



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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GLENN E. GERRIOR, VICE CHAIRMAN
EMILE W. NIEDZWIADK
ANNE M. MORSE
JOHN P. MURRAY
ROLAND LAPRADE, ASSOCIATE MEMBER

MINUTES OF REGULAR MEETING

March 8, 1990

Meeting commences at 7:45 p.m.

GG welcomes new Associate Member, Roland Laprade to the Planning Board.

All members were present.

General Business

Bob Palli, 310 Farm St., Bellingham, was last in front of the Board on January 11 when a site plan was passed for property located at 307 Farm St. Since that time, he has been to several meetings with the Board of Selectmen. They should have sent the Board a letter.

AM questions if the Board received a letter from the Board of Selectmen.

EM states the Board has a letter from Mr. Palli.

B. Palli states the Board should have received a letter from the Building Inspector regarding his response to Mr. Eliot's compliance, dated February 22, 1990. The Board should also have received a final report from the Board of Selectmen which was the same date and was written by Tony Mazzola.

EM has the letter from the Building Inspector.

AM would like a copy of that for her review. She requests Mr. Palli make a few copies of the letter for the Board's review.

EM states the Board has a continued public hearing on Shoppes at City Lights. He asks if the applicant would mind waiting 5 or 10 minutes.

B. Lord does not mind waiting.



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EM passes out the new Subdivision Regulations and Zoning Bylaw books to the members.

EM requests that Mr. Palli start over.

B. Palli states that the Planning Board does have a letter which was sent to the Board of Selectmen. It was actually a final report to the Board of Selectmen and a letter from Ronald Hollis to Mr. W and a letter to myself and my wife. His basic concern is on January 11 when the site plan was passed for lot 307, he was here with his neighbor and they discussed whether or not the screening was going to be adequate to protect him in an agricultural zone and across the street being an industrial zone. When Tony Mazzola looked it over, he states in the middle paragraph of the final report, it says the Planning Board signed site approval showing parking spaces in the buffer zone for lot 307 and obviously the Board disagrees with his interpretation of the zoning bylaw. His question here tonight is: is parking allowed in the buffer zone and if it is allowed wouldn't it also have to be screened? No one wants to answer this question. In the last paragraph of the Board of Selectmen letter, verification should be made as to what constitutes natural screening but it is up to the Planning Board. It says that since the Planning Board o'kayed it, it must be alright. He realizes that lot 299 and 303 never came in front of the Board.

JM questions if they are saying that parking is allowed in the buffer.

B. Palli indicates that is what he is asking.

AM states that Mr. Palli is saying it is not allowed and they disagree. It may be another gray area in the book.

EM does not believe that it is right. Apparently Mr. Mazzola conducted an investigation.

B. Palli states that Mr. Mazzola said he conducted an extensive investigation. That bewilders him. He questions if Mr. Mazzola came in front of the Board at any meeting to ask this question. He is here tonight as a resident of Farm Street.

EM questions the date of the Selectmen's letter.

B. Palli states it was the same date, February 22, 1990.

EM states the Board met February 8 and February 22. No one came before the Board to ask what the screening was or to ask what the Board's



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interpretation was.

AM does believe that Mr. Mazzola did an investigation. He probably asked Town Counsel to interpret the bylaw. He did not come before the Board but she does believe he really did an investigation.

B. Palli does believe that Mr. Mazzola did an investigation, but did he ask the same questions which Mr. Palli is asking here tonight.

EM states that Mr. Mazzola did not come before the Board but he may have asked somebody else. In the final report, Mr. Mazzola is saying that because the Planning Board o'kayed the site plan for lot 307 and that it shows parking in the 100' buffer zone, that therefore that makes it right. EM would disagree with that. If the Board overlooked something and something slipped by, that does not make it right. EM does not believe that parking is allowed in the buffer zone.

EN states there is some question that parking is allowed.

EM questions if it is allowed if it is paved.

B. Palli states the only thing he could find in town law is the building setback.

AM states it is another one of those grey areas in the bylaw.

B. Lord states the buffer zone is to keep the buildings from being too close to the lot lines.

EM states that in Section 2600, Intensity of Use, it refers to the 100' buffer, but that does refer to building setback.

B. Lord states it does refer to building setback only.

EM indicates that does not do away with screening.

GG cites Section 3330 of the Zoning Bylaw which refers to Parking Area Design and Location and states that all open storage, service areas and parking areas for 5 or more cars shall be screened in any residential use or district which is abutting or separated from it only by a street. Screening shall be by a 4' planting strip maintained by with density shrubs or trees by a solid wall of fence of not less than 4' in height. Whatever is there now should be 4' off the ground. They should not see anything through it. That is clearly specified.

B. Palli states the question is if parking is allowed in the buffer



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zone, then does it or does it not have to be screened from that agricultural zone.

GG states it must be screened.

EM watched the Selectmen's meeting on TV the other night. Apparently, Mr. Mazzola seemed to think that it was not very clear as to what screening was. He believes that Mr. Mazzola said he talked with the Building Inspector and the Zoning Agent. It was not clear as to actually what the screening was. He feels that the bylaw spells it out clearly.

B. Palli has a problem with that because they are using 307 and pulling it back to the Planning Board and saying that it is a Planning Board decision, but they are using this to justify no screening in building storage areas on lots 299 and 303 which he brought to the Board's attention in the January 11, 1990 meeting. He showed photos at that time of those two lots. They did not want the 3rd lot which was up before the Board for site plan review under the new bylaws, to end up like lots 299 and 303. He interpreted those to be in violation of the zoning bylaws. Any reasonable person who would read what GG just read and drive by these two lots and sees a bulldozer, frontend loader and a flatbed parked there which are not screened. He brought it up to this Board because he did not want to see that happen on this new lot.

EM questions if the trailer is still there.

B. Palli states it is still there. The letter says it was moved on February 19, but it is still there.

EM heard that on TV and drove by the next day and the trailer was still where he saw it before. He believes that Mr. Mazzola was told it was moved. He did not go up there to see it.

B. Palli has been in front of the Board many many times on screening, what has to be paved and what does not have to be paved and dust allowed. If the heavy equipment is parked on dirt, it is going to cause dust.

GG states that the new bylaw Section 3423 which is also in the old bylaw, item B says that visibility of parking and service areas to a public street should be minimized to the site arrangement and such area should be screened to abutting premises by such methods of screening as approved by the Planning Board.

B. Palli states that he has no problem with that.



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EM states that Mr. Palli is not questioning 307 right now.

B. Palli states 307 is the site plan which the Board approved. Parking was allowed in the buffer zone. However, if the developer continues in front of that fence to put a flatbed like they are doing in 303, they are saying it does not have to be screened.

EM disagrees on that. The Board has not sent the letter to the Building Inspector regarding 307 because the Board's Clerk has not been here to do the letter. She will be back at the next meeting. The letter recommending it has not been done yet, but EM did go in and tell the Building Inspector exactly what happened. The Board did approve the site plan for 307 and will send a letter to follow up. The Board did make a change in the fence which is reflected on the plan. Everybody is aware of that fence. At that time, he told everyone that the letter should say before any occupancy permit is issued, to go out and do an onsite inspection and don't issue the occupancy permit if there are any zoning violations. The Board at the time felt that was necessary. However, the building has not been built yet. It is only a foundation. Mr. Palli's question is should the other two buildings which did not have site plans be screened. They should.

W. Arcand states that he objects on that. He respects what Mr. Palli is trying to tell the Board. A decision has been made by the Zoning Agent and Building Inspector. There is procedure. The procedure is the Zoning Board of Appeals.

EM questions what the decision is. Are those two buildings properly screened right now?

W. Arcand is not saying that it is.

EM states that the Building Inspector is saying that it is and Mr. Palli is saying it is not. He needs to appeal the Building Inspector's decision.

W. Arcand states that the problem arises with the Zoning Board of Appeals. It is up to the ZBA to make a decision.

B. Palli states that the appeal does not have to be made by Mr. Palli. According to Chapter 48, an appeal can be made by any town official, anyone. He came with his neighbor who asked him to come when this building foundation went in front of his house because he does know some of the zoning bylaws since he sat on a Board. He is here because he does not want to see zoning violations continue to not be enforced.



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They have been for many years. Mr. Mazzola is sending it back to the Planning Board and saying they o'kayed it so they are making it your problem. This will just turn into a big problem with the flatbeds, trailers and everything else. According to the new bylaw, that entire frontage could have been screened but the Planning Board chose just to put a fence there.

AM questions why Mr. Palli did not appeal it.

B. Palli states he still has the option to do that.

AM is curious why he did not go to the ZBA.

B. Palli responds it will be a cost to them. He does not feel it should be because it deals with the zoning bylaws which should be enforced by this town. He does not feel that residents should have to pay for it any more. He payed \$1100 to get these Boards to review the other things.

AM does not know the costs. Maybe Mr. Arcand can explain.

W. Arcand states it is an expensive for an individual.

B. Palli indicates that it cost him \$1100 for his attorney to appeal all of the decisions. He won on every single account. The only way it was ever cleared up was when the building was sold and the new owner came to his house and asked him what needed to be done and he did it.

EM states that a decision has been made by the Zoning Agent.

W. Arcand states that once a decision is made by the Building Inspector and Zoning Agent, the Planning Board is out of it.

EM understands that. The Zoning Agent feels it is properly screened. If he is not satisfied with that he can appeal the Zoning Agent's decision. However, his question was did anyone come before the Board and ask any questions relative to this extensive investigation which was done. The answer is no on any of those buildings. He watched TV that night and somebody said the trailer had been moved and was gone. He took a ride down the next day to see and the trailer is still there. That is ^{as} far as the Board can go.

B. Palli indicates that his second question has to do with the scenic road which the Planning Board is in charge of. When he came to the January 11, 1990 meeting, he asked the Board if they had received anything from a Tree Warden, Building Inspector, Zoning Agent or



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whatever stating that they did not have to come before the Board because no town trees were going to cut under the scenic road law. At that time, he met with Sylvie, their engineer, who said she was sure something was done. He questions if the Board ever received a copy.

AM indicates they have a letter.

B. Palli questions the date of the letter.

AM responds it is February 20, 1990.

EM states that Mr. Palli is talking about being here in January when he asked if the Board had received a letter at that time.

GG states the Board did not receive it before tonight.

AM reads letter from the Tree Warden to Mr. Gregoire in regard to his letter dated January 22, 1990. On or about May 11, 1989, he met with Sylvie Michilutti to look over the area where the curb cut was approved by the Bellingham Highway Dept. He marked the trees which were not to be removed and checked the marks in the road where the opening was to be made. To the best of his knowledge no other trees were to be removed. Also, pictures were taken to verify the area before the work was to be done.

B. Palli asks if this is the standard of acceptance which the Planning Board is going to allow on the scenic road since the Planning Board is in charge of the scenic road in this town. Are they going to allow something to come in after the fact?

AM states the Tree Warden is saying that nothing got cut.

EM questions when the site plan was approved.

B. Palli indicates it was January 11, 1990.

EM states that Mr. Palli is saying the Board received a letter after the fact.

AM does not understand why they would need a public hearing if they were not going to cut trees.

B. Palli states that on August 30, 1989 when those trees and that road to put in that foundation were being cut, the Board had a complaint from his neighbor who is here.



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AM states that the Tree Warden said he looked at it in May not August.

B. Palli indicates that nothing was cut until August. The Tree Warden never even went back to recheck.

AM states the letter says the Tree Warden went out on May 11, 1989 and nothing was to be cut. She can not see having everybody coming in for a public hearing if there is nothing to be cut.

B. Palli states this is not everybody. There are only 2 scenic roads in the town of Bellingham. Is this the standard of acceptance which the Planning Board is going to allow?

GG states that probably 200 people will come in on Maple Street within the next 2 years. Someone has to be the governing body to go out there and say yes they have to come before us. It is going to have to be the Tree Warden. He goes out and looks and if they are going to cut something, he has to tell them they have to come before the Planning Board.

B. Palli states there was a letter of complaint from Mr. Hollis on August 30 that trees were being cut on the scenic road. The permits were issued anyway and a letter was sent after the fact.

EM states that he is saying his neighbor sent a letter in August because his tree had been cut down and his mailbox removed.

? wrote the letter. He states the survey goes back to the 307 block with cutting down trees in the road in a straight line. These are trees which are on the scenic road and are within the 25' roadway.

AM does not understand how they can afford to have someone to just keep watch on Maple and Farm Streets.

B. Palli states that the town has voted to accept the law. How it is enforced is not his problem. It is the town's problem.

AM indicates the problem is that the Tree Warden said there were no trees to be cut. Therefore, there was no need to have a public hearing. They have no choice but to accept the Tree Warden's advice.

B. Palli questions how they can accept it after the fact. On January 11, he was told that this letter was in hand. It appeared a month afterwards.

W. Arcand questions who the enforcing agent of the scenic road is.



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B. Palli responds it is the Zoning Agent.

EM asks if the Zoning Agent answered that letter.

W. Arcand states he did not.

EM asks what he should tell the guy who is standing here with his mailbox under his arm which used to be nailed to a tree. How can he tell him a tree has not been cut? That was brought out last August. The guy wrote the letter saying that his mailbox was nailed to a tree. When he came home from work, the mailbox was on the ground and the tree was gone. How can we tell him that a tree has not been cut.

W. Arcand feels the Board should have held a public hearing.

EM states that somebody has to apply for the hearing before the Board can hold it. The Board can not go out and tell somebody to go in. Whoever is enforcing that bylaw, tells them they have to come before the Planning Board. They are saying a letter was sent to that effect and it was never followed up. In answer to Mr. Palli's question, nobody has come before the Board for a hearing or applied for a hearing on any trees other than at that site.

B. Palli states that 299 and 303 share an entrance.

EM states the Board never saw those because there were never site plans on those.

B. Palli realizes that. Copies of the letter regarding the mailbox were sent to all Boards. 35 residents on that street signed a complaint and mailed it in.

EM questions who the complaint was directed to.

AM never saw this complaint.

EM indicates they did receive it.

B. Palli responds that it went to the Building Inspector at that time.

EM asks if it was followed up. What happens on a complaint?

B. Palli states it was never answered.

EM would hate to think that 35 residents signed a complaint and it went



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somewhere and nothing happened.

B. Palli has the letter here. Now there is a decision from the Building Inspector that on 299 and 303 they should have come in front of the Board before they cut in. His question now is what is the Board going to do.

EM states the Board does not enforce it. If the Building Inspector agrees that they should have come here because trees have been cut and they did not, then apparently they should be cited or fined by whoever enforces it. The Board does not enforce the bylaws and does not get to see anything unless it is presented to the Board.

GG states that as a note of reference, the scenic bylaw is part of the zoning bylaw.

EM states it is not a town bylaw, it is a state statute.

B. Palli indicates he is now looking at 2 roads that were cut in and everybody is standing around saying what should we do. Everybody says they want the people to help out and to come forward. They have come forward and all they are doing is beating their heads against stone walls.

EM explains that the Planning Board is more than willing to hold a hearing if someone comes in and applies for a hearing but they are not the enforcing authority.

JM points out that the developer must apply for a building permit, so the inspector should be aware.

EM states that the Planning Board did not approve the site plan on those 2 plans because they were under 19 parking spaces. It was a judgment call. They did not have to come for a site plan. Therefore, the Board has never seen it. The Board does not know how they are layed out. Whatever plans the Board sees, get screened. 307 has a fence because they came here and the Board told them to put a fence. That does not mean that the others do not have to have a fence because they did not come here. They still have to comply with zoning whether they come before the Board or not.

JM states that is up to the Building Inspector or the Zoning Agent.

EM states the Building Inspector has answered the complaints and sent a letter which said they are not in violation. That is the end of it unless it is appealed.



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B. Palli has a letter saying they are in violation now but no outcome of what is going to be done relative to 299 and 303.

EM questions if they intend to follow up on that.

B. Palli was never told what is going to happen.

EM questions the date of that letter.

B. Palli states it was at the same meeting. It was part of the Board's package. The letter says that the developer did not come before the Planning Board under the scenic law. That is dated February 22, 1990 from Moe and Gary. It says 299 Farm Street has under 19 parking spaces and did not require site plan approval. Trees cut along Farm Street for egress of lot 22 resulted in a fine levied by the Tree Warden. The developer did not go before the Planning Board under the scenic law.

EM states that Mr. Palli sent his letter to the Tree Warden and not to the Zoning Agent. The developer got fined for one tree a year ago but that does not entitle him to just continue cutting trees.

JM questions why he can't be fined for cutting more trees.

EN states he would have to go back to the Selectmen.

B. Palli states that on January 11, 1990 when he brought the pictures in showing where the bulldozers and area of parking, The Board said if this was a site plan review, you would think that this would be in violation since everything could be seen and it was not screened. A letter was also going to be included to the Building Inspector.

EM states the letter has not gone yet. It is in the minutes and will be done. The Clerk will do the letter when she returns.

AM states the scenic road is new for everyone. She would think that if the Tree Warden said no trees were going to be cut, they could accept that.

EM questions how they can accept no screening or the problems with the parking. He agrees the scenic road is kind of confusing.

B. Palli questions if they are going to find out about it after everything is done.

AM states Mr. Palli has brought out questions which they are going to



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have to talk about.

EM indicates that the trees can not continue to be cut until everybody is done.

B. Palli states that since the Zoning Agent said they should have come before the Planning Board and they did not for 299 and 303, then no occupancy permits should have been issued. They have been issued. They are in there doing business. Aren't they in violation of the zoning since they are in violation of the scenic law?

AM does not know. Town Counsel would probably be the person to ask that question to.

JM states there is a penalty for being in violation of the scenic law.

B. Palli states there is a fine levied. It does not exempt them from going to the Planning Board. They are still not exempted. It is an unresolved issue. It is after the fact and ridiculous that they are going to have to come before the Board but they will have to come. What are you going to tell the guy who has the mailbox on his front lawn? This is the same developer who sat here and said he did not know what screening was. The Board told him what screening was. He went out and put christmas trees in and went into the ZBA meeting and said how ridiculous it was. Now he moves up the street 600 yards and has the exact same violation with the exact same Building Inspector. He knows it is in violation as well as the Board and other people in town, but they want him to do the work. He is not the Zoning Agent or the Building Inspector.

GG believes a letter should be directed back to Mr. Mazzola as soon as the Board's Clerk gets back. In his final determination he refers to 3330 and 3423 of the Zoning Bylaws. That should clarify to him what screening is. As far as the scenic road violation, he should be informed that that should be turned back over to the Zoning Agent because it has to do with a zoning violation. Mr. Mazzola should be made aware of that fact.

EN does not understand what Mr. Mazzola means when he said that proper screening has been a nebulous issue with many prospects. What are the other prospects?

EM questions who said that.

EN states it is part of Mr. Mazzola's report.



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EM thinks it is very clear if the Board tells him about the two sections.

B. Palli states it would have saved him alot of time if Mr. Mazzola had come to this Board with this investigation and then gone back to the Board of Selectmen to report what the Planning Board said instead of having him do that work. He was told at the Board of Selectmen's meeting that if the liaison had found that it was in violation, that the Board of Selectmen would have at that point gone along with the liaison and told the Zoning Agent what needed to be corrected. He had a meeting with Mr. Mazzola, his wife, the Zoning Agent and the Building Inspector. The Zoning Agent said all the leaves fell down so the screening went away.

W. Arcand states that is where the problem is. Once the Zoning Agent makes a decision, it is made. The Selectmen has no rights whatsoever to interfere. The only one to make a judgment is the Zoning Board of Appeals. He agrees with Mr. Palli. Why should he as a resident have to pay for a public hearing. The problem is the Zoning Agent made a decision. Nobody can interfere. The only one who can break that decision is the ZBA.

EM questions if Mr. Mazzola was acting on behalf of the Board of Selectmen who he did that investigation. Did the Board of Selectmen direct him to do that investigation.

W. Arcand states he was asked to go check it out.

EM states the Board of Selectmen said you are the liaison, will you look into that. Then he brings back the final report. Does that put an end to it?

Mr. Palli states the final outcome is what the Zoning Agent and the Building Inspector said was that at the time the permits were given there were no violations. That means two things to him. At the time, there were leaves on the trees and therefore, they considered it not to be in violation. He can not find anything in the Zoning Bylaws which says that the Zoning Agent can not change his mind after listening to other people. Also, loading and storage areas can change monthly. Our law says if they decide to put their loading and storage areas in a certain position today, then it has to be screened. If they decide to change it and put in on another section of the property which is still visible to the agricultural zone, then it should be screened.

EM states it is clear in the Zoning Bylaws that parking and loading areas are to be screened. If they move it, it has to be screened. No



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matter where it is, it has to be screened. If it is not screened, it is a zoning violation. He was on the ZBA for 4 years. If the book says it should be done a certain way and it is not, then it is in violation.

Mr. Palli has one more question regarding access roads from industrial to agricultural. They went over this with P. Herr.

EM states that one can not access industrial through residential.

Mr. Palli states there is a road going from the first lot to the gas lines and across the power lines. The liaison or the Building Inspector does not even want to deal with it. He did not want to answer that question. His answer to me was that it is on private property and has nothing to do with the town.

GG states the liaison in the Board's meeting stated they were not making use of that road any more. That is in the Board's minutes.

EM indicates it is true if it is on private property, they have no jurisdiction over it, but the developer did tell the Board they were not using that road.

AM states that even if they are using it, it is on private property.

Mr. Palli questions if that is true even though it comes out into a public way in Bellingham. It goes through an industrial lot onto an agricultural which is the gas line onto Farm Street.

GG states it does not matter if the agricultural is accessed or not. He states there is nothing on the agricultural lot except a driveway.

EM questions if the industrial lot has its own access.

Mr. Palli states it has its own access. It has a second access from industrial to the agricultural to Farm St.

EM states one is not supposed to go through agricultural or residential to get through to industrial. The Board has another meeting at 9:00 p.m. and must move on. He does not believe the Board has any other answers for him but they hope he got some answers.

Mr. Palli states his last question is what is the Planning Board going to do.

EM states the Planning Board will send a letter or do something because



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it is getting very frustrating. He suggests a letter to the Board of Selectmen but he does not believe that is the answer. Maybe collectively as a Board, the Planning Board can appeal the decision.

Mr. Palli will be more than glad to come as a witness.

AM states that with respect to Mr. Mazzola who did the investigation, she does not want to say that the Board will appeal until they speak with Mr. Mazzola. Maybe if they have a joint meeting with the ZBA, Building Inspector and Mr. Mazzola, they may have a clearer idea of what is going on.

EM states that maybe Mr. Mazzola can come in and explain his final report to the Board.

Mr. Palli requests that it be done within 30 days from the letter dated February 22, 1990 or else he will have to start all over again and get a denial on all this stuff.

AM states they will try to have a meeting before then but she can not promise it.

GG states maybe they can get it in at the meeting of March 22, 1990.

Mr. Palli states that the letter is dated February 22, 1990, even though he did not receive it until March 3. It is certified postmarked March 2. There are only 30 days to appeal.

B. Lord states they must make the appeal within 30 days.

Mr. Palli indicates that by him appealing it, it becomes personal. Everything he built on Farm Street becomes a personal matter.

EM questions how it can be personal if there are 35 signatures.

Mr. Palli states there are 2 of them at the meeting now. That is more than voted in the Town Election. He thinks it is time for other Boards in the town to take action. There are so many people in this town who have driven past the property and seen the violations. Why can't they just go to the Zoning Agent to say there is a violation and ask him to have it corrected? He questions why they have to go through this every single time there is something wrong.

AM explains it is because when they make a decision which does not agree with what he is saying, the only way to do it is to appeal to the Boards.



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Mr. Palli thinks he is the only one who has appealed a decision to the Zoning Agent in the past 5 years.

EM states there was a Building Inspector's decision appealed on Gliss Road off of Man Street when Mancini had a building permit.

Mr. Palli questions if it was an occupancy permit or a building permit. They are enforceable. They are just trying to get a Zoning Bylaw enforced. It is very frustrating to tell them to go in front of a Board and to have them say you are right, but to tell him to do it. Bylaws in this town have to be enforceable. You do not want to let the developers do what they want. He has been going through this with the Planning Board, ZBA and with everybody in town. He will not do it any more.

AM states the Board clearly sees the lack of communication.

EM states the only time the Board could really discuss that is the first meeting in April. They have a full agenda for March 22, 1990. Maybe they could discuss it on April 26, 1990.

AM would like to see Mr. Mazzola who sent the report, the Building Inspector and the Zoning Agent. Maybe they should have the tree warden there to discuss the scenic road.

Mr. Palli thanks the Board for their time. He is out of it. He will be more than happy to turn over his files on Farm Street.

EM does not think the Board will need them.

EM explains to Donald Troast, Evergreen Construction, that the Board is running late. Can he come back later?

AM would like to set the date to discuss Farm Street.

EM sets the meeting for April 12, 1990 at 8:00 p.m. The Board will have to notify the Zoning Board, Zoning Agent, Building Inspector and Mr. Mazzola because he is the liaison as well as the Tree Warden.

JM understands how Mr. Palli can be frustrated.

EM states that when he sat on the ZBA one building up there was built in the wrong place and they had to move the building. That was brought to the Board's attention by Mr. Palli. It cost him a lot of money to prove his point.



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SHOPPES AT CITY LIGHTS
SPECIAL PERMIT - MAJOR COMMERCIAL COMPLEX
CONTINUED PUBLIC HEARING

EM reopens public hearing.

B. Lord, representing Fafard Company, introduces Jim McGloughlin from Fafard Company. There were some questions which they have answered. The only outstanding question has to do with the traffic mitigation. The changes which have been made to the Stallbrook plan have thrown the traffic mitigation studies into a quandry as to how they will come out. They are presently working on a fee basis to establish the mitigation for this particular situation. Essentially the holdup has nothing to do with Fafard. They have suggested in the suggested special permit decision that applicant shall pay an impact fee to be used to undertake traffic mitigation measures substantial and in compliance with the traffic mitigations outlined in the Bruce Campbell & Associates, Inc. report. Those fees are judged to be equivalent overall with the same proportion of Hartford Ave. improvement costs which the project share of the traffic necessitating these improvements. He reads this from page 3, Section 3 of their suggested special permit decision. What they are essentially saying is that they are willing to accept a decision from the Board which leaves the traffic mitigation situation essentially that whatever Bruce Campbell and the town comes up with as a final decision relative to traffic mitigation, they will either agree to it or then have to reopen it and come back to the Board.

EN states the Board is talking about approximate sharing of the costs.

B. Lord states they agreed to this from the very beginning. Their only problem is the formula and establishing it. They are saying if they are not in total agreement with the town, then they will have to come back and reopen it.

EN indicates there is a problem because originally the applicant did not agree with the original assessment or how the assessment was going to be handled by the parties on that strip.

B. Lord believes that was never fully worked out. Essentially, they have been in agreement with the town plan. The suggested decision that Mr. Herr presented to the Board for Stallbrook was one which is very close to this decision. They were in agreement at that point with mitigations as they were requested of Stallbrook.

EN thought there was a problem when the company across the street from



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Fafard was proposing widening the road.

EM remembers when the Board came up with the decision on Stallbrook, Mr. Lord said if they got the same deal, they would go with that. Because Stallbrook pulled out, the traffic mitigation thing fell apart. It was going to be shared costs by both sides.

EN states Fafard did not agree at that time.

EM states they did not agree about the proportion as to who was the bigger part.

B. Lord explains that once Bruce Campbell report came out, it became very clear to the developers and the town, that it was impractical to require the developers to accept the entire costs of all of the improvements because that cost would kill anyone actually doing a development. There was no way to get away from the fact that the two developers were in fact not a majority.

EN states that originally this Board felt that the costs should be borne by the developers, not anybody by the town at all. He still feels that way.

EM agrees and states the Board still feels that way. The Board also never knew that would be a complete reality.

EN does not know about that because the developers are changing the whole roads. There is no reason why they should not bear the cost.

EM states that although that is true, the other side is not there now.

B. Lord explains that the reason for the total increase in the impact upon that area is not this development. The reason for the increase and the impact is developments that are going to be coming from areas. Obviously there is a large amount of industrial land which they do not own which should be considered. There is also land on the other side of the street which is also going to effect the traffic there. The town is trying to come up with a formula which assesses whenever these developments come in so that two people do not give a bonus to everybody else.

EN understands that but does not think the town should pay any money at all. They can hold it in abeyance until the industry comes in. When they come in, then they should pay their fair share.

B. Lord indicates that is essentially what they are getting at.



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EN states that at some particular point in time the town should be out of it and it should be payed for by itself by the developers in that area.

EM indicates that is what Fafard is offering to do.

EN points out that in the interim the town has to wind up footing the bill.

EM does not go along with this draft decision. He questions if it has been passed out to the reporters.

B. Lord indicates it has not.

EM explains this is a draft of what the applicant would like to see. It does not mean this is what will be. He would want to see the door left open on the mitigation and negotiations so when the time comes, the town is not locked into something. The thing that made it fall apart was when Stallbrook pulled out. Now Stallbrook is coming back in another way to avoid this but they are not going to get away with that. At the last meeting, Board authorized P. Herr to send a letter to MEPA to make them aware of that. He has done that. He will make sure that whatever they do, if there is impact to it, it will get picked up on. MEPA will also be in on this one.

JM sees two sides of this whole issue. He agrees with EN that the developers should pay. However, at the same time, the town does benefit because of the tax revenue the developments generate.

EN states the town has been waiting for tax revenue for the past 5 years.

JM does not think they can keep turning developments away.

EM points out that the Board was criticized when Stallbrook pulled out as though it was the Planning Board's fault. The Board was ready to act that night. They pulled out because the market was soft and the road improvements were going to cost them money. He would rather feel that they did the right thing for the town. If the Board was trying to get them to improve the road and correct the problem which they were going to cause and they said no we can not do it and pulled out. He does not think the town lost as much as it would have. If they created a big problem and then the town wound up paying for the road, that would be worse.



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JM has read in the local newspaper about a company trying to move into Woonsocket. They bend over backwards by giving them tax concessions and giving them other things. He is not saying that is what they should do.

EN points out that the company stays for 5 years and then moves out once the tax concessions go down.

EM explains that Marlboro did that with Stop & Shop. They had 10 years free. They moved somewhere else and now the town has to pick up the bill.

B. Lord states they are not in a position to ask for concessions. They believe they have cooperated with the town for the traffic investigation. They believe it is going in the direction which they can live with. They would like to see the hearing process end leaving the traffic mitigation situation. EM has discussed this with Mr. Herr and Mr. Herr feels he can write something that will adequately address that and still leave the Board with some authority over it. That is really what the Board wants. They do not want to close the door so no matter what the applicant does, they won't have a say. They are in agreement with that. This has been going on since last July. Except for the last two hearings, the whole time has been spent waiting on mitigation. It is clear that is going to take a little longer. They would like to go out and market the project and prepare final plans on it. The special permit would help them to do that. Therefore, they are willing to work with the Board to give them the type of the authority they want to review that at a later date.

JM questions if they really need the special permit to start marketing.

EM thinks Mr. Lord is looking to close the hearing tonight.

B. Lord wants to close the hearing. The special permit will help in marketing.

EM states it is pretty hard to sell if it can not be built. P. Herr draws up the special permits. He prepares drafts and brings them to the Board for their approval. He would think that since this is a special permit, P. Herr could draft a decision which would both protect the town and leave the door open for the traffic mitigation problem. He would have no problem with that.

JM questions how much they are talking about with respect to traffic mitigation.



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B. Lord responds that the total traffic requirement there is somewhere in the area of \$5.5 to \$6 million. It is quite an extensive thing to do.

EN indicates that only involves the short stretch too.

B. Lord states there will be an extensive amount of traffic in that area particularly with the build-out which is projected to be there.

EN states the problem is that it goes from one narrow road to 4 lane all of a sudden. It is in the area from Maple St. down toward 495.

JM questions if they are talking about widening the road like they did on 140.

B. Lord responds they are talking about widening which requires signalization. It gets quite high.

EM asks for questions or statements from the audience.

J. McGloughlin indicates their draft decision is basically the Stallbrook decision with the names changed.

EM recognized it right away. The Stallbrook decision never went into effect because they withdrew. He knew it would be almost word or word.

JM made a motion to close the hearing. GG seconds the motion. Vote of 5.

EM asks if the Board is ready to make any decisions or motions on this.

EN states they should take it under advisement.

EM states the Board will take it under advisement and either deny or approve it.

GG indicates that P. Herr should draft a decision.

JM suggests they do not make any reservations now and send the draft to P. Herr for his review.

GG makes a motion to direct P. Herr to put together a draft decision for review by the Board. AM seconds. Vote of 5.

EM states it is a unanimous vote to ask P. Herr to do up a draft decision. He questions if the decision will be for approval or denial. He thinks it would be a workable approval. If P. Herr could draft a



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decision which does what the Board wants and meets the town's needs, then he would vote in favor of it. The Board is in agreement that if the consultant can draft a decision which both protects the town and does what the Board wants and is also workable for the applicant, then they would be vote favorably on it. If that type of decision can not be worked out, then they will disapprove. In concept, the Board is in favor of the development if the decision can be drafted up to give the town the protection they want.

EVERGREEN CONSTRUCTION

SITE PLAN REVIEW - CONTINUED DISCUSSION

EM asks if there has been another revision of March 5, 1990.

D. Troast, on behalf of Evergreen Construction, indicates there is a plan which Town Engineer received.

EM asks if Mr. Troast has a plan for the Board.

EM questions what the changes are.

D. Troast indicates there has been ongoing input between Land Planning and M. Megalli, Town Engineer. There have been a couple of exchanges of letters and meetings between Bill Halsing and Norman Hill and M. Megalli. There were a few items which the Town Engineer wanted revised on the plans. The major issue which M. Megalli had was the fact that they were hired initially to do the site plan for south of building 3. The major thing he was looking for was an as-built of the site to William Way. He felt that Land Planning would be dealing with the site as a whole. In Land Planning's defense, they felt that they were dealing with the site as a whole because they did accept Mr. Riel's plan from here over. Finally, in January at a meeting between Norman Hill, himself, Bill Halsing, M. Megalli and Tom Clark, they agreed to have Land Planning go out and do an as-built of the site as it was January 30 from here over. That was a major stumbling block between M. Megalli and Land Planning vis-a-vis us. Once that was done and submitted to M. Megalli, we felt that he was pleased and could look at the time as a whole. There were a couple of other things that he wanted addressed on the plans. One was to lower catch basin #1 and the other thing that he wanted shown was the existing catch basin on Williams Way which is on page 2.

EM states that this is under the whole site plan review bylaw. The applicant is either under the old site plan review bylaw because it was a subdivision created in 1983 or they could withdraw and reapply under the new one. They could proceed under this one. He questions the



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category of use they are applying under with the 1983 zoning.

D. Troast responds it is industrial.

EM explains they are showing unpaved parking under the easement. Under the bylaws back then, all parking has to be paved. The only way not to have paved parking is to apply for a special permit. The Planning Board can not just waive it. Under the new bylaw they can if they felt it would be better not to pave it. Under the old bylaw, they do not have the power to waive it. They would have to apply for a special permit and have a public hearing. It would require a vote of 4 out of 5 to waive it.

GG questions if they have permission to have parking under the easement.

D. Troast responds that they have permission. That was clear on the plan which Mr. Riel did.

GG questions if it was clear or was just shown on Mr. Riel's plan. It was probably never clear.

EM questions if they have a letter from the gas company.

D. Troast is sure Mr. Clark has a letter somewhere. It was 6 months before he became involved.

EM indicates that as it stands right now this is not approvable without two permits. One would be a special permit from the Planning Board for parking and then there is also a special permit by the Board of Selectmen for the storage of whatever will be in the tanks.

D. Troast will take issue there. He believes they are dealing with 2 separate entities. The storage is a special permit.

EM believes that both permits are necessary. He does not know which order they should come in. The applicant does not have to have a special permit from the Board for the storage. In order to have unpaved parking approved, the Board has to have a public hearing and give notice. They would have to come up with a letter before that time stating that they have the right to have parking on the easement. If the Board said pave it and it was approvable, then it would create water runoff problems. He questions if it is better not to pave it. Is it better to have it stoned?

D. Troast indicates that the calculations were originally based on it



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being paved, so that is not an issue either way.

EM questions what it would do to the runoff if it were paved.

D. Troast responds that it would be the same as it was with the original drainage calculations. He points out the downhill route.

EM states they would catch it so it did not cross onto the abutting properties.

D. Troast indicates that the driveway will be bermed. It will have a 7" asphalt ground so it will not go on the abutting property.

JM questions what happens if it applies under the zoning bylaw.

EM does not think it is an allowable use under the new laws. Under the old bylaw it is an allowable use, but unpaved parking is not. Under the new bylaw, they could waive the parking but it is not an allowable use.

EN indicates that the applicant has to come up with a letter relative to the easement.

D. Troast questions if a letter relative to the parking would suffice.

EM states a letter from the gas company would suffice if it says they can have a parking area. Would they be able to pave that if they had to? The original plan showed it paved.

Marjorie Gallagher indicates that the gas company and electric company are in the deed relative to any right of easements use for right of parking.

EM questions if it allows them to do parking.

M. Gallagher does not know how detailed it is.

JM states that if the deed allows them to pave, they could seek approval at this point.

EM thinks it will create more of a drainage problem with runoff if it is paved. What is going to be parked there, if it is unpaved? Is it for truck parking or car parking?

D. Troast responds it is primarily for cars for the office personnel.



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EM points out that when they apply for a special permit, restrictions could be put on. If the Board saw fit, they could put in that it was for passenger car parking or the Board could limit the size of trucks. He foresees a problem if it is unpaved and they park tank trucks there, there could be leakage. That would probably be the case. They would put in some kind of restriction. Looking at the driveway and entrance, he does not think they would want to park trucks there.

D. Troast indicates the trucks would be in the back which is a more secure area. The parking is actually oversized for the use in that office building but it meets the regulations. Based on the projected use of that office building, they would probably need half as many spaces but that is what the regulations call for.

EM points out that if they applied for a special permit regarding parking, they could apply for reduced parking.

D. Troast is not sure they would want to do that.

EM states the Board has had three or four instances (Sommerville Lumber is one) where they do not make them put in all the parking required by the size of the building if it is unnecessary. They do like to know that the area is there.

D. Troast indicates they are showing it as required by the regulations.

EM points out that the land area is there so if there is a change in use and somebody else went in, they may need the parking.

GG does not see a problem with reduced parking.

EM has a letter from the Town Engineer, dated yesterday which came with the new plan. He questions if the Town Engineer has that plan or if this is his plan which he sent to the Planning Board to look at.

D. Troast responds that the Town Engineer received his plan from Land Planning by courier. Land Planning made 6 copies. He had Norman Hill call M. Megalli to make sure there were enough copies.

EM reads Town Engineer letter, dated March 7, 1990 which states that pursuant to his last communication he has transmitted corrected plans and the report of the engineer on the dyke capacity around the tanks. Copies of the plans are being transmitted this date to the following: Board of Health, Building Inspector, Water/Sewer Commission and the Conservation Commission. The plans submitted for approval show the buildings are already in existence. He questions if there is any other



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correspondence on this.

GG indicates there is none.

EN questions if M. Megalli accepted the whole thing.

D. Troast indicates that he did.

EM went over this quickly with M. Megalli. He had a concern with a catch basin being lowered.

D. Troast explains which catch basin M. Megalli wanted lowered. That is spelled out in Land Planning's letter.

EM indicates M. Megalli had some other concerns about drainage.

EM states they will have to apply for a special permit.

D. Troast questions if that is for the unpaved parking.

EM indicates that is correct. They may also want to think about going for reduced parking. However, if they are unpaving it, 44 spaces is not that much to clear. They may want to stick with the 44. He questions what will be in that building.

D. Troast responds it is an office building.

EM asks what makes Mr. Troast think it will use less parking.

D. Troast indicates it is based on the expected number of employees.

EM questions if it will be half of that.

D. Troast states it will probably be half. He thinks they will do it that way for a couple of reasons. One is if the property is sold at a later date and there is a change of use. He will talk with Mr. Clark and see what he wants to do.

GG questions if anything at all will be paved or if it will all be gravel.

D. Troast explains that everything is paved. The only thing that will not be paved in this parking area which is the section over the easement.

GG questions if that is because the gas company will not allow him to



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pave on it.

D. Troast explains that is the way it was shown on Mr. Riel's plan and that is the way it was built.

GG states that if the gas company would allow them to pave it and put parking, he does not see why the applicant would have to go for a special permit. He would rather see it paved. He has no problem with the reduced parking.

EM did not realize that it was paved in some areas and not in others. It is paved here and then stops and starts again.

AM points out that maybe they can not pave over the easement. That would make the most sense. She can not understand why they would skip over that area otherwise.

EM explains that the bylaw has been changed so they do not have to have a public hearing for unpaved. They had to have a special permit for Sommerville Lumber and Cedar Hill Associates. They did 3 or 4 reduced parking special permits. For one of those, they had a special permit for unpaved.

D. Troast questions what the process is for applying for the zoning requirement for parking.

EM explains they would apply through the Planning Board.

D. Troast states that if it turns out that the deed allows paved parking, they can just change it to paved and that would solve the problem.

AM would guess they can not do that because of the easement.

EM states that what they have to do to apply is in the Zoning Bylaw book, Section 1500. It will tell him the criteria and what is involved for what they need to do to apply for a special permit. The Town Clerk now has the newest Zoning Bylaw books. They are \$10.00 each. The Town Clerk also has the new Subdivision Rules and Regulations.

GG requests that the deed be forwarded to the Board before the next meeting. Town Counsel is the only person who can really interpret the deed. The Board would like him to interpret it prior to the next meeting.

EM requests they forward it or fax it to Town Counsel so he can look it



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over and get back to the Board. That would save time. He explains that a special permit has to be advertised in the paper for two weeks.

EN states that information pertaining to the easement can be faxed to Town Counsel.

EM explains they want to see something which authorizes them to park on the easement.

EM states the Board can not act on this without the special permit being in place.

D. Troast questions if that involves a public hearing before the Planning Board.

EM responds that is the case if they have to go for the special permit. Special permits require a public hearing and they have to be advertised. If they pave it, then they do not need a special permit.

D. Troast questions if the Board wants him to bring in a revised plan or just state they will pave. The drainage was originally done with the parking area paved.

EM states they should have M. Megalli check that.

D. Troast states that M. Megalli did not have a problem with the drainage.

EM indicates that was with the parking being unpaved, but if they are going to go with it being paved, the Board wants to make sure it works.

D. Troast explains they would not be changing anything since the drainage calculations are based on it being paved. All they would be doing here is slowing down the water.

EM would rather they get everything straightened out before they come back. They want to hear that it is o'kay from M. Megalli. There have been so many plans on this. He received 3 new ones since they last came in. If they can not pave it, they must apply for a special permit. The criteria is in the book. There is an application. He would apply. Then it would be advertised for 2 weeks. He would have to get an abutters notice from the Assessor's office.

D. Troast states that if they can pave it as shown on the plan, they can expect approval at the next meeting.



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AM indicates that is as long as M. Megalli confirms what he is saying relative to the paved parking.

D. Troast further states that if they can not pave it, then they will go through the special permit process. Once that is done, they could expect approval.

EM indicates they could approve it then.

AM states the question is does the easement allow them to pave it.

EM states the plan they are looking at right now shows it unpaved. It is much easier now that the Board can waive that.

GG states the Board needs to know if they can park there.

EM indicates the guy on Farm Street was sure he had the right to park in the easement, but Boston Edison sent the Board a letter. Their concern was that he was driving under the power line with no beds. They were afraid he was going to hit one of those things.

MEADOW WOOD CONDOMINIUM

John Rabe and Leo Blair are here on behalf of Meadow Wood Condominium Limited Partnership. They are here to follow up on their request at the meeting of February 8, 1990 to seek an extension of one year for their special permit at the Meadow Wood Condominium project in South Bellingham. After the meeting in February, they wrote to the Board to summarize the points which they felt were positive and were brought out in that meeting. He will go through the points and pass it around to the members.

EM states the members read the letter at the last meeting and discussed it with the consultant. The Board had a couple of questions. Number one is no change. The 10" water main is part of the special permit that was originally drafted. Number two has to do with the sewer line. They are talking about 2500 feet of sewer line which would run between Newlan Avenue and Center Street up through the project. He questions what their intent is on this 2500' of sewer line. Are they offering to pay for this or install it?

J. Rabe responds that would be at their expense. That is their intention.

EM states they would be paying for the sewer line from Newlan Avenue up through and to Center Street.



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J. Rabe states it is an extension of the lateral.

EM indicates the town would be benefiting by getting 2500' of sewer line.

J. Rabe indicates that is correct on Center Street and through their project up to S. Maple.

EM does not know if they can physically put it in and do the labor or if that has to go up for bid. He does not know how it is done but they are agreeing to pay for it.

L. Blair indicates that typically in the past in other towns they have put it in but they will work that out.

EM states the Board does not have anything to do with that. The Water/Sewer Dept. handles that. He does not want to tell them they are allowed to do it. The Board just wants to know if they will pick up the tab. The Board can send the Water/Sewer Dept. a letter telling them that. Taxes have not changed. Existing topography and the rest of it was taken right off the special permit. The Board discussed this at length with P. Herr at the last meeting. He thinks JM felt this way right along. He was hesitant on it. He thinks it would be a benefit for the town with municipal sewerage. He questions if someone would like to make a motion on this.

GG makes a motion that they extend the special permit another year. He questions the date on the special permit.

J. Rabe responds it is March 19.

EN states that everything would move along at the same pace.

J. Rabe indicates that is correct. The phasing is the same.

EM questions if they were talking about building at a slower or lesser rate at one point.

EN states that is what they said last time.

J. Rabe responds that they thought they would build the first 50. That may be all they would build for the first 18 months. That would be a slower rate.

EN states that would take away from the number they could build the



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next year.

EM has no problem with that as long as they do not increase. They can build slower but they can not accumulate.

J. Rabe knows that.

EN seconds motion to grant an extension for one year. Vote of 4.

EM explains they will be extended for one year. Clerk will type letter with the advance on the schedules when she gets back next week.

EN hopes that this is the last extension and everything falls into place at some particular point in time.

EM would be just as happy if they get the sewer line in and don't build anything.

BROOK ESTATES

EM states that Huna Rosenfeld is here on Brook Estates.

Huna Rosenfeld explains that about 3 months ago they came before the Board and asked for an extension of one year for the special permit because of the condominium market has been hit a lot harder than the single family. Things have really slowed down in Bellingham for them. They do not want to compromise on the buildings. They do not want to start selling them so much less than everything that is already there. They are bringing in a new concept. This is the approved subdivision with 49 units on 37 acres. The proposal is for 49 units on 37 acres.

EM questions if the original one was 49 units on 37 acres.

H. Rosenfeld indicates that is correct.

AM states they are the same.

H. Rosenfeld states that everything is the same. The numbers are the same. The units and the acreage is the same. The square footage of the units is pretty much the same.

EM states they are the same except for the impact on the environment.

H. Rosenfeld explains that for the impact on the environment they totalled all the driveways and area covered by the units.



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JM does not know that it is in the bylaw to allow this to happen.

GG states they would have to start the whole special permit process over.

EM states Mr. Rosenfeld is not asking for anything tonight. He is here to show the Board an idea. Let's find out if the idea is good.

H. Rosenfeld indicates that he checked with legal counsel. He is not coming in unprepared. He explains that 3 units are connected. Each 3 unit is connected throughout the subdivision. The foundation wall continues from one foundation to another. He points out Fafard's o'kay to come out. He ran through the bylaws with his attorney. The bylaws have a definition on a townhouse which is not written tight. It is written that each one structure not put any more than 3 units with a front door and a back door.

GG states that there is a foundation wall running underneath.

H. Rosenfeld indicates that is correct.

GG states there was no mention of that when Mr. Rosenfeld came before the town.

AM agrees it is attached.

GG is curious because when it was presented before, the Board was never told it was a common foundation wall.

H. Rosenfeld states they did not have a foundation wall.

GG states he just said there is.

H. Rosenfeld states that his is. He is doing it because it covers the law.

EN is not quite sure of that.

H. Rosenfeld states that the difference in the front part shows the driveway and the buildings as compared to the other plan. One is 2.47 acres and one is 2.26 acres.

AM questions which plan is the 2.47 acres and which is the 2.26 acres.

H. Rosenfeld states the impervious area on one plan is 2.47. The units will be between 1100 and 1400 feet which is pretty much the same as the



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condominium. The only difference is that there is an extra little jog there. Some of them will not even have that jog. They hope to build the first floor and have one bedroom. The second floor where they have two bedrooms, the first floor bedroom has to become a living area. He knows the Board's concern when they did Bellwood that someone would make a third bedroom out of the walkout basement. They assure the Board that no one has done that.

GG takes difference to that. The building is showing basically a condominium idea with a single family structure. Mr. Rosenfeld's cousin at Silver Heights has 2 bedrooms upstairs with an optional bedroom upstairs. They could take that bedroom upstairs and split it into 2 and end up with 4 bedrooms in a 1500 square foot house.

EM indicates that is different because it is a private house. Mr. Rosenfeld is saying this has a condo document which the residents have to abide by.

H. Rosenfeld states there is more control because the neighbors will not go for this kind of thing with having a bunch of kids.

EM questions if Mr. Rosenfeld is saying that if the condo document is enforced and policed there should not be any more than 2 bedrooms.

H. Rosenfeld agrees. There could be a garage but they do not have a garage. The ground is high enough. It is a beautiful site. They have done a lot of work.

H. Rosenfeld states the phases are pretty much the same as what the Board allowed.

GG still has a problem. His inlaws have lived in condominiums for years in Danbury, Ct., Brookfield, Ct. They have a big stack in their condominium regulations and they have 5 bedrooms in their condominium where it says 2 and no one says 2. The condominium regulations are a real cheap way of saying it is an enforcing agent.

H. Rosenfeld guesses it depends on where you are.

GG has a problem with the common foundation wall which is probably buried 6" below the ground and probably can not be seen.

H. Rosenfeld indicates it can be seen.

EN states this looks like an unfinished condominium. There will be one downstairs and upstairs will be unfinished. He questions how much they



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will sell for.

JM states they could probably sell for \$120,000 unfinished,

H. Rosenfeld indicates they will sell for what the condominiums sold for when they started.

AM states that Mr. Rosenfeld is trying to come up with a new concept.

EN will have a hard time with this.

GG feels this is getting to be an affordable housing project in a condominium project. It looks like they would be putting an affordable housing project within a condominium project which got great reviews in this town. They have cheapened the whole idea of what they have developed. Granted the market is soft so they are trying to keep their end up which he can understand. Now the Board has to act in the best interest of the people that are there who own the units. He is going to start acting in their interests and not Mr. Rosenfeld's interest. He thinks this idea is horrible.

AM states they have not seen the architecture.

GG indicates this is a single family subdivision being created.

EM states the whole idea of approving the condominiums was that the Board disapproved the single family subdivision on Bellwood twice. They felt this was better because it had less of an impact on the environment. This is not the same scheme. It is not what it was before.

H. Rosenfeld states all the land is owned by the condominium. They would have an exclusive easement of 60 x 100. If the Board's objection is they do not want to squeeze it out, he has no problem with making this 50 x 60. That could cut it back. This is a new concept for someone who wants to live in the town. Although he said they would sell for \$120,000 it could very well be \$160,000. They could put a garage on. They could put a fireplace in.

GG questions where they would put the garage.

EM states that Mr. Rosenfeld said if they put it on high ground, they could put the garage underneath.

H. Rosenfeld points out that the jog could be a garage.



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EM feels that it kind of looks like government housing.

GG states that it looks like a subdivision which has been created with 3 different housing styles. It is not a condominium any more. It would be a subdivision.

EM states the condominium is only a form of ownership.

GG indicates it would be a condominium which would be held together by the foundation wall.

JM explains that the reason the Board turned by Mr. Goguen for single family houses was because of access. If they wanted to go with a single family subdivision, they would have to see what the feelings are.

EM questions if anyone remembers what the numbers were on the comparison. He explains that when the Board grants a special permit for condominiums, a comparison has to be made to single family.

AM states that Mr. Rosenfeld is stating the same number. It has not been changed.

EN believes it has been changed to a subdivision.

AM states that Mr. Rosenfeld is saying his concept has not changed the numbers.

H. Rosenfeld states they could come back and make these units smaller in order to give that piece of land, put the water pipe through.

EM questions if they have thought of a cluster development to the same area. The Board does allow cluster. Cluster has some benefits over straight subdivisions.

H. Rosenfeld has not really looked at the subdivisions.

JM has been up to the condominiums a couple of times. What he has already done is a benefit to the town.

EM has no problem with what he has already done but he does not like this new concept at all.

JM is not sure but he heard that the other guys down the other end of town are building condos and selling them.



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H. Rosenfeld states they are not selling the way they were.

JM states he should lower the price.

GG explains that Mr. Rosenfeld does not want to do that because of the people who have paid the price already.

EM can understand that.

JM states that people have to understand that when the market goes down, the price goes down.

GG does not think they would have an objection if he changes the housing style back there if he is going to sell it for a different price. If he is selling the same thing that the other people bought for less, he can understand that.

AM states Mr. Rosenfeld has not shown them the design layed out. She does not think he will do something unattractive because he wants to sell the place.

GG states it is affordable housing.

AM questions if that is wrong because they need affordable housing.

EN believes Mr. Rosenfeld is circumventing the law.

AM does believe that Mr. Rosenfeld has been in business long enough to know the law. If he can attach the buildings by the foundation walls, he is not standing here because he does not know that.

EM states that Mr. Rosenfeld may have to prove it to him in court. He does not want to see a wall and consider that a common bound between the two.

GG has a problem because Mr. Rosenfeld said he will not build a finished unit.

H. Rosenfeld will not build a finished unit.

GG believes that is the biggest problem.

H. Rosenfeld wants to keep the price down.

GG states he should build the size unit which the price warrants.



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H. Rosenfeld questions if it would make a difference if they came up with a custom for the units to be finished.

EM questions what difference it would make if they were finished or unfinished. If the units are going to look like that, they will get disapproved.

AM questions why EM is assuming the units are unattractive.

EM can tell just by looking at the overhead layout and also by knowing how many there are. It would be allowing 49 single family homes to be built where only 17 would be allowed. A townhouse is an accepted thing. They have never seen anything like this thing. Why not go with a cluster. If only 17 single family homes will fit, why not cut down to only 25 condos. He could see a change like that.

? asks if they took the same architect, and the same units and somehow spread them apart so if somebody yells in one unit they would not hear it in the next one, the unit next door would not last.

EM can understand. That was his argument the first time around. Why would anyone want to live that close to anyone? He likes the idea of single family houses.

GG explains that Crestview Commons had an idea where they were going to take the condominium situation and start building single levels at the end. The outside units were going to be one floor. Of course, they went under.

EN does not like the idea of the upstairs being unfinished.

? states it is a possibility.

EN believes there is more control in a single condominium townhouse than there is a building that is half unfinished.

EM suggests they be more creative with this.

GG states that in 6 years on the Board he has only seen one other plan that looked as bad. It was done by a developer and we told him it looked like a bunch of army guards.

? states they had a simpler plan but they wanted to leave more open space.

H. Rosenfeld thanks the Board for their time. He will return at a



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later date.

GG did point out that Mr. Rosenfeld has done an excellent job on what he has done.

AM states that is why she feels the Board is underestimating Mr. Rosenfeld's plan. The Board should let him show a little more detail on what he is doing. They want to get a better idea of what it is going to look like.

H. Rosenfeld indicates that he wanted to get the feel of what the Board thought about his concept.


Meeting adjourned at 10:54 p.m.


Edward T. Moore, Chairman


Glenn E. Gerrior, Vice-Chairman


Emile W. Niedzwiedek

Anne M. Morse


John P. Murray