



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

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

MINUTES OF REGULAR MEETING

July 12, 1990

Meeting was called to order at 7:42 p.m. All members were present.

GG states that Somerville Lumber was scheduled to come in tonight to discuss the complaint regarding the buffer. They called Clerk to request a continuance to the next meeting of July 26, 1990 at 7:45 p.m. GG was agreeable to this.

B. Lord indicates that someone from Somerville Lumber called him to ask questions.

AM states that no one has come up with a solution.

GG explains the Board gave a clear indication that arborvitaes could be put in for a berm.

AM states that Somerville Lumber knows which neighbors are having the problems.

EM indicates that the problem is that different people were before the Board when Somerville Lumber was approved.

GG states that when it was before the Board, Somerville Lumber had indicated that they could not put up a fence as screening.

B. Lord states they did agree to put in screening inside the fence.

GG states they would not put in an open chainlink fence for security reasons.

B. Lord indicates that was correct at the time but management has changed.

AM gives B. Lord copy of 6/28/90 minutes.



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EM thought that the Board had told Somerville Lumber to come in at a certain time.

GG states they asked for a continuance which he granted.

Submissions:

Shelby Hiltz submits an 81-P for Maple Street. She is building a house.

GG questions the zone.

S. Hiltz responds it is industrial.

EM indicates that she can not build without a variance for which she has to apply to the ZBA.

AM questions what the abandoned area is on the plan.

S. Hiltz responds it is on the deed.

EM explains that the Board can 81-P the lot but Ms. Hiltz will not be able to get a building permit because she does not have the required frontage of 150'.

AM looks up the required frontage in the zoning bylaw - it is 125'.

EM questions what the minimum lot area is.

AM responds it is 20,000 feet.

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

Ms. Hiltz is instructed to apply to the ZBA for a variance.

Brian Feeney, Esquire and Larry Sabeau, Connerstone Engineering, Mendon Street, Bellingham present an 81-P for the Estate of Hilda Thayer, Brook Road.

Larry Sabeau, explains that the property is currently owned by the estate of Hilda Thayer and is bounded by North Street and Brook Road. They are petitioning the Land Court to confirm ownership of the property. He is certain they are not creating new lines or ways. Each has an individual lot number recorded in Norfolk and Worcester County. They have lot numbers but they are not creating new lots.



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EN questions who is doing this.

AM indicates it is the estate.

B. Feeney explains that the heirs have taken on the estate. Most of the deeds date back to the mid 1800 with vague descriptions of the property lines.

B. Lord states the biggest problem is the deeds show meets and bounds off trees.

B. Feeney further explains that the deeds also show the property lines by neighbor's property for people who do not own the property any more.

L. Sabeau states they are doing this because there is a question as to ownership of the land.

EN questions the number of acres.

L. Sabeau indicates there are 220 acres. They put lot numbers on so they may convey out one lot and not another. The abutters are shown on individual sheets. It is tough to find the titles at the Registry of Deeds. The next seven sheets show individual lots.

EM questions if the Board can collect a fee on each one of these since there are all separate plans. He questions the number of plans.

L. Sabeau indicates there are 8.

EM indicates there is a note on the plan which states they are not subdividing the lots. This is only for descriptive purposes.

GG states that the note appears on each one.

L. Sabeau is certain that a note regarding no new lines appears on all plans.

EN states this property is between 140 and North Street.

AM makes a motion to sign plans. EM seconds motion. Vote of 5.

L. Sabeau explains that everything outlined in red on the plans identifies a travis. It is a requirement of Land Court. The green outline shows the locust considered wetlands/waterways. It is a more detailed plan. Land Court will consider each individual lot without holding up the entire parcel. They are also going to Mendon on Tuesday



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to gain their approval for that portion of the property. Saddleback Hill Road is still Saddleback Hill Road. It is up to the court to change it. The final sheet is completely off locust. It ties into the existing Land Court piece of land which is within 500' of the locust or the closest parcel. This one is more than 500' but was the closest at the time. There is another one across the street off North Street.

EN questions how Saddleback Hill Road fits in.

L. Sabeau explains that the heirs own land on each side of Saddleback Hill Road, but they are not claiming it as theirs.

GG asks if the previous motion carried to all plans.

AM indicates that it did.

EM states the question is do they need B Form A's for each plan.

B. Feeney changes the wording and presents a Form A for each plan.

L. Sabeau indicates that Land Court looks at this as one piece of property. The other sheets show the detail.

B. Feeney presents \$80.00 fee.

GG instructs Clerk to send letter to the Building Inspector stating that the Board signed an 81-P for Shelby Hiltz for Maple Street for an industrial lot which requires a variance.

AM explains that a variance is needed only if they develop the land residentially.

GENERAL

Gerald Burke would like to have his bond released for Tropeano Court. He already gave the as-built plan to the Board.

EM is pretty sure than Mr. Burke did give an as-built. He saw a copy of the letter from the Highway Dept. He did not take the letter from Mr. Burke.

GG finds the as-built plan in the file. He asks for a motion to release the bond.

EM makes a motion to release the bond for Tropeano Court. AM seconds motion. Vote of 4. JM abstains.



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AM suggests they write Tropeano Court on the as-built since it is referred to as Horseshoe Drive which is the previous name.

RIVERVIEW PARK - PHASES 3 AND 4 DEFINITIVE SUBDIVISIONS CONTINUED PUBLIC HEARINGS

B. Lord explains that he submitted all the requested material to P. Herr and the Town Engineer last Friday. They need more time to review it properly.

GG states that according to P. Herr there is still a lot to do on the plan.

B. Lord states it is a mutual situation. P. Herr underestimated the time it would take to review the environmental analysis.

EM makes a motion to continue Riverview Park Phases 3 and 4 to 8:30 p.m. on July 26, 1990. EN seconds motion. Vote of 5.

GG states that the Development Plan Review for Maplegate Golf Course will be held at the second meeting of August 1990.

B. Lord would like to run it in conjunction with the shade tree law. They will have a double hearing with the Tree Warden. They could have the site plan, scenic road, and shade tree law all heard at the same time.

GG reads letter regarding Honey Dew Donuts. He asked the applicant to send the site plan to all town officials. M. Megalli had a problem with this because it does not conform to his checklist.

B. Lord states it is a nonconforming lot which requires a zoning variance. The parking is nonconforming.

GG states there is a 15' backup.

B. Lord believes the lot is too small for what they want to do. The reason it is nonconforming for parking is because it is not 20' off the road. It requires a zoning variance.

GG will call Scott Rolff, Honey Dew Donuts' representative, citing Section 3332 setback and 3333 backing for nonconformity of lot. He has to go to the Zoning Board of Appeals for a variance.



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GG schedules development plan review for Ben Franklin Savings Bank addition to July 26, 1990 at 8:15 p.m.

GG instructs Clerk to send a copy of the motion regarding rezoning of Maple Street which was passed at the last Town Meeting to P. Herr. P. Herr wants a copy of whatever the Town Clerk forwarded to the Attorney General.

GG reviews correspondence pertaining to the Mobil Station which was previously before the Board for Development Plan Review. They are changing the underground storage tanks. They do not have to come back in for a revision.

GG indicates that P. Herr had a question as to whether the bond for Birch Tree Estates was a Letter of Credit or a bond. Milford Savings, the bank that is holding the bond, is now defunct.

Clerk responds that her records show that it is a bond.

GG discusses the fee for Development Plan Review. M. Megalli felt it was fair to set a minimum at \$50.00 and then charge up to a certain amount of parking spaces one fee and then more for additional parking. He suggested \$5 - \$7 per space. Leonard French submitted a Development Plan Review for the Maplegate Golf Course. He had to submit it to Franklin and Bellingham. Franklin charged him \$200.00. GG thinks they should charge \$50.00 for 0 - 10 parking spaces plus \$3.00 per space after 10.

B. Lord indicates that the fee should be based on required parking, not actual.

EM makes a motion to set the Development Plan Review fee at \$50.00 minimum up to first 10 spaces and \$3.00 for additional parking spaces over 10 based on required or submitted parking, whichever is higher, not actual parking. It should not be based on what is approved.

B. Lord states that fee should be in the Planning Board Rules and Regulations.

EN seconds EM's motion. Vote of 4.

GG instructs Clerk to send a note to P. Herr explaining the fee for Development Plan Review. The Board will ask P. Herr about an application for Development Plan Review at the next meeting.

B. Lord questions the scenic road fee.



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EM states the fee will be set at one time.

EM makes a motion to sign minutes for April 26, 1990. AM seconds.
Vote of 4. EN abstains.

EM makes a motion to sign minutes for May 10, 1990 and May 24, 1990.
EN seconds. Vote of 5.

GG states that at the meeting of June 28, 1990, S. Racicot presented a letter from the Millpond Association requesting copies of minutes regarding Riverview Park. Someone from the Millpond Association was supposed to contact clerk regarding the minutes requested and fee for copies involved. No one has done so. GG instructs Clerk to send a letter to the Millpond Association explaining that the Board has not sent the minutes since no one has contacted clerk to clarify the request. Fee should also be indicated.

GG reads letter from Huna Rosenfeld regarding the Brook Street culvert. Mr. Rosenfeld indicated that he would correct the problem when he presented his site plan. Clerk is instructed to send a letter indicating that at the meeting when the design revision was approved, Mr. Rosenfeld's representative agreed to do what was necessary to correct the problem. The Board is not satisfied with Mr. Rosenfeld's response. The problem should be addressed immediately. If not the Board may not consider an extension which Mr. Rosenfeld will ask for regarding Brook Estates.

GG reads letter from the Building Inspector to Thomas Clark, Evergreen Construction. The letter indicates that the Board waived parking spaces when the site plan was granted. GG states that the Board never waived parking spaces. They did waive the pavement surface. The applicant did not request a special permit. Clerk is instructed to send a letter to the Building Inspector explaining that the Board approved the site plan for Evergreen Construction and reduced the pavement surface. The plan was approved with required parking.

Mail/correspondence.

Meeting adjourned at 9:23 p.m.



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Glenn E. Gerrior
Glenn E. Gerrior, Chairman

Edward T. Moore
Edward T. Moore, Vice-Chairman

Emile W. Niedzwiadek
Emile W. Niedzwiadek

Anne M. Morse
Anne M. Morse

John P. Murray
John P. Murray