

BELLINGHAM PLANNING BOARD
TOWN HALL ANNEX
BELLINGHAM, MA.

Special meeting - January 20, 1982

Members present -

Carl R. Rosenlund, Chairman

Sergio Rotatori

Joan King

John Murray

Gerald Brisson

Mr. Rosenlund called the meeting to order at 8:04 PM. He informed the Board and those present that the meeting was being recorded for the record.

This Special Meeting was called by the Planning Board at the request of Mr. Joseph Johnson for release of property off Blackstone Street. It was agreed by the Board in a letter from G. Daigle, highway superintendent to secure a passbook security for \$2000, the Board could release lots and had the power to do so. Since the last meeting Mr. Rosenlund instructed the secretary to contact Mr. Herr, in regards to the Board's question to release lots prior to completion. Also to tell Mr. Herr that the attorney from the bank would be in touch and determine together what is needed. That information was conveyed. Yes, the Board can release the property if it so desires, if the passbook is secured through the Town Treasurer. Mr. Rosenlund said he contacted the Town Treasurer and Mr. Johnson and he met. They ironed out the details. Mr. Rosenlund saw Mr. Trudeau after the fact and he was satisfied and he signed a letter offering security along with the passbook. Mr. Herr also said Forms F and G were needed and that they be signed by a notary public. Mr. Simler is a notary public and everything will be in order. (Simler is Mr. Johnson's attorney)

Mr. Brisson asked why this is being done.

Mr. Simler said in title work for the bank when a subdivision plan was approved in 1977, the covenant was stamped on the plan. That puts a restriction on the subdivision until either the roads are built or released by the Planning Board. No release for that particular covenant. Often times besides stamping the plan a separate instrument is prepared as a covenant by the Planning Board stating the owner will construct ways and utilities according to the Rules and Regulations of Subdivision laws and all is recorded at the Registry of Deeds. But there was never a separate instrument on record for this plan. Now, in a way, we are working backwards and putting on a separate instrument on record and asking the Board to release lots provided Mr. Johnson puts up security to insure work being completed as outlined in Mr. Daigle's letter. Mr. Johnson has a permit for what he is building now. Protection is now being secured for work to be completed.

Mr. Rosenlund said Mr. Johnson requested funds for construction.

Mr. Simler said some developers put in the road first before they

ask for permits.

Mr. Brisson said he thought that that process is a better guarantee for the Town.

Mr. Rosenlund said no one on the Board could remember if lots had been released prior to completion.

Mr. Rotatori said usually a covenant is put up as a bond for the rest of the work.

Mr. Brisson said this particular sub division had a covenant.

Mr. Simler said now Mr. Johnson wants money.

Mr. Brisson asked if Mr. Johnson got estimates for this work. There is a lot of work to be done. Did he get estimates from anyone.

Mr. Rosenlund said Mr. Daigle, the highway superintendent gave an estimate for the work. The Board members are satisfied with this figure because of problems with the passbook before.

Mr. Brisson asked if the work was done yet.

Mr. Johnson said he received his letter from the Planning Board (letter dated October 13) at the end of October. By the time he received it, the weather had closed. He is committed to the project.

Mrs. King asked if on the forms there is a time limit when works are to be finished. She said she knew Mr. Johnson said he would be finished by June or July of this year. But she said the Board has had problems with this before because there had been no time limit.

Mr. Simler said the Planning Board forms say 2 years and they changed it to one year.

Mrs. King thought that was good.

Mr. Rosenlund said that this was a concern of the Board at the last meeting but that Mr. Herr had suggested one year.

Mr. Murray then came into the meeting and Mr. Rosenlund recapped the situation for him.

Mr. Murray said he was not fussy about the time.

Mrs. King said she would be fussy.

Mr. Brisson said that if people move into their houses and then the work is not done they come to this Board and complain.

Mr. Rosenlund then read the form.

Mr. Murray asked if releasing the lots prior to completion was okay.

Mr. Rosenlund said Mr. Herr said it was not unusual.

Mr. Simler said that sometimes if there is a bond problem you are chasing down the insurance company.

Mr. Rosenlund asked Mr. Simler is he talked to Mr. Herr.

Mr. Simler said yes.

Mr. Rosenlund asked if Mr. Simler mentioned that the covenant was not recorded.

Mr. Simler said often times the separate covenant is recorded then a release is given. You refer to it and the plan is just released. It is different to release lots.

Mr. Brisson asked if the work is completed in 6 months then how does the bank know, in regards to the security, you can withdraw the money at anytime.

Mr. Simler said the Town will have the passbook. The Town can take the money and do the work.

The Board then looked over all the forms.

Mr. Johnson said Form F is recorded at the Registry as a separate instrument and the same day you file the instrument you file the release. Any reference will refer to this document.

Mr. Murray asked if the plan has been changed.

Mr. Johnson said the only change is the 2 things that are recorded, changes in the sidewalk and the easement and drainage, which is being changed now.

Mr. Rotatori asked if anywhere on the forms what has to be done to finish the sub division.

Mr. Murray said there was no description on the forms as to the work to be done.

Mr. Brisson said it refers to the plan of 1973 and that has been altered. If someone else comes in and asks what work has to be done, they won't know.

Mr. Rosenlund said the letter from Mr. Daigle should be included and filed with the documents and notarized.

Mr. Brisson asked if all the street monuments are recorded.

Mr. Johnson said yes.

Mr. Rosenlund then read Mr. Daigle's letter and said if the Board is satisfied a copy of that letter will be attached to the documents referred to and notarized.

Mrs. King asked if it would be physically attached.

Mr. Rosenlund said yes.

Mrs. King said it should be referred to also as the letter could get lost and if no one on this Board now is around when there are any questions.

Mr. Simler said that was fine with him and reference could be made to the letter.

Mr. Rosenlund then said it is agreeable to the Board and Mr. Johnson and Mr. Simler.

Mr. Brisson said the Board had to be cautious.

Mr. Murray said the changes from 6 months ago were not recorded.

Mr. Johnson said the changes made at the Planning Board's last meeting will be recorded.

Mr. Brisson asked if that plan showed the easements only.

Mr. Johnson said he had gone to the Registry many times and the only plan they had was the plan the Board had.

Mr. Brisson said the size and length of the sidewalks were changed.

Mr. Johnson said there would be a final plan showing everything.

Mr. Brisson said there should be an as built plan for the covenant and release. Mr. Daigle must have everything but an as built plan.

Mr. Johnson said he is supposed to have it but it can not be done now.

Mr. Murray asked who the passbook was made out to.

Mr. Johnson said the letter from the Town Treasurer shows that he relinquishes all his rights to the passbook.

Mr. Brisson said that this was a confusing sub division and liked a covenant better.

Mr. Rosenlund said copies of all the documents and the registration of the release should go to the building inspector.

Mr. Murray said the Town could take action after 2 years.

Mr. Rosenlund said one year.

Mr. Murray said in the future it should be stated that the town could collect any interest.

Mr. Rosenlund said it could not be put in now to include interest.

Mr. Rotatori said he thought another \$1000 should be added one.

Mr. Murray said he thought there should be more money than necessary in the account.

Mr. Brisson said he thought security in general is not the best route to go.

Mr. Murray said in this case the covenant is released to get financing.

Mr. Brisson said he realized that. But if a person comes in with a sub division and a covenant is imposed, they are aware of the full work before the bond is issued. His duty is to get enough money to do so. 90% of the towns do it that way today. It saves on all this paperwork.

On a Joan King/Sergio Rotatori motion the Board voted 5-0 to release the lots 7,8,9, 10 on Debra Lane as requested with the given security and necessary forms.

Mr. Brisson said he thought copies of everything should go to the Town Treasurer.

The secretary was directed to give copies and the passbook to the Town Treasurer and ask him to keep it in his files. There was also a copy for the Planning Board.

Mr. Johnson and Mr. Simler thanked the Board and left at 8:48 PM.

Mr. Rosenlund said he would be out of town for the Board's next meeting next week. He told the Board that Mr. Austin would be bringing in an article for the warrant for Town Meeting on condo's. There is a technicality in the state law. There is something in the law about the word condo. Mr. Herr will be here and Mr. Austin was asked to get specifics from the Assessors.

Mrs. King said as she understood it a townhouse was a structure and condominium was a form of ownership.

Mr. Rosenlund asked the secretary to have available at that meeting the minutes from the Public Hearing on townhouses.

Mr. Brisson asked if it was because we do not call them condo's.

Mr. Rosenlund said there is something about the condo's already in town are paying less and there should be paying as much tax as a home. Mr. Austin will request the Public Hearing. There may

be also a discussion on earth removal. The intent of the earth removal by law was 2500 cubic yards or more a permit will be needed. There is a question about the authority and experience of the building inspector about removing earth and granting a permit.

Mr. Murray said that it was like signs.

On a Joan KIng/ John Murray motion the Board voted 5-0 to adjourn at 9:15 PM.

Respectfully submitted,



Carl R. Rosenlund, Clerk