



# 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

November 9, 1989

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

EM asks for a motion to accept minutes of meetings from March 9, 1989 to the October 19, 1989.

EN makes a motion to accept the minutes from March 9, 1989 to October 19, 1989. AM seconds motion. Vote of 4 to sign and accept.

### VALLEY VIEW ESTATES - PHEASANT RUN DISCUSSION

Frank Morse is present on behalf of Valley View Estates.

AM removes herself from the discussion.

EM states that there are 2 street names for Valley View Estates. The Fire Chief suggested using Fox Run Drive all the way through the development.

F. Morse is in favor of the change.

EN makes a motion to call the entire street Fox Run Drive. GG seconds motion. Vote of 4.

F. Morse explains that his bond has elapsed.

EM advises him to bring something in writing to the next meeting regarding the elapsed bond.

### ROWE SPECIAL PERMIT PUBLIC HEARING

AM removes herself from the public hearing since she is an abutter.

EM opens public hearing at 8:00 p.m.



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Clerk reads Notice of Public Hearing.

EM explains procedure of public hearing regarding applicant's presentation, Board member questions and audience questions. Audience is instructed to raise hands, gives names and addresses prior to raising their point.

Ernest Rowe presents plan.

EM questions if there is anyone in the audience who is not familiar with the area or the lot in question.

A number of residents from the audience indicate they are not sure where the lot is.

EM instructs the residents to come up so the applicant can point out what he is doing.

EM questions where the applicant's fathers' house is.

E. Rowe points it out and states it is 917 S. Main St.

EM states the applicant's fathers' house is marked in yellow. It is the house in front. The bylaw for a backlot division calls for 150' frontage plus and additional 50'. The land area in back must be two times the size of the area up front. The lot is highlighted in orange.

Vincent Forte, owner 911 S. Main St. states they may get less than 100 square feet to build the house at the end of the easement. The part between the first house on Center Street at the pond comes down and dies before it gets to the property. The wetlands have been delineated.

Bill Nadon, abutter, 432 Center St., believes it is all wetlands.

EM explains that if the Planning Board approved the special permit, the Conservation Commission would check out the wetlands afterwards.

B. Nadon has lived there for 26 years. It is all wetlands.

EM states that the Conservation Commission decides if there are wetlands. The Planning Board has to deal with the square footage and the area. The lot passed perc tests.

F. Morse states that it is a grassy area which can still pass perc



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tests and still be wetlands.

B. Nadon questions when it was perced.

W. Forte responds it was perced in January 1989.

Muriel Locklin, abutter, 923 S. Main St., has lived in her house for 26 years. The easement disturbed the flow of the brook. It comes up in her cellar every spring. It is all swamp land.

W. Forte states that it does not enter the property.

GG indicates that if it meets the requirements, the Board has no choice but to approve. It goes to the Conservation Commission next.

F. Morse is an abutter. There is standing water all year long. It leaches under the stone wall. He does not know if the applicant can say it meets the 10% requirement.

JM believes there may be a potential conflict for him. Muriel Locklin is his cousin through marriage. He asks for an opinion from Attorney B. Lord. Some people have already called the Ethics Commission about him.

B. Lord does not believe that would be a legal conflict.

EM reviews the criteria for a backlot. The lot has 50' reduced frontage and two times the lot area.

JM questions what the lot area is.

W. Forte explains that the portion leading in is not counted. It is 87,000 - 89,000 square feet.

F. Morse the lot is two times the size of a normal lot area. He questions if the applicant would have legal rights to put up a duplex.

EM states they would not. The Board would put a condition in the special permit that only a single family dwelling be built.

JM believes theoretically it looks like the applicant is coming in with a two lot subdivision.

EM asks for Board member questions.

GG states it meets the standards. The decision should be made



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conditional upon the Conservation Commission's approval.

JM agrees that the Conservation Commission should look into it.

EN would like to have the Conservation Commission look at it before the decision.

F. Morse suggests in addition to the Conservation Commission's review, the Board should request a current delineation on the specific area and the lot area.

E. Rowe states that is no problem. The lot was surveyed.

Paul Peluso, abutter, 919 S. Main St., has no problem with the applicant building a house behind him. He questions if the driveway will be next to the house and if at a later date the driveway could be used to put a whole development in.

EM responds that is not possible. It would not be created to subdivision standards. The applicant could not just put in a converted road without a public hearing first.

EN indicates that Mr. Peluso would be notified of the public hearing since he is an abutter.

JM states the criteria of Section 1530 must be followed.

GG states that if a driveway goes in, they may see the applicant back a year from now to put a road in. There would be no access to the backlot.

EM states it can not be done because there is no frontage. It is only possible with 50' of frontage.

GG states the house could exist on a roadway all by itself. It is all wetlands. There is no way to get back there.

EM questions if there is different ownership.

W. Forte indicates it is now.

E. Rowe took land from his father.

W. Forte indicates they also traded a portion of land.

EM states it is not joint ownership.



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W. Forte indicates it is not. There is too much wetlands to make it a subdivision.

Robert Dickie, 440 Center Street, states the runoff from 126 runs down through the back of the property.

EM states that point was brought up by Mr. Nadon and Ms. Locklin. The Board will recommend that the Conservation Commission look at it for that reason.

M. Locklin does not want water in her basement.

EN states the Board will advise the applicant to go to the Conservation Commission first and then come back.

GG points out that either way, the Board's decision would be conditional.

JM does not know what this will do to the quality of the natural environment.

EM asks if there are any other issues other than the Conservation Commission's review.

EN makes a motion to continue the public hearing for the special permit to December 14, 1989 at 8:00 p.m. GG seconds motion. Vote of 4.

EN makes a motion to send a letter to the Conservation Commission requesting their input. JM seconds the motion. Vote of 4.

EM states the letter should describe what the special permit is for and where the lot is. The Board should request a response in time for the December 14, 1989 meeting. The letter should also indicate that a number of neighbors are concerned about the wetlands.

COUNTRY SIDE MOTEL  
ALFRED SANTOSUOSSO  
SITE PLAN DISCUSSION

AM returns to the meeting.

EM states the Fire Chief called him and wanted to know why he did not get a copy of the plans. EM explained the new system to him that the plans now go to the Town Engineer and not the Fire Chief. The Fire Chief would like to review the plans.



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B. Lord, on behalf of applicant, explains that the plans have been upgraded from the previous one submitted. This meeting is being held to make sure the site plan meets the bylaw. The applicant is tearing down an old building and putting in a new larger building. There is no change to the septic. The parking will be in back. The applicant will sell cars in the front. They will be using the present water system.

EM states the whole street is business zoned on both sides.

B. Lord indicates they are talking about use. The lot is commercial and it becomes residential. That is not affected by the plan. The problem is the Town Engineer has been out sick all week. He has not been able to review the plans.

EM questions when the applicant took the plans to the Town Engineer.

B. Lord brought them to him last Friday. He was out sick then. He requests the Board approve the site plan subject to the Town Engineer's approval. There are minute changes.

EN questions how much bigger it will be.

B. Lord responds it is 800 square feet bigger.

EN questions if they have to do anything with the septic system.

B. Lord indicates they do not since it is not living space. There is more than enough parking.

EN questions if the back parking will be for the motel.

B. Lord responds it will not. Parking is not a problem.

EM states that if anything, they are gaining parking because they are moving the building back.

B. Lord states the applicant will be upgrading the area by putting in a new garage.

AM questions what they are waiting for from the Town Engineer.

B. Lord states the Town Engineer will review the technical aspects of the plan.



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EM states that no changes have been made. He assumes that is why the Board has not heard from the Safety Officer or the Conservation Commission. He called P. Herr today. He said the Town Engineer will now take his place in reviewing the plan. He questions if the plan shows everything which is required.

B. Lord made notes on the plan with regard to the requirements. There are no wetlands and no wells.

EN questions if the Board can legally approve this subject to the Town Engineer's review. The Board usually does not grant approval until the Town Engineer reviews the plans.

B. Lord states it meets all the Planning Board's requirements.

AM agrees with B. Lord. The Board can not hold up the applicant. Nothing will happen if the Town Engineer does not give his approval. That is right in the bylaw.

J. Buckley, reporter for the Middlesex News, questions what the site plan is for if it is not the motel.

B. Lord states it is for the garage only. There are two uses on the same site.

EM states it is a separate building on the same location.

JM did not vote for the new bylaw. He believes it is ridiculous for the applicant to have to go through this process. He questions how much it has cost the applicant thus far.

A. Santosuosso indicates it has cost him about \$6,000. His building has been sitting. It should have been in a month ago and is deteriorating.

EM points out that the law is here for bigger, more complicated things.

JM believes the law is there because of overreaction regarding one developer who would not follow the new law anyway. The Building Inspector could take care of something like this.

B. Lord states the Board could allow smaller projects to come in with a less differential site plan. A lot of money was spent on the plans.

GG states the big issue is the cost for an engineer to do the plans.



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EN makes a motion to approve the site plan subject to the Town Engineer's review and approval. JM seconds the motion. Vote of 4. EM abstains from voting.

Clerk is instructed to send a letter indicating this to the Town Engineer.

B. Lord asks Board members to sign mylars for the site plan.

EM states the plan will be signed or stamped but not until the Town Engineer has approved the site plan.

GG suggests the applicant come under general business at the next meeting when the Board will sign the plan.

L. Cibley, Chairman, Board of Selectmen, questions if it would be possible for the Board to sign the plans and put in that no building permit will be issued until the Town Engineer approves and signs. They would add a signature line for the Town Engineer.

AM believes that is a point well taken. The Board could have a stamp stating "Approved by Planning Board". No one would have to sign.

B. Lord adds statement and signature line for Town Engineer to the plan. Members sign mylar plan.

EM states this is the first site plan to come under the new development plan review.

EN suggests the Board talk to P. Herr about setting a fee.

## MAIL/CORRESPONDENCE

EM states there will be a meeting next Wednesday with B. Lord, P. Herr, D. Fraine to discuss Fafard's housing project. They did not want mention it in front of the press. It is an affordable housing proposal.

L. Cibley states they should sit down after the Town Meeting is approved to discuss getting an alternate member. They have not received any applications yet.

EM thinks it should be posted.

B. Lord request that the Board ask L. Ambler what happens if there are





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only 3 members to sit on a special permit.

EM states the meeting is scheduled for November 15, 1989 at 7:00 p.m. He suggests B. Lord bring in a plan showing what they want to do to get some input. There are a couple of lawsuits they would like to get out of the way.

### VALLEY VIEW ESTATES

#### DISCUSSION RE: DRAINAGE PROBLEMS

AM removes herself from the discussion.

EN reads letter dated November 3, 1989 from Frank Morse to David McGentric indicating that the drainage problems were caused when Mr. McGentric put in his pool this summer. It is his responsibility and he is liable. Mr. Morse is concerned about damage to the road and potential problems with icing. Mr. McGentric is requested to advise when the problems will be corrected.

EM reads follow up letter from the Highway Dept., G. Daigle, dated November 6, 1989 and addressed to C. Matthews, Conservation Commission. The letter discusses the water problem. The letter further indicates that an interceptor drain may be blocked or damaged due to being run over by heavy equipment. It could cause serious damage with icy roads.

Frank Morse explains it is the 4th house on the left. He put in a 10" subdrain on lots 1, 2, 3 and down through lot 4 to the front of lot 4 to lot 5 and then to the natural swale per order of the Conservation Commission in 1985. The subdrain is catching water under the stone wall. He brought the Conservation Commission out there the day Mr. McGentric put in his pool. The Conservation Commission did not know where the subdrain went. It is now restricted by 80%.

EN questions what caused the restriction.

F. Morse indicates it was caused by heavy equipment.

EM questions if there was an easement for the subdrain.

F. Morse indicates there is not. It was in the Order of Conditions.

B. Lord states the Order of Conditions is an official record at the Registry of Deeds.

EM states the buyer of the house would have to know about the subdrain.



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F. Morse wants the thing fixed. It is his road.

B. Lord states it is a Conservation Commission problem.

F. Morse has responsibility for the road. Someone could get killed with icy conditions.

B. Lord states the bond can not be released if problems exist.

JM questions if the pool installer called dig safe before putting the pool in. They would be responsible.

F. Morse states they are obviously responsible.

GG states that dig safe is only for utilities.

EM states that dig safe only deals with the street. This is on private property.

B. Lord advises Mr. Morse to file a request for determination with the Conservation Commission. It would force them to act.

AM states the problem was that C. Matthews was not on the Conservation Commission at the time of the Notice of Intent.

F. Morse can show them exactly where the drainage and pipes are.

AM makes a motion to adjourn at 9:15 p.m. GG seconds the motion. Vote of 5 to adjourn.



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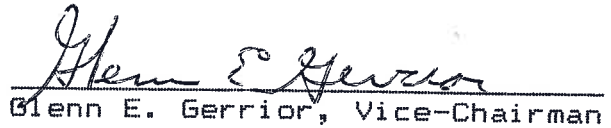
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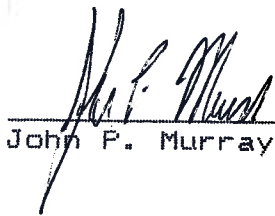
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Edward T. Moore, Chairman

  
Glenn E. Gerrior, Vice-Chairman

  
Emile W. Niedzwiadek

  
Anne M. Morse

  
John P. Murray