

BELLINGHAM PLANNING BOARD
TOWN HALL ANNEX
BELLINGHAM, MA.

Regular Meeting - June 10, 1982

Members present: Carl Rosenlund, Chairman
Sergio Rotatori, Vice Chairman
Bert Boiteau
Joan King

The meeting was called to order at 7:40 P.M. by Chairman Rosenlund. He read the letter dated June 8, 1982 from Neil Roche, attorney for Dennis Marguerite and Leonard DeLoia, subdividers Beech Street, Franklin/Bellingham File No. 81RE287 requesting that the time for the Planning Board to take final action on the preliminary plan be further extended to and including July 30, 1982.

Mr. Rosenlund said he had attended the Franklin Planning Board meeting. Our by-laws specify a time period of 60 days; Franklin's does not say anything. I mentioned the fact that I was concerned about the time element. Mr. Rosenlund suggested the Board go along with the request for extension made by Mr. Roche.

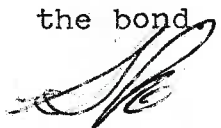
On a Sergio Rotatori/Joan King motion the Board voted 4-0 to extend the action date on the preliminary plan submitted by Marguerite and DeLoia to July 30, 1982.

The secretary was directed to send a letter to the Town Clerk stating that the Board has approved the request for extension to and including July 30, 1982 made by Mr. Roche on the final action date on the Beech Street Franklin/Bellingham subdivision. Also a letter to be sent to the Franklin Planning Board Vice Chairman Ralph Pinto inviting him and/or any representative to the meeting of June 24, 1982 at 8:30 P.M. for an open discussion on the Marguerite subdivision.

The concern is that there is no access road from Bellingham to this subdivision. Also the concern of police, fire, and highway. Who is going to be responsible? Noting that the zone in that particular area is suburban which allows for two families, Mr. Rosenlund said he was thinking of 7 houses and 7 families; now there is a possibility there will be 14 families. 28 lots, 7 in Bellingham. He said Franklin is working on it and may come out with a cluster zoning.

At 7:50 Joseph Johnson approached the Board and submitted 6 copies of plans on the Debra Lane townhouses. He also presented his check for \$192.00 which Mr. Rosenlund said would be held until the night of the hearing, June 24, 1982, and directed the secretary to do so. Mr. Rosenlund said the question is whether the zoning board would render a decision. If they have not acted or reached any decision the Board cannot act. One copy of the plan to be sent certified mail to Philip Herr, consultant. Mr. Rosenlund suggested each member take a copy home to review in confidence and the remaining copies to be filed.

Mr. Johnson then asked the Board if they could take up the issue of the bond. He thanked the Board and left at 7:59 P.M.



At 8:00 P.M. Mr. Stavinski of Stavinski Engineering Associates, Wrentham approached the Board for a pre-submission review of a proposed subdivision off Maple Street (by landfill). He began by stating that he has been in business for about 9 months although has been in the engineering and surveying business for 12 years and that he was with Landmark Engineering managing their office. Also, that he resides in Bellingham and has for 12 years.

The land owned by Edmond LaPointe abutts the landfill in Bellingham. Mr. Stavinsky showed the Board sketches of the proposed area, pointing out the location of the landfill and the access road. Also pointing to the area of land which he said was taken by the Town of Bellingham from Mr. LaPointe and to the property owned by Mr. LaPointe.

The terrain of the area was discussed and the possible access roads. The proposed subdivision is for 10 lots. Mr. Stavinski stated that Mr. LaPointe is not interested in cluster although he tried to talk him into it. He simply wants to put a roadway in and get a few lots approved or whatever the property will bear. Mr. Stavinski stated the zoning is 80,000. The problem of wetlands and drainage was discussed. Also a low area described as a "kettle hole" where ponding occurs, which Mr. Stavinski felt may come under conservation. But if it is a "kettle hole" it may not really be a wetlands; however, Mr. Stavinski stated he may want to make it a wetlands for the purpose of utilizing the "kettle hole" to put a drain across the proposed roadway (an equalizer) thus preventing ponding on either side of the road. He stated that after construction he will have equalizers through there that will allow flow back and forth within that very localized area, which is approximately 150 to 175 feet.

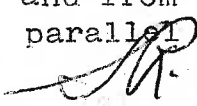
Mr. Stavinski asked whether or not the Board could foresee any serious problems.

Mr. Rosenlund stated that he could only deal in generalities and that Mr. Stavinski must be familiar with the subdivision control laws and what has to be done. Mr. Stavinski said yes. Mr. Rosenlund suggested that if there is wetlands involved and could become a problem it would be worthy of discussion with the Conservation Commission, before he went any further. Mr. Rosenlund asked if he also looked at the zoning by-laws under flood control. Mr. Stavinski said yes that he is familiar with the regulations.

Joan King said that it does look like the ponding area where it presently sits would become part of the 3 or 4 proposed lots, possibly wetlands. Mr. Stavinski said there is no question that they would be part of the lots and he would probably be dealing with conservation.

Mr. Rosenlund suggested that Mr. Stavinski take this matter up with the Board of Health also where wetlands are concerned. Under health regulations you cannot construct within so many feet of wetlands because of septic systems.

Traffic control in and out of the proposed development and traffic to and from the landfill was discussed. Possible consideration was a parallel roadway.



Mr. Stavinski said that he would be discussing this with Mr. LaPointe and felt that they could come forward with a preliminary plan. That it is not a large subdivision and from a legal standpoint there are areas they don't own and don't have ~~stope~~ rights.

Joan King told Mr. Stavinski that there is a fee for filing a preliminary plan to the Board. In this case 10 lots times \$25.00.

Mr. Rosenlund said that the fee for the preliminary plan is applied to the definitive plan.

Mr. Rosenlund also pointed out that a subdivision does call for sidewalks. He suggested that Mr. Stavinski talk to Mr. LaPointe about cluster again, if he is interested.

Mr. Rotatori said the idea of cluster zoning is to have open space, such as for a playground, but if there is wetlands there is nothing you can do about it. It will cause problems for the town. People will throw rubbish in there.

Joan King asked how much land is involved. Mr. Stavinski replied 24 acres.

Mr. Stavinski thanked the Board for their help and left.

One other matter before the Board: Mr. Rosenlund stated that Joseph Johnson had come in at the last meeting requesting release of the bond on Debra Lane. He asked building inspector, Joseph LaPlante if he had inspected it and that the Board received a letter from the Highway Dept. saying everything was satisfactory. LaPlante said yes he did look at it, but basically was curious and interested to find out what stipulations were set initially and was there any concerning the catch basin. Mr. Rosenlund referred to the file (under "Steeves Village") letters dated January 12, 1982 and May 27, 1982 from the Highway Dept., Gerard L. Daigle, Superintendent stating work completed., referring to sidewalks, drainage and roadway. Mr. LaPlante asked if it was specifically stated whether one side or both sides of the sidewalk was to be completed. Mr. Rotatori said one side. Mr. LaPlante said that it was completed. Also that the off street parking is completed.

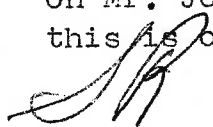
Mr. Rosenlund stated that the passbook was for the completion of the road, sidewalk, and headwall which have been done.

The building inspector, in attendance, failed to provide a written report; however, verbally reported his approval.

On a Sergio Rotatori/Bert Boiteau motion the Board voted 4-0 to release the \$2,000.00 pass book from Joseph Johnson on Debra Lane.

Mr. Rosenlund requested the secretary send a letter to the Treasurer, to this effect, with copies to Mr. Johnson and Mr. Remillard.

Mr. Rosenlund referred to the Zoning Boards public hearing next Thursday on Mr. Johnson's request for a variance. Joan King asked whether or not this is on 10 acres of land. Mr. Rosenlund replied no and that he also



has less than 7,000 sq. ft. per bedroom. He is going to the Zoning Board because of this to get a variance on these two items.

Also, that at the last meeting Mr. Johnson came before the Board with his lawyer because, according to his lawyer, of a technicality. They want to go back to square one. He wants to do this the way it should have been done, regarding the townhouse development. The technicality was, according to his lawyer, that when he applied for a variance with the Zoning Board of Appeals it was to construct a 3 family house in a 2 family area. The Board held a hearing, took it under consideration. Before they rendered the decision the Town Meeting passed the by-law on townhouse development. So now it is felt by real estate and the banks because this law was now on the books and went onto the books prior to the decision coming down from the Zoning Board that the Zoning Board's decision, in essence, was null and void and that he would now have to comply with the Townhouse Development because now there is a provision for multi-family.

Joan King pointed out that Johnson didn't comply with the law before it went into effect and he still does not comply now that the law is there.

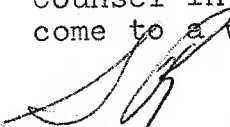
Mr. Rosenlund said that is why they are going this route. He is looking for the variance on the fact that the law does exist now. If the variance is granted he can come to this Board requesting the special permit under townhouse development. If he ~~gets~~ denied the variance then he is not complying with anything. He cannot come to the Board for a special permit because he does not have 10 acres. He has to have the 10 acres or the variance.

Mr. Boiteau said the Board had told Mr. Johnson that the Zoning Board might not reach a decision by our next meeting.

Mr. LaPlante stated that he was in the company of Town Counsel and he questioned the situation concerning Mr. Johnson. Also that he was a little disappointed that he did not receive a notice. Mr. Rosenlund directed the secretary to send a notice to Town Counsel Ambler. And to send copy of all future notices. Town Counsel to be added to the abutter's list.

Mr. Rosenlund stated that as far as he sees it, and the reason he asked that Mr. Johnson's check be held is in the event the Zoning Board makes no decision on the variance this Board cannot act. The hearing is posted and published and the only thing he could do is to open that hearing and to continue it without action. And to again notify the people about the meeting being continued. If the variance is denied then the Board's proper action would be to allow Mr. Johnson to withdraw without prejudice and give him back his check. If it goes through then we will accept his check.

On a question by Mr. Boiteau regarding the Franklin Beech Street subdivision Mr. Rosenlund said that at the Franklin Planning Board meeting they said the builder would put in the water lines and they would provide the water and bill the residence. They suggested that it would be Town Counsel in Franklin along with the Board of Selectman in Bellingham to come to a written agreement as to mutual aid.




Concern was voiced by the Board regarding the public hearing in that there may not be the required number of members present to act on it. Joan King will be out of town on vacation. A special request to be made that John Murray be present at this meeting.

The subject of the new typewriter for the secretary was discussed, as well as the price quotes from Save Rite and Milford Business Equipment. Mr. Rosenlund asked what is the current figure in the budget. It was determined that the balance, including the fee to Mr. Herr of \$900.00, is \$1262.10 as shown on the last statement received from the Town Accountant, or as shown on the last entry dated May 27, 1982 on the expense sheet #102, to be \$351.61. Mr. Rosenlund stated that the Finance Committee had suggested at a previous meeting that if there was money left in the budget to purchase it then. After further discussion, and on a Joan King/Sergio Rotatori motion the Board voted 4-0 to allow the secretary to purchase Royal Electric Typewriter No. 018787/RT from Save Rite as shown in their 81-82 catalog for \$229.97. The secretary was directed to stop in the Town Accountant's office and check the account balance.

On a Bert Boiteau/Joan King motion the Board voted 4-0 to adjourn.

Adjournment at 9:48 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sergio Rotatori".

Sergio Rotatori, Clerk