



BELLINGHAM PLANNING BOARD

P.O. BOX 43

TOWN HALL, BELLINGHAM, MASSACHUSETTS 02019

Edward T. Moore, Chairman
Glenn E. Gerrior, Vice Chairman
John P. Murray
Emile W. Niedzwiadek
Anne M. Farris

Minutes of Regular Meeting
June 19, 1986

The meeting opened at 8:00 p.m. E.N. and G.G. arrived at 8:05 p.m. Consultant, Philip B. Herr was also present.

CLIFF ESTATES - Neil Roche, Esq. presented a copy of the Covenant as recorded in Dedham, B. 6923, P. 63. Completion date was set at June 30, 1988. A.F. moved to sign; J.P.M. seconded the motion. Motion carried to release lots 1-11 in Cliff Estates, unanimously. Letter of Credit dated 6/19/86, #8638 in the amount of \$26,000 and endorsed by Rocco Pisani of Home National Bank was presented and accepted for the records.

BROOK ESTATES - Marlex Realty Trust, Ted Goguen, Esq., 1 Country Side Road, Natick, MA. Engineer/Surveyor: Guerriere & Halnon, Inc., 205 E. Central Street, Franklin, MA. Fee Received: \$425.00 (Check) Filing Fee - 17 lots Preliminary Subdivision.

Discussion: Chairman questioned whether or not Brook St. had been determined as a through Street. Consultant unsure as to whether the section of Brook Street involved in the proposal had been accepted.

Highway Superintendent, Gerard Daigle, stated that the street was accepted. Herr pointed out that at town meeting an article had **passed** erecting a street sign for Brook Street and no street acceptance had been recorded.

ROGER STREET - Location-Lake Hiawatha. Irma Martin questioned the Board as to status of Roger Street which is located just off Scott Hill Boulevard in vicinity of "old Round Up Club." Superintendent Daigle stated that the deeds for the street were being held by the Lake Hiawatha Association and therefore was privately owned.

Herr stated that ownership of the "fee in the street" was not a Planning Board issue. The planning board's concern is that the street is not constructed, has not been accepted by the town and therefore considered "not able to be built upon." He reiterated that "paper streets" don't confer authority to build. Ms. Martin was told that either the deeds be released or the road had to be built. Her family's lots could not be constructed by way of 81-P plans.

DILL PROPERTY - CHESTNUT STREET - Contractor fixed the sidewalk to the Town's satisfaction near the catch basin. Thomas Clark was named as contractor.

JPM moved to postpone Onallam Realty - Beechwood Estates to 9:00 p.m. A.F. seconded the motion. Motion carried by unanimous vote of 5.

SITE PLAN REVIEW - North Main Street Plaza, Dimitrios Voyaitzis, North Main Street, Bellingham, MA. Contractor: Morse Realty Trust, Center St., Bellingham, MA



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NO. MAIN STREET PLAZA con't

Bibeault and Florentz, 117 Main Street, Woonsocket, R.I. 02895 engineers for the project and Franklin Pond of Pond & Associates, Inc., 117 Main Street, Woonsocket, R.I. were on hand for the review and to answer technical questions.

Anne M. Farris excused herself from the meeting and left the table.

Herr questioned the proposal for sign at the entrance and criticized the by-law regarding free standing signs. Design highlights given detail in summary were: lighting, fencing adjacent to residential property (either 4' chain link w/inserts or stockade), detention basin, vertical seepage pits, haybales for erosion control until construction stabilizes, paving, loaming and seeding of site.

Herr questioned the drainage calcs. Site had been designed for twenty-five year storm, i.e., amount of rain stored during the first hour of the storm.

Pond answered 2.5 inches in one hour.

Herr stated that such design was only appropriate for measuring "peak flow" - Herr questioned what would happen to the water if accumulated over a period of several hours.

Pond stated that he made sure the volume stored only yielded a 5 year store.

Herr questioned the leaching catchbasins ability to recharge. Pond explained by way of a graph.

Chester Lewinsky, Depot Street resident and immediate abutter, reported that a drainage pipe in the area near the railroad end backed-up and flooded the area. A 48" pipe had been installed last spring.

Herr repeated that the answer was not apparent as to the leaching catchbasins "bee hives". Were they adequately sized for the number of seats in the restaurant?

Designers stated that actual installation of seats were 60, although the leaching system had been designed for 100.

Herr stated that the parking met the requirment for what was being presented. He requested a 24-hour analysis of design - repeating that for the first hour everything was o.k. - what would happen the other 23 hours if the storm persisted.



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NO. MAIN ST. PLAZA con't

JPM moved to recommend approval to the Building Inspector provided that the 24 Hour drainage analysis be submitted to the Consultant and meets with his approval, that is, that the drainage storage be adequate for the site; G.G. seconded the motion; motion carried by unanimous vote of 4.

Ms. Farris returned to the Planning Board Table for the remainder of the meeting.

NOTIFY BUILDING INSPECTOR FOR THE FILES

9:00 BEECHWOOD ESTATES, Onallam Realty Trust., Millis, MA
Herr reviewed a list of points of concern previously cited for the proposal. Beechwood's responses were formally dated June 19, 1986 and reviewed.

Herr recapped that the major objections to this proposal were the Conservation Commission's and the Farrell/Cummings abutters represented by Bruce Lord, Esq. Herr noted that the configuration of the entrance to the project had been revised as a result of an informal meeting with the Conservation Commission. The alternative road layout has been agreed upon by the Conservation Commission as access to the property.

JPM reviewed his copy of the minutes from May 8, 1986 outlining the list of concerns.

Lots 5 and 2 were checked and found to contain the proper area.

Bruce Lord on behalf of the abutters questioned the authenticity of the revised plan.

Dr. Gary Sanford from Sanford Ecological Services stated that the areas of concern on the plan were not under water 9 months of the year and due to the topography of the site, sloping down, he noted that Red Maples were present in the swampy area and that species cannot possibly survive flooding above the surface 9 months of the year.



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Beechwood Estates continued

Regarding the issue of Limited Access, Gerald Moody, Esq. and counsel for the Town of Milford, stated that the Conservation Commission is empowered to allow filling of the wetland. D.E.Q.E. must handle this matter under the property's current status and not consider the situation prior to 1983. He further explained that once a "Notice of Intent" is filed with the Conservation Commission, and they in turn establish an "Order of Conditions", if that "Order" is appealed, the D.E.Q.E. would intervene and resolve the case.

Chairman repeated that the question of limited access falls within the jurisdiction of the Conservation Commission. Also stated was the property owner's right to access this property and it should be handled under current regulations.

Attorney Lord was in disagreement with the Conservation Commission on behalf of his clients, Cummings and Farrell.

Consultant Herr stated that water removal from the road was an issue.

JPM questioned what would happen to the Cummings/Farrell properties with waiver of road height and its impact on drainage.

Herr suggested that the Board turn to the drainage sheets and explained that the applicants proposed to construct a culvert between Cummings and Farrell, with headwalls directly on the property lines. His major concern centered around the headwall sitting on the Right of Way lines. The town would be provided no access to clean up the end of the drain pipe at the concrete wall.

Herr suggested the applicants obtain easements or arrive at a different solution.

Lord, Esq. argued with Herr. Herr countered with "What would you like them to do?" Lord continued to argue flooding is a problem on both Farm St. and the Farrell Property. 6" to 10" of ice forms during the winter on a dangerous corner of Farm St.

Attorney Moody inspected the site with relation to Farm St. and Farrell property the past week.

Safety Officer George Buskirk stated that he checked the sight distance in both directions and indicated same on plan - Westerly 260 feet and easterly 375 ft. He firmly stated that the cut met the minimum conditions of "our" by-law for a 25 m.p.h. street.

Herr echoed 260' in the worst case --- 375' the other direction. "They're home free."

Buskirk stated for the record he used the same formula that was used to determine safe sight distance on Center St., Hartford Avenue and Route 140 (Bellwood).



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Atty. Moody stated that up to 28 units were proposed.

*****Continuation of Public Hearing for the SHORES OF SILVER LAKE was opened and postponed until 10:00 p.m. by unanimous vote.

Herr suggested that an alternative drainage solution would be to intercept the flow and send it off in another direction.

Lord stated that such an alternative would not resolve the concerns of his clients. He recited the following:

- A. Farm Street was only 17' wide and traffic is a major concern;
- B. Drainage problems currently exist and he and his clients don't know where it's going; and
- C. Conservation Commission was concerns on the back of the site.

Herr replied that the Town would not be fair in "jerking" the applicants around. Farm St. could adequately carry 19 lots or 28 units. He further quoted from the Subdivision Rules and Regulations regarding access - in summary that it must either connect to a legal way or go through a "special process" for an extraordinary number of units.

Lord, Esq. argued "residential area."

Herr replied that to argue inadequacy is to preclude residentially zoned (intent of use). He offered to volunteer testimony on behalf of the Town for the applicants w/o fee regarding this argument, residential or agricultural, at the trial.

George C. Holmes from the Conservation Commission stated that the "alternate" drainage solution would dry up wetland in that area, however it could be replicated in another area of the site.

Attorney Moody stated that his clients would propose a modification with the Approval of the Conservation Commission.

Holmes stated that looping the water would improve the water service to Farm Street and the Town's water department would welcome the opportunity. He stated that his board would coordinate efforts with the Water Department and Onallam Realty.

Clifford Matthews, Conservation Commission stated that plans would be required prior to the filing of a Notice of Intent.



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Atty. Moody stated that a small area can be estimated from the street without Farrell's approval, on the expert counsel of Dr. Gary Sanford.

*** Chairman stated that a 60^{day} continuation would be in order to allow for all the feedback.

Holmes restated that his department would have to confer with the Water Dept. regarding the definitive plan.

The Planning Board agreed that a determination regarding limited access would be in order from Lee G. Ambler, Esq.

Herr re-capped the situation by stating that the applicants designed a new road location, reduced the disturbance of wetlands and was willing to investigate an alternate drainage proposal.

Question to Atty. Ambler from Lord, Esq.:

"When a property owner subdivides his property as a whole after 310 CMR 10.53(e) (PLANNING BOARD DOES NOT KNOW WHAT THAT LAW MEANS NOR DID THEY DISCUSS IT) can it be considered limited access by the subsequent owner??"

81-P Plan

Applicant: Victor Daignault, Pulaski Blvd. (1380) as prepared by Gerald R. Brisson, 99 Happin St., Bellingham, MA. G.G. moved to sign; JPM seconded; motion carried by unanimous vote of 5.

MEETING DATES FOR JULY WERE SET FOR THE TRADITIONAL SECOND AND FOURTH THURSDAYS OF THE MONTH AT 7:30 p.m. The dates more specifically are 7/10/86 and 7/24/86.

SHORES AT SILVER LAKE continued public hearing was re-opened and postponed until 10:30 p.m.

DISCUSSION OF PRELIMINARY SUBMISSION - Stoney Ridge Village, 198 Hartford Ave. Bellingham, MA ---Applicant: Two acre Realty Trust. Proposal is to subdivide the parcel into two lots approximately 10 acres each which would serve to accomodate multi-family housing. The parcel is located between 495 and Hartford Avenue. The piece is zoned residential formerly zoned industrial and re-zoned to residential. The proposal would accomodate either condo's or duplex housing.

Herr stated "how real is this plan?" Can its adequacy be determined without knowing what is going in there?? END OF DISCUSSION.



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CONTINUATION OF PUBLIC HEARING // SHORES AT SILVER LAKE 10:30 P.M.
H.A. Fafard & Sons, 290 Eliot Street, Ashland, MA

Jim McLoughlin, Planning Dept. for Fafard Co. offered the presentation. He introduced Don Nielson from Guerriere & Halnon, Inc. E. Central St., Franklin, MA 02038 Designers of the proposal. Mr. and Mrs. Howard A. Fafard were present for the hearing.

McLoughlin reviewed the minutes of the February 27, 1986 Public Hearing in detail outlining the resolutions to the problems and questions raised at the initial hearing. He restated that the items substantiating the rejection of the preliminary plan submitted one year ago had all been addressed at the February 27th hearing.

He admitted that he did not have a "letter in hand" from Franklin or Medway regarding sewer tie-ins. McLoughlin unveiled the master sewer plan (route) which would not only benefit their proposal, but also critical sections of the Town of Bellingham. In greater detail, 5½ miles of sewer was proposed at a cost of \$5 million dollars. A pumping station would be located at the lowest point - only one is proposed which is of greater savings to the community. The sewer would service Silver Lake, Scott Hill Acres, the high school and by gravity flow down Rte. 140, Maple Street, High St., Ray Avenue and over to Pilgrim Village.

McLoughlin reviewed the letter of commitment which the Fafard Companies sent to the Town Administrator, Michael Jaillet, the various town consultants, town counsel and the sewer commission. As Jaillet had requested, the Fafard Companies provided a plan and profile of the sewer route. An interceptor across High Street would service the industrial property which the Fafard Co. has agreements on. The sewer route is proposed to run up the "spine" of the town which would help minimize future costs to the town of Bellingham with only one pumping station proposed.

JPM asked what Weston and Sampson thought of their proposal.

Consultant Herr questioned the security of approvals regarding sewer of this type from Franklin, the Sewer District and the Sewer Commissioners.

JPM questioned the impact of this proposal on the Celtic Proposal.

The answer was returned that Fafard Co. would try to meet with the Celtic Company to iron out a mutually beneficial plan. McLoughlin stated that his company must have a consensus from Bellingham before they can go to District with their proposal and obtain the go ahead from the state to direct sewer under 495. He stated that the engineering is definitely possible. Fafard Company views the District and Town of Franklin as one, since Franklin comprises 80% of the useage for the district.



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The tie in would be from Pilgrim Village to Mine Brook.

JPM stated that "the Board" had hoped to see an agreement to "put money into the ground" between Franklin, Medway and Under Rte 495.

Matthew Pytko from the Sewer Commission took the plan under advisement.

Mr. Sousa - irritated abutter from Silver Lake stated he wanted to see a piece of paper where they have tied in.

HOWARD FAFARD addressed the group. He stated that the sewer plan and profile offered a major route. The cost of such an undertaking would be \$5 million dollars. His company had spent one (1) year developing a master industrial plan for 800 acres of land. His company HAD supplied a MASTER PLAN. That 800 acre parcel was in fact the acquisition of a major trunk line for sewer which would service Bellingham Center, Wethersfield and Pilgrim Village not be mention the High School and Scott Hill Acres. The major trunk line was designed to utilize "through Town Streets" which benefits the general public and not just the Fafard proposals. He seemed to feel the major problem was the issue of capacity in tying into the "District." His company can't expect to see a letter of approval from the District or any municipality until the details are worked out between the towns of Franklin, Bellingham and Medway.

JPM suggested a ^{showing} comprehensive plan to include the developments of Celtic Construction, Davna Corp., Onallam Realty - Crystal Springs.

Chairman stated that the Board couldn't expect a developer to show other projects "tied into" his. The sewer concept must be accepted by the municipalities involved.

Herr inquired if the applicants were seeking action on their proposal tonight, and remarked that the design engineers were present with plans rolled up.

McLoughlin stated that the plans showed minor mechanical revisions.

Herr inquired if the sewer improvements all over town could be completed within 24 months which is the customary time allotted to complete an approved definitive plan.

McLoughlin stated ABSOLUTELY. He added that 6 months would be a more realistic time frame for all approvals. that is the sewer interceptor and construction.

JPM asked if the Fafard Company needed approval tonight.



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Fafard: "I Think we do." 24 months is absolutely possible - his company would cooperate with others. He can only present his improvements which won't cost Bellingham anything. His network would be available to others and the Town.

Herr brought up traffic consequences relative to this proposal in Section 413 of Subdivision Rules and Regulations. He quoted section regarding input from police, fire & highway departments and also the Selectmen, regarding access to the development. He didn't think there would be a reduction in anticipated level of service based on the traffic impact report. He summarized by stating that the Board is dealing with presumptively mechanical changes to drawings trying to find whether there is an appropriate way for the Board to act without the certainty of sewer. He suggested a time table be established i.e., a list of written approvals be compiled and submitted by December 31, 1986. If not received, the approval be revoked.

Herr further assured the Board of the clarity of Mr. Fafard's commitment. He would install sewer line. Without sewer lines, there would be no project. He suggested that all of the conditions of approval be explicit - and suggested that that clarity could not be had at this hour of the night. He suggested that through combined efforts of town counsel, Lee G. Ambler, the Planning Board consultant and the Sewer Commission a proper approval with all-inclusive conditions.

Harry Mack from the Fafard Companies gave an irritated outburst from the audience.

E.N. questioned whether their company had anything on-going with Franklin.

Fafard: We have to get sewer here. This is a small piece of the network - we cannot negotiate with Franklin for a percentage of gallonage (residential) and percentage of Industrial gallonage. Agreements have to be made between Bellingham and Franklin. His company would not be afraid to accept conditional requirements such as sewer installation, upgrading of intersections, etc. His company has presented a "Master Sewer Plan" - needs input or response from Charles River Watershed, Weston & Sampson, Franklin, and town Administrator.

Herr stated that the Board didn't have any input tonight.

Fafard reminded the members that the more sewer that is brought into the town, the greater the benefits to the townspeople. "How can it not benefit the Town?"

Fafard stated that they would accept conditional approval contingent upon sewer installation. And also stated, that the Selectmen should authorize town administrator, Jaillet to negotiate with Franklin and Charles River Water Shed in conjunction with Weston & Sampson and the town's Sewer Commission.



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SHORES AT SILVER LAKE con't

Herr: Repeated the major issues of concern: traffic and provision of sewer. He stated that there should be no more question from the Board concerning "internal design" and that the Fafard Companies should be allowed to proceed with the Special Permit Process while working on an extension of the definitive plan. He noted the following:

1. what about basic configuration of streets;
2. location of detention ponds; and
3. access to Center Street - So. Main St. access had been moved down So. Main and the company had acquired an additional ingress/egress on Center St. as opposed to Cross Street.

He stated that the streets were designed to minimize impact to wetlands - avoided crossing wetlands, provided more open space, doesn't exceed number of units on a dead end street.

Fafard stated that 450 units were proposed. Wetlands had been subtracted out. He suggested that the Board might be feeling pressured. He stated that he'd only build with sewer, stated that pollution at Silver Lake would be reduced by providing for residents to tie-in. His company had studied the entire Town for the most beneficial sewer route. He requested that the Board allow the consultant, town's sewer consultant, and selectment to work with his company to discuss the finalization of sewer.

Moore suggested that the public hearing be extended to 60 days "on call." Other Board members suggested six (6) months "on call." Discussion ensued as to the legality of "on call" continuances of public hearings. It was determined through Atty. Moody that a date and time had to be set, else the hearing would have to be readvertised and abutters notified. Mr. Fafard assured the Board he would assume mailing and advertising costs if necessary.

Mr. Fafard requested that the Planning Board authorize his professional staff to consult with Weston & Sampson, the Town of Franklin, Bellingham Sewer Commission, Board of Selectmen and Town Administrator, Michael Jaillet in an effort to resolve the sewer route and installation, resulting in signed letters of commitment from all parties involved.

A.F. moved to continue the public hearing to December 18, 1986 at 8:30 p.m. on an "on call" basis provided that the hearing be readvertised, abutters notified and Mr. Fafard assume all costs for same.

G.G. seconded the motion. Motion carried 4 in favor; John Murray in the negative.

Upon Atty. Moody's advice that vote was rescinded. A.F. moved to continue the public hearing to September 25, 1985 at 8:30 p.m. G.G. seconded the motion; motion carried by vote 4 in favor; John Murray in the negative.



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SHORES AT SILVER LAKE con't

Mr. Sousa from Silver Lake voiced strong objection to the hearings regarding this proposal being placed so late on the agenda. He was under the assumption that the Fafard companies requested a late appointment to wear the residents/abutters in opposition to the proposal down.

The planning board clerk assured the audience that the Fafard Companies had no control over the scheduling and that every effort was made to schedule the hearing in at a reasonable hour. Due to unforeseen circumstances, other projects were included on the agenda, ---- rather insignificant in nature and therefore had to have earlier appointments. With a proposal of this magnitude, continuity during the proceedings of the hearing must be maintained.

Mr. Fafard stated that he did not relish the late night Bellingham appointments, and certainly did not request them.

McLoughlin requested that a letter be sent authorizing Fafard Company to work with all of the consultants and agencies in an effort to secure a quality sewer proposal of mutual benefit to the Town as well as the Fafard Company. He also requested copies of the approved minutes of this meeting.

12:00 P.M. MINIWAREHOUSES - Onallam Realty -- Farm Street//SITE PLAN REVIEW
Sylvie Miccelutti was present for the review. Interested parties present were Mr. and Mrs. Thomas A. Palli.

Sylvie stated that they were not required to provide detention due to square footage of the lot and building.

Herr question whether or not the other matters had been addressed.

Palli claimed that the frontage on Lot# Farm St. abutted an agricultural zone. Herr concluded that the rear yard was legitimate and abutts industrial zone to the rear. The side yard abutts residential zone and condominiums.

Palli stated that he had rights. It was an agricultural zone and that the existing building was not 100' from the property line. He remarked that the applicants had been granted "temporary occupancy permits."

Thomas Palli resides at 310 Farm Street (across the street from this site). He testified that his windows shake with the traffic and is disturbed by the Sunday access.

Palli demanded the "definition of storage building" according to by-law.

Gerry Moody, Esq. questioned the type of disturbances.



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SITE PLAN REVIEW - Miniwarehouses con't

Mrs. Palli stated that bulldozers were on the site at 6:50 a.m. Suggested that there was an impropriety with Onallam REalty selling off to Abbey REalty Trust. She felt they were the same company.

E.N. stated that by-law was clear on operation hours of heavy equipment, reduction of construction dust and shaking windows.

Palli stated that Building Inspector Gregoire passed all inspections on the building June 13, 1986.

Dymytrk stated that his engineers would check the location of the building and move it if necessary.

Herr stated that mini-warehouses didn't seem to be the issue. The front setback requirement was rather the bone of contention.

Buskirk stated that he would re-shoot the site distances. He noted that the 25 M.P.H. speed limit sign was placed in 1981 and not legal under State recommended fundamental speed law.

Dymytrk stated that he would prepare an as-built.

Herr stated that this proposal was not comparable to a facility with 20 spaces. Trip generation on this site should average to be two (2) vehicle trips/day. Mini-warehouses are wholly insignificant to traffic generation. He quoted from a Report on "Mini-Warehouses with average daily traffic trips 40/day - quoting from a certain location. Dallas location with 110,000 s.f. generated a average of 17 vehicle trips daily. The report was entitled PLANNING ADVISORY SERVICE Report #324. Herr repeated that this proposal was a very benign use - no traffic generated, no emissions, relatively quiet business. The only problem with them is that they look horrible.

Chairman suggested a chain link (privacy slats) fence or perhaps shrubs.

Sylvie stated that the location of the building had been "guesstimated".

Glenn **GERRIOR** picked up on that statement. He stated that Mr. Reger wasn't too credible if he stamped a plan on the basis of a "guesstimated" location of the building.

Sylvie argued that what Jim Reger stamped up front, had nothing to do with what she was proposing. The use to which the building was being put was storage of personal property. She showed 12 spaces - 17 unpaved spaces.

Palli interjected that Farm Street was dangerous.



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MINI- Warehouses con't SITE PLAN REVIEW

Herr suggested that a letter be sent to the building inspector. The setback requirement violation should be noted and should be suggested to the building inspector that he require their engineer to locate the building on an as-built plan. Occupancy permits should not be granted until the building is moved (if necessary) and all improvements to the site are completed, set-back requirements, paving, etc.

Chairman stated that dead buildings were the lesser of evils.

It was determined that this site was formerly owned by Joyce Schreffler Godbout.

E.N. moved to recommend the Site Plan with the understanding that the security chain-link fence be erected around the building and that 400' of visibility won't be required onto Farm Street.

JPM stated that 20 or more parking spaces was the issue. Normal Industrial Bldgs required 29 spaces. If this site does not have 20 parking spaces, it does not come under the Site Plan Review requirement of the by-law.

Chairman Moore abstained. A.F. moved to recommend approval based on the following:

1. minor traffic generation, According to Herr;
2. there were less than 20 spaces proposed therefore, not requiring S.P.R.; and
3. with the provision that a chain link fence be erected.

E.N. seconded the motion. Motion carried 3 in favor; E.M. abstained and JPM abstained.

Herr suggested that the Board not act on Huna Rosenfeld's preliminary plan for duplex housing. Clerk got a clarification on his suggestion/same results. Board instructed not to act on that plan. No letter to be sent to applicant. Town Clerk will be notified that we were not to act upon same.

Meeting adjourned at 12:45 p.m.

Edward T. Moore, Chairman

Glenn E. Gerrior, Vice Chairman

Emile W. Niedzwiadek

Anne M. Farris

John P. Murray