface.

EM notes that they will not allow him to put in the finish if the road is not up to standards.

AM will not release the bond money.

M. Connor asks how much Mr. Gagnon received for a bid to complete the road.

R. Gagnon responds that is his business.

M. Connor further states that in 1987 the amount was \$20,000 for the topcoat excluding the sidewalks. With inflation, he doesn't think the bond will be enough to cover the expense. Roger should go all the way to lot 22.

R. Gagnon can't.

J. Cauker built in the summer and there was no trench at the closing. What happens if he blocks the trench and it runs down the street? He wants his backyard filled with crushed stone.

Elaine Driscoll asks about the release form which says that Roger would not be responsible for trees and stone.

AM would have an attorney look over the document for her.

EM states that the work has to be done according to the plan.

D. Driscoll asks what happens if it gets done and it doesn't work.

PC responds that the DPW won't let him pave until all the problems are corrected.

J. Cauker indicates that water runs down his land and hits the street. Sometimes it works and sometimes it doesn't.

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R. Gagnon notes that the times that it doesn't work is because his brother buries the trench.

J. Cauker further states that it pools at the two yards and go to the catch basin in front of his mother's house.

AM believes they have to let him do what is on the plan.

GERRIOR BACKLOT SPECIAL PERMIT
PUBLIC HEARING

EM explains that no one is here for the Dalpe Developmental Plan which was scheduled first and B. Lord is representing both Dalpe and the Gerrior's so they agree to do the Gerrior special permit first since the applicants are present.

Clerk reads notice of public hearing.

Bruce Lord, Esquire, presents the plan and points out the location of Charlie's Tire with the existing garage and house on the present configuration of the lot. They want to divide the house to a separate lot from the garage for a separation of residential and commercial and build one house on the third lot. The house will have a 15' setback. They received variances from the ZBA to bring the two fully in compliance with the Bylaw. The two buildings were too close to the lot line. The variances were for side yard with a full variance for 19'. They will give the variance for 19' to 50' to approve as a back lot with a lot shape factor variance relative to the lot.

Glenn Gerrior, from the audience, states there is 350' to the back edge of the property.

B. Lord notes that the property is zoned Business-2, 40,000 square feet. Area is 3.32 acres. One buildable lot is a better solution than the situation of putting in a subdivision.

AM asks if they are conforming.

B. Lord answers that they are conforming with the sideline variance.

G. Gerrior notes that the garage lot is oversized. It is 19' instead of 50' and they have the variance.

B. Lord reads from P. Herr's comments, dated May 11, 1995, wherein he states the drawing lacks identification of the B-2 zoning district. He can put the district on the plan.

EM reads P. Herr memo which states that this appears to be a

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straightforward proposal with just a few mechanical concerns. 1. The language of the variance is not clear regarding the lot shape factor. 2. All other criteria of Section 2580 appear to be met, given the frontage variance, which is clear. 3. The drawing provided to him lacks identification of the zoning district which is involved. He judges it to be in the B-2 district. 4. If granted a special permit, the division of land must then be approved as a subdivision under the Subdivision Control Law, since lot 3 does not have the frontage required by the Zoning Bylaw, but rather satisfies it only by variance. No notice of a potential subdivision has been provided, nor have subdivision application or drawing materials been provided, nor has the Board of Health been sent copies. If he owned the property, he would rather go through the process rather than risk problems with the title down the line.

GG notes that it ends at the property line. He suggests a waiver of the submittal for the definitive plan.

B. Lord indicates that notice to abutters and notice of the subdivision will suffice as the same with adequate notice. P. Herr believes that the resubmittal is not necessary and he asks the Board to make waivers relative to the Subdivision Control Law.

GG knows that all abutters received the notice. He has spoken with them and they know what they are planning on doing. They submitted to the Board of Health relative to the septic.

B. Lord believes that the wording of the special permit waives the aspects of it. They can approve according to the special permit process.

EM thinks they should find out the answers before the plan is signed.

B. Lord does not know if the wording was required for the special permit only.

G. Gerrior explains that his parents have already spent \$2,000 to \$3,000 between the Planning Board and the ZBA. They will have two houses on the property with a connecting piece because it is not two separate lots. They will have two separate units built as a duplex.

B. Lord states that if they go through with the subdivision, they will see the same plan and ask for waivers.

RL has no problem with that.

B. Lord suggests the same plan with language of approval for the special permit and process waivers for the subdivision. They will

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put in a second block and submit as a subdivision.

AM moves to close the public hearing. RL seconds. Unanimous vote of 5.

B. Lord will submit for the subdivision and ask for waivers.

PC moves to approve the special permit. RL seconds. Unanimous vote of 5.

B. Lord presents the \$50.00 backlot fee. He asked Roger Gagnon if it was o'kay to submit the revised plans for Elm Estates to the Board. Clerk requests that one set be submitted to the Board and one sent to the DPW.

DALPE GOLF COURSE DEVELOPMENTAL PLAN REVIEW MEETING

AM discloses that she has done work for Leo Dalpe some time ago.

B. Lord does not think that it is a problem. He explains that Mr. Dalpe is developing this as an ongoing project. He started with it and it kept snowballing. As he fixed the barn, he decided to have a snack bar and then a restaurant. He presents an artist drawing of the configuration of the golf course, parking with the house close by. It is an attractive area. The former barn has an alcohol license for the restaurant. It has main level seating for 75 and the deck seats 60 with a men's room and kitchen in the back.

RL asks if the kitchen is existing.

B. Lord responds that it doesn't presently exist. Mr. Dalpe has to do something further when he decides about the kitchen. Upstairs there's seating for 30 with seating for 40 on the outside upper deck where alcohol can be served. The total capacity is 204 but the reality is 100 either outside or inside, not both.

RL asks about seating on the upper deck and lower deck.

B. Lord explains that the lower deck is a complete service area. 26 parking spaces will be expanded with 61 additional. With existing parking for the driving range and miniature golf, they require 26 spaces.

RL indicates that they are reducing the size of the driving range. 66 spaces are adequate for the restaurant. There is a large grassed area which they can use for the parking if they are overloaded. They will not park on the street.

AM thinks they should put adequate spaces in the grassy area.

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B. Lord notes that if the parking is inadequate, he will come back for further parking. The Board has the right to waive down the parking.

AM sees the potential for road use.

B. Lord would like the chance to see if it works first.

RL asks why they don't just reduce the capacity.

B. Lord responds that drinks are allowed either inside or outside. They had to give the numbers but no one expects them to have 200 people there. The total parking spaces are 110.

EM reads P. Herr comments, dated May 11, 1995 relative to the Wrentham Road Golf Parking. He states that they received the materials for this review only this morning, so have little to contribute. He provides the following observations: 1. The materials appear to be sufficiently complete to allow the review to be performed, although some things are missing from the drawings, such as notes regarding vegetation and identification of what parking exists and what is new. Only the drawings will for the most purposes survive the meeting rather than the oral representations. 2. Six of the parking spaces shown in the center two lanes of parking are unlikely to be functional (see drawing reproduction following). Those on the north end prevent cars from moving between aisles, creating long dead-ends if filled. Those on the south end oblige very sharp turns at the entrance. He would not park his car in them, especially if invigorating beverages are to be sold on the premises. 3. Deletion of those spaces would reduce the number of added spaces in this proposal from 40 as shown to 34 as effective. That may be entirely adequate. He defers to those who experience what the existing parking demand is, and who can guess what will now be attracted. There is plenty of land. 4. The spaces are adequate in width and the aisles are super adequate. He notes that the new drawing slightly relocates the fence to the east, which may just be a drawing error in the earlier version. The width is so generous that there is no need to move the fence if, in fact, that was being contemplated. 5. He sees no handicapped spaces. 6. The drawing shows no wheel stops or other devices to mark where parking spaces are. With center aisles in an unpaved lot, such marking is essential. 7. Since more than ten parking spaces are being added, the landscaping requirements of Section 3500 must be addressed. The drawing shows only a single 24" tree, which doesn't suffice. Perhaps the Board will judge that existing trees and shrubs not shown on the drawing satisfy the requirement. If not, a revision is needed. 8. The grading and the bluestone surface appear to satisfy any concerns about drainage, and the drawing indicates that no new lighting is to be installed, nor are there to be new signs. If there in fact will be

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new signs or lighting, the submittal is incomplete.

B. Lord knows that they need to concrete curb stops to show the individual spaces.

RL knows that there are no trees.

EM notes that if there will be new signs or lighting, then the drawing is incomplete.

B. Lord points out that it is noted as being there. They will have no new signs other than what was on the previous plan. It was approved but has not been put up yet. They will eliminate the few parking spaces which will bring the total parking from 110 to 104 which is not an inadequacy in parking. No. 1 refers to vegetation. They will only be moving grass. The area is fully landscaped.

EM believes that there is vegetation that is missing. He asks about the identification of existing parking and new parking.

B. Lord did not think that the Board needed that since they already have the existing on the old plan.

EM thinks that the development plan should show the old and new parking. Maybe there should be a notation on the plan.

B. Lord will delete the 6 parking spaces. The other spaces are adequate but they can add handicapped spaces.

AM indicates that is the law with a restaurant.

B. Lord knows that the engineer did not address it. They do not need more trees because they are adequate along the front. The sign issue has been addressed. Section 3500 relative to landscaping is spelled out.

EM suggests that they go and look at it before they waive it.

B. Lord states that the restaurant business will use the parking at night and the golf course during the day.

AM points out that the driving range has lights.

B. Lord does not think there will be a huge overlap between the businesses.

BW believes that it is an issue. What happens if they have a banquet during the day with golfers. The miniature golf course will overlap.

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RL thinks that the fence is ugly. Vegetation would help. He asks what is required for a driving range and miniature golf course.

PC asks that they show where they have adequate parking.

EM refers to the St. Brendon's Developmental Plan where they showed they could put in more parking if it was needed.

AM notes that they are asking for half of what is required.

B. Lord notes that no one has ever shown up for any of the hearings to expand since people are happy with what he's doing. It is called the Pine Acres Executive Golf Course.

PC moves to continue the review meeting to May 25, 1995 at 7:30 p.m. RL seconds. Unanimous vote of 5.

GENERAL CORRESPONDENCE

Clerk reads letter from Building Inspector to the Schaefer Nursery advising that if they plan to increase parking, it may require Planning Board approval.

RL moves to accept the minutes of April 13, 1995 and March 23, 1995. PC seconds. Unanimous vote of 5.

Clerk reads letter from a student at Stall Brook School inviting the Planning Board to their May Day celebration today, rain date May 18, 1995. Clerk to send a letter advising that B. Wozniak will attend on May 18, 1995 since it was raining all day today.

CHESTNUT HILL CONDOMINIUM
DISCUSSION RE: DECISION

EM asked Town Counsel about the sliding doors which are still on the units. The Building Inspector said they need a second means of egress. Lee Ambler said if they sign the decision, the doors will never go away.

B. Lord notes that there will be no way to get a title from the bank if they don't remove the doors. He suggests they send a letter to the Building Inspector stating that the doors are to be removed. It is in the condo documents that no new bedrooms are allowed. They have to have an adequate second access.

EM suggests that they could put it in the developmental plan letter that no occupancy permits be issued for any unit that has a slider.

B. Lord indicates that they need the permits to get the time frame going. He asks them to sign the permit for now and the

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Developmental Plan but keep them until the doors are out.

EM reads from the permit decision, #8 states that no building will have existing walkouts.

RL thinks that if J. Emidy lets it go, the Board can go to the Board of Selectmen.

EM notes that it takes a long time. There is no doubt in his mind that the doors will be out because they aren't signing the decision.

B. Lord knows that they have to have an egress. They can put in that the basement walkout will be no more than 1 door wide.

BW notes that they need a 3' exterior door.

RL moves to sign the permit with the language changed to include a steel solid 36" door as a means of egress where the foundation is above grade. The original plan is a grade higher and that is why the septic had to be redesigned.

PC believes that the foundation was built too high.

BW moves to pass this over to the next meeting.

B. Lord states that the Board never said that the doors had to be out before they would sign.

BW withdraws his motion.

RL suggests they sign and hold the decision until the doors are removed. The permit will be held by Clerk until the sliders are removed and replaced with the right doors.

B. Lord added the wording to the decision.

PC seconds. Vote of 4 with 1 abstention (AM).

EM reads Developmental Plan Review letter. Clerk to add wording that occupancy permits will not be issued until the sliding doors are removed.


RL does not think it is necessary to add the wording to the Developmental Plan letter. He moves to sign the plan. PC seconds. Vote of 4 with 1 abstention (AM). Clerk to hold plan until sliding doors are removed.

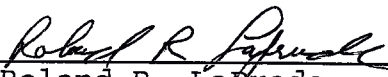
PLANNING BOARD REORGANIZATION

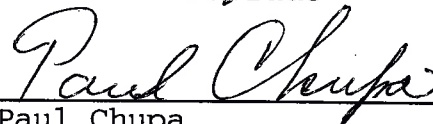
EM turns the Chair over to Clerk. Clerk calls for Chairman nominations. AM nominates EM. RL seconds. Clerk calls for any other nominations. EM nominates AM but she declines. Unanimous vote for EM as Chairman. Clerk turns chair back to EM. EM calls for Vice Chairman nominations. PC nominates AM. BW seconds. Unanimous vote for AM as Vice Chairman. EM calls for nominations for Secretary. AM nominates RL. PC seconds. Unanimous vote of 5 for RL as Secretary. PC moves to reappoint Clerk. BW seconds. Unanimous vote of 5 to reappoint.

Meeting adjourns at 11:05 p.m.


Edward T. Moore, Chairman


Anne M. Morse, V. Chair


Roland R. LaPrade


Paul Chupa


William M. Wozniak