



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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ANNE M. MORSE
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MINUTES OF REGULAR MEETING

May 11, 1989

Meeting was called to order at 7:45 p.m. All members except JM were present. JM came in just prior to the Cogeneration decision and site plan signing.

SUBMISSIONS

Norman Decelles for Coachman Lodge submits an 81-P.

En questions what he is doing and why.

William O'Coyné, Mr. Decelles attorney, explains they are dividing Parcel A & B.

EM states that Parcel A is in Wrentham.

W. O'Coyné states they have 192 frontage.

EM states it is 1093 square feet.

EN questions if they are conveying the pond.

W. O'Coyné states they are also conveying the wetlands.

AM makes a motion to sign. GG seconds. Vote of 4.

Plan and Form A are date stamped by clerk. \$10.00 fee is presented and receipt is given to applicant.

Donald Troast, Land Planning, presents a site plan for the 4th building for Evergreen Construction.

EM states we will start another site plan review file. EM instructs Mr. Troast to leave one plan with the Planning Board. Clerk date stamps new plans.

David Teachout, Land Planning submits an 81-P for Roger Lachance. He



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explains the applicant is adding Parcel A, a piece of backland to the existing house lot. It is the applicant's house.

EM questions the locust.

D. Teachout states it attaches a piece.

EM states they are making the lot bigger. He questions where it will come from.

D. Teachout responds it is Ellsworth Estate.

AM points out it does not say who owns the parcel.

D. Teachout states it is owned by Ellsworth Trust. It is not to be considered a building lot.

EM questions if it has a notation that it is not to be considered a building lot. EM questions what they will do with it afterwards.

D. Teachout does not know who owns the other piece. It is a separate deed. They are connecting pieces. There is a 10 foot right of way which is part of Camp Polonik. The applicant bought 1.6 acres off the assessor's map.

AM makes a motion to sign. GG seconds. Vote of 4. Plans are date stamped and \$10.00 fee is paid.

EM questions if the estate still owns the parcel.

D. Teachout states they do, but he does not know the name of the executor.

COUNTRY CLUB ESTATES II PUBLIC HEARING

Clerk reads notice of public hearing.

EM explains public hearing procedure regarding applicant's presentation, Planning Board members question period and audience questions. Audience is instructed to raise hands, state name and address for the record prior to asking a question.

Tom Reger for East Coast Engineering will make the presentation for Country Club Estates II.



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EM states there is a problem with the name of the subdivision.

J. Reger states the name is dead. The original subdivision was approved in 1974. It showed a 3 lot subdivision at Empire Circle. It showed Rome Avenue extending to Benelli Street. A year ago the builder was working on the road when the Conservation Commission was concerned about the wetlands. Construction of the road was stopped. They had a number of hearings with the Conservation Commission. They have an oral agreement to cut the road in half. They are proposing a brand new subdivision with the road cut in half. They will put a cul-de-sac on each end. They will have a total of 5 lots on the cul-de-sac. Two buildable lots on the other side of the cul-de-sac. The flood plain was determined by the Army Core of Engineers including two feet. It is existing in the green line on the plan. There is no buildable land on the side of the green line. He presented the plans to the Water Dept. and the Town Engineer with complete drainage proposals. The drainage is directed to Benelli Street, Street A and the existing headwall into wetlands. The wetlands extends between the two cul-de-sacs. The drainage will go into the wetlands with catch basins on the upper side of Rome Avenue. The 40' wide strip which was approved with the previous subdivision will be opened to 50'. They will have less than 12 houses for each road. The detail plan shows a 26' wide paved surface. All specifications agree with the lane specification except the 50' right of way excess lane requirements. They tried to stay with the original subdivision as approved by the Planning Board and updated it was the revised rules and regulations. The Water Dept. only comment regarded the hydrant on Street B. The Board of Health permits have already been issued. It has already been perced.

EM questions if the other end has been built.

J. Reger indicates it has not been built.

EM questions if the board acted on Empire Circle a year ago.

J. Reger states they did. It was bonded and released. He points out the 3 lots on the plan.

EM questions if it has all been built and completed.

J. Reger states it has not been accepted by the Board yet. They had a meeting with L. Ambler a year ago when there was a question on how to handle it.

EM states it is all over and done with. He questions the status of East Coast Engineering.



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J. Reger explains they are still in business and are in the process of selling to the employees.

EM states the plan has not been stamped.

J. Reger states that was his fault. He will stamp it.

EM questions if the retaining wall and 40' right of way are at the entrance to Rome Avenue.

J. Reger explains the retaining wall abutts the property. There will be an 11% grade and 3% slope coming from Rome Avenue. There will be 2 vertical curves and 11% grade going into the subdivision road.

EM questions if the wall is already there.

J. Reger states it is to be built.

EM questions the easement.

J. Reger states the 40' right of way of actual paved road will blend into the 50' right of way. The problem is the land is caught. They did not want to go through the process of changing the right of way. They left it the same as the original plan.

EN questions if there is a garage on the corner.

J. Reger points out the Gill Garage.

EM explains P. Herr's comments regarding lack of engineer's stamp, no details regarding the retaining wall and no scales for the wall. In addition, the visual scale does not say 1"=40'. They need wall details. The Board needs to know how the retaining wall with the 40' right of way will work and how the traffic will work. An easement may be necessary. There is no problem with the line shown at the wall.

J. Reger states it is shown adjacent to the stone wall.

EM states it will drain through the wall. Where is the sidewalk? Who owns the wall?

J. Reger states it will be town property if the town accepts it.

W. Arcand questions why it is not private property.



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EM states that whoever lives there will not want the subdivision.

J. Reger states they will have a 5' sidewalk on the wall side.

EM questions if it will be past the wall or at the end of the wall.

J. Reger states it is beyond the wall. They will have a 3' high maximum retaining wall.

EM questions if the drainage will go to the wetlands.

J. Reger responds that is correct.

EM explains P. Herr suggested the Town Engineer look at the plans to ascertain if it is over the 10% which is allowed by the bylaw.

J. Reger states the drainage was reviewed by the Conservation Commission one year ago. It did not go over the 10%.

EM requests he bring the Town Engineer a copy of the plans.

J. Reger states he gave the Town Engineer plans when they were distributed.

EM states the Board must hear back from the Town Engineer regarding drainage. He questions if Mr. Reger will bring in another plan with the engineer's stamp. He should include anything else which is missing and present another plan.

JM enters the public hearing and explains he can not sit on the board since he received an abutter's notice.

EM questions who did the drainage calculations.

J. Reger indicates his firm did them.

Bob Harpin, abutter lives across from the property. In 1975 he bought the first house in Country Club Estates. Now we have Country Club Estates II. He questions if anything can be done with lot 3A. Would a house be built on it?

EM states they would render the lot unbuildable.

points out there is a possibility it would not be unbuildable with a drainage system.



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J. Reger states he looked at the Bellingham Zoning Bylaw. He considers the lot 100% unbuildable.

EM questions if they will stamp it unbuildable.

? from the floor states it is already occupied by beavers.

J. Reger states they can not get a septic system in a flood plain.

EN indicates that is true unless they tie into Woonsocket.

EM is surprised someone would not build on the lot.

AM indicates there is no guarantee it will not be buildable.

? questions when the flood plain was changed.

J. Reger responds it was changed two years ago.

Bob Harpin questions if it was moved closer to the street.

J. Reger questions if he is referring to the flood plain or the wetlands.

Bob Harpin is questioning both. He does not know the definition. Heavy rain makes Benelli Street like a 6' wide river. It is a real problem.

EM states there is a catch basin at the end of the street.

Bob Harpin states it handles 10% of the flow down Benelli Street. It was put in by the original contractor for Country Club Estates. It does not affect the houses but the street is like a river.

EM states if there is a problem they can enlarge the drainage system.

J. Reger states it is already there. They calculated the amount of flow. They will have double basins on the new road.

EM questions if the pipe is already there from the catch basin.

B Harpin states it looks like a french type drainage. 90% goes right b. it.

EM states it may not be piped away.



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Bob Harpin questions the width of the street.

J. Reger states it is 40' which has not been paved.

Bob Harpin states there is an underground brook there. People who moved in a couple of days ago already had to put in a pump.

J. Reger points out the Peters River elevations. The drainage is picked up and goes to Empire Circle. Empire Circle intercepted a considerable amount. He points out the Empire Circle easement.

EM questions if it is dumping into the wetland too. The bylaw does not allow that.

Monique Tradia, abutter, states the drainage from Fairway and Rome goes down Empire Circle.

EM explains it all runs to the same drainage easement.

J. Reger states the easement goes under to Empire Circle.

EM states there is a question if this subdivision will add more than 10%.

Linda DeCarlo, owner of Empire Circle, purchased 3 lots in January 1989. They recently sold one. One is under construction and the third is not under construction. She questions if Empire Circle was part of the original subdivision.

J. Reger indicates it was.

L. DeCarlo questions what he meant when he said Empire Circle was not approved by the Board.

EM states it was an approved subdivision and was bonded.

AM explains it has not been accepted by the town yet.

L. DeCarlo questions how old the percs are.

AM states they are only good for two years.

E questions if she is asking if the percs were done recently.

L. DeCarlo indicates that is correct.



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J. Reger states the permits were issued 8 - 9 months ago for all lots. 5 lots plus 3 lots on Empire Circle are good for two years.

EM questions if that includes both subdivision lots for Country Club Estates II.

J. Reger states the original subdivision plan for Country Club Estates II shows Empire Circle. It is all part of the original subdivision plan called Country Club Estates II. He has a copy of the permits.

L. DeCarlo is interested in when the percs were done on the parcels. She questions if it is possible for the perc rate to change if it was done 8 months ago.

AM responds it is unlikely.

E states adjustments must be made for the time of year.

J. Reger states they were originally perced in May of 1986.

GG states if Ms. DeCarlo has a question because she sold the house with the water problem, she should bring it up to the Water Dept.

EM states this is the correct place to ask the questions. The Board may not be able to provide an answer however. The water table is not where it should be. They should question the water table rather than when it was perced.

L. DeCarlo questions if springs were shown on the original subdivision plan which was approved by the Planning Board.

EM explains it was originally approved in 1974. He will ask the Town Engineer to compare the calculations which were presented to the Board of Health.

EN points out that springs do not show up.

J. Reger states he dug a 6' pit with Mr. DeCarlo in April 1989. The water table was higher. It was all sandy material. Two years ago, they dug a deep hole and found a gravel stream coming right through where the system was. It was witnessed by Dale MacKinnon, an engineer from Boston.

EM questions if anyone from Bellingham witnessed it.



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J. Reger explains that Mr. MacKinnon was helping the Board of Health.

EM instructs Clerk to send a copy of the minutes to the Town Engineer so he will know what to look for. He should be aware of the water problem at the new house on Empire Circle.

AM states any problems with the septic system must be brought to the Board of Health.

L. DeCarlo wants to know how this will affect the other building they are working on. They have to be honest with the people.

EM questions if building is being done down the hill from her property.

L. DeCarlo states it is up and down.

EM questions if it will affect runoff.

J. Reger responds it may.

EM states the Board has to know. If there are two lots above, the road should be catching water from the lots. The public hearing will be continued so the Town Engineer can look over the plans and consider the things which are missing from the plan. The applicant should call P. Herr to discuss this as well.

EM states the hearing can be continued to June 22 at 8:00 p.m. P. Herr will be at the meeting. The Board is booked for the next two meetings.

EN makes a motion to continue. GG seconds. Vote of 4.

CO-GENERATION SIGN SITE PLANS AND DECISIONS

JM returns to the meeting.

Neven Rabadjija, Hale & Dorr, on behalf of Northeast Energy Associates presents the decisions for two special permits for a reduction in parking and 30% impervious as well as the decision for the definitive subdivision and site plans.

EM questions if letter of approval for the site plan has been done. Clerk responds that it has been done.

E reads decision regarding the subdivision.

N. Rabadjija spoke with L. Ambler regarding the covenant. He is



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preparing it.

GG makes a motion to sign the site plan. AM seconds motion. Vote of 5.

EM instructs that one plan must be filed with the Town Clerk.

Members sign plan.

EM questions where the 4th plan will go.

N. Rabadjija indicates it is an extra.

EM requests he leave two for the Planning Board files.

Clerk date stamps all copies of the plan.

[Rabadjija presents the decision regarding water resource district.

EM questions if L. Ambler approved it.

N. Rabadjija indicates that he did..

EN makes a motion to sign the special permit decision regarding water resource. GG seconds motion. Vote of 5.

Members sign decision.

N. Rabadjija presents the decision for the special permit for reduced parking.

GG makes a motion to sign. EN seconds motion. Vote of 5. Members sign decision.

EM questions the number of pages to the site plan.

N. Rabadjija responds there are two pages.

EM instructs him to lay them out in the other meeting room for members to sign.

EM explains the plan for the definitive subdivision will be signed after the 20 day appeal period.

N. Rabadjija presents a letter of extension.



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EM requests a motion to accept the letter.

EN makes a motion to accept the extension. GG seconds motion. Vote of 5. Members sign letter of extension.

EM declares a 5 minute recess so members can sign the site plan for Cogeneration.

REZONING - PUBLIC HEARING

EM opens hearing. Clerk reads notice of public hearing.

EM explains New England Country Club will be coming in at the meeting of May 25, 1989 at 9:00 p.m. for decision signing. The Board will sign the certificate of approval. The plans will not be signed until the 20 appeal period has passed.

Joseph Antonellis, Esquire, will make the presentation on behalf of Irene Gainsboro, Trustee of Gainsboro Realty Trust. The entire family are partners in the venture. He sent the certified copies of the public hearing to the abutters. He acknowledges it was his responsibility by agreement. He presents the green cards and return receipts. All abutters have been notified.

EM questions if the Planning Board file contains the abutters list.

Clerk responds it is not in the file.

EM explains Lot 9, Evergreen Construction, built a 4th building 60 X 300 without an approved site plan by the Board. The Board only approved 3 buildings. The building will be used for storage of hazardous materials.

J. Antonellis points out the area in blue is the property owned by his clients. The green area shows the area to be rezoned. The orange shows the building on the property. Background to the petition is his clients purchased the property from Bill Hood a few years ago. They hired engineers, attorney and architectural firm to do all the work. They never knew the backline of the property was on the borderline to an industrial/agricultural zone. It is a unique zone in Bellingham which calls for a minimum setback of 100 feet. His clients applied for and received a building permit and constructed the addition. To their surprise, they were informed by the building inspector when they were completing the addition that they were in violation and the structure was in violation. This is the same building inspector who issued the building permit. His clients employ workshop individuals and



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Bellingham residents. They were cast as people who did not pay attention. They take exception to the remarks that they did not pay attention to the bylaws. They hired people to do that for them. They were let down. They can sue the engineer who did the work, but they are trying to get the situation straightened out so their building conforms.

The applicants attempted to get a variance which was denied by the Zoning Board of Appeals. He knows Irene and Leon. They helped him get a workshop going before he became an attorney. He sat on the zoning board himself. He could understand if they did not get the building permit for the first and second half. The permit was given for the plans which were designed by an engineer. There does not appear to be any malice of forethought or misplanning. This is a unique situation because it is an odd pie shaped piece of lot. The variance should have been granted for hardship.

EM questions if the Planning Board file contains a copy of the variance.

J. Antonellis indicates he has a copy.

AM questions what point in construction they were at when they were told they were in violation.

J. Antonelli states the addition was 70% constructed.

EM questions where the site plan review was if they went to the Building Inspection before the addition was built. The setback was not right because of the zone change.

J. Antonellis states they had an open building which they were told to close up. They are not here to point a finger at anyone. They had to file litigation against the town of Bellingham and Zoning Board of Appeals. It is sitting in abeyance. His clients have a viable business which provides a service to the town. It is the kind of business the town wants. They can not get a mortgage on the building now.

JM states they could not sell the building either.

Antonellis states they could sell but there is a mortgage question.

EM states only the blue portion belongs to the applicant. He questions why the plan shows the 4 other lots in the area.



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J. Antonellis indicates that is correct. The other buildings do not conform. His clients did not do anything wrong.

EM is not saying they did anything intentionally.

EN states the variance would just take care of the pie stretch.

EM states two other buildings went ahead even though they were told they were in violation also. They never came back.

JM states a site plan was done for OPUS.

EM states they want to rezone someone else's land in order to make it right. He questions the amount of land.

J. Antonellis indicates it is 80,000 square feet.

EM points out that making 80,000 square feet of someone else's land zoned industrial will render it unbuildable. Houses can be built anywhere but in an industrial zone.

J. Antonellis states they can use the industrial square footage for the lot.

EM indicates they would also have to stay 100 feet away from the lot line. They would be losing two acres as a result. He questions if this would benefit the town or the applicant. It would render something unbuildable.

J. Antonellis states they are looking at it to make it the least bit intrusive to the adjoining property. If the property was rezoned and sold, two acres of industrial land is worth more than residential land.

JM questions if his client is willing to purchase the land.

J. Antonellis responds they have been willing for a long time. If the Planning Board said they could take a piece and conform they would do it.

EM states that may be the way to go. Making the industrial zone bigger by buying a little piece would be workable.

J. questions the square footage of the pie shape.

J. Antonellis states the land is burdened by two easements. The



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development area is reduced. He understands and is sensitive to the arguments, but they tried to buy the parcel in the back.

B. Lord states he represents the landowners out back.

J. Antonellis indicates he is not done with his presentation. He wants to make his closing first. He represents honorable people who he knew before he became a lawyer. His clients wants to solve this problem in the least intrusive way to them and the town. They could come to the Planning Board to request a waiver of the two year waiting period so they could go back to the Zoning Board to request a variance again. If they fail with the Zoning Board, he will file suit and hire a law firm in Boston to handle it. He does not want to do that, but is telling the Board his options.

GG questions if he is telling the Board his options or if he is threatening the Board.

J. Antonellis is only saying that his clients will not have any other option. He does not want the town or Board to have to spend more money. He is looking for guidance and answers.

EM questions how the Board could guide them. His personal opinion is that it should be done through the smaller scale, through a variance. It would not be affecting someone else or rendering their land unbuildable plus an additional 100 feet beyond that. He would be upset if he owned the land.

EN states a variance is the way to go.

EM is in favor of waiving the two year waiting period. The Planning Board can not tell the Zoning Board of Appeals how to vote.

JM questions why the variance was denied.

J. Antonellis states it was because the building was completed after notification.

AM questions why no site plan review was done.

J. Antonellis does not know. He did not represent them then.

Y questions if his clients know why no site plan review was done.

J. Antonellis states they hired an engineer and architectural firm to take care of everything.



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AM states they were told to come back and did not.

Larry Cibley thinks the Building Inspector told them they did not need a site plan review.

EM explains that presently the Planning Board only makes site plan recommendations. The new bylaw will change that. They are caught in the middle.

L. Cibley states the applicants are innocent victims of poor decisions on behalf of the town by its officials.

B. Lord points out they had no site plan. The addition was incorrectly done. They completed the building when they were told it was wrong.

GG states they took advice from town officials.

B. Lord points out that may be, but his clients will have to take the burden of rezoning. They would be rezoning someone else's property. The applicant has no right to buy the land. It has been in the family for a century and they have no reason to sell. OPUS has not made any means.

J. Antonellis feels that argument is out of line.

B. Lord states they caused their own problem. Whether or not they knew about it at the time is immaterial. He is not saying they did it intentionally, but the landowners did nothing wrong. Whether they rezone a little section or the whole thing, the burden is put on the landowners. Clark has the same problem. He built his building without a site plan. Even if the town had been lax, it is not the fault of the landowners. There are other alternatives. They could tear it down, make it correct and apply for a variance.

L. Cibley explains that Mr. Lord's clients objected to the applicants variance at the Zoning Board of Appeals. How can Mr. Lord say they could apply for a variance when his clients objected to it? They are trying to be fair.

EM states the Zoning Board of Appeals takes the information and makes a decision whether or not the neighbors are for or against it. It does not mean anything.

L. Cibley points out they are landowners, not neighbors. The applicants were under duress when they went before the Zoning Board of



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Appeals. The problem was partially caused by the town.

EM has a copy of the Zoning Board of Appeals denial. It does not say because the property owners did not want the variance. The Zoning Board may look at it differently if they reapply.

L. Cibley states they should go back to the Zoning Board of Appeals.

B. Lord states they put up a large building within 30 feet of the property line. It is a large intrusive building. The people who made the mistake should come in.

L. Cibley states the town of Bellingham made the mistake.

B. Lord states that any business person must go by the rules and regulations.

Cibley agrees.

B. Lord is not saying they did it on purpose or they are bad people, but the landowners did not do anything. He is saying the Zoning Board is an alternative. It does not mean they will support it. They do not want to sell their land. That is their choice.

L. Cibley states the land can not be sold anyway because it is in litigation.

EM explains the applicants are asking the Board to solve the problem. They have come forward to say it was wrong. However, the burden can not be placed on someone else. If the variance is denied, they could go to court like Mr. Antonellis threatened.

J. Antonellis did not mean to threaten. He just means they will move ahead. They are trying not to cost the town any money. They did not think it would cost the Camden's money because the land would be worth more.

EN states it should be sent back to the Zoning Board of Appeals.

EM states they must first finish the hearing. They would have to come back in and request the waiver.

Cibley questions the amount of feet they would need.

EM explains they need a 70 foot variance. That also means 5 variances for the other parcels.



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L. Cibley states the applicant came to the town since someone in the town screwed up.

EM indicates changing the rezoning would just move the problem because it would be unbuildable and they would have to go back another 100 feet.

L. Cibley states that Mr. Antonellis does not represent all the other people, just the applicants. They came to the Board of Selectmen with their problem. Someone recommended they go to the Zoning Board of Appeals.

EM states if a house is built 70' would mean alot because of the buffer.

Cibley feels the landowner could do whatever he wants, if the applicant obtains the variance because the land will be zoned industrial.

EM disagrees because there would be no access to the property.

AM states if we say one person is wrong, we would have to say they are all wrong. The Board would be setting a precedent.

Frank Morse, former member of the Zoning Board of Appeals states the Zoning Board asked the applicant to come back with a plan because their plan did not show the zone line. That originated the problem. Someone is not using the rights numbers on the buyout.

J. Antonellis states the property is not for sale.

JM states different engineers made the same mistake all the way down the line.

J. Antonellis indicates they could sue the engineer, architect and lawyer, but that would not make the building comply.

EM states the Board should stick to the issue at hand which is rezoning.

makes a motion to close the public hearing. JM seconds the motion. te of 5 to close.

EM questions if Board members have a recommendation or motion relative



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to rezoning.

EN states he is in favor of having the applicant return to the Zoning Board of Appeals. It is the appropriate place for it. He makes a motion not to recommend the zoning change but is agreeable to sending it back to the Zoning Board.

EM points out there has to be a reason to waive the 2 year waiting period. They must have new information.

AM seconds motion not to recommend zoning change. Vote of 5 not to recommend.

EM indicates that the Board feels rezoning should not be recommended.

EN would like to waive the 2 year waiting period to send it back to the Zoning Board of Appeals.

JM states the Planning Board could send a letter to the Zoning Board of Appeals.

EM states the fact that the Board would waive the 2 year waiting period is enough. The Board can not tell the Zoning Board to approve. The issue can not be sent back to the Zoning Board now because the appeal is in process.

J. Antonellis indicates the litigation will have to be dismissed so they can go in with a clean slate.

EM questions if they intend to pursue the rezoning article on the town meeting floor or if they would like to ask the Planning Board to waive the 2 year waiting period.

EN states they could pass over the article on the floor.

EM states the Board could not make a motion relative to sending it back to the Zoning Board until the litigation is dropped.

J. Antonellis points out the Board could waive it pending his dropping the appeal.

EM grants a 5 minute recess to give Mr. Antonellis the opportunity to discuss the options with his clients.

J. Antonellis states that per discussion with his clients, upon dismissal of the litigation and confirmation from Town Counsel, they



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will ask the Board to write a letter to the Zoning Board of Appeals waiving the 2 year waiting period. They will pass over the article at the town meeting. He questions if the Board can take care of that at the meeting or if someone should be there to represent his clients.

B. Lord indicates he will be happy to make the motion.

EM states the Planning Board could not make the motion because they are not the proponents of the article.

L. Cibley indicates a member of the applicant's family could get up and request that the article be passed over.

J. Antonellis believes this would be the best approach.

EN states the Board will write a letter to the Zoning Board of Appeals.

states they must wait to hear from Town Counsel first and then come in and request the waiver.

J. Antonellis thanks the Board for their time. He questions how the sewage treatment plant is doing and if it smells.

EVERGREEN

EM reads letter dated May 9, 1989 from the Building Inspector to Thomas Clark, owner of Evergreen Construction relative to the site plan. The letter indicates that permits would not be issued because a number of violations had taken place.

EM reads letter from the Planning Board, dated May 1, 1989 to the Building Inspector wherein the Board asked the Building Inspector to check the floor elevations.

EM states this is only in regard to the site plan showing 3 buildings. The site plan showing the 4th building was dropped off tonight. It has not been looked over yet. A stop work order has been issued to stop construction.

EM states the Board will do a follow-up letter regarding the Famous House of Pizza since the building was not built to the site plan which the Board approved. The drainage is not complete and the retaining wall has not been done. No additional occupancy permits are to be issued. Three permits have been issued.

Linda Gasper states that only 2 were issued. The furniture store was



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never issued an occupancy permit.

EM states the Board would like to find out what has been done to correct the problems. Clerk is instructed to send a letter to the building inspector with copies to Town Counsel and the Board of Selectmen. He would like to find out why nothing has happened.

SILVER HEIGHTS

GG removes himself from the discussion.

Joseph Calagione, Guerriere & Halnon, presents the drainage calculations and a certified list of abutters.

EM states there is no fee per lot since they have already paid. They can just pay the certified mailing expenses for abutters notices.

Calagione explains they will change the detention basin at the end of Dorothy Avenue. They originally showed a leaching galley but will now do a detention basin.

EM questions if it will still give off run-off.

Lucien Collin states they will have a general drainage easement.

J. Calagione indicates it will change to show the new easement lines.

EM questions if the plan recorded in Dedham has been withdrawn.

J. Calagione states the plan was filed with no new lines.

EM wants to make sure the new plan will be filed with a notation to do away with the old plan.

J. Calagione explains the Registry will add the new plan rather than take out the old one.

EM questions if they will distribute the plans.

J. Calagione indicates that is fine.

EM indicates that notice will have to be given to the abutters because a questionable water problem.

J. Calagione indicates the problem is with the percability of the soil. Water problems have been improved because of the subdivision.



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EM heard that from the neighbors.

EN indicates that the people are happier now.

EM schedules the public hearing for June 8, 1989 at 9:00 p.m.

L. Collin indicates they should have done a detention pond in the beginning.

EM instructs them to give a set of the plans to the Town Engineer.

J. Calagione indicates he has already done so. The detention will drain within a day.

EM instructs Clerk to send an interdepartmental communication to the Town Engineer requesting that he review the drainage calculations and detention system before the June 8, 1989 public hearing. It is his option to attend the hearing. The Board wants his opinion. EM instructs the applicant to send a copy of the plans to P. Herr.

MAIL/CORRESPONDENCE

Board received a letter from Bryan Sullo, boy scout, indicating his concern for the amount of construction which is being done. He would like to see more land devoted to wildlife and open areas for recreation.

EM instructs Clerk to send a reply to Mr. Sullo indicating that the Board agrees he has a valid concern. The Planning Board is doing everything they can to preserve open space. However, the Board can not prohibit anyone from developing land. Copies of the letter to be forwarded to the newspaper reporters and the Board of Selectmen.

EM instructs Clerk to send a letter to Denis Fraine, Town Administrator, relative to the proposed interchange on Maple Street. Both Franklin and Bellingham will ask the Federal government to approve the interchange. The Planning Board is in favor of the interchange.

Meeting adjourned at 11:00 p.m.



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Edward T. Moore, Chairman

Glenn E. Gerrior

Glenn E. Gerrior, Vice-Chairman

Emile W. Niedzwiadek

Emile W. Niedzwiadek

Anne M. Morse

Anne M. Morse

John P. Murray