



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

EDWARD T. MOORE, CHAIRMAN
GLENN E. GERRIOR, VICE CHAIRMAN
EMILE W. NIEDZWIADK
ANNE M. MORSE
JOHN P. MURRAY

MINUTES OF REGULAR MEETING

March 9, 1989

Meeting was called to order at 7:55 p.m. All members except AM were present.

EVERGREEN CONSTRUCTION

John Riel, representing Evergreen Construction is before the Board relative to the site plan on Williams Way. He presents a letter from William V. DeFlavio, P.E.

EM reads letter dated March 3, 1989 wherein Mr. DeFlavio indicated that he had reviewed the calculations for the required drainage for Evergreen Construction Company and found them to be adequate. Mr. DeFlavio's seal and signature were on the letter. EM requests that a copy of this letter be sent to the Town Engineer.

J. Riel questions if the Fire Chief sent a letter to the Planning Board.

EM does not have a letter from the Fire Chief. EM indicates there were three issues holding up this site plan: the letter from the engineer; letter from the Fire Chief and Water Dept. relative to the water main; location of building which the Building Inspector will review with the as-built plans.

Clerk is instructed to prepare a letter to the Building Inspector indicating that the site plan meets the requirements with a reminder to the Building Inspector to check the location of the foundation.

Leo Mayewski requests the Planning Board send a letter to the Franklin Planning Board. Mr. Mayewski explains that he submitted a request for rezoning change for land which he owns in Franklin which abutts residential development in Bellingham. He would like a letter from the Planning Board indicating their support.

EM explains they are referring to the Woodlands on Maple Street. Mr. Mayewski owns industrial land in Franklin which has no access. He is



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petitioning to rezone. Clerk is instructed to send a letter recommending approval of the rezoning.

JM makes a motion to send a letter to the Franklin Planning Board recommending approval. EN seconds motion. Vote of 4.

EM states the letter should be sent to the Franklin Planning Board, Town Counsel, Town Administrator and should indicate that the Bellingham Planning Board voted unanimously to recommend rezoning. The Board request Franklin consider their support for the petition to rezone land. Mr. Mayewski has done an excellent job with the subdivision in Bellingham. The Board expects he will continue the same type of development in Franklin. Location of parcel is off Maple Street in Franklin.

RIVERVIEW PARK - PHASE VI CONTINUED PUBLIC HEARING

EM reads letter from the Conservation Commission, dated January 25, 1989.

B. Lord indicates that most of the changes are minor. The plan is essentially the same. However, it has been revised per the engineer's comments. He points out the Charter Gas Station near Colonial Fence and the roadway to the back. It is a simple subdivision which will be divided into three lots. He met this morning with the Town Engineer to discuss picking a traffic engineer to study the area. The study will be paid by the participants. It will be a simple road with a slight bend which will connect with High Street. There is no great disturbance with the drainage. The purpose of the subdivision is to create a road to make lots available.

EM questions why the hearing was continued.

B. Lord states the Board wanted to hear the Town Engineer's comments. He points out a section of the parcel which is not part of the subdivision. It is owned by the applicant but is separated.

EN questions if the road has been moved. He believes it was a problem at one time.

B. Lord indicates it is the same plan.

EM reads letter from the Fire Chief, dated March 9, 1989 regarding the 16" water main.

EM questions where the 16" is.



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M. Megalli, Town Engineer, points out the 16" and 10" which is tied to both. The two areas can be switched with valving because of the potential of extending the road all the way down.

John Noonan states they can find out where the 16" ends. He does not know where it is now.

M. Megalli explains it would be better to go from the 16" to the 10" because it is a shorter distance.

EN does not know why they do not go to the 12".

EM states the 12" is not there yet. It will probably be put in. He reads letter from the Water/Sewer Dept., dated March 9, 1989, a copy of which was forwarded to the Town Engineer.

M. Megalli indicates he only saw the plan for 10 minutes tonite. He is preparing a memo to other departments requesting they work together on this project.

EM reads letter from Ed Wirtanen, Health Agent, dated March 9, 1989. The letter requests disapproval of the plans since no percolation test has been done. The test is scheduled for April 18. The environmental impact report was disapproved. The project is located in a water resource district. He questions the use of the site.

B. Lord indicates these items are covered during the industrial subdivision site plan process. They must do the road first to develop the property. The site plan is more important for this project.

EM questions the subdivision zone.

B. Lord explains it has been rezoned to business and industrial.

EM states it is a basic 3 lot subdivision without addressing the buildings.

B. Lord does not know who will occupy the property yet. The site plan process is the major process with an industrial subdivision.

EM would like to hear from P. Herr prior to closing the hearing.

B. Lord requests rescheduling for the next meeting.

GG questions where Stony Ridge lines up with the entry to this project.



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EM states it is towards 495.

B. Lord does not know.

GG requests he check that out.

B. Lord states they were told to put it west.

GG states the locus shows all existing roads. He would like to see where the road lines up.

John Noonan indicates he will find out where it is.

EM states the hearing can be continued to 8:45 p.m. o March 23, 1989.

JM makes a motion to continue the hearing to March 23, 1989 at 8:45 p.m. EN seconds the motion. Vote of 4.

JM questions if they will go ahead with the development sooner than anticipated if they get approval.

J. Noonan indicates they must obtain an ENF next. They must go through the state process which will take about nine months.

Jean Gaudet questions why they are continuing the hearing.

EM explains there is a lot of information which must be reviewed. This is phase 6 but it should really be 1.

SOMMERVILLE LUMBER

B. Lord states there are two inches of stone dust for impervious surface. It is not good material. They want to put in asphalt. Everything would remain the same except the surface. They went before the Conservation Commission last night. They saw no problem with it. If it is seen as a major change, they can request a hearing.

EM does not believe they will need a public hearing. He will discuss it with P. Herr since it is a water resource area. He suggest the issue be brought up at the next meeting when the Board's consultant is present.

M reads letter from the Conservation Commission regarding the land donated to the town of Bellingham.

B. Lord will discuss this with the Conservation Commission. They are revising the plan.



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EM states they are concerned with the frontage on Maple Street and making the entrance the same at the other end.

B. Lord states the Board asked Fafard to put the entrance down there. Fafard does not care.

EM states there are wetlands down there. The Board would like a copy of the hearing notice of approval from the Conservation Commission.

B. Lord states they did that last night.

EM states they promised to donate land to the town. According to the letter from the Conservation Commission they are dragging their feet.

B. Lord explains an offer was made and turned down.

EM states they offered a piece of property but it did not have frontage. The Conservation Commission will take any piece with frontage.

Roberta Bouchard, Maple Street, questions if an island will be put in. Fafard will come out right beyond her house. Sommerville Lumber does not want to donate land.

B. Lord states the Board indicated their desire to move the entrance down further. It could be done in that area.

EM explains the Planning Board is following through on approval. This issue is not on the agenda.

B. Lord states the problem is not with the donation of land.

EM just wants to make sure it includes frontage. Fafard indicated there would be better traffic control behind than in front.

MULTIFAMILY CONCEPT PLAN - PUBLIC HEARING

GG reads notice of hearing.

EM explains the bylaw was drafted by the Planning Board and P. Herr. It was approved at public hearing one year ago and approved by the town meeting and finance. It had to be done over since there was an error in the posting. He explains the town bylaw of 50 or more requires concept plan approval. Otherwise there will be a town meeting. Someone could build 49 condos and slide around the law. The 50 or more dwelling units takes care of that.



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GG makes a motion to close the hearing. JM seconds the motion. Vote of 4 to close.

JM makes a motion to recommend approval of Multifamily Concept Plan. EN seconds the motion. Vote of 4 to recommend.

NUSSL ESTATES - PUBLIC HEARING

GG reads notice of public hearing.

JM questions how long the subdivision has been turned down.

B. Lord states it is still pending. The Board turned down Backlot 3 years ago. It has passed the time frame and this is a different configuration. It was originally a 3 lot subdivision. There were problems with the entrance and traffic. They would have had a sharp road to establish two lots. It is now a simpler plan with the backlot subdivision. Lot 2 meets Franklin lot requirements. Lot 1 has 50 feet of frontage. They have double acreage for the lot. They are proposing a single lot. It meets the requirements for a backlot subdivision.

Fred Muller, abutter questions if it is a requirement that both lots are in Bellingham.

EM states the bylaw does not say.

Fred Muller states that lot 2 is the smaller lot.

B. Lord states the smaller lot is in Franklin.

F. Muller questions if the property is up for sale.

B. Lord indicates it is.

EM states it is presently owned by Nussl. The subdivision is still in the process. The Board suggested the applicant apply for a backlot subdivision since it is a dangerous intersection. The Board can put conditions in that the applicant only put in a single family home rather than a duplex.

B. Lord does not know if that is the intention.

JM states there would be 1 house on five acres of land.

EN states this would close the problem.



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F. Muller states the corner is still of concern even though it would be of less concern. Franklin installed warning signs and guard rails but there have still been two accidents in the last couple of months. He questions if there is a way to divide it differently.

JM states that people get into accidents because they are using it as a short cut. The accidents will continue whether it is developed or not.

Marsha Crooks questions if the driveway will be the same place as originally proposed. She questions if the land will stay the same.

B. Lord states it will stay the same.

JM believes that one family living in the proposed house will not contribute to the traffic problem.

M states they will not make it any better.

F. Muller states he is still concerned about drainage. He hopes the developer will not do less since it will only be a single family home.

EM states that drainage can only be addressed with a subdivision.

B. Lord explains they can not increase the run-off into someone else's lot.

M. Crooks questions if there is any chance they will sell the house and someone will build another house.

EM explains they can not build 2 houses on the same lot. Each lot must have frontage. If it is bought in the future, the owner could apply for a subdivision.

B. Lord states they could build a large house on that size lot.

F. Muller questions if the Board can insure that the house is built to plan.

EM explains the Board can put enforceable conditions on the special permit to ensure that only a single family house is built.

F. Muller states that two houses were not built to the original plan.

EM states that is up to the Building Inspector to find out.

EN makes a motion to close the public hearing. GG seconds the motion.



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Vote of 4.

EN makes a motion to grant the special permit with the condition that a single family dwelling is built. GG seconds the motion. Vote of 4.

JM states the Board should instruct P. Herr to write up the decision on the special permit.

EM would like a reorganization of the Board. He does not intend to run again when his term is up. He believes that someone else should be chairman. He suggests that the members think about it. Reorganization will take place at the next meeting.

NEW ENGLAND COUNTRY CLUB CONTINUED PUBLIC HEARING

GG removes himself from the public hearing.

EN makes a motion for a 10 minute recess to move the hearing to the upper town hall. JM seconds the motion. Vote of 3.

EM states the hearing is continued from February 23, 1989. The Board sent a letter to the Mayor of Woonsocket inviting him to the public hearing. The discussion tonight will stick to the Bound Road issue. The public hearing is also continued to March 23, 1989 to continue discussions pertaining to the subdivision and the town of Bellingham. The Board will cover how it affects the city of Woonsocket as well as Bellingham. EM explains the question and answer procedure to the audience.

Mayor Baldelli, Mayor of Woonsocket, would like to make a statement on behalf of the city of Woonsocket.

G. Martinelli, counsel for Forge Development Corporation, introduces the development team consisting of Jeff Sousa, Carl Adamo, Robert Cournoyer, Larry Kustis. The issue is the second means of egress. They originally planned to go out via Bound Road to Wrentham Road but found it to be very difficult. The second alternative was Spring Hill Estates but they were unable to negotiate a satisfactory agreement with the owners of the property. In November 1988, they decided on a third means of egress of Bound Road and consulted with the city of Woonsocket. They received a favorable response from the Planning Dept. Even though the neighbors had voiced their opposition, they received a second letter from the Woonsocket Planning Dept. reiterating their approval. On January 26, 1989, they learned the Woonsocket administration had changed their mind and were now opposed to the use of Bound Road as a means of egress.



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Bellingham Police Officer requests that 7 vehicles which are illegally parked outside of the town hall be moved immediately.

EM declares a 5 minute recess to allow the cars to be moved.

G. Martinelli states they looked at different courses of action in contemplating Bound Road as a means of egress after the other means were discounted. After the initial blessing of the city of Woonsocket, they examined the complicated title to Bound Road which indicating it was dedicated a public way in Bellingham in 1770 and in Cumberland in 1768. They incurred substantial expense for a road engineer in order to respond to the Planning Board questions of drainage in Woonsocket. The Conservation Commission was satisfied with the drainage and Town Counsel believed there was legitimate title to Bound Road. After the January 26, 1989 meeting they were surprised to hear Mr. Picard state that the Mayor of Woonsocket had changed his mind. They decided to re-examine their original means of egress of going out Bound Road to Wrentham Road in Bellingham. They discussed this with Mr. and Mrs. Philips, the owners of the property. They had an option agreement for an alternative means to Wrentham Road. However, they found out about a pre-existing agreement between the owners and Michel LaPlante. They want to be good neighbors to the city of Woonsocket. They realize they will have a long term relationship between New England Country Club and the city's sewer system. Even though it will encompass considerably more expense, they will again consider going out Bound Road to Wrentham Road. This is contingent on three things: the Planning Board acceptance of this proposal; the city of Woonsocket finalizing a document of agreement pertaining to the sewer connection; there is no question of their right to acquire additional rights along Bound Road by exercising their option with Mr. and Mrs. Philips. They are obtaining a restraining order from Superior Court in Springfield. It is the opinion of the court that a duty is owed to New England Country Club. The hearing on the preliminary injunction will be next week. They can only be assured of going out Bound Road to Wrentham Road if the option agreement between Mr. LaPlante and Mr. Philips is terminated.

EM questions what they will do to the upper end of the road - do they propose a through street?

G. Martinelli states it is up to the town of Bellingham to exercise its rights with respect to Bound Road.

EM questions which option came first, Mrs. LaPlante's or New England Country Club's.



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G. Martinelli states that their option was made subsequent to LaPlante's option.

EM questions if they will go out Wrentham Road if it is developed to sufficient width.

G. Martinelli states that is correct provided they have adequate width and storm water drainage.

JM states that condition number 1 was acceptable to the Planning Board years ago. He questions how long it will take for them to resolve the problem with the option.

G. Martinelli states that is up to Mr. LaPlante and the Court.

Mayor Baldelli states the ball is in Mr. LaPlante's court. The city of Woonsocket would like an agreement with New England Country Club and the residents forbidding use of Bound Road now and forever.

G. Martinelli states the issue can be resolved by the Court and with Mr. LaPlante's consent.

Mayor Baldelli requests the Board hold its decision until this issue is resolved.

G. Martinelli believes New England Country Club has the legal right to go out Bound Road. They should be able to proceed out that way. In order to save their relationship with the city of Woonsocket, they will wait to hear from the Court.

L. Ambler states they are dealing with a close resolution. He believes they should deal with the issue negatively since everyone is here. They should look at it as if it is not resolved by the court. He refers to the issues concerning using Bound Road as a means of egress such as benefits to the town of Bellingham, traffic consequences for Woonsocket, the maintenance of the original covenant, tentative agreement for sewer tie in to Woonsocket.

EM questions whether or not the applicant can give up rights to going out Bound Road forever as requested by the Mayor.

Mayor Baldelli contemplates they will not use Bound Road in the future. They want an additional agreement regarding the sewers.

EM states the Planning Board can not propose that condition on the applicant.



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G. Martinelli will concede that they will not go out Bound Road, but the town of Bellingham may do something with Bound Road in the future since it is a public way.

R. Picard, Bound Road resident, states that do not want the road open as a thorough fare. He questions how the town could do something with the road.

L. Ambler explains they could petition the town and residents.

G. Martinelli refers to the issue of abandonment.

Mayor Baldelli will come back to discuss the issue of abandonment of the road before the Board of Selectmen.

William Asta states that Robert Bradley, assignee from Mr. LaPlante, owns the option to Bound Road. Mr. Asta, who is an employee of Mr. Bradley, presents the option.

EM shows the option to Mr. Ambler.

G. Martinelli indicates he has copies of the option.

EN makes a motion to continue the public hearing to March 23, 1989 at 9:00 p.m. JM seconds the motion. Vote of 3.

EM thanks the Mayor and other representatives of the city of Woonsocket for coming to the meeting.

SPINDLEWOOD DISCUSSION

GG returns to the meeting.

Charles Agule, Esquire, explains they went before the Zoning Board of Appeals to obtain a comprehensive permit for Spindlewood. The Zoning Board is requesting the Planning Board's comments with respect to traffic, parking and drainage. They originally had 90 units but amended it to 60 units.

EM questions who narrowed it to the three issues.

Agule responds that the Zoning Board of Appeals did.

Angela Mucciarone, Chairman of the Zoning Board of Appeals states that was part of the Planning Board's letter.



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EM states the permit was applied for and denied by the Zoning Board of Appeals. He questions if it will be remanded back to the Planning Board.

L. Ambler states that is incorrect.

C. Agule explains the purpose of the Zoning Board hearing was to gather information pertaining to the project. There is no new information.

EM states that it must be settled between attorneys since no one appealed the denial.

L. Ambler states it will be settled between the petitioner and the town of Bellingham, now between the attorneys.

EM states that no one lost the right of appeal.

N points out that if they go to the state after a denial, it does not mean they will get approval.

EM reads December 9, 1988 letter from the Zoning Board of Appeals. He points out that P. Herr is the Planning Board's consultant and not the town's planner. The letter makes it sound like the Planning Board approves of the project.

C. Agule states the letter went to the Zoning Board of Appeals and not the state.

EM is concerned that someone from the state will see the letter.

A. Mucciarone requests that the Planning Board look at the site plan since they do not have the expertise in the area. They have questions pertaining to traffic flow, parking and drainage. The December 9, 1988 letter was not used in making their decision since it was submitted after the hearing was closed.

EM states the town's bylaw does not allow for 3 bedroom units. The bylaw also calls for 2 means of egress which they do not have. Traffic flow and safety is tied in.

C. Agule explains they decided to cut off access. There was a question about using Farm Street as secondary access.

L. Ambler explains the Zoning Board is requesting the Planning Board's input. The Planning Board indicated they supported approval if the number of units were reduced. They have been reduced to 60.



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EM states did not know at the time that they were 3 bedroom units.

C. Agule states this issue was raised when they came in. No more than 10% will be 3 bedroom units. Affordable housing calls for half of the units to be 3 bedroom. It is one of the requirements for EOCDE.

GG states they allow 3 bedroom units for multifamily.

C. Agule explains 25% will be for first time buyers, 5% for the housing authority and 50% will be 3 bedroom.

EM questions if there will be 9 three bedroom units.

C. Agule indicates that is correct.

Michael Cook, Member, Zoning Board of Appeals, questions what the bylaws state.

EM explains they can not treat it as a site plan since it does not meet the site plan requirements. They must comply with the state regulations.

M. Megalli, Town Engineer, questions how they will handle drainage. He suggests they show the Planning Board how the traffic and parking will work.

Sylvie Michelutti, project engineer, explains there will be one means of access. Pavement width is 26'. There will be 2 parking spaces per unit.

EM states the bylaw requires 2 1/2 parking spaces for multifamily.

C. Agule will agree to 2 1/2 parking spaces.

EM questions if additional spaces are required for 3 bedroom units.

C. Agule does not want a lot of pavement.

EM states they could put in an additional area for parking if needed later on.

C. Agule could put in the base. They have enough room to put in verflow parking.

A. Mucciarone states they would need 30 more spaces to get 2 1/2.

C. Agule points out they could provide parallel parking.



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Mortimer Ben-Maor states they changed the plan.

C. Agule states the traffic expert said there would be no problem with left hand turns into the project. The developer agreed that it would be at his expense to put in a left hand turn lane.

EM questions if it is right on the corner of Plymouth Road. He questions if they would be taking some land.

C. Agule responds that they will use their own land. The land hand turn will be on Hartford Ave.

GG questions how they will change it.

C. Agule states they will realign it.

EN states they will have a holding lane.

GG does not believe it would support a 60 family multifamily unit.

C. Agule states the town's Board suggested that. They did not suggest it.

A. Mucciarone believes it would cause more problems.

EM states the 60 units will have at least 120 cars making a left hand turn into Plymouth Road.

C. Agule states the traffic study only shows 15 cars making left turns at peak hours.

L. Ambler thought the lane would be coming from the right side.

EM states that is not needed. The problems occur when coming from the other side of the street.

C. Agule states the traffic study showed 15 cars with 90 units, 10 cars with 60.

EM wonders about the other people who live in the complex.

C. Agule responds they do not all come home at the same time.

GG questions the unobstructed site distance.

S. Michelutti states it is 400 feet.



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C. Agule states it is up to the Planning Board or the Zoning Board of Appeals to decide about the left hand turn lane.

JM suggests they check it out with the Highway Dept.

EM suggests they check with the Safety Officer.

M. Cook questions the Board's recommendations.

EM states the Board believes they should comply with the rules and regulations but were told they did not have to. They could put in a right turn at the end to go out Farm Street in order to split traffic in half.

C. Agule points out their traffic engineer said that most of the traffic will go out Hartford Ave.

EM states the more roads the better. Whether or not they use the second entrance does not matter.

C. Agule indicates they do not have access to a secondary road since the buildings are there now.

S. Michelutti states they would have to cross the wetlands and they can not go under the power easement.

EN believes the Board voted that they should not go out Farm Street because the traffic problems are worse than Hartford Ave.

EM recommends rezoning.

JM states the Planning Board can not ask for a second means of egress now if they recommended the project 3 years ago with one means of egress.

L. Ambler wants input regarding the left turn.

EM suggests they speak with the Town Engineer regarding the drainage.

EN wonders about the number of gallons of sewage.

S. Michelutti states they were told by the Water/Sewer Commission that it was on a first come, first serve basis.

EN states there are not enough gallons for anyone now.



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M. Megalli requests the calculations so he can review the drainage and detention basin.

A. Mucciarone needs an answer by next Thursday.

EM suggests they give all plans and drainage to M. Megalli.

Michael Therault, civil engineer, prepared the drainage report. He will call M. Megalli directly in order to give him the information that he needs.

M. Ben-Maor would like one complete plan with everything on it. He has received pieces.

C. Agule states that information was provided when Mr. Ben-Maor missed a meeting.

Mucciarone questions if the Planning Board recommends a second means of egress.

JM states there can not be a second means of egress. The Board has no input.

EN states there are reasons why the egress was not recommended at the time.

SUBMISSIONS

Jim Reger, Country Club Estates II submits 6 sets of subdivision plans for Rome Avenue and Empire Circle.

EM questions if this is a new subdivision running off an old one.

J. Reger states he does not have the subdivision application or the abutter's list. He will have to wait 3 weeks for it.

EM states the Board will not start the clock until all of the information is received. Mr. Reger is only dropping off the plans. The Board will wait for the application, abutters list and fee.

B. Lord submits an B1-F for Winiker Realty Trust to define lot lines on Winiker property for the Cogeneration plan.

GG makes a motion to sign. JM seconds the motion. Vote of 4 to sign.

B. Lord submits an B1-F for Rizzo property and the Boston Edison easement for Intercontinental Energy Corporation.



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EN makes a motion to sign. JM seconds the motion. Vote of 4 to sign.

Board reviews correspondence/mail.


EN makes a motion to sign minutes of meetings for September 22, 1988, January 12, 1989, January 26, 1989 and February 9, 1989. GG seconds the motion. Vote of 3 to sign. Clerk is instructed to bring the minutes to the next meeting to be signed.

Meeting adjourned at 11:00 p.m.

ward T. Moore, Chairman



Glenn E. Gerrior, Vice-Chairman



Emile W. Niedzwiedz



Anne M. Morse

John P. Murray