



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 - EXECUTIVE SESSION

January 26, 1989

EM asks everyone to leave the room because the Board is going into Executive Session. Clerk is instructed to keep minutes relative to this part of the meeting separately since they are not to be made available to the general public.

Executive Session commences at 8:30 p.m. Members are individually polled to go into executive session and include L. Ambler, Town Counsel and P. Herr, Board's consultant in the discussion.

EM points out the purpose of this session is to discuss pending litigation.

L. Ambler states that it involves Oak Ridge Construction.

EM explains that is really Cranberry Meadows.

L. Ambler states the matter has been filed in court and is currently at the pre-trial motion stage. The subdivision is partially in Bellingham and partially in Franklin. The Board denied based upon recommendations from Mr. Schu, the administrator for the town of Franklin. Appeal has been taken from that denial. Applicants are willing to modify the plan and put in wells and individual septic system if they can not connect with Franklin's system. He believes this will meet Bellingham's requirements. The applicant will also fulfill the remaining requests from our police, fire and school depts. He does not believe it makes sense to go to court before the changes are made. The case will be remanded back to the Planning Board by way of a motion.

EM questions if they have frontage in the town. The issue is the Board wants to make sure the street is built to Bellingham's standards although Franklin's standards are actually more stringent.

EN expresses concern about school buses going from Bellingham to Franklin.

EM points out the Board will take no action on the proposal tonight.



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L. Ambler explains he is just here to keep the Board informed. With regard to shores at Silver Lake, a proposal was presented to the Board during the last Executive Session. The Planning Board was supposed to deliberate on the proposal and get back to him. He is here tonight to find out the Board's answer.

EM requests that Mr. Ambler bring the Board up to date on the offer.

L. Ambler explains they would like the Board to permit some front lots for a total of 60: 40 and 20 single family houses in two projects. They will have varied architectural plans with construction. The applicant will give preference and advantages to Bellingham residents with a 5% discount for first time home buyers.

EM questions if there is a problem with automatic approval.

GG questions if they will be exiting onto Center Street.

L. Ambler states they will exit to Center Street and Silver Lake. Option A is the only way to address concerns.

P. Herr questions how the Board can act on a plan which is not currently before the Board. It is a nominal subdivision plan, not a multifamily development.

EM states that only the subdivision of the road is in the works now.

L. Ambler asks what they can do to solve Silver Lake.

GG asks what the unit figure is.

L. Ambler replies it is 450. 350 is the reduced number with 40 single family houses.

P. Herr states they can go along with the Silver Lake parcel if the necessary permits come in.

L. Ambler questions how they can decide about this without talking about it. He needs something definitive to settle the suit. He believes Option A will settle it.

GG asks how often Fafard's office gets in touch with Town Counsel.

L. Ambler explains he is receiving pressure from the courts to try the case. He does not believe it is necessary to try it. Fafard wants to know if the Board has made a decision yet.

GG believes the Board can come to an agreement. He questions if they



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would tie into Blackstone Street.

EM believes that Blackstone Street would be good in the final analysis. He states that Fafard should fight for it and get it.

L. Ambler explains the Board can approve the concept and put limits on what they will accept.

EM believes they already did that last time.

L. Ambler states the Board never took a vote on the proposal. There is room for frontage lots. He asks how many are permitted. The maximum numbers are 60 single family houses plus 450 for a total of 510. The Board also wants varied architectural plans so they can only go with option A. The applicant will give preference to Bellingham residents who are first time buyers.

EM reads executive session minutes of April 1988. He questions if Mr. Ambler has been before the Board since then.

AM believes that the proposal sounds good. She is agreeable to hearing it out.

L. Ambler explains they would be agreeing to the concept. The applicant can not turn around and submit a plan for 350 houses and 40 single family residences. The decision is subject to a town meeting vote. They would just be giving outside guidelines to the numbers with regard to the other parcel.

P. Herr points out they have 15 funny lots.

L. Ambler states the 15 2 acre lots will be subdivided along with the new subdivision lot to Blackstone Street.

AM states the applicant tried to get the road approved but it got turned down.

L. Ambler indicates that was at a very negative town meeting.

GG explains they only had the School Committee's backing when they went to town meeting. If the Board approves the concept, he believes they would also have Planning Board backing.

AM questions if the suit would end if the Board goes along with Option. She wonders what will happen if the applicant can not get the road approved.

L. Ambler states the suit does not end until the proposed plan meets



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the town's requirements.

EM questions if they must apprise JM of what is happening prior to making a decision since he is also part of the suit.

L. Ambler states that is correct. They can make approval to Silver Lake property subject to acquiring the road. The applicant has to come in showing the roadway on the plan.

GG questions if they would be approving the section which applies to Shores at Silver Lake.

L. Ambler states they originally had 200 but reduced it to 100. At one time they had 450 plus 200 for an original total of 650. Now they have agreed to not more than 100 residential and 20 single family plus 15 additional single family lots.

GG questions if that is on Lakeview or Fafard's land.

L. Ambler replies it is on Lakeview land.

EM does not know whether 200 or 100 would fit because the wetlands have to be deducted. With Lakeview, they still have to go through the process of obtaining a special permit compared with single family houses.

AM states they have to go to the town meeting with it.

EM states they do have to for the road.

L. Ambler will take the suit off the active trial list if the Board is ready to resolve it. It can be remanded.

EM suggests Town Counsel tell the court they are willing to make a deal. Continue the suit until something can be done.

GG wants them to prove the extra 120 units in the Lakeview subdivision is a reduction from what could go through there.

L. Ambler states they will submit a plan which is better than single family construction which will include a road which goes to Blackstone Street.

GG states they will have to prove they have 120 lot numbers.

EM questions how they can come in with a plan which will show a road which does not exist.



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L. Ambler states the applicant will have to go to town meeting first to resolve the question of the 15 lots.

EM reads the executive session minutes of May 26, 1988. The Planning Board was not happy with the 15 lots at the last meeting.

L. Ambler states that he was before Board to discuss this issue after that.

P. Herr suggest he put together a draft of a proposal during the next few weeks. He will need copies of the minutes from the executive sessions to prepare the proposal.

L. Ambler has been told there is room for frontage lots.

P. Herr states there will be a substantial reduction in the number of dwelling units at Shores at Silver Lake. There is concern over the \$800,000; where it goes and the timing. He questions if it is connected with the number of units constructed and how quickly they are constructed.

L. Ambler states the Board did not want to make a commitment regarding the money. They are supporting the plan with the understanding that the money will come in. Some return of the money is part of the rationale.

EM states that P. Herr will come up with a counter proposal.

P. Herr states he can do it by February 23, 1989. He questions if two things need to be included - the special permit denial and subdivision approval with conditions. He questions if they filed suit against the subdivision.

L. Ambler points out the suit was filed on the special permit.

EM explains they settled on the subdivision. An agreement was made and the suit was dismissed.

P. Herr questions if the town lost the suit.

EM explains it was negotiated.

P. Herr states the conditions said they had to bring in the documentation within 6 months.

EM states they were given 1 year, then sued and said it was not long enough.



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P. Herr states it may be relevant if the time on the subdivision plan ran out.

GG moves to close the Executive Session. EN seconds motion to close. Vote of 4.

GG moves to move the public hearing regarding New England Country Club to the upper town hall meeting room. EN seconds motion to move the hearing. Vote of 4.

Executive Session closed at 9:15 p.m.

Edward T. Moore, Chairman

Glenn E. Gerrior, Vice-Chairman

Emile W. Niedzwiadek

Anne M. Morse

John P. Murray