

BELLINGHAM PLANNING BOARD
UPPER TOWN HALL
BELLINGHAM, MASSACHUSETTS

Regular Meeting of October 23, 1975

Members Present: James A. McElroy, Chairman
James E. Hart, Vice Chairman, Clerk
Sergio Rotatori
Glen S. Whitten

Chairman McElroy opened the meeting at 8:00 P.M. and dispensed with the regular order of business.

Don Charlotte presented a plan of land located on the end of Bruce Road Extension. Plan would make one lot out of Lots 2021 and 2022 and change the circle at the end of the road. McElroy questioned whether the plan qualified under an Approval Not Required plan since it is under subdivision control law. It could just be a change in stipulations since it is already an approved subdivision. Board waited to consult with Herr.

Engineer Walter Sampson of Franklin presented a plan of Lots 15 and 16 located on Farm Street. There were originally four small lots and plan would be creating two lots. Board stipulated they were only signing for Lots 15 and 16. Sampson noted same on plan. On a Hart-Rotatori motion, it was voted unanimously to approve the plan of Lots 15 and 16 on Farm St.

Roger Belanger and Bob Hidell of Whispering Pines spoke with the Board regarding the covenant. Hidell stated it was his understanding that the developer had the option of using either a bond or a covenant. Belanger stated he did not understand the question of his covenant. Consultant Philip Herr told the he had brought up the question himself to the Board. Under (1) in the Covenant it stated no lot shall be built upon until all work on the ground necessary to serve such lots have been completed satisfactory or unless a bond is posted. This would mean in his mind that no building permits should have been issued until either the road have been completed to the Board's satisfaction or a bond posted. If there is any building without a release it is not proper. Belanger stated he did not feel he was at fault because he did not understand it. Herr told him in order to draw any additional building permits he has to post a bond for any unfinished work on the streets. Belanger gave the Board a letter from Highway Superintendent Daigle signing off on the work that had already been done on R. Belanger Drive and Joyce Lane. Roads have been cut and brought up to subgrade and drains installed. Jean Trudel Water Department Superintendent in a letter stated he had met all preliminary water department regulations..

PUBLIC HEARING - SUBDIVISION RULES AND REGULATIONS

Chairman McElroy opened the public hearing on subdivision rules and regulations. Secretary read the notice as it appeared in the papers.

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McElroy asked for any questions or comments from the audience. Approximately 9 in attendance. No comments. McElroy stated the Board had been through all the rules and are satisfied with them and they should stay the way they are presented. Hearing closed at 8:34 on a Rotatori-Hart motion. On a Rotatori-Hart motion the Board voted to accept the rules and regulations as presented, unanimously.

Belanger told the Board the drains have all been inspected and approved by Daigle and he planned to put in the base of the asphalt next week. Belanger told the Board he had his cost analysis Bill McLay draw up figures to put in the finish coat and cape cod berms on Joyce and R. Belanger Drive. Hart questioned the length of 680'. After a brief discussion Belanger decided to bond all of Joyce and Belanger. Herr suggested Daigle be consulted to get a price of what it would cost in two years time to put in a finish coat and complete the work, including putting in street monuments, street signs, etc. Belanger asked the Board's permission to be working with Daigle and the secretary to have the bond ready and lot release prepared by the next meeting. Board agreeded.

Guerriere and Barrett spoke with the Board and Herr regarding their proposed subdivision off Hixon Street. Herr stated they had reviewed the plans and everything seemed to be OK. The big question was Hixon Street. It is paved 12' or so only. Herr stated there was two options (1) the developer could widen it up to Hartford Ave and (2) if the town was very anxious to see this development they could go to a town meeting and ask for the money to widen and improve the street. If none of these happen the Board, if they were to approve the plan, could be creating a hazardous condition. Guerriere told the Board he felt Hixon Street was a public way and if they were to widen the road without taking any land it could be done to about 30'. Hart asked about water. Guerriere stated they intended to bring in water. Barrett stated it appeared the only alternative would be to widen the road. Guerriere stated they would be willing to widen the road in front of their houses on Hixon St. and pointed out Belanger had houses on Hixon St. and did not widen the road. Herr pointed out those houses had another way of getting out. Rotatori pointed out if the road was not widened he would get a lot of static when he went to sell the houses. Guerriere told the board they would probably get back to them for the houses on Hixon Street on an Approval Not Required plan. Herr stated if they did this they would have to make the lot in back, Not a Buildable Lot. Barrett asked the Board if they would be satisfied if two cars could get by each other. Herr asked if this would be the case would it be feasible to put 2' on each side of the road or will the road have to be rebuilt. There is also a question of drainage. McElroy suggested they talk with Daigle and said he would be talking to him also. Guerriere asked the Board assuming they comply on Hixon Street, would they get 40' for the lane inside of the subdivision. Barrett stated he wanted to get an idea of what the Board would be asking from him to determine his costs on the

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subdivision are going to be and what he would have to spend on Hixon Street. Hart told them to get Hixon St. settled and then they would talk. McElroy told Barrett he didn't feel the Board would be asking any more of them than what they had in the past of other developers. They could not give him anything clear and simple. Guerriere asked if the Board would give them any better breaks if they were willing to improve a town street, making it a passable street. Would the Board be willing to trade off things and to waive certain conditions in the subdivision. Herr questioned if they would be able to sell twenty homes there with the condition of Hixon Street. Barrett asked if the subdivision will not be approved if Hixon Street is not improved. McElroy told them he could not say. Barrett stated he would talk to Daigle to determine just what he would want done. McElroy said he would also be talking to Daigle. Barrett will ask Daigle to meet with the Board at 8:30 P.M. on the 13th to discuss the situation.

Board went over the plan of Charlotte with Herr. McElroy questioned Herr since it was part of a subdivision before, should it be labeled Approval Not Required or would it be changing an existing subdivision. Turn around was originally 120' with 60' paved and is now going to be 100' with 50' paved. Reason for the change in the original subdivision was because of the Conservation Commission's concern with the brook. Herr told the Board they could do it on an Approval Not Required plan since it is on a registered plan. The Board can approve a minor change without a public hearing. This change does not affect any other lots but his own. Herr felt it is a real problem with the lot areas, they should be recalculated by the engineer for the owner's own protection. Dotted line on the turnaround should be made solid. On a Rotatori-Hart motion, the Board voted unanimously to sign the plan when the solid line is eliminated and the dotted line made solid, and the footage is changed on the lots.

Herr told the Board regarding the proposed subdivision off Hixon Street that is has never been a court case which says that the Planning Board has the right to do what you are planning on doing. If you dig in your heels and refuse the subdivision because of Hixon Street and he brings it to court you may wind up losing. The only cases like this have been settled out of court. Hart stated Guerriere knows we want him to widen Hixon Street. If he doesn't he would be in favor of making him comply with all the regulations. Herr told the Board Franklin's Planning Board turned down a subdivision because of water mains serving the area were not sufficient. They were taken into court and the judge told them to delay the occupancy permits and told the town to make the necessary water improvements. This could happen in this case.

Herr went over the areas to be proposed rezoned from agricultural to residential at the next town meeting. Board agreeded to all the areas with the addition of Saddle Back Hill Road and the south side of Blackstone Street to North Street.

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Article changing the multi-family district on So. Main Street was agreeded with.

Environmental Controls amendment was agreeded to as written.

Article on Motor vehicles service stations was agreeded to as written. McElroy questioned when it would go into effect.

When it is approved by the town meeting or when the Attorney General approves. Herr stated it goes into effect when the Attorney General approves it and it is posted by the Town Clerk, but the minute it is advertised for a public hearing, no one who takes out a permit after that time can use it, there is no grandfather rights. Hart asked if Town Counsel Ambler agrees Herr stated he did not know. McElroy pointed out the intent is shown when it is advertised.

On a Rotatori-Hart motion the Board voted unanimously to hold a public hearing on November 13th at 9:00 to consider the above articles.

On a Rotatori-Hart motion the following bills were unanimously approved for payment:

Woonsocket call - advertising subdivision rules -	\$19.60
Milford Daily News - " " " -	\$20.00

Herr suggested Building Inspector be asked not to issue any building permits until the Board tells him to on any new subdivision. Board agreeded.

Meeting adjourned at 10:29P.M.

APPROVED AS READ

Respectfully submitted:

James E. Hart, Clerk